



TOWN OF CLAREMONT

ORDINARY COUNCIL MEETING

MINUTES

TUESDAY 16 APRIL 2019

Liz Ledger

CHIEF EXECUTIVE OFFICER

Date: 18 APRIL 2019

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.

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TOWN OF CLAREMONT
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MINUTES

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 7:00pm.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Mayor Jock Barker	Town of Claremont
Cr Bruce Haynes	East Ward
Cr Kate Main	East Ward
Cr Alastair Tulloch	East Ward
Cr Chris Mews	South Ward
Cr Jill Goetze	South Ward
Cr Peter Browne OAM, JP	West Ward
Cr Peter Edwards	West Ward
Cr Sara Franklyn	West Ward

Ms Liz Ledger (Chief Executive Officer)
Mr Les Crichton (Director Corporate and Governance)
Mr Andrew Smith (Director Infrastructure)
Ms Cathy Bohdan (Director People and Places)
Ms Katie Bovell (Governance Officer)

Seven members of the Public
Two members of the Press

APOLOGIES

Cr Paul Kelly (South Ward)
Mr David Vinicombe (Director Planning and Development)

LEAVE OF ABSENCE

NIL.

3 DISCLOSURE OF INTERESTS

NIL.

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Ms Judy Paish, 2 Deakin Street, Swanbourne.
Re: Swanbourne Local Centre Planning Study.

Questions relating to the SLCPS

There are some misleading statements and figures in the Draft Swanbourne Local Centre Planning Study (SLCPS)

1. Behind the shops, ground level is up to 4 metres higher, than Claremont Crescent, so 4 storey buildings behind the shops, could appear to be 4 metres higher, that is, over 1 storey higher.

In photo A, a line is drawn approximating the height of 4 storey buildings at Claremont Crescent footpath level. Any 4 storey building built behind the present shops, could be 4 metres higher than this line, which means they could be nearly the same height as the top of the mast, as 3 metres is equivalent to 1 storey.

Q1. How high is the top of the mast, measured from the footpath at Claremont Crescent?

Answer: The height of the mast is unknown and would need to be measured.

2. No West to East Cross-Section Is Shown.

It is very misleading that, in the "Built Form Modelling – Cross Section (as in Figures 19-22, pages 53-56)" the 4 cross-sections are only North to South, and none are showing from West to East. The contour plan (as in Figure 4, page 14) does not show any contour from the corner of West Coast Highway and Claremont Crescent (where the Service Station is - See photo B) eastwards towards Saladin Street. Presuming that the contour line at this corner is less than 20 metres, and that the 34m contour line on the East side of Rob Roy Lane, is where the 4 storey building is proposed, this means there is at least a 14 (fourteen) metre height difference at ground level which is nearly the equivalent of a 5 storey building.

To then build a 4 storey building on top of that, would be completely overwhelming and out of scale with the Claremont Crescent Commercial Heritage Precinct.

Q2. Would Council please request Game Planning Australia (GPA) to provide a "Built Form Modelling – Cross Section from the west side of the corner of West Coast Highway and Claremont Crescent, through the 34m and 33m contour lines on the East side of Rob Roy Lane where the 4 storey building is proposed, to the East side of Saladin Street, to accurately determine the height difference at ground level between these two positions.

Answer: This matter may be considered as part of the report to Council dealing with submissions raised in the consultation period.

3. A Contour map is needed, similar to Figure 4 page 14.

Q3. Would Council please request Game Planning Australia (GPA) to provide a contour map similar to Figure 4 page 14, showing the contours from the west

side of the corner of West Coast Highway and Claremont Crescent, to the East side of Saladin Street, including 2.

Claremont Crescent and the railway line, to accurately determine the height difference at ground level between the west side of the corner of West Coast Highway and Claremont Crescent and the 34m and 33m contour lines, on the East side of Rob Roy Lane where the 4 storey building is proposed. (See photo C).

Answer: This matter may be considered as part of the report to Council dealing with submissions raised in the consultation period.

4. In the Summary and Frequently Asked Questions, which was sent to 1,721 residents, owners and business proprietors, it states:-“With the “Perth and Peel @ 3.5 Million” objectives in mind, and interest being shown by a number of property owners in the Swanbourne Local Centre ,for the exploration of opportunities to develop a mini TOD in the precinct.....”

Q4. Who were the property owners?

Answer: A number of the business proprietors and property owners expressed a desire for the study to provide for development opportunities of their properties during the engagement exercise conducted with them by Game Planning Australia early in the study.

5. Misleading statements in 4.2 Summary Of “Open House” And Online Survey Findings. In built form, page 49, “ .the highest positive response rate (76%)...”

This reads as if it is 76% of all residents of Swanbourne.

Q5. Is this the response of the respondents? if so, this equals only 50 people out of 3,000.**

Answer: This information is not available at this point of time and requires discussion with Game Planning Australia.

6. Also, there is another misleading reference, being “residents and visitors”, such as on page 46 “...97% of residents and visitors” feel safe in the area. This reads as if 97% of ALL residents of Swanbourne feel safe.

Q6. Who are the “residents and visitors” who are mentioned 6 times?

Are they the 67 respondents or the 40 visitors? If so, this 97% of respondents is 65 or 39 people respectively, out of 3,000**.

**This population of possibly 3,000 is based on 1,721 letters being sent out to residents, owners and business proprietors, to advise that the Draft SLCPS was available for review and also based on an average of 2.8 people per household) (1721 x 2.8 = 4,819 presumably of all ages, so it is presumed that there are approximately 3000 adults aged 20 years and older).

Answer: This information is not available at this point of time and requires discussion with Game Planning Australia.

7. A misleading statement on page 2 is that the Beaumont Retirement Village is 3/4 storeys high. The underground basement is being counted as one storey, whereas the Beaumont Retirement Village is 1 to 3 storeys above the ground level and is considerably lower than most of the proposed development. See 18th December 2018 – Council Minutes (after A 20) for more details. (See photo D).

Q7. Would Council please ensure that Game Planning Australia corrects these misleading statements in their report to Council?

Answer: The reference to the heights of Beaumont Retirement Village being 3/4 storeys high is correct taking into account the basement parking.

**Emeritus Professor Jenny Gregory, 39 Loch Street, Claremont.
Re: Item 12.1.1, Notice of Motion - Freshwater Bay Museum Advisory Committee.**

Q1. Has the Council obtained the advice of an expert in Museum conservation?

Answer: The question does not specify what the Town was to seek expert advice for, so the assumption that it is for the new building has been made, in order to provide a response to this query.

The conservation of all the Museum artefacts is carefully and meticulously undertaken by the Curator of the Museum with additional expert advice sought when required. This includes:

- The National Trust
- Museums and Galleries WA (MAGAWA) (Formerly Museums Australia)
- Informal discussions with Western Australian Museum (History Department).

The Museum staff also reference national (& international) standards.

In terms of consideration for displaying these artefacts in the new building, the architect and Museum staff have worked together to develop the concept design, which is now going to detailed design.

Q2. Has the Council obtained advice on the location of the new toilets to ensure access for the elderly and disabled and school children?

Answer: The location of the public toilets will not be changed from the existing location. Essentially the old dilapidated toilets are being demolished and replaced with brand new toilets in the exact same location. This location allows access to aged, children and disabled museum and park goers with a disability approved pathway. These facilities however will be better connected to the new building by being located exactly underneath, with an additional staircase path linking the two facilities.

5 PUBLIC QUESTION TIME

Ms Judy Paish, 2 Deakin Street, Swanbourne.
Re: Swanbourne Local Centre Planning Study.

Questions relating to the SLCPs Re: 4 storeys behind shops would be almost to top of mast behind the IGA store.

Q1. Could Councillors please inspect the site of the proposed SLCPs?

A1. Before the report to Council on the SLCPs is considered all Councillors are encouraged to inspect the site.

Q2. Could Councillors please view the mast which is behind the IGA store, to gauge the height of the proposed development? It needs to be seen from across the railway line and also from the corner of West Coast Highway and Claremont Crescent near the Service Station, keeping in mind that, because of the 3-4 metre rise of the land behind the shops, the 4 storey buildings would possibly look one storey higher than if 4 storeys were built on Claremont Crescent, that is, the top of the building would appear to be 5 storeys high from Claremont Crescent, which appears to be nearly the top of the mast. (see photos from the minutes of the 2nd April 2019).

A2. Before the report to Council on the SLCPs is considered all Councillors are encouraged to inspect the site and consider the height proposals.

Q3. Could the Councillors please walk/climb from the western end of the west carpark (opposite The Beaumont) uphill 2 storeys (6 metres) to the butcher shop, then up another 1 storey (3 metres) to Rob Roy Lane, (to the Post Office level), then go up to the top of Rob Roy Lane, which is another 1 storey higher, to understand how very difficult this could be for Mothers with prams and toddlers, the elderly, the infirm and the unfit? The whole climb is about equivalent to climbing a 4 storey building, (12 metres high)?

A3. Before the report to Council on the SLCPs is considered all Councillors are encouraged to inspect the site to understand the terrain of the site.

Q4. At the top of Rob Roy Lane, could the Councillors please consider the impact of the proposed 4 storey building on the East corner?

A4. Council will be required to consider the height proposals as part of its final determination of this matter.

Q5. Could the Councillors please also take of note how deep the railway line is at the bridge and how high it is above the corner of West Coast Highway and Claremont Crescent near the Service Station?

A5. Before the report to Council on the SLCPs is considered all Councillors are encouraged to inspect the site to understand the terrain of the site and its relationship to the surrounding area.

“6...CLAREMONT CRESCENT COMMERCIAL HERITAGE PRECINCT”.

This could be a jewel in Claremont Council’s Crown, as is the Claremont Railway Station. In 2013, the Council decided a TOD was not recommended for Swanbourne Local Centre, because of the significant historical buildings.

These buildings, when combined, form a (quote) “Inter-War development (which) is significant and is a rarity of commercial heritage areas.” And it is also (quote) “...exemplative of early railway nodal development, and now uncommon in Perth” Now, a “not very” “mini” TOD is being considered because of The “Perth And Peel @3.5 Million” Apparently there can be flexibility in The “Perth And Peel @3.5 Million”, so,

Q6. Could the Council submit to The “Perth And Peel @3.5 Million” that the Claremont Crescent Commercial Heritage Precinct is a very special case, and that any development in the Village be kept to a 2 storey level to retain the “village” atmosphere and scale?

A6. This could be considered.

7. PARKING Page 25 of the SLCPS.

Parking close to the shops, within a reasonable walking distance, can be difficult at times, so I have had to park in Rob Roy Street. Any more commercial premises will mean more cars, and if units (commercial or residential) only have one car bay, there will be more car parking needed and there is now a 2 hour restriction for parking in nearby streets. I have been told that the best selling apartments at the North East Precinct are Apartments with 2 car parking bays and 3 bedrooms.

Q7. Can Council have a requirement that each unit on the proposed development should have 2 parking bays, so that parking problems in the area due to the development, is not greatly increased due to the occupancy of the residents or the tenants? If the residents do not have 2 cars, the second bay could be used by visitors, friends who catch the train to work, storage for bikes, a small dingy, a trailer, surfboards, or a storage area.

A7. Parking requirements will be determined by reference to the Requirements of the Residential Design Codes for Apartments.

8. “CASH IN LIEU”

If “cash in lieu” is proposed for this development, there will be extra cars needing car space on the streets, but there is a 2 hour parking limit in nearby streets.

Q8. If “cash in lieu” provides enough money to build a car park, where would it be built? If it is put on the present carpark opposite the Beaumont Retirement Village, there is a long walk up the equivalent of 2 storeys (climb 6 metres) to the Butcher shop, another 1storey (3 metres) to the Post Office, then another 1 storey to the proposed 4 storey on the corner at the top of Rob Roy Lane. This would be very difficult for Mothers with prams and toddlers, the elderly, the infirm and the unfit.

A8. The location of and proposals for cash-in-lieu parking bays will be considered as part of the final report to Council on the SLCPS.

6 PUBLIC STATEMENT TIME

Ms Rosemary Car, 19 Lakeway Street, Swanbourne
Re: Item 13.2.1, Dog Off Lead Exercise Area Petition.

Ms Car spoke in favour of the Officer Recommendation.

Mr Graham Potter, 34A Servetus Street, Swanbourne.
Re: Item 13.2.1, Dog Off Lead Exercise Area Petition.

Mr Potter spoke in favour of the Officer Recommendation.

Ms Heidi Hardisty, 12A Myera Street, Swanbourne.
Re: Item 13.2.1, Dog Off Lead Exercise Area Petition.

Ms Hardisty spoke against the Officer Recommendation.

Mr Nick Cook, 108 Alfred Road, Swanbourne.
Re: Item 13.2.1, Dog Off Lead Exercise Area Petition.

Mr Cook spoke against the Officer Recommendation.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Browne, seconded Cr Main

That Cr Franklyn be granted Leave of Absence for Ordinary Council Meeting 16 July 2019.

CARRIED(35/19)
(NO DISSENT)

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

NIL.

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Browne, seconded Cr Mews

That the minutes of the Ordinary Meeting of Council held on [2 April 2019](#) be confirmed.

CARRIED(36/19)
(NO DISSENT)

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

NIL.

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

NIL.

12 REPORTS OF COMMITTEES

NIL.

13 REPORTS OF THE CEO

13.1 CORPORATE AND GOVERNANCE

Items 13.1.1 to 13.1.2 were carried en bloc.

13.1.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 28 FEBRUARY 2019

File Ref:	FIM/0062-03
Attachments:	<u>Financial Report for the Period Ended 28 February 2019 (Attachment 1)</u> <u>Infrastructure Assets 2018-19 Schedule of Work (Attachment 2)</u>
Responsible Officer:	Les Crichton Director Corporate and Governance
Author:	Hitesh Hans Finance Manager
Proposed Meeting Date:	16 April 2019

Purpose

To present to Council the Statement of Financial Activity for the month ending 28 February 2019.

Background

The Monthly Financial Report is presented in accordance with the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

Discussion

The Financial Statements to 28 February 2019 present the operational results for the seven months of the 2018-19 financial year and compares year-to-date expenditure and revenue against revised budget. The budget figures incorporate all 2017-18 carry-forwards approved as part of the June 2017 end of year report and mid-year budget review adopted by Council on 19 February 2019.

The closing surplus of \$9,957,933 compares favourably against the budgeted surplus of \$9,621,394. The budgeted Closing Surplus estimates the total (capital and operating) revenue expected at the end of January less the total expenditure expected for the period. Variations in timing typically account for much of the difference between budgeted surplus and actual reported.

As detailed below, the \$336,539 is variance is made up of:

Under budget

Operating expenditure	\$336,638
Capital revenue	(\$20,326)

Over Budget

Capital expenditure	(\$21,048)
Operating revenue	\$41,275

Variance \$336,539

In accordance with Council's adopted variance reporting requirement for 2018-19 Budget, only the variances above \$20,000 are reported below as major contributors. For further detail on all variances, refer to [Attachment 1](#).

Operating revenue – \$41,275 above budget.

The major contributors to the operating revenue variations are:

	Revenue Budget	Revenue Actual	Variance
Fees and charges	\$2,472,695	\$2,501,549	\$28,854
Interest Earnings	\$476,916	\$539,538	\$62,622
Rates Revenue	\$14,594,790	\$14,537,255	(\$57,535)

- \$28,854 Fees and charges - due to timing of income from parking and planning fees.
- \$62,622 Interest Earning – increase in interest income due to higher than estimated cash holdings.
- (\$57,535) Rates Revenue – due to timing of income from Interim rates adjustment from addition of new apartments.

Important revenue indicators are:

Total rates (including arrears, ESL and other charges) are \$17.802 M with collection to date of \$16.308 M or 92%. This compares to 93% collection in the previous financial year for this period.

Total UGP service of \$4.16M levied with collection to date of \$2.11M or 51%.

Note – Instalment option of UGP will be paid in 5 years.

Debtors show +90 days outstanding of \$21K which relate mainly to utility reimbursement and contribution invoices. Most have been escalated to debt collection for further follow up.

Operating expenditure - \$336,638 under budget

The major contributors to the operating expenditure variations are:

	Expenditure Budget	Expenditure Actual	Variance
Employee Cost	\$4,548,321	\$4,436,879	\$111,442
Material and Contracts	\$6,946,208	\$6,865,637	\$80,571
Other Expenses	\$638,976	\$542,474	\$96,502

- \$111,442 Employee costs – mainly due to the timing of superannuation and employee costs along with vacancies.
- \$80,571 Materials and Contracts – timing differences of which (\$95K) relates to material & contracts (UGP Contract (\$395K), infrastructure maintenance \$238K, and waste management (\$56K), \$52K consultancy and \$102k relates to office expenses (IT).
- \$96,502 Other Expenses – mainly due to timing of contributions \$56K and WESROC projects \$20K.

Capital revenue – (\$20,326) below budget.

This variance is due timing on the proceeds from sale of vehicles (\$10K) and non-operating grant (\$10K).

Capital expenditure – (\$21,048) above budget.

As detailed within the capital works schedules (Note 10), the capital expenditure comprises:

- (\$116K) above budget in infrastructure works due to timing. [Attachment 2](#) provides further detail on the projects and variance explanation.
- \$30K & \$79 under budget in Land & Building and Plant & Equipment respectively is mainly due to timing. Note 10 provides further details about the projects.

Cash holdings

On March 1, 2019, S&P Global Ratings lowered long-term issuer credit ratings on AMP Bank Ltd. to 'A-' from A and its short-term issuer credit rating to 'A-2' from 'A-1'.

Due to change in credit rating of AMP bank, current investment holdings are outside Council's Investment Policy LG511 with 11.5% investment with AMP. The policy limits funds with one institution at 10% with this credit rating.

Past Resolutions

Ordinary Council Meeting 19 March 2019, Resolution 28/19:

That Council notes the Financial Statement of Activity for the period 1 July 2018 to 31 January 2019.

Financial and Staff Implications

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

Local Government Act 1995.

Local Government (Financial Management) Regulations 1996.

Communication / Consultation

The Town is required to prepare and submit to Council a financial activity statement each month.

Strategic Community Plan**Governance and Leadership**

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

- Manage our finances responsibly and improve financial sustainability.
- Demonstrate a high standard of governance, accountability, management and strategic planning.

Urgency

Monthly statements of financial activity must be submitted within two months after the end of the month to which the statement relates.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Haynes, seconded Cr Franklyn

That Council notes the Financial Statement of Activity for the period 1 July 2018 to 28 February 2019.

**CARRIED(37/19)
(NO DISSENT)**

13.1.2 LIST OF PAYMENTS 1 TO MARCH 2019

File No: FIM/00062-02

Attachments: [Schedule of Payments March 2019 \(Attachment 1\)](#)
[NAB Purchase Card February 2019 \(Attachment 2\)](#)

Responsible Officer: Les Crichton
 Director - Corporate and Governance

Author: Edwin Kwan
 Senior Finance Officer

Proposed Meeting Date: 16 April 2019

Purpose

For Council to note the payments made in March 2019.

Background

Council has delegated to the Chief Executive Officer (CEO) the exercise of its power to make payments from the Municipal Fund or Trust Fund. The CEO is required to present a list to Council of those payments made since the last list was submitted.

Discussion

Attached is the list of all accounts paid totalling \$2,815,977.93 during the month of February 2019.

The attached schedule covers:

• Municipal Funds electronic funds transfers (EFT)	\$	2,240,216.59
• Municipal Fund vouchers (39607)	\$	16,295.50
• Municipal Fund direct debits	\$	545,465.84
• Trust Fund electronic funds transfer (EFT)	\$	14,000.00
• Trust Fund vouchers	\$	0.00

All invoices have been verified, and all payments have been duly authorised in accordance with Council's procedures.

Past Resolutions

Ordinary Council Meeting 19 March 2019, Resolution 28/19:

That Council notes all payments made by the Chief Executive Officer under Delegation DA9 for –

1. *January 2019 totalling \$2,231,581.38 as detailed in Attachment 1 comprising:*

<i>Municipal Funds electronic funds transfers (EFT)</i>	<i>\$</i>	<i>1,646,870.91</i>
<i>Municipal Fund vouchers (39604-39605)</i>	<i>\$</i>	<i>833.61</i>
<i>Municipal Fund direct debits</i>	<i>\$</i>	<i>521,164.18</i>
<i>Trust Fund electronic funds transfer (EFT)</i>	<i>\$</i>	<i>62,712.68</i>
<i>Trust Fund vouchers</i>	<i>\$</i>	<i>0.00</i>

2. February 2019 totalling \$1,423,328.45 as detailed in Attachment 1 comprising:

Municipal Funds electronic funds transfers (EFT)	\$	890,621.23
Municipal Fund vouchers (39606)	\$	30.00
Municipal Fund direct debits	\$	502,165.83
Trust Fund electronic funds transfer (EFT)	\$	30,421.39
Trust Fund vouchers	\$	0.00

Financial and Staff Implication

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

Local Government (Financial Management) Regulations 1996, Regulations 12- 13.
Town of Claremont Delegation Register – DA9 Payment of Accounts.

Communication / Consultation

Nil

Governance and Leadership

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

- Manage our finances responsibly and improve financial sustainability.
- Demonstrate a high standard of governance, accountability, management and strategic planning.

Urgency

The Schedule of Payments is to be presented to the next ordinary meeting of Council after the list has been prepared.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Haynes, seconded Cr Franklyn

That Council notes all payments made by the Chief Executive Officer under Delegation DA9 for March 2019 totalling \$2,815,977.93, as detailed in Attachment 1 comprising:

Municipal Funds electronic funds transfers (EFT)	\$	2,240,216.59
Municipal Fund vouchers (39607)	\$	16,295.50
Municipal Fund direct debits	\$	545,465.84
Trust Fund electronic funds transfer (EFT)	\$	14,000.00
Trust Fund vouchers	\$	0.00

**CARRIED(37/19)
(NO DISSENT)**

13.2 INFRASTRUCTURE

13.2.1 DOG OFF LEAD EXERCISE AREA PETITION

File No:	LAW/00104
Attachments:	<u>Petition as tabled, Ordinary Council Meeting 2 April 2019</u> <u>Sign erected on site to indicate intention to vegetate boundary</u>
Responsible Officer:	Andrew Smith Director of Infrastructure
Author:	Andrew Smith Director of Infrastructure
Proposed Meeting Date:	16 April 2019

Purpose

For Council to consider both the petition as tabled at the Ordinary Council meeting held on 2 April 2019, as well as previous resolutions made in respect to the development and definition of the off lead dog exercise area at Lake Claremont Reserve.

Background

Council at its Ordinary Meeting held on 2 April received a petition in respect to the proposed planting of the boundaries that define the newly established off lead dog exercise area at Lake Claremont Reserve.

This petition, signed by 142 people, of which 138 are indicated as residents of the Town of Claremont provided the following comment;

We the undersigned respectfully request that the new off lead dog exercise area remains unsegregated for the enjoyment of all.

The letter accompanying the petition provides further clarity as to what is suggested by the use of the term *segregated* in which it is stated "*concern has arisen over the proposed planting of bush to separate the exercise area from the non-exercise area*"

Council at its Ordinary Meeting held on 18 December 2018 resolved (in part) to;

Approve unbudgeted expenditure of \$20,000 to install the vegetation barriers relating to expended Lake Claremont Dog Exercise Area.

In accordance with this resolution Council officers began preparation to install these vegetation barriers on the boundaries of the off lead exercise area, to coincide with the beginning of the planting season.

As Councillors would recall, prior to planting being commenced, the designated boundaries of the area was marked on ground using turf paint so that this would

enable Councillors to appreciate the boundaries to be applied, and allow members of the public to enquire if they had any concerns.

Signs were also erected on site to advise of the proposal to plant trees and groundcovers to define the dog exercise area.

Discussion

Basis of Installing a Vegetated Boundary

As part of its consideration of submissions received following advertising of proposed changes to the off lead areas, Council at its meeting held on the 18 of December 2018 considered the key issues raised by submissions.

One such issue identified related to the potential conflict of off lead dogs with other park users and particularly those relating to wildlife within the wetland area and conflict with the children's playground area.

The officer's report to Council suggested that this potential conflict could be managed through the installation of vegetation barriers or through the use of parkland fencing.

The report further indicated that *"it is noted that most issues relating to dogs within the Lake Claremont area, are not the result of dogs 'escaping' the current dog exercise area, rather dogs let loose within dog-on-lead area with no type of barrier in place."*

As a result of this matter being identified, the Council report recommended *"the dog exercise area be extended south.... with vegetation barriers installed to demarcate and provide physical impediment to dogs leaving the area"*

Following this resolution, Council officers arranged for signs to be installed at the Reserve indicating the proposed planting to be undertaken to demarcate the new off lead area, and the line on which this would occur (indicated using turf paint). A copy of the sign as erected at the Reserve is attached to Councillors agendas.

The type and height of vegetation proposed to be planted in this area was consistent with that already existing to the north of the Reserve which has functioned as the effective demarcation of the northern boundary of the exercise area, until the recent decision of Council to install fencing.

The Objection to the Installation of the Vegetated Demarcation

The petition includes a heading which states *"that the new off leash dog exercise area remains unsegregated"*. The supporting letter to this petition provided by one of the coordinators of the petition provides further clarity in respect to this petition by stating *"concern has arisen over the proposed planting of bush to separate the exercise area from the non-exercise area"*.

This is further expounded upon by the following statement in the same letter *"It is felt that a more appropriate separation can be obtained by just planting trees. These will*

enhance the existing corridor of trees adding to its beauty and allowing the vista to remain”.

When it is considered that the sign as erected at the Reserve clearly stated “planting of trees and groundcovers”, yet the petition organiser indicates a support for planting of trees, it must therefore be assumed that the objection is with the planting of groundcovers.

Given that this was unlikely, contact was made with the author of the letter to discuss the petition, the use of the phrase planting of bush and the apparent support of trees at the expense of ground cover.

Ms Car indicated that the petition had been arranged immediately after the previous Council resolution (in December 2018) and before the on-site signs had been installed, so some assumptions had needed to be made in respect to the extent and type of planting that was going to be proposed.

Ms Car was then asked if the petition did indeed support the planting of trees, but not the planting of ground covers.

It was advised that there were members of the group of petitioners that generally did not support the planting of anything at all, including trees, as they felt that any planting would affect the amenity of the area, however there were also other members who supported the planting of trees, but no other demarcation.

As such the covering letter was designed so as to fairly represent all through a consensus of opinion.

Demarcation of the Dog Off Lead Area

Whilst the previous report (OCM 8 December 2018) does not go into extensive detail as to the functionality of demarcation and the effectiveness of vegetation as a barrier, it should be recognised that any dog wishing to leave the dog off lead area, if unconstrained, may do so, with or without the planting of vegetation, if not able to be effectively controlled by its owner.

As such it might be reasonably suggested that the planting of a demarcation line for the new dog exercise area functions as two parts;

- To define the boundary of the dog exercise area to dog owners, so that they can proactively manage their dog’s containment within the designated area, and
- To create a visual barrier that might in some way prevent an off lead dog from being attracted to leave the area.

It is worth noting that information in respect to the location and boundaries of the dog off lead exercise area is also provided to users through three signs which have been installed at primary entrance points around the Reserve.

Whilst a demarcated vegetation line does not remove the need for such information to be provided to users, it at least provides some clarity in respect to boundaries of the area once users are actively using the area.

Ideally if the intent is to physically restrict dogs from leaving the area, then the installation of a fence or similar is most likely the only means that Council could use to confidently achieve this outcome. Given that the installation of a fence is neither supported by Councillors, nor the general public who have thus far engaged in respect to this matter, the use of vegetated demarcation is the only obvious alternate physical barrier.

Alternate Options

In considering the installation of the vegetation barrier, Council must first consider its function, and therefore determine if the design of this solution will meet the objectives required by the Council.

If the intent of the vegetation is to provide a physical barrier to off lead dogs, who are otherwise not responsive to commands from owners, then this is unlikely to occur as the density of the planting as proposed was not designed so as to replicate the function of fencing.

This is not to suggest that this form of physical barrier could not be created through planting, however it would require a much more significant investment and a much greater number of plantings to create the density of vegetation required.

If however the vegetation barrier is designed to simply provide a clear indication of the boundary of the off lead area, then perhaps using on ground marking (similar to that used on grass for sporting activities as illustrated in the image below) might achieve the same outcome.



Photo illustrating dark line markings to define a race track

A dark line installed to define the boundary line would have little or no adverse impact to the amenity of the area, but would provide a clear indication of the boundary to the off lead area users.

As a final option, the Council could also consider the installation of signs along the boundary at defined intervals, however this is likely to be considered to generate a

greater loss of amenity to the area than the planting of vegetation would otherwise have done.

Past Resolutions

Ordinary Council Meeting 18 December 2018;

That Council:

1. *Approves the proposal to amend the Dogs in Public Places Policy LV133 as detailed in Attachment 1.*

That Council:

2. *Approve unbudgeted expenditure of \$20,000 to install the vegetation barriers relating to expanded Lake Claremont Dog Exercise Area.*

Financial and Staff Implication

Prior Council resolution provided \$20,000 to install the vegetation barriers as unbudgeted expenditure to this project. This matter was included in the mid-year budget review and consequently became part of the revised 2018/19 approved budget of the Council.

The annual cost of line marking the area is approximately \$1,000.

Policy and Statutory Implications

Dog Act 1976 Section 31

Dogs in Public Places Policy LV133

Communication / Consultation

Considerable community consultation has occurred with respect to this proposal including;

- Consultation in respect to the proposed changes to the Dogs in Public Places Policy, and
- Through the installation of signage indicating the proposal to install a vegetated boundary to the approved dog exercise area, as approved by prior Council resolution.

Through this process the Council has received a considerable number of submissions, including receipt of this most recent petition.

Urgency

There is no immediate urgency in respect to this matter, however if planting is proposed to continue, site preparation will need to be undertaken to ready the area for planting in May/June.

Voting Requirements

Absolute majority decision of Council required.

Officer Recommendation

That Council;

1. Thanks the petitioner in respect to the petition received concerning the new off lead dog exercise area
2. Revokes its prior resolution (235/18) of 18 December 2018 as follows;
That Council approve authorised unbudgeted expenditure of \$20,000 to install the vegetation barriers to expended Lake Claremont Dog Exercise Area.
3. Approves the installation of a demarcation line on the ground of the Lake Claremont Reserve to indicate the location of the boundary of the off lead dog exercise area, as approved by Council in accordance with Council policy, to users.

The motion lapsed for want of a mover.

ALTERNATIVE MOTION

Moved Cr Franklyn, seconded Cr Main

1. **That Council thanks the petitioner in respect to the petition received concerning the new off lead dog exercise area; and**
2. **To delineate the dog off-lead area as decided by Council on 18 December and to accommodate the request of the petitioners tabled in the meeting of 2 April 2019 , the southern and western boundary edges be marked by a line of newly planted trees. The Eastern boundary across the bottom of John and Jean Mulder Park be planted with mid-level shrubs that will act as a vegetation deterrent for off lead dogs who may be interested in going into the BBQ area and children's playground.**

MOTION TO DEFER

Moved Cr Haynes, seconded Cr Edwards

That the motion be deferred until Councils meeting of 21 May 2019 to allow the matter to be considered at the next meeting of Lake Claremont Advisory Committee to be held 2 May 2019. The LCAC has previously advised on barriers to both the northern and southern sections of the Dog Exercise Area but a proposal for 'a line in the sand' has not previously been presented to the LCAC for its consideration and advice.

LOST

For the Motion: Cr Haynes and Cr Edwards.

Against the Motion: Mayor Barker and Cr Main, Cr Goetze, Cr Browne, Cr Tulloch, Cr Mews, and Cr Franklyn.

RETURN TO THE ALTERNATIVE MOTION

1. That Council thanks the petitioner in respect to the petition received concerning the new off lead dog exercise area; and
2. To delineate the dog off-lead area as decided by Council on 18 December and to accommodate the request of the petitioners tabled in the meeting of 2 April 2019 , the southern and western boundary edges be marked by a line of newly planted trees. The Eastern boundary across the bottom of John and Jean Mulder Park be planted with mid-level shrubs that will act as a vegetation deterrent for off lead dogs who may be interested in going into the BBQ area and children's playground.

CARRIED BY AN ABSOLUTE MAJORITY(38/19)

For the Motion: Mayor Barker and Cr Browne, Cr Franklyn, Cr Goetze, Cr Main, and Cr Tulloch.

Against the Motion: Cr Edwards, Cr Haynes, and Cr Mews.

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Cr Haynes reported on WMRC’s recent announcement on reduction of waste costs.

Cr Browne, Cr Franklyn, and Cr Main reported on their attendance at ATTRA.

Cr Main reported on her attendance at a meeting of the Claremont Station Community Advisory Group.

15 ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NIL.

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

NIL.

17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

NIL.

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting, Tuesday 7 May 2019 at 7:00PM.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 7:54PM.

Confirmed this day of 2019.

PRESIDING MEMBER