

CITY OF FREMANTLE

Minutes of the Ordinary Meeting of Council

Held on Monday 23 February 2004 at 6.07 pm

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CONFIDENTIAL MATTERS

CLOSURE OF MEETING

DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

THE MAYOR, MR PETER TAGLIAFERRI DECLARED THE MEETING OPEN AT 6.07 PM AND WELCOMED MEMBERS OF THE PUBLIC TO THE MEETING

ATTENDANCE AND APOLOGIES

Present: The Mayor, Mr Peter Tagliaferri in the Chair and Councillors

East Ward

Cr Kathy Anketell

Beaconsfield Ward

Cr Shirley Mackay; Cr John Alberti

Hilton Ward

Cr Tony Miosich JP; Cr Bob Smith

City Ward

Cr Steve Gorman; Cr Phil Douglas

South Ward

Cr Helen Hewitt; Cr Geoff Graham

North Ward

Cr Doug Thompson; Cr Bob Williams

Chief Executive Officer, Mr Ray Glickman; Director Corporate Services, Mr Graeme Mackenzie; Director Urban Management, Mr Jayson Mirogolotti; Manager Strategic Planning and Corporate Development, Ms Jill Hanna; Manager Development Assessments, Mr Andrew Jackson; Manager Service and Information, Ms Kristy Foot; Manager Finance and Administration, Mr Alan Carmichael and the Minute Secretary and Mayor's Civic Appointments Secretary, Mrs Nellene Hill.

LEAVE OF ABSENCE

Nil

APOLOGIES

Cr Rose Pinter

RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

1. **Mr Jon Strachan**
South Fremantle Resident
DAC0402-176

Summary of Question

As this application clearly contravenes more than one Council policy, I would like councillors to consider to use their discretion and should reject this application.

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Does Fremantle need another nightclub, I think the answer to that question is no.

Do ratepayers of Fremantle want another nightclub, I think the answer is no.

Please councillors think of the vibrancy of Fremantle and this application could add problems to Fremantle and also think of the people who voted you in.

Summary of Response by Mayor P Tagliaferri

They were more statements than questions.

2. **Mr Michael Blakiston**
Camellia Holdings Pty Ltd
DAC0402-176

Summary of Question

- (a) As an alternative, would council consider a refund to us of \$288,000 that we paid as a cash-in-lieu?
- (b) What level of responsibility does council take in the event of unruly clients may cause us damage?

Council is on notice that it is a problem with us.

Summary of Response by Mayor P Tagliaferri

They were more statements than questions. Mr Jackson may wish to respond.

Summary of Response by Manager Development Assessments, Mr A Jackson

Where Council has taken cash-in-lieu as a result of a planning approval, it goes into a trust fund to be administered by the City for parking related purposes that would be an administrative and strategic decision for the City if it was going to return any cash-in-lieu back to the developer.

3. **Mr Geoff Broad**
Broad Planning Consultants
For Keypearl Nominees
DAC0402-176

Summary of Question

- 1. Is Council aware that the Council can exercise its discretion and grant approval to this application under the Town Planning Scheme? That the application was properly considered and advertised in accordance with scheme and policy provisions.
- 2. Is Council aware that the proposal is not in conflict with Council Policy in that Council Policy does not specifically prohibit such a proposal? Council has already recognised the existence of the liquor licence through decisions in late 2003.
- 3. Is Council aware that the commercial tenancies in the Car park complex were approved without specific allocated car parking bays, very similar to the Council's facility at Queensgate. The proposed use generates (as per Town Planning Scheme 3) 17 car bays, a shop would generate 20 bays and a restaurant would generate approximately 60 bays. Does this mean that Council will apply Cash in lieu for these uses to be consistent. There is no justification to seek cash in lieu for parking for this proposal on the basis that the tenancy is part of a 400 car bay complex and the proposed use does not generate any additional significant demand over and above other commercial uses.

Summary of Response by Mayor P Tagliaferri

They were more statements than questions and Councillors will take those comments on board when making their decisions.

4. **Ms Maria Donohoe**
7/7 Norfolk Street
Fremantle
DAC0402-176

Summary of Question

Ms Donohoe invited all to go walking with her dog on a Saturday or Sunday morning between 5 and 6 am to see what it is really like dodging urine, vomit and asked why do we need another venue in Collie Street?

Summary of Response by Mayor P Tagliaferri

Thank you.

DISCLOSURE OF INTERESTS BY MEMBERS

Mayor P Tagliaferri	DAC0402-176	Mayor Tagliaferri disclosed an indirect financial interest in Item DAC0402-176 under 5.62 of the Local Government Act
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APPLICATIONS FOR LEAVE OF ABSENCE

Nil

PETITIONS/DEPUTATIONS/PRESENTATIONS

Cr B Smith presented Council with a petition containing 1753 signatures which Cr Smith requests be forwarded to the appropriate Committee, which reads as follows;

“A large part of the population serviced by the Hilton Local Centre on South Street, Hilton (Hilton Square, Action etc.) are elderly and often suffering from diabetes etc. yet there is no public toilet facility at the said Local Centre. We the undersigned petition the Fremantle City Council to fund the construction of a Public Toilet facility at the Hilton Local Shopping Centre”.

Cr D Thompson presented a report on the latest Southern Metropolitan Regional Council Facility Report and a copy of the report and presentation can be located under Tabled Documents at the end of these Minutes.

CONFIRMATION OF MINUTES

THE MAYOR, MR P TAGLIAFERRI MOVED THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON MONDAY 9 FEBRUARY 2004 BE CONFIRMED AS A TRUE AND ACCURATE RECORD INCLUSIVE OF THE REPLACEMENT PAGE NUMBERED 57 FOR ITEM NUMBERED SDRCP0401-13 SECONDED BY CR D THOMPSON

CARRIED UNANIMOUSLY 12/0

For	Against
The Mayor, Peter Tagliaferri	
Cr Helen Hewitt	
Cr Bob Smith	
Cr Shirley Mackay	
Cr John Alberti	
Cr Kathy Anketell	
Cr Geoff Graham	
Cr Tony Miosich	
Cr Bob Williams	
Cr Phil Douglas	
Cr Steve Gorman	
Cr Doug Thompson	

ANNOUNCEMENTS BY THE MAYOR

Nil

QUESTIONS BY ELECTED MEMBERS

Cr S Mackay asked the Mayor the following:

1. Does the Mayor believe or of the opinion that the number of licensed venues in Fremantle and the length of licensed hours in Fremantle directly effects antisocial behaviour?
2. Is the Mayor in favour of any increase in the number of licensed venues operating in the Fremantle CBD?

Response by Mayor P Tagliaferri

1. It is on record I oppose any new licensed venues or licensed premises as in nightclubs or extensions of trading permits granted.
2. I do not have scientific evidence.

RESPONSE TO QUESTIONS BY ELECTED MEMBERS

Nil

TABLED DOCUMENTS AND ATTACHMENTS

SMRC Report from Cr D Thompson

Replacement page 3 Table of contents of notice Paper 23.2.04

Correction to Minutes of 9 February 2004 page 57 SDRCP0401-13

Proposed Alternative recommendation from Cr Anketell for Item DAC0402-176

Staff Statistics page 28 of Financial Booklet

Revised Item C0402-10 inclusive of Cr Hewitt Attachment 9 and Cr P Douglas nominations

Additional item C0402-11

Correspondence dated 23 February 2004 from Camellia Holdings Pty Ltd

Additional advice to Council 23 February 2004 on 19 Collie Street Fremantle

Petition from 1753 signatories requesting Council to fund construction of Public Toilet facilities at the Hilton Local Shopping Centre

GLOSSARY OF FREQUENTLY USED ACRONYMS

<i>Acronym:</i>	<i>Details:</i>
A&I	Assets & Infrastructure
ACC	Anti-Corruption Commission
BLIMP	Bottom Line Improvement Management Project
CAT	Central Area Transit
COF	City of Fremantle
CPS	City Planning Scheme
DCD	Director Community Development
DCS	Director Corporate Services
DUM	Director Urban Management
DW	DataWorks
EM	Elected Members
FAB	Fremantle Artillery Barracks
FEB	Fremantle Eastern Bypass
FP	Fremantle Ports
HR	Human Resources
IT	Information Technology
LGMA	Local Government Managers Australia
LRA	Long Range Agenda
MG	Management Group
S&I	Service & Information
SMG	Senior Management Group
SoN	State of the Nation
SP&CD	Strategic Planning & Corporate Development
TPS	Town Planning Scheme
UE&C	Urban Environment & Control
UNDA	University of Notre Dame Australia
WALGA	Western Australian Local Government Association
WOW	Wipe Out Waste

At this point in the meeting being 6.27 pm the Mayor P Tagliaferri brought forward Council items

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

REPORTS BY MAYOR OR OFFICERS OF COUNCIL

STATUTORY COUNCIL ITEMS

MAYOR P TAGLIAFERRI MOVED EN BLOC THE FOLLOWING RECOMMENDATIONS NUMBERED C0402-01 TO C0402-11 INCLUSIVE BE ADOPTED

SECONDED BY CR D THOMPSON

CARRIED UNANIMOUSLY 12/0 WITH AN ABSOLUTE MAJORITY FOR ITEMS C0402-08 AND C0402-9

For	Against
The Mayor, Peter Tagliaferri	
Cr Helen Hewitt	
Cr Bob Smith	
Cr Shirley Mackay	
Cr John Alberti	
Cr Kathy Anketell	
Cr Geoff Graham	
Cr Tony Miosich	
Cr Bob Williams	
Cr Phil Douglas	
Cr Steve Gorman	
Cr Doug Thompson	

**C0402- 01 Abbreviated Statements of Financial Position at 31 January 2004
Financial Statements Book**

**DataWorks Reference: 087/002;
Manager Finance & Administration**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present a summary of financial information for the month ending 31 January 2004.

EXECUTIVE SUMMARY

The abbreviated statements of financial position for the month are contained within the attached Financial Booklet and the item is to receive the statements.

STRATEGIC & POLICY IMPLICATIONS

Efficient and Effective Local Government

Minutes – Ordinary Council Meeting – 23 February 2004

- Our financial planning and performance are transparent to the community.
- All statutory and legal requirements are met.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Information provided in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the Abbreviated Statements of Financial Position for the period ending 31 January 2004 be received.

ITEM NUMBERED C0402-02 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0402-02 Confirmation of Accounts for Payment January 2004 Financial Statements Book

DataWorks Reference: 087/002;
Manager Finance & Administration

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present the listing of payments made during January 2004.

EXECUTIVE SUMMARY

The list of payments made during the month is contained within the attached Financial Booklet and the item is to receive the information.

REPORT

Comment

Where a creditor is GST registered, the value of the payment is inclusive of GST. Note: The Council budget figures are exclusive of GST and figures quoted in Council items are taken as GST exclusive unless otherwise stated.

STRATEGIC & POLICY IMPLICATIONS

Efficient and Effective Local Government

- Our financial planning and performance are transparent to the community.
- All statutory and legal requirements are met.
-

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Information provided in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the listing of payments of accounts within the Financial Statements Book for the month of January 2004 amounting to \$7,905,102.20 be received.

ITEM NUMBERED C0402-03 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0402-03 Sundry Debtors Report January 2004 Attachment No. 1

**DataWorks Reference: 089/004;
Manager Finance & Administration**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present a monthly report on outstanding sundry debtors as requested by Council.

EXECUTIVE SUMMARY

The attached report summaries the outstanding sundry debtors and the item is to receive the information.

STRATEGIC & POLICY IMPLICATIONS

The item has a general connection to the City Plan.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the report for January 2004 be received.

ITEM NUMBERED C0402-04 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0402-04 Investment Report January 2004 Attachment No. 2

**DataWorks Reference: 089/004;
Manager Finance & Administration**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present a monthly report on investments as required by Council.

EXECUTIVE SUMMARY

The attached report summaries the investments and earnings from those investments. The item is to receive the information.

STRATEGIC & POLICY IMPLICATIONS

The item has a general connection to the City Plan.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Guidelines on Delegated Authority Item 3.2 (Investment of Surplus Cash Funds) require a monthly report to be submitted to Council.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the report for January 2004 be received.

ITEM NUMBERED C0402-05 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0402-05 Applications for Crossovers by City of Fremantle for January 2004

DataWorks Reference: Crossover Applications
Technical Assistant – Street Management

DECISION MAKING AUTHORITY

Information only no decision required.

PURPOSE

EXECUTIVE SUMMARY

N/A

REPORT

Background

Council has requested that details of crossover construction be reported on a monthly basis. For the month of January 2004 – 6 crossovers constructed.

STRATEGIC & POLICY IMPLICATIONS

Strategy 3 – a Beautiful and accessible place, item 5 Facilities and infrastructure

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable

Environmental

Not applicable

Social

Not applicable

BUDGET IMPLICATIONS

Not applicable

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

This matter has not been referred to Precincts.

This matter does not come under the guidelines of an Advisory Committee.

OFFICER'S RECOMMENDATION

The information be received.

ITEM NUMBERED C0402-06 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0402-06 Notice of Minutes of the Fremantle Sport, Recreation and Youth Advisory Committee Attachment No. 3, 4 and 5

**DataWorks Reference: Andrew Thomas; 039/005;
Manager Recreation Services**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

To note the minutes of the Fremantle Sport, Recreation and Youth Advisory Committee meetings of the 27th August, 29th October and the 26th November 2003.

EXECUTIVE SUMMARY

N/A

REPORT

Background

N/A

Comment

N/A

Conclusion

N/A

STRATEGIC & POLICY IMPLICATIONS

N/A

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

N/A

Environmental

N/A

Social

N/A

BUDGET IMPLICATIONS

N/A

LEGISLATIVE AND LEGAL CONSIDERATIONS

N/A

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

N/A

OFFICER'S RECOMMENDATION

That Council notes the minutes of the Fremantle Sport, Recreation and Youth Advisory Committee of the 27th August, 29th October and the 26th November 2003.

ITEM NUMBERED C0402-07 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

**C0402-07 Free and Subsidised Use of Halls, Parks and Reserves - 2003
Attachment No. 6**

DataWorks Reference: Kristy Foot; 042/016
Manager Service and Information

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

To advise Council of free and subsidised use of halls, parks and reserves for 2003.

EXECUTIVE SUMMARY

The Manager Service and Information has delegated authority to accept or reject bookings and to approve subsidised use up to 50% of the hire fees and under certain conditions free use of the Town Hall (or alternative halls) in accordance with the criteria specified in the Town Hall Management – OP7 policy.
The list of free and subsidised use has been provided to Council for information.

REPORT

Background

The Manager Service and Information previously had delegated authority to approve subsidised use of the Town Hall up to 50%. All requests for subsidy above 50% or free use of the facilities were required to be put to SDRCP Committee for consideration and approval.

In January 2003, the Council approved the changes to the Town Hall Management Policy (OP-7) which included the delegation of approval of subsidised and free use of the facilities to the Manager Service and Information under strict approval conditions.

Comment

The list of waived/subsidised fees for 2003 is attachment 1.
Below is a summary of the fees and amounts received for 2002 and 2003.

Town Hall

Year	Cost (\$)	Received (\$)	Subsidised amount (\$)	% of fee subsidised
2002	55,938.00	9,094.50	46,843.50	83.74%
2003	63,995.00	13,320.88	50,674.12	79.18%

Conclusion

The subsidised and free use of the Town Hall is considered reasonable.

STRATEGIC & POLICY IMPLICATIONS

Financial Management is aligned with the achievement of the city's vision and external funding opportunities are maximised. Our financial planning and performance are transparent to the community.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

- (a) This matter has not been referred to Precincts because is it an operational issue.
- (b) This matter does come under the guidelines of an Advisory Committee.

OFFICER'S RECOMMENDATION

That attachment 6 of free and subsidised use of halls, parks and reserves for 2003 be received.

GENERAL COUNCIL ITEMS

ITEM NUMBERED C0402-08 WAS MOVED AND CARRIED ENBLOC UNANIMOUSLY AND WITH AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

C0204-08 Compliance Audit Return 2003 (Council Decision) (Absolute Majority Required) Attachment No. 7

DataWorks Reference: Dept of Local Govt Regional Development; 102/003
Director Corporate Services

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

Completion of Compliance Audit Return for the period 1 January 2003 to 31 December 2003.

EXECUTIVE SUMMARY

The Compliance Audit Return allows Councils to monitor how the organisation is functioning. Each local government authority is required to carry out a compliance audit for the period 1 January to 31 December 2003 as outlined in the documentation from the Department of Local Government and Regional Development.

Recommended that Council adopt the completed Compliance Audit as the official return for the year ended 31 December 2003.

REPORT

Background

The Department of Local Government and Regional Development has forwarded the annual "Compliance Audit Return" for the period 1 January to 31 December 2003 for council to complete and use to check compliance in accordance with various provisions of the Local Government Act and associated Regulations. The Act requires local governments to carry out the annual compliance audit, present it to Council and then forward the return to the Department no later than 31st March each year.

Comment

A copy of the completed return is included as an attachment to this item.

As the return covers many areas, officers with specific responsibility in certain areas were requested to sign off on those areas of responsibility, and their names are appropriately recorded in the return.

The return is divided into 9 sections, within each section there are a number of questions, and some questions have multiple parts. In all there are 145 questions with 232 compliance checks required to be answered. The City has responded either as complying or not applicable to 230 of those compliance checks, giving a compliance rating of better than 99%.

Of the 2 remaining checks that were answered as non-complying, the following explanations are given with comments about remedies.

Section (d) – Meeting Process

Compliance checks in this section all relate to the operation/administration of Council and committees. The City has 3 Committees (formerly known as Standing Committees) made up of elected members only, which have delegated powers to make decisions.

The City also has a number of other committees (Advisory committees and Task Forces), generally charged with the task of providing advice to the Council. Membership of these committees consists of a mixture of elected members, staff and community representatives.

Whilst the administrative practices of the Council and the 3 elected member (Standing) committees are very tightly monitored and fully compliant, there remain some problems with the administration of the advisory committees.

Essentially, the area where performance has been sub-standard is in the preparation of minutes. Minutes of committee meetings are required to be available for public inspection within 5 business days of a meeting, and are also required to be certified by the presiding member at the following meeting. In some cases minutes have not been prepared within 5 days and are therefore not available for public inspection and are also not available for presentation to the next meeting of the committee.

A more substantial report is being prepared for council consideration, which reviews the operation of the committee structure implemented following the May 2003 elections, which will give specific examples of the problems associated with administration of the committees.

Conclusion

This years compliance check shows improved compliance compared to 2001 and 2002. Unfortunately though non compliance remains in the area of committee compliance with administrative procedures although significant improvement is noted.

STRATEGIC & POLICY IMPLICATIONS

Fremantle City Plan: “Efficient and Effective Local Government”

Our statutory and legal requirements include the participation in the Department of Local Government and Regional Development’s Annual Compliance Return.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Various provisions of the Local Government Act 1995 and associated Regulations.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the Local Government Compliance Audit Return be adopted as the official return for the period 1 January 2003 to 31 December 2003.

ITEM NUMBERED C0402-09 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY AND WITH AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

C0204-09 Physical Activity Grant - Approval

DataWorks Reference: Andrew Thomas; 156/003
Manager Recreation Services

DECISION MAKING AUTHORITY

Council Decision **ABSOLUTE MAJORITY REQUIRED**

PURPOSE

To accept funding received since the adoption of the 2003/2004 budget and approve associated expenditure.

EXECUTIVE SUMMARY

The 'Physical Activity Taskforce Local Activity Grants Programme' has agreed to fund the employment of a part-time Physical Activity Project Officer to undertake planning and research, to guide the future directions for the promotion of physical activity in the Fremantle area by the development of a Physical Activity Strategic Plan.

REPORT

Background

The position will be responsible for;

- The development and coordination of a City of Fremantle Physical Activity Working Group comprising key stakeholders from within Council (various departments & Councillors), local agencies, local businesses and the community to guide the planning and research process.
- Undertaking a municipal and community audit on physical activity opportunities (including programs & environments), and policies supporting physical activity within the City of Fremantle area.
- The development of a Physical Activity Strategic Plan and future programs for the Fremantle area.

Conclusion

The City Of Fremantle currently lists; Healthy Community, Sustainable Transport, Sports and Recreation Opportunities and the Health and Wellbeing of our People as a Key Result Area's within the City Plan, however no-one is currently committed to concentrate specifically on implementing the strategies outlined for these areas in the City Plan. Presently there are various business units within Council which have programs or policies to assist in achieving the above mentioned strategies, however they all work separately from one another and with little community consultation. By initiating the development of the Fremantle Physical Activity Working Group, and a Project Officer to coordinate this process it is anticipated that future physical activity initiatives and programs will be planned after community consultation has occurred, to ensure success and support of these programs, rather than simply implementing programs that may not benefit the Fremantle community.

STRATEGIC & POLICY IMPLICATIONS

N/A

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The Project Officer will be responsible for sourcing external funding to further support future physical activity strategies and programs within the City of Fremantle.

Environmental

N/A

Social

The development of a Physical Activity Strategic Plan and the introduction of new programs within the Fremantle area, similar to the 10,000 Steps Freo program, will provide many social benefits for the local community.

BUDGET IMPLICATIONS

N/A

LEGISLATIVE AND LEGAL CONSIDERATIONS

N/A

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

N/A

OFFICER'S RECOMMENDATION

1. That Council accept the funding of \$7,500 from the Physical Activity Taskforce Local Grants Programme
2. Amend the 2003/2004 Budget to reflect receipt of the \$7,500 funding and matching expenditure.

ITEM NUMBERED C0402-10 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

**C0402-10 Nomination to Western Australian Planning Commission – Cr K Anketell, Cr H Hewitt and Cr P Douglas (Attachment No. 8 is Cr Anketell’s Nomination form) (Attachment No. 9 is Cr Hewitt’s Nomination form) Council Decision
Dataworks: WALGA; Cr K Anketell , Cr H Hewitt and Cr P Douglas
Administration Officer**

DECISION MAKING AUTHORITY

Council Decision

PURPOSE

The purpose is to consider a nomination from Cr K Anketell, Cr H Hewitt and Cr P Douglas to the Western Australian Planning Commission.

EXECUTIVE SUMMARY

To consider a nomination from Cr K Anketell, Cr H Hewitt and Cr P Douglas to the Western Australian Planning Commission.

REPORT

Background

The Western Australian Local Government Association called for nominations to the following:

- **WA Planning Commission**

Conclusion

As such Councillors and Officers were asked to nominate should they be interested in a position. Three nominations were received from the Cr K Anketell, Cr H Hewitt and Cr P Douglas.

STRATEGIC & POLICY IMPLICATIONS

N/A

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

N/A

Environmental

N/A

Social

N/A

BUDGET IMPLICATIONS

N/A

LEGISLATIVE AND LEGAL CONSIDERATIONS

N/A

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

N/A

Officer's Recommendation

That the above nominations from Cr K Anketell, Cr H Hewitt and Cr P Douglas be accepted and relevant information sent to the Western Australian Local Government Association.

ITEM NUMBERED C0402-11 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0402-11 Tender for the Supply of Replacement 4WD Backhoe

DataWorks Reference: Tender, Ian Goodbody
Purchasing & Improvement Co-ordinator

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Approval of agreement for the Supply of one only 4WD Backhoe

EXECUTIVE SUMMARY

This is a recommendation to Council that an agreement is made with Hitachi Construction Machinery (Australia) "Hitachi" for Supply of one only 4WD John Deere 315SG Backhoe.

➤ New Backhoe Purchase price:	\$112,218
➤ Less trade-in:	34,000
➤ Net cost excluding GST:	78,218
➤ Hydraulic Side Shift excluding GST:	4,400 *
➤ <u>Total Price (Excl GST):</u>	<u>\$82,618</u>

Hitachi's offer meets the tender compliance criteria; best satisfies the qualitative criteria (in meeting the technical specification and being the lowest overall cost).

* Excluded in tender assessment matrix

REPORT

Background

The existing Massey Ferguson 4WD Backhoe needs to be upgraded as it no longer meets the changing technical needs of City Works and being 13 years old with increased maintenance, has reached the end of it's economic life.

City Works has determined that hydraulic side shift is now a requirement of the replacement backhoe to facilitate ease of use and reduce safety concerns over the use of the existing manually operated side shift.

Tenders were invited by Public Tender in the West Australian on Wednesday 26th November 2003 with tenders closing on Friday 12th December 2003.

9 tenders were received, 8 for supply of replacement and trade-in, and 1 for outright purchase of the old backhoe only. Of the 8 replacement tenders, 7 conformed to tender compliance requirements. The non-compliant tender was included in the assessment but was excluded from being shortlisted due to price and obscurity of brand of backhoe offered.

Comment

Evaluation was based on each tenderers assessment against the Tender Qualitative Criteria, being net cost of change over and meeting the technical specification

Tender Qualitative Criteria & Weighting

<i>Tendered price of new vehicle</i>	60
<i>Comparison with specification</i>	40

7 tenderers satisfied the compliance criteria. Of those all met the qualitative criterion of meeting the needs of the specification. A short list of 2 was considered further based initially on price, and then in more detail to the finer points of the specification.

Cost

Cost was the distinguishing factor in selecting those offers for the tender shortlist.

Hitachi and CEA made the shortlist (*see table below*) based on offering quality machines at competitive prices. Welquip’s offer was non-compliant and was not considered further. All others were excluded due to price.

Supplier	Ex GST	Purchase Cost Ranking	Trade-in Excl GST	Net Cost (excl GST)	Net Diff \$ From Best	Net Cost Ranking	Brand
Hitachi	\$ 112,218.18	1	\$ 34,000.00	\$ 78,218.18	-	1	John Deere
CEA	\$ 121,636.36	6	\$ 35,000.00	\$ 86,636.36	-\$8,418	2	JCB
Welquip	\$ 128,042.00	8	\$ 40,000.00	\$ 88,042.00	-\$9,824	3	VF Venieri
Macintosh & Son	\$ 116,200.00	2	\$ 26,300.00	\$ 89,900.00	-\$11,682	4	New Holland
CJD	\$ 120,533.64	5	\$ 30,000.00	\$ 90,533.64	-\$12,315	5	Volvo
Case West	\$ 117,500.00	3	\$ 22,500.00	\$ 95,000.00	-\$16,782	6	Case
Komatsu	\$ 119,423.00	4	\$ 24,000.00	\$ 95,423.00	-\$17,205	7	Komatsu
Westrac	\$ 127,754.00	7	\$ 15,000.00	\$ 112,754.00	-\$34,536	8	Caterpillar

CEA offered a JCB machine which City Works have experience with and rate highly. The JCB also offered a marginally higher bucket height reach than Hitachi’s John Deere. Hitachi’s John Deere machine also met or exceeded the requirements of the depot.

Conclusion

Hitachi are ranked highest overall in the assessment and will realise a \$8,400 cost benefit to COF over the next best tender.

STRATEGIC & POLICY IMPLICATIONS

N/A

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

N/A

Environmental

NB: Gas fuel options were requested in the specification of the tender. None are presently available. The intention is to convert the successful machine to an alternative fuel when the opportunity and technology permits.

Social

N/A

BUDGET IMPLICATIONS

N/A

LEGISLATIVE AND LEGAL CONSIDERATIONS

N/A

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

The relevant City Works staff support the award of this tender to Hitachi

OFFICER'S RECOMMENDATION

That the offer from Hitachi Construction Machinery (Australia) for the purchase of a John Deere complete with Hydraulic Side shift including trade in of Plant No 72054 a 1991 M/F Backhoe be accepted by Council. (net cost \$82,618 excluding GST)

DEVELOPMENT ASSESSMENTS COMMITTEE

Items referred to Council from the Development Assessments Committee
held in the Council Chambers, Fremantle City Council
on 16 February 2004 at 6.00pm

DISCLOSURE OF INTEREST

MAYOR P TAGLIAFERR DISCLOSED AN INTEREST IN ITEM DAC0402-176 BEING AN INDIRECT FINANCIAL INTEREST VACATED THE CHAMBER AT THIS JUNCTURE BEING 6.28 PM AND DID NOT VOTE ON ITEM DAC0402-176

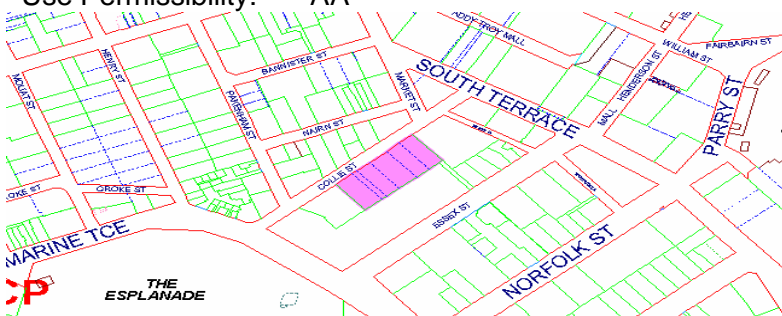
DEPUTY MAYOR CR P DOUGLAS TOOK THE CHAIR AT THIS JUNCTURE BEING 6.28 PM

CR H HEWITT ASKED IF ANY MEMBERS PRESENT AT THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD ON 16 FEBRUARY 2004 FORESEE ANY OBJECTIONS TO THE MINUTES AS PRINTED AND PRESENTED

Nil

**DAC0402-176 COLLIE STREET NO. 19 (LOT 174-176) FREMANTLE
CHANGE OF USE – TO LOUNGE BAR
(C26/19 DA788/03) (DM) (ATTACHMENT: ATT0402-176)
THIS APPLICATION IS Recommended for council APPROVAL**

Owner Name:	Margay Nominees Pty Ltd
Submitted by:	Keypearl Holdings Pty Ltd
M.R.S.:	Central City Area
T.P.S. No. 3:	Central Business
Heritage Listing:	No
Existing Landuse:	Vacant commercial unit
Lot area:	3621m ²
Public Area	258m ²
Use Permissibility:	AA



Proposal

Date received: 23 December 2003

Use Proposed: Entertainment

Details

The site is located on the southern side of Collie Street, adjacent to the existing cinemas and restaurants which form an extension of the 'cappuccino strip' commercial and entertainment precinct.

The subject site has been developed as part of the Collie Street car park development which incorporates a strip of commercial 'shop-front' premises facing Collie Street. The proposed development is located in the shop-front premises closest to South Terrace. The Collie Street car park is located directly above the subject site and the other new (vacant) commercial premises facing Collie Street.

Approval is sought to use the premises as a bar. The proposal indicates the premises being fitted out with bar and lounge facilities at the front of the building and service areas (cool room etc) towards the rear.

The use is proposed to operate Monday to Saturday from 6pm to 6am and on Sundays from 8pm to midnight.

The premises has a public area of 258m². The premises is proposed to accommodate between 300-400 patrons. The applicant has advised that the premises is intended to be licensed by way of transferring the liquor licence from the "Go-Club" to the subject site. The "Go-Club" licence currently relates to a property in Bannister Street, Fremantle.

The application incorporates a management plan and information submitted from an acoustic consultant.

DAC Agenda Attachments

- Location plan
- Site plan
- Application information
- Comments of Environmental Health Officer
- Comments received in response to advertising

Background

Site developed as 'shop front' type commercial unit as part of Collie Street car park development in which a range of uses are permissible.

Referrals – Internal Comments

Building Department

BCA advice:

- *Total 4 hand basins required*
- *3500mm exit widths*
- *All aspects of BCA to be complied with*
- *Premises shall not be occupied until a Certificate of Classification is issued by the Principal Building Surveyor*

Physical Services Department

No Comments

Environmental Health Department

(full comments as attachment)

Concern re noise

Residents amenity

Esplanade Hotel amenity

Acoustic report should be provided

Possible anti social behaviour

Consolidates entertainment strip

Limited public transport/taxi service

Liquor Licensing Division complaint/enforcement process is formal and time consuming

Officers of the licensing authority (LLD) visit Fremantle on an irregular basis now.

Environmental considerations:

More noise and people, because of the nature of the business, together with unruly behaviour of patrons contribute to a likely “adverse impact” for the wider community.

There is and some patrons will park in residential streets so avoiding fees that apply in commercial carparks.

Signage, lighting,

Comments regarding internal comments are provided below, following comment on Policy

External Submissions

Neighbour Notification Yes

The Planning Group – on behalf of Esplanade Hotel – PO Box 1138 East Victoria Park 6981

- Objection to the proposal.
- Adverse impacts on amenity of Collie Street and the Esplanade Hotel
- Esplanade Hotel Convention Centre was restricted in terms of opening hours.
- Esplanade Hotel Convention Centre was restricted in terms of facing away from Collie Street.
- Liquor Licensing Court placed restrictions on opening times for Esplanade Hotel convention centre.
- Non compliance with Town Planning Scheme No.3.
- Essex Street is Council’s preferred late-night pedestrian route.
- Use does not preserve or have regard to the amenities of Collie Street and as such is contrary to parts 37 and 77 of Town Planning Scheme No.3.
- The use will overtax the parking provision in the area.
- Cause anti social behaviour and safety risks in the vicinity of Collie Street and the Esplanade Hotel.
- Policy D.B.U6 ‘Late Night Entertainment Venues Serving Alcohol’ – site is not in stipulated preferred areas for night clubs and within 100m of residential property.
- The applicant has not adequately demonstrated how potential adverse impacts will be mitigated.
- Council is required to consider any history of complaints and manner of complaint resolution for the use.

D & S Cake – 28 Suffolk Street, Fremantle

- Oppose application
- Proposal will exacerbate the anti-social behaviour
- Amendment 59 to the TPS3 would effectively ban liquor venues from operating after 1am.

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- Social problems caused particularly in regard to patrons once they leave the licensed premises.
- If approval for this is granted, should be for a 12-month period only, to be reviewed on a yearly basis.

**D & J Hutchison - 50 Attfield Street, Fremantle
and**

G & A O'Sullivan – 26 Suffolk Street, Fremantle

- Object to the application on the grounds of consistent past objections to any new nightclub in the City of Fremantle.
- Precinct 4 has been in recess, and the opportunity has not arisen to discuss this at a precinct meeting.
- Unaware of any advertising on this proposal.
- Object to trading hours after 10pm on Sunday.
- Nightclub likely to contribute to late-night problems such as anti-social behaviour by patrons after they leave the premises.
- Public transport services and taxis are in short supply.
- Request a workshop be held on this application

Agnes Hughes – 5/8 Collie Street, Fremantle

- Fremantle is already well served with lounge bars
- Increasing number of residents in City centre
- Other uses would be better – deli, laundromat etc
- Owners may be persuaded to introduce alternative use

Sail and Anchor – Sail.and.Anchor @alhgroup.com.au

- Proposal will not interfere with operation of Sail and Anchor
- No objection

M Howard & L Lauder – 23 Suffolk Street, Fremantle

- Proposal will make anti-social behaviour worse, reducing residents' amenity

Harriet Olney Convener Fremantle Inner City Residents Association - 40 Cliff Street, Fremantle

- Objects to application on behalf of the Fremantle Inner City Residents Association
- Concerned about the pressures on night-time services in the city
- City of Fremantle and Police are only just managing to cope with the number of late-night liquor patrons currently in Fremantle
- Additional 300-400 will exacerbate current problems
- Negative impact on the amenity of residents living in Collie Street, South Terrace, Nairn, Essex and Henderson Streets and Marine Parade

I Alexander – 6/8 Collie Street

(Telephone call – written submission to follow)

- Objects to proposal
- Amenity concerns
- Inadequate advertising of proposal

Response to submissions

<u>Issue Raised</u>	<u>Brief Response</u>
Restrictions on Esplanade Hotel	The considerations taken into account in assessing the Esplanade Hotel will be considered in this application to the extent that they are relevant. The subject site and the Esplanade site differ in terms of location and proximity to other uses, and as such, direct comparison of conditions applied is not considered to be a valid exercise.
Liquor Licensing restrictions	This remains a matter for the Liquor Licensing Authority should planning consent be issued by the Council. Matters outside the scope of planning conditions can be considered in the assessment of applications and for liquor licensing.
Essex Street is Council's preferred pedestrian route	Essex Street is generally seen to be a busier street than Collie Street in terms of vehicular and pedestrian movement. The location of development sites at street level below the car park on Collie Street is seen to be in order to provide the opportunity for activity on the street. The proposed use is considered to contribute towards this street level activity.
Use does not preserve or have regard to the amenities of Collie Street	The use is not in itself considered to be contrary to maintaining the amenity of Collie Street. Noise is a manageable concern and the concern in regard to general anti-social behaviour is addressed below.
Impact on car parking	Car parking cannot be provided on the part of the site proposed for the development as the building takes up virtually the whole site. The site is located beneath a large, public multi-storey car park. The site is conveniently located for all available public transport, being within walking distance of the railway station and bus stops. Parking impacts are not considered to be an impediment to the proposal.
Anti Social behaviour	The issue of anti social behaviour generally is acknowledged. Anti social behaviour cannot, however, be solely linked to the use of the subject site as proposed. The matter of anti-social behaviour is considered a far broader issue than can reasonably be dealt with by the current planning application for the site.
Site not in preferred area for this use	See Policy comment below
Site within 100m of residential properties	See Policy comment below

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No history of complaints provided	As no night club or comparable premises has previously operated on this site, this is not seen to be a valid consideration. It is noted that planning consent relates to the land for which the application is made, not other land which may previously have accommodated a similar use.
Town Planning Scheme No.3 Amendment 59	At this time, proposed Amendment no.59 is being reviewed and has no statutory effect. (The Minister has removed provisions relating to hours of operation)
12 month temporary approval	Given the extent of works applied for, this is not considered to be a reasonable approach. Temporary approvals are generally applicable only to uses that do not incorporate significant physical works and related costs.
Objection 'in principle' to night club	The use is one that under the Scheme may be permitted at Council discretion.
Precinct 4 has been in recess, and the opportunity has not arisen to discuss this at a precinct meeting.	Noted, however, the proposal was widely advertised and local residents involved in the Precinct have made submissions.
Unaware of any advertising on this proposal; request a workshop be held on this application	Noted. A full, formal advertising procedure has been carried out in accordance with the Council's adopted standards.
Object to trading hours after 10pm on Sunday.	Noted. This will be regulated by the Liquor Licensing Authority
Public transport services and taxis are in short supply.	The provision of taxi services is not the direct role of the City of Fremantle, but is something that the City actively encourages. The location of the site is convenient for public transport.
Fremantle is already well served with lounge bars	Noted. The proposed use is effectively a relocation of a previously approved licensed premises and is considered to be a suitable relocation.
Increasing number of residents in City centre	Noted. This is considered an important consideration as a balance between residential and commercial uses should be retained in the City centre in order for the centre to be able to operate successfully.
Other uses would be better – deli, laundromat etc, owners may be persuaded to introduce alternative use	Noted. Various other premises exist along the Collie Street frontage of the car park. Should the uses mentioned be applied for, the Council will consider them as required.

Statutory Requirements

Requirements	Required	Provided
Car Parking Required	7.5/100m ² of public area	Collie Street car park
Loading Bay	No	No
Bin Storage	To be required	By condition

Relevant Policies

Council's Policy D.B.U6 'Late Night Entertainment Venues Serving Alcohol'

The site is located within the Central Business zone of the City.

Policy guidance is that night clubs should not be supported where they occupy ground-level street frontages. In this instance, however, the use proposed has a reasonably narrow street frontage (11m) and is surrounded by uses that either currently have, or have potential to have active frontages to Collie Street. In view of this, the use is not considered likely to create a significant gap in what has potential to be an attractive and active commercial street frontage to Collie Street. The street frontage location of the use is supported.

The site has been presented as replacing the "Go-Club" which DBU6 identifies as an approved and acceptable use within the City. In accordance with the policy this application does not increase the accepted level of night time activity within the City. The proposed premises are smaller (258m²) than the approved area for the "Go-Club" (474m²) effectively reducing the area available for this use at the present time. The Policy does not preclude further applications or approvals for the use, but provides guidance for appropriate location of additional premises if supported by Council.

The policy suggests that the preferred location for late night uses would be South Terrace, High Street and Market Street. Although the site is not in the suggested streets, it is in the general location/precinct of the entertainment area of Fremantle City Centre and is located next door to a cinema/restaurant development facing along Market Street.

The site is located within 100m of residential properties. It is acknowledged that this is outside the guidance offered by policy, however, residential properties on Collie and Nairn Street are approximately 80m walking distance from the site. Given that these properties are not on obvious 'desire-lines' from the site towards taxi ranks, the railway station or the main routes out of Fremantle, it is considered that the use is located a reasonable distance from residences.

It is noted that location of the use within the preferred streets suggested by the Policy could effectively locate the use closer to residential development.

D.B.H6 – Signs and Hoardings

Signage panels have been identified for the use. These are considered to be appropriately located and of a reasonable size. There is no objection to the signage location proposed, details of the signage should be submitted for approval and a sign licence.

Local Area Policy D.G.F14 'Fremantle West End Conservation Area Policy'

The site is located within Zone 3 of the Policy area. DGF14 primarily deals with the built form of development. The proposed use does not affect the built form as it addresses the street and as such is considered to comply with the policy.

General Considerations

Use

The use is an “AA” use under Town Planning Scheme No.3. As such it can be approved or refused by Council. The following considerations are intended to take into account issues with the use that have been raised through referral and assessment and have not been addressed above.

Noise

It is noted that noise can be a concern in regard to the operation of the type of use applied for. In this regard it is recommended that the applicant be required to provide evidence that the building will be fitted with satisfactory noise amelioration measures prior to operation. The applicant has noted in the information supporting the application that the building will require treatment to this effect.

In view of this, a condition of planning approval is recommended. This would require a suitably qualified acoustic consultant to provide noise amelioration specifications to the satisfaction of the Director Urban Management prior to the issue of a Building Licence. Work required to complete amelioration measures would be required to be completed prior to the occupation and operation of the use.

Notwithstanding the above, environmental legislation requires that appropriate standards of noise control are observed; and the Building Code of Australia also has noise transmission standards.

Patron behaviour

Concerns raised by residents in regard to anti-social behaviour within the City centre are acknowledged. Anti social behaviour may or may not stem from the use on site or the consumption of alcohol on site or on other premises within the City of Fremantle. The issue of crime and violence being generated or increased by the proposed development is a matter that cannot be directly linked to the land use on site. This connection can only be considered as speculative in terms of a planning assessment.

Location of the proposed use

It is noted that this property and the surrounding area are zoned Central Business and accommodate entertainment uses approved by Council. The proposed location of the use is considered to be appropriate in as much as the eastern end of Collie Street already accommodates entertainment uses and also abuts the Market Street and South Terrace entertainment areas.

The site is surrounded by properties that will be minimally affected by noise or pedestrian movement and is well located for access to public transport. The ‘relocation’ of the liquor licence to this site is considered to be a positive move in that the site is central and well serviced as noted above.

Enforcement/Policing

Given the location and nature of the area proposed for the development, some degree of management and control is considered to be part of the Council’s normal approach to the City Centre. The location of the use within a short distance of other entertainment uses is considered to consolidate the uses within the City centre rather than having them spread over a broader area. In terms of policing and control, the location is considered to be a positive feature of the proposal. The location is also considered to be positive in terms of people using entertainment premises as the distances between premises is smaller.

Levels of Police provision and the requirements for liquor licensing officials to inspect premises are outside the planning control of the City of Fremantle. The City will continue to fulfil its obligations in regard to carrying out health and public building inspections as required by statute/regulations.

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Given that other similar uses have been approved and now operate as part of the accepted Fremantle scene, it is considered that with appropriate management, the proposed use can reasonably be supported

Management Plan

The applicant has submitted a management plan dealing with various aspects of the operation of the use. It is recommended that this be further developed through discussion between the applicant and City officers prior to the operation of the use on site.

Amenity Comments

The amenity of the City centre as a whole and the locality surrounding the proposed use in particular have been considered in this assessment. The location of the site in a central commercial area accommodating entertainment type uses is seen to be a significant factor in this assessment. While the amenity of residents is considered, it must be borne in mind that the levels of noise and activity and the times that such noise and activity occur are not the same as in a suburban location. It is considered vital to the ongoing attraction of the City centre for a variety of activities to be able to co-exist. The expectation of a suburban level of amenity in a central City location is considered to be unrealistic and also, in the longer term, to be potentially damaging to the varied activities that contribute to the life and attractiveness of the City centre.

Conclusion

Subject to adequate noise control and the normal management controls required at liquor licensing stage on planning grounds, there is no objection to the use as proposed. The use is considered to be appropriately located away from residential properties and in close proximity to the established and recognised entertainment area of Fremantle.

Recommendation to Council

That the Council, GRANT planning consent under the Metropolitan Region Scheme and Town Planning Scheme No. 3 for change of use – vacant commercial premises to Lounge Bar at No. 19 (Lot 174-176) Collie Street, Fremantle, as detailed on plans dated 23 December 2003, subject to the following conditions:

- 1. A suitably qualified acoustic consultant shall provide noise attenuation specifications to the satisfaction of the Director Urban Management prior to the issue of a Building Licence. Works required to complete attenuation measures are required to be completed prior to the occupation and operation of the site.**
- 2. The applicant shall submit to the City a detailed Management Plan that comprehensively covers operation of the use, to the satisfaction of the Director Urban Management prior to issue of a building licence. The applicant shall consult with the City in this respect and shall have regard to the Fremantle Accord. The plan shall include (but is not limited to) operating hours, noise control including music and patrons; patron services including any food service, taxis and first aid; patron and crowd behaviour and control including staff training, security officers, security patrols, security cameras and Police; delivery times and access routes; cleaning and maintenance of the footpath in front of the premises; complaints handling procedure, protocols and contacts; and any other matters deemed relevant.**
- 3. A rubbish storage area shall be provided and screened from public view to the satisfaction of the Director Urban Management prior to occupancy and details shall be submitted at Building Licence stage.**

Advisory note(s):

- (i) A building licence is required prior to the commencement of construction works.**

- (ii) The applicant is advised that a total of four hand basins is required; 3500mm exit widths must be provided; all aspects of the BCA must be complied with.
- (iii) The premises shall not be occupied until a Certificate of Classification is issued by the Principal Building Surveyor.

Moved by: Cr. Helen Hewitt

For	Against
Cr. Helen Hewitt Cr. Tony Miosich Cr. Phil Douglas Cr. Bob Williams	Cr. Kathy Anketell

CARRIED: 4/1

CR H HEWITT MOVED THAT THE COMMITTEE RECOMMENDATION BE ADOPTED

SECONDED BY CR P DOUGLAS

CR K ANKETELL MOVED A REFERRAL MOTION BACK TO DEVELOPMENT ASSESSMENTS COMMITTEE AS SHE BELIEVED THE CONDITIONS SHOULD INCLUDE CASH IN LIEU AND ACOUSTIC BEING ADDED TO THE MOTION

SECONDED BY CR S MACKAY

AFTER DISCUSSION CR K ANKETELL WITHDREW HER MOTION TO REFER BACK TO DEVELOPMENT ASSESSMENTS

CR S MACKAY DID NOT AGREE TO WITHDRAW HER SECONDER

MOTION TO DEFERAL WAS PUT AND LOST 8/3

Against	For
Cr Helen Hewitt Cr Bob Smith Cr John Alberti Cr Tony Miosich Cr Bob Williams Cr Phil Douglas Cr Steve Gorman Cr Doug Thompson	Cr Kathy Anketell Cr Shirley Mackay Cr Geoff Graham

CR K ANKETELL MOVED AN AMENDMENT TO ADD AN ADDITIONAL SENTENCE TO CONDITION 1 IN ITALICS AND TO ADD A PART 4 IN ITALICS AS FOLLOWS

Recommendation to Council

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1. A suitably qualified acoustic consultant shall provide noise attenuation specifications to the satisfaction of the Director Urban Management prior to the issue of a Building Licence. *This shall have regard to the preliminary advice in the letter dated 24 November 2003 from Herring Storer Acoustics, with attention to all of the aspects identified therein, including particular attention to the location and treatment of the dance floor and DJ post as well as to the design and operation of the facade and entry.* Works required to complete attenuation measures are required to be completed prior to the occupation and operation of the site.
2. The applicant shall submit to the City a detailed Management Plan that comprehensively covers operation of the use, to the satisfaction of the Director Urban Management prior to issue of a building licence. The applicant shall consult with the City in this respect and shall have regard to the Fremantle Accord. The plan shall include (but is not limited to) operating hours, noise control including music and patrons; patron services including any food service, taxis and first aid; patron and crowd behaviour and control including staff training, security officers, security patrols, security cameras and Police; delivery times and access routes; cleaning and maintenance of the footpath in front of the premises; complaints handling procedure, protocols and contacts; and any other matters deemed relevant.
3. A rubbish storage area shall be provided and screened from public view to the satisfaction of the Director Urban Management prior to occupancy and details shall be submitted at Building Licence stage.
4. *The applicant shall provide for 8 car parking bays for the lounge bar, either on-site in the multi-storey car park or as a cash-in-lieu contribution of \$48,000*

Advisory note(s):

- (i) A building licence is required prior to the commencement of construction works.
- (ii) The applicant is advised that a total of four hand basins is required; 3500mm exit widths must be provided; all aspects of the BCA must be complied with.
- (iii) The premises shall not be occupied until a Certificate of Classification is issued by the Principal Building Surveyor.

SECONDED BY CR D THOMPSON

DEPUTY MAYOR CR P DOUGLAS ADVISED HE WOULD PUT THE 2 PARTS SEPARATELY

DEPUTY MAYOR CR P DOUGLAS PUT CONDITION 1 INCLUSIVE OF ADDITIONAL SENTENCE

PUT AND CARRIED UNANIMOUSLY 11/0

For	Against
Cr Helen Hewitt	
Cr Bob Smith	
Cr Shirley Mackay	
Cr John Alberti	
Cr Kathy Anketell	
Cr Geoff Graham	
Cr Tony Miosich	
Cr Bob Williams	
Cr Phil Douglas	
Cr Steve Gorman	
Cr Doug Thompson	

DEPUTY MAYOR CR P DOUGLAS PUT NEW CONDITION 4

PUT AND LOST 8/3

Against

Cr Bob Smith
Cr John Alberti
Cr Kathy Anketell
Cr Tony Miosich
Cr Bob Williams
Cr Phil Douglas
Cr Steve Gorman
Cr Helen Hewitt

For

Cr Geoff Graham
Cr Shirley Mackay
Cr Doug Thompson

DEPUTY MAYOR CR P DOUGLAS PUT THE RECOMMENDATION

1. **A suitably qualified acoustic consultant shall provide noise attenuation specifications to the satisfaction of the Director Urban Management prior to the issue of a Building Licence. *This shall have regard to the preliminary advice in the letter dated 24 November 2003 from Herring Storer Acoustics, with attention to all of the aspects identified therein, including particular attention to the location and treatment of the dance floor and DJ post as well as to the design and operation of the facade and entry.* Works required to complete attenuation measures are required to be completed prior to the occupation and operation of the site.**
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Advisory note(s):

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PUT AND CARRIED UNANIMOUSLY 11/0

For

Cr Helen Hewitt
Cr Bob Smith
Cr Shirley Mackay
Cr John Alberti
Cr Kathy Anketell
Cr Geoff Graham
Cr Tony Miosich
Cr Bob Williams
Cr Phil Douglas
Cr Steve Gorman
Cr Doug Thompson

Against

CONFIDENTIAL ITEMS

CLOSURE OF MEETING

The Ordinary Meeting of Council concluded at 7.12 pm.