

CITY OF FREMANTLE

Minutes of the Ordinary Meeting of Council

Held on Monday 13 September 2004 at 6.00 pm

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CLOSURE OF MEETING

MINUTES

DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

THE MAYOR, MR PETER TAGLIAFERRI DECLARED THE MEETING OPEN AT 6.04 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 Bob Smith; Cr Tony Miosich

City Ward

Cr Phil Douglas; Cr Steve Gorman

South Ward

Cr Geoff Graham; Cr Helen Hewitt

North Ward

Cr Doug Thompson

Acting Chief Executive Officer, Mr Graeme Mackenzie; Director Urban Management, Mr Jayson Mirogolotti; Manager Urban Environment and Control, Mr Bob Caporn; Land Use Planner, Ms Jill Gaynor; 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 Bob Williams

RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Mr David Utting
SDRCP0408-104 and Sealanes

Summary of Question

- 1a Is council contemplating allowing barriers around seating areas in outdoor cafes?
- 1b How many cafes use barriers? Interfoods has four barriers. Do they have approval? If not, have they been asked to remove them? If not why not? When will they be asked?
- 1c These tasteless barriers contain advertising, does this breach advertising regulations? Do they have Council approval? If not, have they been asked to remove them? If not why not? When will they be asked?
- 2a Sealanes: Multiplex told me Council officers and Councillors had advised the developer that POS should not be more than the mandatory 10% because Council does not want the effort of providing upkeep on additional area. This is a case of officers and Councillors pushing views completely at odds with the community.
Who are these officers and councillors who expressed that view to Multiplex?
- 2b Documented cases of planning officers rudely telling community members such as myself and John Dowson not to communicate with them, have been brought to the attention of the CEO and Mayor. What actions have been taken to ensure this does not occur again?
- 2c What is to be done to change the culture in planning and SPU, to make officers more in touch with community aspirations so they work to get what the Community wants, not to satisfy short sighted bureaucratic objectives?
- 2d Is SPU to be abolished? If so when?

Summary of Response by Manager Urban Environment and Control, Mr Bob Caporn

In response to question 1a, 1b, and 1c.

Council has approved amendments to the outdoor eating areas but mainly refers to the fees. The topic of barrier is being referred to our planners.

I am aware of four cafes who use barriers. Interfoods does not have Council approval and they have been asked to apply to the City to use them.

The advertising on barriers does not breach advertising regulations but does breach the City Signs Local Laws and an application would need to be made for approval.

If we have missed any cafes who have breached regulations we will write to them.

Summary of Response by Land Use Planner, Ms Jill Gaynor

Officers have advised Multiplex that the minimum of 10% open space is required and Multiplex have met the 10% minimum open space,

We are very conscious of the requirements for open space areas, the function and form that those areas can take, but we are also conscious of the ongoing costs of maintenance. Our preference is for open space areas to be contiguous – that is not lots of small spaces as smaller spaces are more costly to maintain and don't provide as usable space as larger areas. The latest proposal is out for public comment at the moment and if there are any comments made in submissions about open space I will be reporting on them to council.

Summary of Response by the Acting Chief Executive Officer, Mr Graeme Mackenzie

Mr Mackenzie advised he was aware of two email responses from staff which are inappropriate responses. However, with regard to bulk emails received throughout Council it is his intention to look at council's email policy to determine whether there is any better way of managing such incoming emails.

With regard to the culture and practices of the city officers, I don't believe planning officers act in their own interests. Planners are employed to assess development applications having regard to the City Planning Scheme, policies, and other regulations. It is these documents that set the agreed community expectations and standards. Officer reports to council (and committee) provide information of the assessment against those documents. There is no decision to make any changes to the organisation structure.

DISCLOSURE OF INTERESTS BY MEMBERS

Cr Bob Smith	SDRCP0408-108	Financial Interest
Mayor Peter Tagliaferri	SDRCP0408-105	Financial Interest

CR S GORMAN VACATED THE CHAMBER AT 6.15 PM

CR S GORMAN RE-ENTERED THE CHAMBER AT 6.15 PM

APPLICATION FOR LEAVE OF ABSENCE

The following Item was discussed later in the Meeting

C0409-04 Leave of Absence – Cr Phil Douglas

PETITIONS/DEPUTATIONS/PRESENTATIONS

Cr J Alberti presented a petition to Council to be referred to the appropriate Committee which reads as follows:

"We the undersigned object and petition you to not allow the residence located at the western corner of the junction of Cadd and South Street Beaconsfield to be used as a Dental Surgery".

Cr P Douglas presented a petition to Council to be referred to the appropriate Committee which reads as follows:

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"We the undersigned business proprietors (or their representatives) petition the city of Fremantle to consider the adverse effects of continuing to have Fremantle's major tourist attraction, "The Cappuccino Strip" (South Terrace/Market Street between High and Parry Streets inclusive) utilised as a major bus route resulting adversely on the local environment and visitor experience to Fremantle.

We request that alternative routes be considered to enhance Fremantle as a "Family Friendly and Sustainable City".

Cr S Gorman made a commendation to the City of Fremantle City Works Manager, Mr Ian Goodbody and his team on the progress of Council's Beach Street By pass road.

CONFIRMATION OF MINUTES

THE MAYOR, MR P TAGLIAFERRI MOVED THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON MONDAY 23 AUGUST 2004 BE CONFIRMED AS A TRUE AND ACCURATE RECORD SECONDED BY CR D THOMPSON CARRIED UNANIMOUSLY 11/0

For

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

Against

ANNOUNCEMENTS BY THE MAYOR

Mayor P Tagliaferri congratulated The Meeting Place and Adult Learning Australia for the success of the Dancefever event in the Town Hall. Mayor Tagliaferri thanked all involved and in particular to Cr Shirley Mackay for her show of skills on the dance floor. It was a sell out success.

Mayor P Tagliaferri congratulated the City of Fremantle Rangers for being awarded, for the second time, the Rangers Team of the Year 2004 award which was presented by the West Australian Rangers Association.

QUESTIONS BY ELECTED MEMBERS

Cr Kathy Anketell spoke of right of ways and difficulties experienced at a recent Development Assessments Committee meeting to progress the issue. She referred to Lois Lane in White Gum Valley and asked as these four right of ways were approved in the budget process, will the paving go ahead?

Response by Director Urban Management, Mr Jayson Mirogolotti

Yes, the right of ways will be paved. We have appointed a full time officer. It is progressing but progressing slowly.

Cr Kathy Anketell asked why don't the public get through to right officer when they phone up?

Response by Acting Chief Executive Officer, Mr Graeme Mackenzie

I will take that question on notice.

Cr P Douglas asked the appropriateness at public question time is given over to third parties not being named. I want it put on record I have not spoken to anybody from Multiple x or given any indication in so far as open space.

Response by Acting Chief Executive Officer, Mr Graeme Mackenzie

Mr Mackenzie advised that public question time is directed to the Mayor and it is entirely up to the Mayor to let other councillors or officers to answer a question. I will take the question on notice and provide a more detailed response.

RESPONSE TO QUESTIONS BY ELECTED MEMBERS

Nil

TABLED DOCUMENTS AND ATTACHMENTS

Petition re alternative bus routes

Petition re objection to Dental Surgery

Questions from Mr D Utting

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

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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

COMMITTEE REPORTS

CONFIDENTIAL ITEMS

CLOSURE OF MEETING

DEVELOPMENT ASSESSMENTS COMMITTEE

Items referred to Council from the Development Assessments Committee held in the Council Chambers, Fremantle City Council on 6 September 2004 at 6.00pm

CR H HEWITT ASKED IF ANY MEMBERS PRESENT AT THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD ON 6 SEPTEMBER 2004 FORESEE ANY CHANGES TO THE MINUTES AS PRINTED AND PRESENTED.

NIL

DAC0409-287 Deletion of Council's Policy D.B.M4 'Subdivision', creation of two policies D.B.M11 Residential subdivision Policy and D.B.M12 Non residential subdivision and structure plans final adoption (RM) (Attachment: Att0409-287)
This Item Is Recommended For Council Adoption

Purpose

Final adoption for local planning policy amendments and proposed policy deletion. The policy is recommended to be split into two policies to enable the public and officers to easily navigate the proposed document. It is envisaged that the residential subdivision policy will be more frequently referenced.

Relevant Background

October 4th 2002, The Minister for Planning and Infrastructure recommended the adoption of the Residential Design Codes.

The Residential Design Codes form the basis for residential development assessment policy for Western Australia. Council's Local Planning Policies in many cases are inconsistent with the new Codes and in some cases now irrelevant. The Codes are a key guide to subdivision, in conjunction with the WAPC and Council policies.

This report identifies the need to revise Council's Policies and in some instances delete policies that either conflict with the Codes or that is no longer applicable.

Comment

Deletion of Council's Policy D.B.M4 'Subdivision' and replacement policy.

Council's policy for the guidance of subdivision assessment was adopted in July 2000.

Since that date the introduction of the new R Codes has resulted in the need to revise Council's policy to reflect the new provisions of the Codes in terms of subdivision, whilst clarifying some of the common anomalies which have remained unclear and unresolved for those who wish to subdivide or strata their property and those who assess such applications.

The amended policy retains substantial content of the original policy with additional information regarding a 5% variation to site area applicable under the Codes, and also clarity regarding the interim provisions for properties coded R 20 in the current Scheme.

In essence the revised policy seeks to provide additional information and guidance for subdivision / strata applications in conjunction with the provisions of the new Residential Design Codes.

Policy Implications

Preparation of the policy is required to conform to the provisions of *Council's Policy D.A.13 'Application of procedures for making and amending Development Land Use Policies'*. The policy requires draft policies to be advertised for a minimum period of 28 days.

Community Consultation Comment

The proposed amendments to Council's policy were adopted for consent to advertise to the community on the 30th September 2003. The period of advertising was originally open until the 30th December 2003, but was however extended until the 30th March 2004 to allow the North Precinct and opportunity to comment in accordance with their meeting schedule.

The proposed policy has been advertised in accordance with Council's Policy D.A.13 'Application of procedures for making and amending Development Land Use Policies', which has included internet webpage access, policies available at the Service and Information Counter, letter of notification to key stakeholders which has included architects, surveyors and building companies. The notification has been sent to each Precinct for their comment.

South Precinct Comment

- Reduction to minimum and average lot sizes by 5% variation. They do not agree with the provision that the reduction to minimum lot size be restricted to one lot in a development. Furthermore the 5% should be available for strata title to green title conversions, and as such should be included in section 3.4 of the policy.
- Clause 2.4 regarding the provisions for a 5% variation – dot point five, limiting the 5% variation to developments that allow 'housing of the same type and form as land in the vicinity is not supported by the precinct convenor. They believe that this section should read "the same bulk and scale" as land in the vicinity.
- Clause 2.12 Battleaxe legs (ix) while supporting screening of driveways and visitor car parking bays a setback of at least 4 metres is seen as too harsh.
- Clause 2.13, Access off Rights-of- Ways and laneways. The subject of ROW is seen as contentious. Encouraging ROW's to create a streetscape free of crossovers is not supported by the precinct.
- Clause 3.5 Mixed use or composite sites, 1 (a).

In a situation where an owner of a business on the ground floor also lives in the dwelling upstairs the requirements to provide parking for both the residence and business as separate entities should be relaxed. (ii) b this clause will not work for two storey plus developments. The residential yield has to take into account plot ratio as well as land area.

- Clause 4.4 Cash in Lieu for Public Open Space. The circumstances where cash-in-lieu only could be extended to include situations where it is reasonable to expect nearby Council owned land could be converted to POS.

No other Precinct or individual comment received.

Comment on submission

Point one

The proposed policy provision for 5% variations is consistent with the WAPC Policy Manual DC 2.2 and the provisions included within that policy. It is assessed that in order to maintain consistency between the State and local government policies the application should be the same at both levels to avoid confusion. In this instance a 5% variation should only be supported to one lot in any proposed subdivision and may be applicable to both the minimum and average lot size in a subdivision / development.

A 5% variation may be applied to a strata title – green title conversion and in that instance shall only be applied to one lot in a subdivision.

Point two

“housing of the same type and form as land in the vicinity”

Again maintaining consistency with WAPC DC 2.2 Policy, the definition is taken from the State government policy and does not relate specifically to building style. The same type and form generally can be described as comparing a grouped dwelling development being allowed where other grouped dwelling developments existing within the local vicinity. It would therefore not be suitable to allow such a relaxation if for example a grouped dwelling development is proposed in a low density setting where that type of housing is not normally permitted.

Point three

With more specific reference to green title rear battle-axe style subdivision, it is a requirement of the Building Code of Australia for windows to be setback from boundaries to a certain distance to avoid the travel of fire. In a strata situation the requirements are lessened.

It is assessed that this clause 2.12 be modified as follows:

2.12 (ix) The R Codes require driveways and visitor bays to be setback at least 1.5m from a habitable room, or demonstrated by the applicant that the proposal complies with all relevant Building Code Requirements.

In general a 1.5m setback is the standard setback from a habitable room in a wall less than 9 metres in length and less than 3.5m in height.

Point four

'Encouraging ROW's to create a streetscape free of crossovers is not supported by the precinct.'

In accordance with review of Council's Policy D.A.15 'Policy And Procedures For The Dedication, Upgrade Or Closure Of Rights Of Way', Council's assessment position and general planning approach is that the lesser the amount of driveway crossovers, the better the streetscape. Driveways require crossovers and this may also conflict with street trees. It is assessed that where possible, Right-of-ways should be utilised for the purposes of subdivision and survey strata, where it can be established that portions may be widened or a streetscape within a right-of-way may be established.

Point five

Car parking requirements vary in degree according to the proposed use and the location of the development site. Council's Town Planning Scheme can allow for parking relaxation and in some instances cash-in –lieu payments are required where the parking ratio cannot be achieved.

Clause 3.5 (i) (a)

Is stating that if the parking is shared between residential and other uses, these parking bays shall not be designated to individual strata lots or be created as separate strata lots that may be leased to an external party.

Council does encourage the provision of on-site parking, however in some locations this can prove more difficult depending on traditional built form elements or the restrictive nature of the central city area. In such circumstances an applicant can approach Council to seek alternative parking considerations which can be considered on a merit basis.

Point six

Cash-in – lieu for public open space.

The precincts point is noted, however is not included within the scope of this policy review. This may be considered as part of further subdivision policy review.

Conclusion

The draft policy is consistent with the statutory changes to State government policy, in specific the Residential Design Codes. The deletion and amendment to Council's policies seek to update the existing policies and delete those which are duplicated or no longer applicable. It is recommended that the proposed changes to policy will simplify the assessment of associated applications and demonstrate an easier to understand guideline for the City and its residents.

It is noted that the policy is similar to the existing policy, however, updated and modified to suit the current planning legislation, policy and Residential Design Code provisions.

It is recommended that these changes be supported with consistency with State government policy for subdivision of land.

Recommendation to Council

That the Council, ADOPT:

1. The proposed deletion to Council's Policy D.B.M4 'Subdivision' ,
2. The proposed creation of policy D.B.M.11 Residential Subdivision &
3. The proposed creation of policy D.B.M.12 Structure Planning and Non-Residential Subdivision

Moved by: Cr. Helen Hewitt

For	Against
Cr. Helen Hewitt Cr. Tony Miosich Cr. Kathy Anketell Cr. Phil Douglas Cr. John Alberti Cr. Doug Thompson	

CARRIED: 6/0

CR H HEWITT MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED
DAC0409-287 BE ADOPTED
SECONDED BY CR D THOMPSON
CARRIED UNANIMOUSLY 11/0

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

STRATEGIC PLANNING COMMITTEE

Items referred to Council from the Strategic Planning Committee
to be held in the Committee Room, City of Fremantle,
7.30pm – Monday, 30 August 2004

MAYOR P TAGLIAFERRI ASKED IF ANY MEMBERS PRESENT AT THE
STRATEGIC PLANNING COMMITTEE MEEETING HELD ON 30 AUGUST 2004
FORESEE ANY CHANGES TO THE MINUTES AS PRINTED AND PRESENTED

Nil

**SP0408-63 Town Planning Scheme No. 3 Amendment No. 66 for
Lot 1354 Knutsford Street, Fremantle – Final Adoption
Attachment No. ATT-SP0408-63**

DataWorks Reference: Masterplan Consultants, 115/054 and 217/016,
Lot 1354 Knutsford Street
Author: Jill Gaynor, Land Use Planner
Actioning Officer: Jill Gaynor, Land Use Planner

DECISION MAKING AUTHORITY

Council Decision – SIMPLE MAJORITY

DECLARATION OF INTEREST

None

PURPOSE

For Council, to receive and note the submissions made on the advertised amendment and recommend final adoption of the amendment to the Western Australian Planning Commission and Minister for Planning and Infrastructure.

EXECUTIVE SUMMARY

The amendment proposes to rezone lot 1354 Knutsford Street from Industry to Residence zone, to allow redevelopment of the site for residential purposes. Residential densities between R20 and R40 are proposed. The amendment is consistent with the Swanbourne Knutsford Street Structure Plan adopted by Council in December 2003. Advertising of the amendment has resulted in concerns about increased traffic and some concerns on density. Final approval of the amendment is recommended with advice to the landowner on traffic and other design issues that require resolution prior to a subdivision application. The request from nearby residents for further opportunity for involvement in the future planning of the site is also included in the recommendation.

REPORT

Background

In December 2003, Council granted conditional approval to a structure plan for the Swanbourne-Knutsford streets area (item SP0312-58 refers). The structure plan covers three separately owned properties: lot 1354, Department for Planning and Infrastructure; Reserve 11384, Public Education Endowment Trust; and lots 1737 and P1356 owned by the Commonwealth of Australia.

Note, a copy of the structure plan is on display in the Committee Room.

In January 2004, the City received a request to formally initiate an amendment for lot 1354, to rezone the site from Industry to Residence zone, with a range of densities consistent with the approved structure plan. The amendment format also sets up a development plan over the site to address site remediation requirements.

Open space is not proposed to be provided on this site, as per the structure plan. LandCorp (who are the likely developers of the site) have provided a letter giving their written commitment to shared provision of open space in accordance with the structure plan.

Council's approval of the structure plan was conditional upon a range of issues. These will be addressed at or prior to the subdivision stage and include drainage, lot orientation and treatment of laneway lots. Comments in submissions on the amendment reflect many of the comments made on the structure plan. The recommendation reinforces these issues.

Progressing the redevelopment of Lot 1354 is seen as an important catalyst to redevelopment in this area. It is likely LandCorp will purchase the site from the Department for Planning and Infrastructure (DPI). LandCorp are project managing the amendment process for DPI.

The remaining sites in the structure plan area are not included in the amendment and redevelopment of these sites will be staged in the next few years.

Comment

Amendment 66 was advertised between 26 June 2004 and 9 August 2004. Advertising included an advertisement in the Port City Column, a sign placed on site, a letter sent to 49 adjoining property owners and information posted to the community consultation page on the website. Twenty one submissions were received and the issues raised are summarised in the schedule of submissions in Attachment ATT-SP0408-63.

The submissions note general/in principle support for residential use of the site but concern is raised about:

- the impact of additional traffic on Chalmers Street and other traffic options that exist;
- some opposition to the extent of R40 development proposed;
- opposition to laneway development proposed in the structure plan;
- request for public open space to be provided on the site;
- request for power lines to be placed underground; and
- request for more feedback on the development through the precinct system.

It is noted the Land Use Planner met with some concerned residents on 12 August 2004 to discuss the proposal. Whilst residents support the intent of the amendment, further input on the development prior to the subdivision stage is requested. Meetings between the project developers and residents will be facilitated by City officers.

It is noted the comments made on the amendment are similar and reinforce comments made in relation to the structure plan. The issues raised are valid and can be addressed through the planning system and should not hold up the amendment. The amendment sets in place land use and density provisions and the Council recommendation can be used to reinforce objectives for future development.

With regards to the traffic impact of new development, there will no doubt be a rise in traffic volumes on streets adjoining the development. In relation to the structure plan, relevant City officers advised the adjoining street network has sufficient capacity to accommodate increased traffic generated by development. However, an equitable spreading of the traffic impact is desirable and two traffic access points to Chalmers Street should not be supported by the City.

Residents are also concerned with the potential for/extent of laneway development, as the structure plan showed an east-west laneway between Amherst and Chalmers Street, duplicating Blinco Street. This concern was supported by officers and the Council in the assessment of the structure plan. The City response on the amendment, should again state that other options be explored to the use of laneways and that the City will require lots to orient to and address Chalmers Street. Laneways may provide a suitable outcome on part of the site in order to protect existing vegetation and/or outcropping limestone. The City may require design guidelines prior to subdivision to address these and other issues. These issues can be negotiated through the subdivision process to ensure the amenity of residents opposite the site is not adversely impacted.

In relation to density, there is some concern that the extent of R40 exceeds that shown in the structure plan. The structure plan indicated a density range, for the 'yellow' laneway lots between R35 and R40, hence the amendment proposes the upper limit of the structure plan but is not inconsistent with the structure plan. The Council decision on the structure plan did indicate support for densities in this range. Densities across the structure plan area will provide housing opportunities ranging between R20 and R40.

Conclusion

The amendment is largely consistent with the adopted structure plan and use of the site for residential purposes is supported in community submissions. It is noted the amendment process seeks to put in place land use and density provisions and not resolve issues associated with subdivision of the site.

This process can be used however, to highlight for the future land developer, issues that require resolution prior to or as part of the subdivision assessment process. These include use and extent of laneways; truncations, sightlines, lighting, amenity, landscaping, surveillance and fencing to rear laneways; achieving a more equitable traffic solution and potential to require a traffic impact study prior to subdivision application; further examination of drainage requirements and solutions; and extent of cut and fill and potential to safeguard outcropping limestone. This advice is consistent with that provided on the structure plan and should be noted in the City approval of the amendment. The request of nearby residents to be kept informed and have further opportunity for input to the subdivision design of the project is supported and will be facilitated by City officers.

STRATEGIC & POLICY IMPLICATIONS

The scheme amendment has the following links to the City Plan: A Beautiful and Accessible Place – mix of housing types (range and choice, public and private), facilities and infrastructure, environmental management and sustainable transport (site is close to public transport in High Street).

A structure plan that included lot 1354 was adopted by Council in December 2003. There are no specific City policies that cover lot 1354.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

- Redevelopment of an underutilised site, in an area blighted by lack of investment.
- Increase in rates base for the city.
- New investment in infrastructure including water and sewerage.

Environmental

- Clean up and rehabilitation of a contaminated site.
- Potential to retain outcropping limestone and existing vegetation.

Social

- Removal of unattractive and inappropriate industrial activities from a part residential precinct.
- New range of housing opportunities, close to the city centre and other amenity features including Booyeembara Park and the golf course.

BUDGET IMPLICATIONS

There are no budget implications from adopting the scheme amendment.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The scheme amendment will be advertised and processed in accordance with the Town Planning Regulations.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Consultation undertaken for the amendment is outlined in the Comment section above.

OFFICER'S & COMMITTEE RECOMMENDATION

That:

1. The recommendations made in the Schedule of Submissions in Attachment ATT-SP0408-63, attached to the Agenda/Minutes be adopted; and
2. Amendment No. 66 be adopted without modification and that subject to receipt of advice that the Hon. Minister for Planning and Infrastructure is prepared to grant final approval to the amendment, the Common Seal of the City of Fremantle be affixed to the unmodified documents in the presence of the Mayor and Chief Executive Officer.
3. The City advise the landowner that the following issues be addressed with City officers prior to subdivision application: use and extent of laneways; truncations, sightlines, lighting, amenity, landscaping, surveillance and fencing to rear laneways; achieving a more equitable traffic solution and potential to require a traffic impact study prior to subdivision application; further examination of drainage requirements and solutions; and extent of cut and fill and potential to safeguard outcropping limestone. Chalmers Street to have only 1 (one) road connection.
4. The City also note its expectation that the landowner will continue to liaise with City officers and community members as planning for the site progresses.

Moved: Mayor, P Tagliaferri

Carried: 7/0

For:

Mayor, P Tagliaferri
Cr. K Anketell
Cr. S Gorman
Cr. H Hewitt
Cr. S Mackay
Cr. B Smith
Cr. D Thompson

Against:

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION
NUMBERED SP0408-63 BE ADOPTED
SECONDED BY CR D THOMPSON
PUT AND CARRIED UNANIMOUSLY 11/0

For

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

Against

LIBRARY ADVISORY COMMITTEE

Items referred to Council from the
Library Advisory Committee Meeting
held in the Committee Room, City of Fremantle,
5.30pm – Monday 30 August, 2004

CR SHIRLEY MACKAY ASKED IF ANY MEMBERS PRESENT AT THE LIBRARY
ADVISORY COMMITTEE MEETING HELD ON 30 AUGUST 2004 FORRESEE ANY
OBJECTIONS TO THE MINUTES AND PRINTED AND PRESENTED

Nil

CR SHIRLEY MACKAY MOVED ENBLOC THE FOLLOWING
RECOMMENDATIONS NUMBERED SDRCP0408-96 AND SDRCP0408-97
BE ADOPTED
SECONDED BY CR D THOMPSON
PUT AND CARRIED UNANIMOUSLY 11/0

For

Against

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

**SDRCP0408-96 Library and Information Service Report: for April – June 2004 (Council Decision)
Attachment Nos. ATT-SDRCP0408-96a and b**

DataWorks Reference: Betty McGeever; LIB233: 039/007;

City Librarian

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

STATISTICS

(a) MEMBERSHIP 30 JUNE

	<u>Adult</u>	<u>Junior</u>	<u>Total</u>
Fremantle residents	7,194	1,194	8,388
East Fremantle residents	1,374	235	1,609
Non-residents, employees in Fremantle	986	0	986
Non-residents, employees in East Fremantle	14	0	14
Non-residents students in Fremantle	320	36	356
Non-residents students in East Fremantle	2	6	8
Non-residents (Melville residents)	1,333	160	1,493
Non-residents (Cockburn residents)	1,513	166	1,679
Non-residents (Cottesloe/MP/PG residents)	601	46	647
Non-residents (Kwinana residents)	91	5	96
Non-residents (Rockingham residents)	97	6	103
Non-residents (elsewhere)	726	23	749
Staff	24	0	24
Temporary members	41	0	41
TOTAL 30 June 2004	<u>14,316</u>	<u>1,877</u>	<u>16,193</u>

TOTAL 30 June 2003	<u>14847</u>	<u>1922</u>	<u>16769</u>
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These figures include 74 homebound people to whom the library delivers, but excludes 18 institutions which have bulk loans from the library.

Also excluded are 237 public libraries (registered as members for inter-library loan purposes) and all blacklisted borrowers (retained on the database to intercept defaulters).

(b) STOCK ISSUED APRIL – JUNE 2004

	<u>Adult and Child Members</u>	<u>Other Libraries</u>	<u>Hospitals (bulk loans)</u>	<u>Home-bound Members</u>	<u>Total</u>
Adult fiction	22,506	572	349	1,323	24,750
Adult non-fiction	16,851	674	98	214	17,837
Languages other than English	915	14	15	0	944
Inter-library loans	1,112	20	6	34	1,172
Junior fiction	11,775	99	0	16	11,890
Junior non-fiction	2,915	51	0	0	2,966
Young Adult	995	20	0	0	1,015
Magazines	1,716	0	0	35	1,751
Pamphlets & Maps	2	0	0	0	2
Music CDs	2,823	0	0	6	2,829
Musicassettes	63	0	0	7	70
Reference	3	11	0	0	14
TOTAL 30 June 2004	<u>61,676</u>	<u>1461</u>	<u>468</u>	<u>1,635</u>	<u>65,240</u>

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TOTAL 30 June 2003	62,504	1,480	330	1,670	65,984
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Daily Averages April – June 2004	869	20	7	23	919
Daily Averages April – June 2003	833.5	20	4.5	22	880

Note: Figures include issues and renewals Open 71 days (75 days in 2003)

(c) ITEMS ON LOAN TO OUR MEMBERS

	17 May 2004	27 May 2003
Adult non-fiction	4,427	4,671
Adult fiction	4,558	4,688
Magazines	300	320
Other languages	178	206
Music cassettes	11	24
Music CDs	501	534
Pamphlets & Maps	0	1
Adult stock	9,975	10,444
Children's stock	4,193	4,090
Young Adult stock	298	254
Other libraries' stock	501	439
Total items on loan	<u>14,967</u>	<u>15,227</u>

(d) REQUEST AND INFORMATION SERVICE APRIL – JUNE 2004

	<u>2004</u>	<u>2003</u>
Requests for items in stock	1321	1165
Requests for inter-library loans	1481	1338
Fre-info queries	2159	2179
Local History queries	792	757
General queries (est)	5057	5044

In addition staff handled 1583 requests from other libraries (1683 same quarter in 2003)

(e) ON-LINE SERVICES APRIL – JUNE 2004

Hits on Fre-info databases: 6845 (5741 same quarter 2003)

OPAC (on-line public access catalogue) queries: 52193 (unknown)
NB: includes searches in the library, and elsewhere.

Community Access Internet sessions (in the library): 1606 (1409)

Internet-for-absolute-beginners training sessions: 1 (2)

EBSCO logins: 102 users made 319 searches, they then accessed 310 full-text articles and 299 abstract (152 users made 444 searches)

(f) VISITS APRIL – JUNE 2004

	2004	2003
Total:	55196	58014
Daily average:	777	774

LOCAL HISTORY SERVICE

The Local History Section enjoyed a busy and fruitful quarter with 792 requests coming in via telephone, visits, e-mail and written queries.

In March/April a customer survey was conducted by Sam Liddelow, a third year Curtin University practicum student. This survey revealed that there was a high customer satisfaction rating for the staff's efforts in endeavouring to answer fully each query, and an appreciation of the depth of the material held in the collection. Conclusions and suggestions put forward by Sam will be considered eg an ongoing questionnaire rating customer satisfaction incorporated into current procedures, and the addition of a link to the Batty Library of WA History from the local history content on the Library's website. (see Attachment No. ATT-SDRCP0408-96a).

Although there are now minimal backlogs of material to be processed, the local history librarians are regularly confronted with once off tasks that are time-consuming. The collection of maps received from the Properties Department in the previous quarter will be a valuable addition for the local history service but much indexing work needs to be done to ensure accessibility and ease of retrieval.

Several writers were assisted in their preparation of books about Fremantle. Staff also assisted in the selection and processing of some of the Fremantle Society photographs preparatory to their digitisation for inclusion on the website of the National Trust. The oral history projects with Fremantle Foundry and Fremantle Trotting Club continue (see Attachment No. ATT-SDRCP0408-96b).

Last year eminent photographer Michal Lewi offered use of his negatives to add 96 images of Fremantle buildings to the local history collection. The small prints have now been made, added to the public access collection and indexed. They are photographs of excellent quality, and an important addition to our stock, thanks to Michal Lewi's generosity. He has also donated the originals, which were used for an exhibition in the 1970s.

The catalogue of local history monographs and oral history interviews, which has been on a stand alone InMagic database, accessible only in the local history area, has been converted to the format of the main library catalogue. The conversion went smoothly, but each of the over 2000 catalogue records needs to have a stock item record added for the public view. The outcome of this work will be that the public can check for a local history stock item at every on-line catalogue (including the terminal at the Town of East Fremantle), and on the Internet. Geraldton library will follow the same path, and will share the cost of the conversion software with us. Their local history librarian Anne Boyle visited to check the process.

Librarian Loretta O'Reilly was a committee member of the Fremantle Heritage Week committee. This involved a series of meetings and culminated in the judging of the inaugural Fremantle and East Fremantle Local History Awards.

The Fremantle Heritage Festival was successful in promoting local history service with good attendances for most of the events staged in the Library. The Photographic Exhibition of past Fremantle Award winners ran from 31 May until 8 June. Many people viewed this display with some expressing the wish that the photographs be shown on a more regular basis as they served as a reminder of the winners in each category ('and something to aim for' as far as their own renovations/preservation went!).

On Tuesday 1 June, five volunteers from the West Australian Genealogical Society assisted people with their genealogical inquiries. Some people arrived and then went home for their research so that they could use the time more fruitfully. This event was very well attended with a steady stream of people all day.

An Aboriginal Family workshop held on Wednesday 2 June did not attract an audience and illustrated the need to publicise more widely to the appropriate groups and associations. Next year we intend to have a similar workshop and will use a personal approach with individual invitations to ensure widespread knowledge of this event.

On Saturday 5 June an Oral History workshop was conducted by Marnie Richardson. This was attended by an enthusiastic group of eight who were genuinely interested in oral history and its place in the gathering of historical information for preservation and conservation purposes.

SERVICE FOR CHILDREN

In addition to the regular lending and reference service, class visits and storytime sessions, the Children's Librarian offered several special events that promote reading and library use.

The hundredth anniversary of the birth of Ted Geisel, better known as Dr Seuss, and the 75th birthday of Eric Carle, the creator of *The Very Hungry Caterpillar* inspired "Cat and Caterpillar Cake", a series of two holiday activity sessions in the April school holidays. Children attending helped to create a papier mache birthday cake which was later displayed in the library. Other craft activities included making *Green Eggs and Ham* placemats, *The Cat in the Hat* hats, and caterpillar and eagle kites. The second session ended with a caterpillar party which included face painting, sharing of caterpillar food and a lively party game based on this famous book.

Promotion of the library service for children, through the Reading Rewards program, continued during the quarter. The Children's Librarian visited 113 Year One students at St Patrick's, Beaconsfield and Richmond Primary Schools during the quarter. By the end of June 31 children had joined the program and information about Reading Rewards was sent to all schools which had not been visited. Further visits to schools are arranged for Term 3.

Australian Library and Information Week 2004 was celebrated in the Children's Library by an after-school Yu-Gi-Oh! practice duel session. Yu-Gi-Oh! is a card game based on a television series. The game involves complex rules and strategies and requires reading and maths skills. A free card was offered to all participants and the session attracted 41 boys aged between 6 and 11 years to the library.

Promotion of library services has been enhanced by the stylish new coloured brochures. Sets of brochures have been sent to child health centres and information on library services and special events for children were requested by and forwarded to the Speech Pathology Department at Fremantle Hospital. The brochures have attracted attention to the Toddler Tales program, with an increased number of parents registering their interest in joining the program.

COMMUNITY INFORMATION SERVICE

Use of the Fre-info databases via the Internet continues to increase with almost 7000 this quarter, while the queries to the Fre-info desk remain fairly constant around 2000 per quarter.

The weeks leading up to Street Arts Festival in April and the Heritage Festival in June were particularly busy. The Web hits include 33 hits on the April Holiday program which is now available each school holidays through Fre-info's Events database.

For over a year Community Information Librarian Jane Brinsden has been on Radio Fremantle around 8 am every Tuesday morning to talk about events in Fremantle. From the end of June, Radio Fremantle is available live via the Internet, so the station is receiving email and phone calls from as far away as Canada and the UK.

Jane has attended training in Scripting for use with Inmagic. This enables her to refine and quicken various processes when using the Inmagic databases.

STAFF

Long standing staff member Ann Allen resigned effective 12 May. Ann has worked in a part time capacity for many years and will be missed from the library team. Ann's position was filled by Cheryl Avery, a former staff member who has very capably picked up the workload.

Library assistant Dina Nurovic attended Dataworks training which will be essential to her when she acts for the Library Administration Officer's long service leave in August/September.

Library assistant Jennifer Curtis attended an in-house introductory session on Records Management to improve her understanding of this role within the organization. This session will be repeated and other library staff will attend.

All library staff attended sessions to complete the corporate staff survey.

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Librarian Julie Caddy participated in the 2004 Local Government Management Challenge. The City of Fremantle team won the Western Australian competition and went on to win the Australasian title in the national finals in Melbourne. Julie also was closely involved with the restructure of the Supervisors Group and has stepped back into a participatory role with the implementation of the new group and election of a new Chair.

The library hosted a practicum by an Edith Cowan library studies student during April and May. The practicum was a valuable experience for the student, and had some benefit for the library through her completing some procedures to assist customer access to reference CD-ROMs that staff had not been able to find the time to do.

Julie Caddy attended a demonstration of the ProQuest serials database. This is potentially a very useful database, but expensive, and although Australian content is increasing, it is still very American in content.

The local history librarians attended an all day preservation workshop at the State Library in April.

Betty McGeever, Julie Caddy and Jane Brinsden were involved in the corporate Australian Business Excellence Framework teams. This was a labour intensive process for all three librarians and had some impact on service, use of relief staff and workloads.

The City Librarian was a speaker at a professional development seminar for public librarians, held at Town of Cambridge in April. This is part of an information sharing strategy to combat the problems of an aging workforce!

To complete an action from the 2003/04 business plan, library support staff held their final workshop to review clerical jobs. A number of efficiencies have been introduced as a result of this.

All staff contributed to the library's 2004/2005 Business Plan.

GENERAL

The best news of the quarter was the State government announcement on 6 May of an additional \$10.3 million for public library resources over the next four years.

The lobbying campaign and the statewide @your Library promotional campaign has raised the profile of public libraries, and staff have tried to capitalize on that. A library display in the Town Hall arcade for the month of May promoted the theme 'Your future @your Library' as well as a general promotion of the library. Precincts Officer Steve Grant has presented a brief library promotion to all precincts and distributed batches of the new glossy brochures.

A small celebration of the success of the lobbying campaign for increased state government funding was held to thank the Fremantle library members who wrote to their member of Parliament or to the press. The people invited were the ones who provided copies of their correspondence to the library or who had been published in local papers, many others will have written without the library being aware.

On Saturday 26 June, a talk on mental illness by Lynne Folkard (author of "The Rock Pillow") attracted a crowd of over 30 people. The event was promoted beyond the library users, with flyers sent to organizations in the Fremantle/East Fremantle area with an interest in mental illness. Some attendees combined attendance at the talk with a visit to the library.

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Many obviously had a personal interest in the topic, and discussion continued for some time; one group made use of the Fre-info service following the conclusion. It was an excellent talk, deeply personal, and very informative.

Language Learning and Reference CD-ROMs again became available to the public after almost a year's absence. Close monitoring of these in conjunction with IT staff has been occurring.

Stockitem statistics codes were streamlined in readiness for the new financial year. The changes will mean less opportunity for data input error and easier collection of usage statistics.

A review of the library web page showed that changes earlier in the year had caused the counting of online usage to be incompletely measured. This was fixed from 9 June and statistics from that day forward are accurate.

OFFICER'S RECOMMENDATION / RECOMMENDATION TO COUNCIL

That the information be received.

Moved:	Cr. Shirley Mackay	Carried:	9/0
For:	Mayor Peter Tagliaferri	Against:	
	Cr Shirley Mackay		
	Cr Bob Smith		
	Cr Steve Gorman		
	Cr Helen Hewitt		
	Jean Hobson		
	Gerry MacGill		
	Brian Steele		
	Mr Chris Hill		

ITEM NUMBERED SDRCP0408-97 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING.

SDRCP0408-97 State Library of WA: Strategic Plan 2004-2008 (draft)
Attachment Nos. ATT-SDRCP0408-97a, b and c (Council Decision)

DataWorks Reference: State Library of WA ;103/002 ; LIB11

Author: Betty McGeever, City Librarian

Actioning Officer: Betty McGeever, City Librarian

DECISION MAKING AUTHORITY

Council Decision

PURPOSE

Seek Council endorsement of letter sent in response to invitation to comment, by 10 August, on State Library of WA (SLWA) draft Strategic Plan 2004-2008 (see Attachment Nos. ATT-SDRCP0408-97a, b and c).

EXECUTIVE SUMMARY

SLWA has developed a draft Strategic Plan, including the services offered from the Alexander Library Building in Perth, and the public library service offered in partnership with local government. It was noted that local government and provision for resources for public libraries are not well presented in the goals, outcomes and strategies in the draft plan, and the City's response reflects these shortcomings.

REPORT

Background

Although SLWA have several policy documents which outline standards, it has no over-arching Strategic Plan which shows its overall future direction. Local government librarians have expressed the need for a forward plan with clear goals and standards, for many years, so the initiative is welcome.

Comment

The draft Plan is not seen to have strong statements of vision, goals, strategic outcomes or initiatives. The vision is virtually a statement of the status quo, and there are no five year initiatives; achieving the initiatives for 2004/05 as stated would have little positive affect on public libraries. It is disappointing that SLWA sought no input from local government in drawing up the public library component of the plan, although the covering letter claimed that there had been extensive consultation with stakeholders. The proposed Framework Agreement is still being negotiated, and has reached something of a stalemate because the State is unwilling to include standards. A strong Strategic Plan that would reinforce the need for meaningful standards would be particularly useful at this time.

Because the City's position on the State/local government partnership was well known from the lobbying campaign and from other recent items pertaining to SLWA performance, the response was sent to meet the deadline of 10 August. The draft Plan was to be considered by the Library Board of WA on 12 August.

Conclusion

The SLWA document needs extensive reworking to make it an effective strategic planning tool for the future direction of the public library service of WA. The letter sent from the City's Acting CEO made that clear, suggested improvements and asked for an opportunity for further local government input into any revision. The City's endorsement is sought.

STRATEGIC & POLICY IMPLICATIONS

This has a general connection to the City Plan, in particular service delivery and meeting the community's current and future needs.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic Nil

Environmental Nil

Social

An SLWA strategic plan with goals that address the needs of public libraries will be of long term benefit in providing better quality library service to the community.

BUDGET IMPLICATIONS Nil

LEGISLATIVE AND LEGAL CONSIDERATIONS Nil

PRECINCTS, OTHER COMMITTEES' RECOMMENDATIONS, OTHER CONSULTATION

This item is hereby presented to an Advisory Committee; it has not been to precincts.

OFFICER'S RECOMMENDATION

That Council endorse the letter sent on 10 August to SLWA in response to their Strategic Plan 2004-2008 (draft).

Moved: Cr. Shirley Mackay For: Mayor Peter Tagliaferri Cr Shirley Mackay Cr Bob Smith Cr Steve Gorman Cr Helen Hewitt Jean Hobson Gerry MacGill Brian Steele Mr Chris Hill	Carried: 9/0 Against:
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SERVICE DELIVERY REVIEW & CORPORATE PERFORMANCE COMMITTEE

Items referred to Council from the
Service Delivery Review & Corporate Performance Committee
held in the Committee Room, City of Fremantle,
5.30pm – Monday, 30 August, 2004

MAYOR P TAGLIAFERRI ASKED IF ANY MEMBERS PRESENT AT THE SERVICE DELIVERY REVIEW AND CORPORATE PERFORMANCE COMMITTEE MEEETING HELD ON 30 AUGUST 2004 FORESEE ANY CHANGES TO THE MINUTES AS PRINTED AND PRESENTED

Nil

MAYOR P TAGLIAFERRI MOVED EN BLOC THE FOLLOWING RECOMMENDATIONS NUMBERED SDRCP0408-101, SDRCP0408-102, SDRCP0408-103, SDRCP0408-109 AND SDRCP0408-110 BE ADOPTED SECONDED BY CR D THOMPSON PUT AND CARRIED UNANIMOUSLY AND WITH AN ABSOLUTE MAJORITY FOR ITEMS SDRCP0408-101, SDRCP0408-109 AND SDRCP0408-110

For

Against

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

SDRCP0408-98 Request for Waiver of Legal Fees from Police and Citizens' Youth Clubs (Inc) (PCYC) (Council Decision)

DataWorks Reference: PCYC:049/009:Assess:102616
Author: John Amor
Actioning Officer: John Amor

DECISION MAKING AUTHORITY

Council Decision – Absolute Majority Required.

PURPOSE

To seek Council response to a request from the Police and Citizens' Youth Clubs (Inc.) (PCYC) for a waiver of the Legal fees incurred by the City in the preparation of the Lease document relating to the premises at Paget Street Hilton which are leased by the PCYC from the City of Fremantle.

EXECUTIVE SUMMARY

On the grounds of its community service to the youth of the Hilton area and its limited funding resources the PCYC has requested that the City of Fremantle does waive the Legal fees of \$862.70 raised by McLeods the City's solicitors in respect of the lease document for the premises leased by the City to the PCYC at Paget Street Hilton.

REPORT

Background

The City holds this land in Paget Street Hilton in fee simple subject to a Crown Grant in Trust which does not contain any specifications with regard to the obtaining of any approvals to lease the property.

The Premises and land are part of Reserve 24842 and the designated use is described as "... solely for the purpose of a community centre, recreation and park."

For an annual rental of \$1.00 the PCYC has occupied these premises since 1973. The Lease, after the expiration of an option of 10 years did expire on 30 April 2004.

In response to a written request from the PCYC which sought a new lease for an initial term of ten years with an option for a further ten years, the City has prepared and submitted to the PCYC a draft lease document which has been prepared by the City's solicitors, McLeods.

At standard clause 5(d) the draft document declares that the Lessee is obliged to pay to the Lessor "... all legal costs for the preparation, execution and stamping of this lease"

To date the PCYC has not given its approval or acceptance of the draft.

The PCYC has however requested that the City does waive the recovery of the Legal fees of \$862.70 (which includes G.S.T. of \$76.20). In support of this request the PCYC has cited the following grounds:

- The length of its tenure at the Paget Street premises.
- The valuable service its operations do provide to the youth of the area – the PCYC has reported a 30,000 approximately attendance figure during fiscal year 03/04.
- The fact that the PCYC did construct the facility back in 1973 at a "... cost of approximately \$400,000."
- The limited funding resources of the PCYC.

It should be noted that back in 1973 the City of Fremantle agreed to advance the PCYC a total of \$38,000 of which \$18,000 was a gift, and \$20,000 was to be a loan towards the construction of the youth club premises at this site. The loan plus interest component was repayable over a 15 year period commencing from 1 May 1973.

Comment

Whilst it is not an uncommon occurrence these days for the parties to be responsible for their own legal costs, if the City was to agree to the requested waiver then it would be setting a precedent for all of the other like leases that it holds with community groups; sporting clubs and charitable institutions.

The fees charged by McLeods are in keeping with a Service Agreement between the City and that firm, and it would be unrealistic to expect McLeods to waive their fees around such leasing deals.

The nominal rental should be sufficient concession in such matters.

Conclusion

To agree to the waiver request would be problematic for the City and would create an unhelpful precedent. Rather than agree to the request the City could affirm that the PCYC reimburses to the City the legal costs in two or more instalments.

STRATEGIC & POLICY IMPLICATIONS

There is a general connection to the City Plan.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

To agree to the requested waiver would reduce the otherwise recoverable legal fees.

Environmental

Not Applicable.

Social

Not Applicable.

BUDGET IMPLICATIONS

Approval of the waiver would add to unanticipated expenditure for the Commercial & Property Services Business budget.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not Applicable.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

This matter has not been referred to Precincts because it is an operational matter.

This matter does not come under the guidelines of an advisory committee.

OFFICER'S RECOMMENDATION

- a) That the requested waiver be rejected and
- b) That the City accepts that the PCYC be allowed to reimburse the City the legal costs via a two instalment plan over six months.

Moved: Cr. Helen Hewitt	Lost: 2/4
For: Cr. Helen Hewitt Cr. Steve Gorman	Against: Mayor Peter Tagliaferri Cr S Mackay Cr K Anketell Cr B Smith

Mayor Peter Tagliaferri moved the following alternative motion.

RECOMMENDATION TO COUNCIL

That Council waive the fees of \$862.70.

Moved: Mayor Peter Tagliaferri	Carried: 6/0
For: Mayor Peter Tagliaferri Cr S Mackay Cr S Gorman Cr K Anketell Cr B Smith Cr H Hewitt (Deputy)	Against:

REASONS FOR CHANGE TO RECOMMENDATION

Appropriate to waive the fee in recognition of the value of the services provided by PCYC to the disadvantaged persons in the local community.

Footnote: Suggested that CLAC may be able to prepare lease documents for the city.

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION
NUMBERED SDRCP0408-98 BE ADOPTED
SECONDED BY CR D THOMPSON
PUT AND CARRIED UNANIMOUSLY 11/0 AND WITH AN ABSOLUTE MAJORITY

For

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

Against

ITEM NUMBERED SDRCP0408-101 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY AND WITH AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

**SDRCP0408-101 Healthway Sponsorship Masters Games - Approval
(Council Decision)**

DataWorks Reference: Andrew Thomas; 156/003

Author: Andrew Thomas
Actioning Officer: Andrew Thomas

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To accept sponsorship received since the adoption of the 2004/2005 budget.

EXECUTIVE SUMMARY

The 2005 Fremantle Masters Games has been successful in securing \$3500 in sponsorship from Healthway.

REPORT

Background

The sponsorship is conditional on Healthway maintaining naming rights to the Be Active Games for nursing home/hostels and strengthening the Be Active message promotion through the volunteers at all sporting venues.

Conclusion

The 2005 Fremantle Masters Games will be run from the 16 September - 20 September 2005 with this sponsorship being part of the budgeted sponsorship funds to be raised for the running of the event.

STRATEGIC & POLICY IMPLICATIONS

N/A

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The 2005 Fremantle Masters Games will inject an estimated \$200,000 into the local community over the course of the event.

Environmental

N/A

Social

The 2005 Fremantle Masters Games will provide its competitors with an opportunity to form social bonds with like minded mature aged sports people.

BUDGET IMPLICATIONS

This Healthway sponsorship will meet \$3,500 of the budgeted \$10,000 in sponsorship sought for the event. The funds will actually be received in 2004/2005, even though the event will not occur until 2005/2006. As a consequence there will be a budget surplus of \$3,500 in 2004/2005, but this will be needed to offset a reduction in the events 2005/2006 sponsorship budget from \$10,000 to \$6,500.

LEGISLATIVE AND LEGAL CONSIDERATIONS

N/A

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

N/A

OFFICER'S RECOMMENDATION/RECOMMENDATION TO COUNCIL

That Council accept the Healthway sponsorship (grant) of \$3,500 in the 2004/05 financial year and the budget be amended accordingly.

ITEM NO. SDRCP0408-102 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN MEETING

SDRCP0408-102 **Metropolitan Regional Road Funding
Attachment No. ATT-SDRCP-0408-102 (Council Decision)**

DataWorks Reference: Jon Horne; 106/013;

Author: **Jon Horne, Administration Officer - Physical Services**

Actioning Officer: **Jon Horne, Administration Officer - Physical Services**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

To advise council of the current trends in reduction of funding for metropolitan regional roads

EXECUTIVE SUMMARY

This item reports on the metropolitan regional road funding for the current financial year and anticipated trends for future years' funding. The report is an information item, but also recommends that council note its concerns with the Minister for Planning and Infrastructure.

REPORT

Background

The Metropolitan Regional Road Group makes recommendations to Main Roads WA and the Minister for Planning and Infrastructure on the distribution of State Government funding between 30 metropolitan councils. The Chairman of the Group has previously expressed concerns over the level of funding available for the current financial year, and the trend of reduction of funding from a 2000/01 financial year base. A copy of the correspondence received is attached as Attachment No. ATT-SDRCP0408-102 (Dataworks No. 313116).

Comment

The trend of reduction in road funding is set out in the attachment. It is expected to continue into future years, thereby causing delays in the funding of road rehabilitation.

For the 2004/05 financial year, the rehabilitation project for East St (\$124,000 anticipated grant funding) was deleted *as a direct result* of the reduction of road funding levels. This was advised through Main Roads in June 2004, just prior to finalising the budget.

As also identified in the Attachment, the relatively small pool of funding available has resulted in a disincentive to councils to spend time and resources in submitting projects for consideration by the Metropolitan Regional Road Group. In addition, it has meant that projects have potentially been costed in such a way that councils are allocating significant portions of municipal funding (beyond the normal one third required contribution) towards projects to ensure that some external funding is obtained.

These factors combine to detract from the method of allocating funds through the Metropolitan Regional Road Group (this approach has previously being recognised and modelled in other states).

STRATEGIC & POLICY IMPLICATIONS

This item has a connection to the City Plan through Strategy 3 (A Beautiful and Accessible Place), key result area 5 (Facilities and Infrastructure)

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable

Environmental

Not applicable

Social

Not applicable

BUDGET IMPLICATIONS

The direct impact of the shortfall in road funding has already been addressed in formulating the council budget. However, it is likely that future adverse effects arising from the trend in reduction of overall road funding will continue to require management.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable

OFFICER'S RECOMMENDATION/RECOMMENDATION TO COUNCIL

1. Council receive the report.
2. Council formally express its concerns with the Minister for Planning and Infrastructure.

ITEM NUMBERED SDRCP0408-103 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

SDRCP0408-103 **Removal of Restrictive Covenants - Lot 1 Stack St, Lots 15-16 Wood St & lots 11-13 Knutsford St Fremantle**
Attachment No. ATT-SDRCP0408-103 (Council Decision)

DataWorks Reference: Main Roads WA; 049/006; Assess No's 12005, 31211, 31203, 31187

Author: **Kerry Wood - Land Administrator**
Actioning Officer: **Kerry Wood - Land Administrator**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

For Council to agree to the removal of the restrictive covenants currently burdening the following portions of land:

Property	Certificate of Titles	Restrictive Covenants
Lot 1 (12) Stack Street	CTV 1187 F 316	T14713/1955
Lot 15 (12) Wood Street	CTV 1186 F692	T14713/1955
Lot 16 (14) Wood Street	CTV 1197 F 281	T15411/1956
Lot 11 (81) Knutsford Street	CTV1530 F 614	T14713/1955
Lot 12 (81) Knutsford Street	CTV1530 F 615	T14713/1955
Lot 13 (81) Knutsford Street	CTV 1530 F 616	T14713/1955

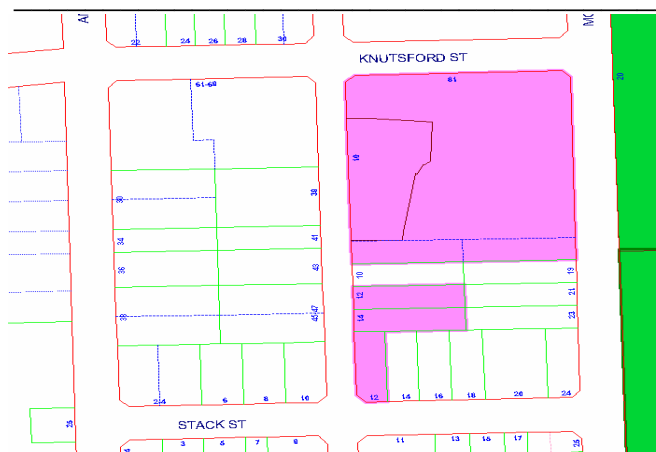
The City is required to certify that the land described above, the subject of the application, is released from all of the covenant by resolution of council.

EXECUTIVE SUMMARY

The Restrictive Covenants listed above were registered in the mid 1950's for zoning purposes. The TPS3 zoning now overrides the covenants which currently serve no purpose as encumbrances on Certificate of Titles. Main Roads WA has requested a council resolution to release the 3 lots owned by themselves from all of the covenants. A further 3 lots owned by the City of Fremantle are burdened by the same restrictive covenants and have been included in this item to council. Main Roads WA wish to remove the covenants prior to the sales of their properties (Attachment No. ATT-SDRCP0408-103)(D/wKs Doc. No. 354362).

Ownership details:

- Main Roads WA Lot 1 Stack Street
- Main Roads WA Lot 15 Wood Street
- Main Roads WA Lot 16 Wood Street
- City of Fremantle Depot - Lot 11 (81) Knutsford Street
- City of Fremantle Depot - Lot 12 (81) Knutsford Street
- City of Fremantle Depot - Lot 13 (81) Knutsford Street



REPORT

Background

The restrictive covenants were registered in the mid 1950's for zoning purposes. The covenants all describe industrial uses and building requirements with the final approval to be made by the City of Fremantle.

Comment

The State Solicitor's Office has advised Main Roads WA that a Restrictive Covenant may be removed from the title by the implementation of a Town Planning Scheme. The City's legal advise from Corrs Chambers Westgarth confirm this in their letter dated 13/7/1999 regarding the depot site and 2 other lots, 1 of which is Lot 15 Wood St contained in this item. All the portions of land described above have been rezoned to DP16 by TPS3 amendment 57. The City has draft CPS4 with WAPC for final approval at the current time. It is expected that CPS4 will be gazetted in late 2004 or early 2005.

Below is an extract from Corrs Chambers advise recommending that the third method of removing the restrictive covenant be used by the City:

"Generally, restrictive covenants may be removed from the register by:

- 3) By a local government as part of an amendment to a town planning scheme. The registered proprietor of the land then applies for the removal of the covenant as an encumbrance on the title, quoting the notice in the Government Gazette and producing a letter or other evidence from the local government certifying that the land the subject of the application was released from the covenant by resolution of the Council. Duplicate certificates of title for the land burdened by the covenant must be produced. The power to remove a restrictive covenant in this manner is contained in Section 8 and Clause 15 of the First Schedule of the Town Planning and Development Act 1928"*

Conclusion

Restrictive Covenants T14713/1955 and 15411/1956 are no longer applicable and should be released from all of the covenant by council resolution. This allows the effected locations to be sold without the titles being burdened by Restrictive Covenants.

NB: Copies of the 6 certificate of titles and 2 restrictive covenants will be available for council members to view at the SDR&CP Committee Meeting (supplied by the actioning officer).

STRATEGIC & POLICY IMPLICATIONS

This item has a general connection to the City Plan.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The removal of the Restrictive Covenants, shown as an encumbrance on each of the Certificate of Titles, will assist any future transfers of the subject land.

Environmental

N/A

Social

N/A

BUDGET IMPLICATIONS

No budget implications

LEGISLATIVE AND LEGAL CONSIDERATIONS

The power to remove the Restrictive Covenants is contained in Section 8, Clause 15 of the First Schedule of the Town Planning and Development Act 1928

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

N/A

OFFICER'S RECOMMENDATION/RECOMMENDATION TO COUNCIL

Council resolves that the land described below, the subject of the application, is released from all of the covenant.

Property	Certificate of Titles	Restrictive Covenants
Lot 1 (12) Stack Street	CTV 1187 F 316	T14713/1955
Lot 15 (12) Wood Street	CTV 1186 F692	T14713/1955
Lot 16 (14) Wood Street	CTV 1197 F 281	T15411/1956
Lot 11 (81) Knutsford Street	CTV1530 F 614	T14713/1955
Lot 12 (81) Knutsford Street	CTV1530 F 615	T14713/1955
Lot 13 (81) Knutsford Street	CTV 1530 F 616	T14713/1955

Moved:	Mayor Peter Tagliaferri	Carried:	6/0
	For: Mayor Peter Tagliaferri Cr S Mackay Cr S Gorman Cr K Anketell Cr B Smith Cr H Hewitt (Deputy)	Against:	

SDRCP0408-104 **Acceptance of Funding from the Department of Community Development for an Art Therapy Program at Warrawee Women's Refuge (Council Decision)**

DataWorks Reference: 106/011

Author: Megan Griffiths
Actioning Officer: Megan Griffiths

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To gain acceptance of additional funding in 2004/2005 budget, and creation of associated income and expenditure accounts.

EXECUTIVE SUMMARY

Warrawee Women's Refuge successfully applied for a grant from The Department for Community Development to fund an art therapy program at the refuge. A grant of \$870 (exclusive of GST) was approved.

REPORT

Background

Warrawee Women's Refuge provides short-term crisis accommodation and support to women and their children who are subjected to domestic and family violence. Grants for Early Years Activities were offered by the Department for Community Development.

Comment

Warrawee was successful in obtaining a grant from The Department for Community Development to run an art therapy program at the refuge. A grant of \$870 (exclusive of GST) was approved. The art therapy program is aimed at women with children aged 0-4 years who are affected by domestic and family violence. The program is a 10 week program titled " A Celebration of Motherhood" and involves interacting and play between mothers and their children. The sessions focus on:

- Supporting mothers to develop healthy attachment to their children
- Providing support networks for mothers within the local community
- Providing support and information regarding parenting and early childhood development
- Providing information regarding domestic and family violence issues, with particular focus on the effects violence has on babies and toddlers.

Conclusion

Council accept the funding of \$870 (excluding GST) from the Department for Community Development for the funding of an art therapy program at Warrawee Women's Refuge

STRATEGIC & POLICY IMPLICATIONS

The grant will contribute to the objectives of the City Plan in honouring Fremantle as a Great People Place by *fostering harmony and social justice and providing opportunities for all individuals to maximise their potential and quality of life.*

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

N/A

Environmental

N/A

Social

The program will provide therapeutic activities for women and children experiencing domestic and family violence

BUDGET IMPLICATIONS

The proposal does not seek any additional funding from the municipal fund. We submit the following amendment to the City of Fremantle 2004-2005 budget.

1. Revenue Grant account for Warrawee Women's' Refuge to be increased by \$870(excluding GST). Operating expenditure budgets to be increased by \$870 (excluding GST) to reflect associated expenditure.

LEGISLATIVE AND LEGAL CONSIDERATIONS

N/A

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

N/A

OFFICER'S RECOMMENDATION/RECOMMENDATION TO COUNCIL

That Council accept the grant of \$870 (exclusive of GST) from the Department for Community Development.

That the City Of Fremantle 2004/2005 revenue and associated expenditure budgets for Warrawee Women's Refuge be amended by \$870.

Ordinary Council Minutes – 13 September 2004

Moved:	Mayor Peter Tagliaferri	Carried:	6/0
	For: Mayor Peter Tagliaferri Cr S Mackay Cr S Gorman Cr K Anketell Cr B Smith Cr H Hewitt (Deputy)	Against:	

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION
NUMBERED SDRCP0408-104 BE ADOPTED
SECONDED BY CR D THOMPSON
PUT AND CARRIED UNANIMOUSLY 11/0 AND WITH AN ABSOLUTE MAJORITY

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

Against

Ordinary Council Minutes – 13 September 2004

A full copy of the Local Law with the suggested changes is attached as Attachment No. ATT-SDRCP0408-105 to this item. The suggested amendments are summarised in the comments section of this item.

Section 3.16 (1) of the Local Government Act requires a review of Local Laws every 8 years. In the interest of efficiency this review has been carried out now so as to avoid the necessity of a review in 2006, nevertheless it is Councils prerogative to make amendments at any time.

Comment

Clause of Local Law	Comment to be taken into account
1	Add definition of "barrier" (an obstruction that impedes or is a hindrance to pedestrian movement)
1	Add definition of "GRV" (Gross Renal Value in relation to land has the same meaning as under the Valuation of Land Act 1978)
1	Delete definition of "Restricted Tables and Chairs".
2	Removal of the reference to the designated map.
3	Suggested deletion of advertising control in designated areas. (Signage Local Law applies).
5(a)	Suggested deletion of reference to the application of a fee for an outdoor dining area where that area is on private land.
5(b)(ii)	Suggested deletion of reference to the application of a fee for an outdoor dining area where that area is on private land
5(e)(iii)	Suggested deletion of reference to the need for public liability insurance as a requirement of this Local Law (The requirement for public Liability insurance is contained in the policy document).
5(e)(vii)	Delete reference to advertising signs.
8(a)	Change the word "June" to "December".
8 (c)	Change the word "August" to "February", and the word "July" to "January".
9(a) (i)	Change the word "June" to "January".
10	Replaces reference to fee structure from zones and maps to refer to the GRV fee
14 (b) and (c)	Deletes trading hours reference. (Covered in clause 27)
16	This clause should be deleted as it applies to public liability cover of \$5 million. Suggested deletion of the need for public liability insurance as a requirement of this Local Law (The requirement for public Liability insurance is contained in the policy document).
26	Remove bullet points for continual text to tidy this clause up.
27 (a)	Delete constraint on trading times as trading hours should be a condition of planning approval or a requirement of State Government
27 (b)	Alter wording so that the reference to trading hours is deleted.
Schedule 1	Replace schedule 1, to reflect normal application requirements.
Schedule 2	Replace Schedule 2 to reflect requirements of the Local Law.

A requirement of the Local Law adoption or review process, is that clause 7 of the National Competition Policy is to be considered. The following summary applies to these considerations:

**NATIONAL COMPETITION POLICY – CLAUSE 7
LOCAL LAW REVIEW EXECUTIVE SUMMARY**

LOCAL GOVERNMENT: CITY OF FREMANTLE

TITLE: Outdoor Dining Local Law	
<input type="checkbox"/> New Local Law	<input type="checkbox"/> Repeal of Local Law
Amendment to Implement NCP	<input checked="" type="checkbox"/>
Other Amendment to Local Law	<input checked="" type="checkbox"/>
No Amendment to Local Law	<input type="checkbox"/>
<p>Review conduct: The local law has been reviewed by Manager, Urban Environment & Control.</p>	
<p>Restrictions on Competition: All café proprietors have the same opportunity to apply to the local authority for approval to have tables and chairs at their respective premises.</p>	
<p>Effects of the Restrictions: The Local Authority may impose conditions of any approval for outdoor dining tables and chairs. These conditions would be in the best interest of the community having regard to the particular application.</p> <p>Costs: The fees imposed for the licence recoup those costs incurred by the Local Authority.</p> <p>Benefits: Benefits to the business is that it increases the commercial viability at the same time increasing employment opportunities. The benefits to the community are that outdoor dining contributes to the pleasant atmosphere and vitality Fremantle and the community.</p>	
<p>Assessing the Benefits and Costs: In assessing the benefits and costs there is no doubt that the benefit to business is clear and has been demonstrated. The Local Law provides sufficient safe guards to ensure that the public is not disadvantaged to have reasonable access to public space.</p>	

<p>Alternative Means of Achieving Desired Outcome: This could only be achieved by transferring the responsibility for licensing outdoor dining areas to a state agency such as DOLA. This alternative is not viable because Local Government Authorities are in a better position to make judgements on proper use of road reserves or public land.</p>
<p>Overall Conclusion and Recommendations: The benefit in adopting and amending the Local Law is that it provides Local Government with the ability to permit controlled outdoor dining so that there is no adverse impact on the community. It is recommended that this Local Law be amended and adopted as soon as practicable.</p>
<p>Implementing Recommendations: Responsible officer is the Manager, Urban Environment & Control.</p>

The Local Government Act requires the following action to be implemented in order to adopt a Local Law.

Summary of purpose and effect of Local Law to be read out at Council meeting: **is to adopt changes to the Local Law titled Outdoor Dining Local Law. These changes are principally to the method of calculating the fee structure. The new method is a formula based on Gross Rental Value (GRV). Other changes which have been included is the deletion of the requirement to license tables and chair where they are located on private land.**

This is the point that we are at now, in progressing this proposed Local Law.

Local Government gives State wide notice of proposed Local Law.

Local Government gives Local Law and notice to Minister(s).

The above action will be taken as soon as practicable after Council has adopted the recommendation contained within this item.

Local Government receives and considers public submissions.

If significant amendments are necessary, the procedure must be recommenced.

Local Government makes Local Law.

Local Government prepares Explanatory Memorandum for Committee.

This administrative procedure occurs after Council has formally adopted the Local Law after submissions have been received.

- Local Government publishes Local Law in Gazette and gives a copy of Local Law to Minister(s).
- Local Government gives State wide notice of Local Law and publicises Local Law in district.
- Parliamentary Counsel tables Local Law in both Houses of Parliament within 6 signing days of Gazettal.

-
- Local Government sends 10 copies of Local Law and Explanatory Memorandum to the Joint Standing Committee on Delegated Legislation.

Conclusion

The changes outlined in this item reflect those changes adopted by Council on 31 May 2004 (SDRCP 0405-64 refers).

STRATEGIC & POLICY IMPLICATIONS

An internal policy statement addressing outdoor dining and numbered DBU8 was adopted by Council on the 15 June 1998 and is well overdue for formal adoption. The Manager of Development Assessments is reviewing this policy (DBU8) currently.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

There is no doubt that the adoption of these Local Laws will provide for a continuance in the economic sustainability for cafes in Fremantle.

Environmental

Outdoor dining has a positive impact on the build environment in Fremantle.

Social

Outdoor dining contributes to the social needs of the community.

BUDGET IMPLICATIONS

The income received through the fee structure will be sufficient to cover the administration cost.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The process required to amend or adopt a Local Law is complex. This item is the first step to effect change in the current Local Law.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

It is a legislative requirement to advertise the intent of adopting this Local Law. Any comments received will be referred to Council for consideration.

The changes have been discussed and endorsed by the Director of the Fremantle Chamber of Commerce.

Summary of purpose and effect for a Local Law.

To be read out at the Council Meeting:

“The proposal is to adopt changes to the Local Law titled Outdoor Dining Local Law. These changes are principally to the method of calculating the fee structure. The new method is a formula based on Gross Rental Value (GRV). Other changes which have been included is the deletion of the requirement to license tables and chair where they are located on private land”.

OFFICER’S RECOMMENDATION/RECOMMENDATION TO COUNCIL

That Council proceed with the initiation of the preliminaries, (including advertising and circulation of the proposed Local Law to the Precincts) with the intent for Council to be in a position to formally adopt an amended Local Law entitled Outdoor Dining Local Law.

Moved:	Cr Shirley Mackay	Carried:	6/0
For:	Cr S Mackay Cr S Gorman Cr K Anketell Cr B Smith Cr H Hewitt (Deputy) Cr D Thompson	Against:	

CR T MIOSICH MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED SDRCP0408-105 BE ADOPTED SECONDED BY CR D THOMPSON

DEPUTY MAYOR CR P DOUGLAS READ OUT THE FOLLOWING:

“The proposal is to adopt changes to the Local Law titled Outdoor Dining Local Law. These changes are principally to the method of calculating the fee structure. The new method is a formula based on Gross Rental Value (GRV). Other changes which have been included is the deletion of the requirement to license tables and chair where they are located on private land”.

PUT AND CARRIED UNANIMOUSLY AND WITH AN ABSOLUTE MAJORITY 10/0

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

AT THIS JUNCTURE IN THE MEETING BEING 6.36 PM THE DEPUTY MAYOR CR P DOUGLAS VACATED THE CHAIR

**AT THIS JUNCTURE IN THE MEETING BEING 6.37 PM THE MAYOR P
TAGLIAFERRI TOOK THE CHAIR**

SDRCP0408-106 Local Law Deletion Confirmation - Fridges and Noise

DataWorks Reference: Bob Caporn; 035/001;

Author: **Bob Caporn, Manager Urban Environment & Control**

Actioning Officer: **Bob Caporn, Manager Urban Environment & Control**

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY

PURPOSE

Confirmation of the deletion of the following Local Laws:

- Local Government Model By Law (Old refrigerators and Cabinets) No. 8.
- The Municipality of the City Of Fremantle By Law Relating to noises.

EXECUTIVE SUMMARY

These Local Laws are considered to be obsolete and addressed by other legislation such as the Local Government Act and the Environmental Protection Act. **To revoke the Local Laws the City in effect has to adopt a Local Law to delete the unwanted Local Laws from our statutes.**

REPORT

Background

The Local Government Model By Law (Old Refrigerators and Cabinets) No. 8 local law was adopted by Council on 16 July 1962 and was amended on 21 June 1974. The intent of the local law was to prohibit the discarding of refrigerators or cabinets that had a locking mechanism. It was not unusual for children to find such spaces as great hiding spots in games of hide and seek, unfortunately sometimes with disastrous consequences.

The City Of Fremantle By Law Relating to Noises local law was adopted by Council on 17 March 1986 . The intent of the local law was to control noise in public areas.

The intent to repeal these Local Laws was Item No. SDRCP0403-21 at the Service Delivery Review And Corporate Performance Committee of 2 March 2004. The requirement of advertising was undertaken through an advertisement placed in the West Australian on 15 April 2004.

Comment

There is a requirement for Council to review all of its local laws and the local laws mentioned above have been reviewed and found to be obsolete.

Conclusion

In view of the age of the local laws and the alternatives available, it is suggested that Council revoke both these local laws.

Having previously resolved to revoke the Local Law and having advertised its intent the Council can now proceed to remove these Local Laws from our statutes as the advertisement attracted no objection or comment .

The process from here is a little unusual because to remove these Local Laws from our statutes Council has to adopt a local Law to revoke the Local Laws in question.

STRATEGIC & POLICY IMPLICATIONS

It is mandatory for a review of all Council's local laws. This item is part of that review process.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not Applicable

Environmental

Alternative legislation can be utilised if necessary.

Social

Not Applicable

BUDGET IMPLICATIONS

Not Applicable

LEGISLATIVE AND LEGAL CONSIDERATIONS

It is mandatory for a review of all Council's local laws. This item is part of that review process.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

The intent was advertised in the West Australian on 15 April 2004.

OFFICER'S RECOMMENDATION/RECOMMENDATION TO COUNCIL

That Council proceed with final advertisement and gazettal of a new local law to repeal the following existing local laws:-

1. Local Government Model By Law (Old refrigerators and Cabinets) N. 8
2. The Municipality of the City Of Fremantle By Law Relating to noises.

The Local Law required to formally revoke the above is as follows:-

LOCAL GOVERNMENT ACT 1995
City of Fremantle

**LOCAL LAW RELATING TO THE REPEAL OF DEFUNCT AND OBSOLETE LOCAL LAWS MADE
UNDER THE LOCAL GOVERNMENT ACT 1960 AND EARLIER LEGISLATION**

Under powers conferred by the Local Government Act 1995 and by all other powers, the local government of the City of Fremantle hereby records having resolved on (insert date) to make a Local Law repealing the following Local Laws-

- Local Government Model By Law (Old refrigerators and Cabinets) No. 8 published in the Government Gazette on 4 October 1962;
- The Municipality of the City Of Fremantle By Law Relating to Noises published in the Government Gazette on 31 October 1986.

Dated this 13th day of September 2004.

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION
NUMBERED SDRCP0405-106 BE ADOPTED
SECONDED BY DR D THOMPSON

MAYOR P TAGLIFERRI READ THE FOLLOWING;

LOCAL GOVERNMENT ACT 1995
City of Fremantle

**LOCAL LAW RELATING TO THE REPEAL OF DEFUNCT AND OBSOLETE LOCAL LAWS MADE
UNDER THE LOCAL GOVERNMENT ACT 1960 AND EARLIER LEGISLATION**

Under powers conferred by the Local Government Act 1995 and by all other powers, the local government of the City of Fremantle hereby records having resolved on (insert date) to make a Local Law repealing the following Local Laws-

- Local Government Model By Law (Old refrigerators and Cabinets) No. 8 published in the Government Gazette on 4 October 1962;
- The Municipality of the City Of Fremantle By Law Relating to Noises published in the Government Gazette on 31 October 1986.

Dated this 13th day of September 2004.

PUT AND CARRIED UNANIMOUSLY 11/0 AND WITH AN ABSOLUTE MAJORITY

For

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

Against

DISCLOSURE OF INTEREST

CR BOB SMITH DECLARED A FINANCIAL INTEREST IN ITEM SDRCP0408-108 VACATED THE CHAMBER AT THIS JUNCTURE BEING 6.39 PM AND DID NOT VOTE ON THIS ITEM

SDRCP0408-108 **Taxi Taskforce Recommendations (Council Decision)**
Attachment No. ATT-SDRCP0408-108

DataWorks Reference: Bob Caporn; 167/004

Author: **Manager Urban Environment and Control; Bob Caporn**
Actioning Officer: **Manager urban Environment and Control; Bob Caporn**

DECISION MAKING AUTHORITY

COUNCIL DECISION SIMPLE MAJORITY REQUIRED

PURPOSE

To inform Council of the progress of the recently formed Taxi Task Force and to address a number of requests from the Task Force.

EXECUTIVE SUMMARY

Council has expressed its concern over the poor service provided by the Taxi Industry. Following a letter to the Minister for Transport a Task Force has been appointed to address the matter. The Task Force has identified a number of matters that need attention. The details are provided in this item.

REPORT

Background

In December 2003 Council adopted a recommendation concerning the lack of taxis in Fremantle (Item SDRCP0401-6) The recommendation adopted by Council was as follows:

"That the Service Delivery Review and Corporate Performance Committee acting under delegated authority by Council:-

- 1. Write to the Minister for Planning and Infrastructure requesting that *a task force be formed (to include relevant representatives from Council, relevant Government departments, Fremantle Business Community and Taxi Council) to investigate how taxi services in Fremantle can be improved to cater for late night patrons in Fremantle.***
- 2. Write to the Minister for Planning and Infrastructure requesting that *Special Charter vehicles be permitted to operate from Fremantle (and utilising existing taxi ranks) in late evening hours to satisfy the demand that the Taxi Industry appears unwilling or unable to provide. This concession could be withdrawn when the taxi industry has demonstrated that it is providing a level of service that is considered reasonable by most people (in that waiting time should not exceed 30 minutes except for very busy special events such as New Years Eve).***

3. Request the Member for Fremantle, Mr Jim McGinty, to actively support the above initiatives.
4. *Request that the Minister for Transport improve the provision of public transport (particularly busses) to cater for late night patrons in Fremantle."*

Since that time the actions outlined in the recommendations have been implemented . Subsequently the Mayor has met with the Minister for Transport and the Minister has appointed a Task Force to investigate improvements to the provision of taxi services in Fremantle.

The Task force has met on a number of occasions and have developed an action list that the parties should support and action as soon as possible. The full action list is detailed in the attached schedule. The actions that are referred to the City Of Fremantle are contained in the comments section of this item.

Comment

The following action items are referred to the City Of Fremantle for implementation, some of these items are being addressed administratively:

<i>MODIFICATIONS</i>	STAKEHOLDER	PROGRESS REPORT
CCT Cameras purchased and positioned	DPI, FCC, Fremantle	Purchase (DPI): Camera night trials scheduled. Acquisition plan proposed. The camera/s will be purchased by the DPI. The expectation of the Task Force is that the City Of Fremantle will pay for the siting and installation of the camera/s Note! A trial has been arranged to ensure that the camera/s are adequate.
Bus stop infrastructure (benches, bus signs) relocated off rank area	FCC	The expectation of the Task Force is that the City Of Fremantle will realign the seats at the bus stop so that they are parallel with the kerb and in so doing create an ideal queue barrier. Approaches are being made to the Bus Company to realign the bus stop and associated signage.
Sidewalk infrastructure (bins, trees, bollards) relocated off rank area in front of the Fremantle Markets.	FCC	The expectation of the Task Force is that the City Of Fremantle will remove the trees, bollards and bins from the rank area so that taxis and busses have better access to the area and that more taxis can be located on the rank at any one time.
Sidewalk infrastructure (bins, trees, bollards) relocated off TAFE area. And this area be designated as a taxi rank for the evenings.	FCC	The expectation of the Task Force is that the City Of Fremantle will remove the trees, bollards and bins from the rank area so that taxis and busses have better access to the area and that more taxis can be located on the rank at any one time. The paving of this area will probably need upgrading.
Improved lighting to rank area	FCC	This action is currently being investigated with Western Power.

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Permit Taxis to right hand turn at intersection of Perry/South Terrace	FCC, Main Roads, DPI	This action is currently being requested from Main Roads.
Markings on road to indicate taxi rank	FCC	This action can be implemented administratively.
Evaluate entertainment provision (internal TV, buskers)	FCC	This action can be implemented administratively.
Establishment of detachable rigid queue boundary structures	FCC	This action can be implemented administratively subject to arrangements being made with the security company employed by DPI
Taxi directional signage	FCC	This action can be implemented administratively.
ng improved at day rank (FCC)	FCC	Day Rank can be investigated as a component of the lighting strategy for the CBD
Directional signage for toilets	FCC	This action can be implemented administratively.

Conclusion

From the above it is imperative that the City Of Fremantle support the following changes to the night time taxi rank in Fremantle so that the Taxi Industry or the Community cannot criticise the city for not providing proper support for this essential service.

- The City Of Fremantle will pay for the installation of the camera/s
- The City Of Fremantle will realign the seats at the bus stop so that they are parallel with the kerb.
- The City supports the taxi rank in front of the markets being extended to just beyond Henderson Street Mall .
- City Of Fremantle will remove and relocate the bollards and bins from the rank area in front of the markets so that taxis and busses have better access to the area and that more taxis can be located on the rank at any one time.

STRATEGIC & POLICY IMPLICATIONS

City Plan page 9 refers to Safe Community. That is Fremantle is a safe place to live work and visit, where the community is actively involved in public safety initiatives.

City Plan page 12 refers to Tourism. Fremantle recognises the value of tourism, without allowing it to dominate the life of the City.

City Plan page 15 refers to Sustainable Transport. Fremantle has a balanced transport system which encourages the use of public transport, bicycles and walking while managing vehicles use. Private vehicle use in the City centre is not higher than year 2000 levels.

TRIPLE BOTTOM LINE IMPLICATIONS

ECONOMIC

There is an economic advantage for the wider community and the patrons of late night venues to utilise taxis and public transport rather than the private motor vehicle, especially when the patron has consumed alcohol.

ENVIRONMENTAL

A single taxi rank that is properly serviced is less likely to cause adverse environmental impact on the community through noise and vandalism.

SOCIAL

The social needs of the community are such that more people are attracted to late night venues only to find that the busses and train services are absent or negligible in the early hours of the morning.

BUDGET IMPLICATIONS

Minor costs such as the relocation of street furniture should be able to be accommodated within existing recurrent budgets. However, significant costs such as installation of trafficable pavers, additional street lighting and installation of cameras are not currently budgeted for. These could be in the order of \$35,000 (subject to final designs). This would need to be identified and approved at budget review.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The city does have a general duty of care to visitors and therefore should provide infrastructure to assist the taxi and public transport industry.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable

OFFICER'S RECOMMENDATION/RECOMMENDATION TO COUNCIL

Council support the following requests from the Taxi Task Force;

1. The City Of Fremantle will pay for the installation of the camera/s.
2. The City Of Fremantle will realign the seats at the bus stop so that they are parallel with the kerb.
3. The City supports the taxi rank in front of the markets being extended to just beyond Henderson Street Mall.
4. City Of Fremantle will remove and relocate the bollards, two trees and bins from the rank area in front of the markets so that taxis and busses have better access to the area and that more taxis can be located on the rank at any one time.

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Moved: Mayor Peter Tagliaferri	Carried: 6/0
For: Mayor Peter Tagliaferri Cr S Mackay Cr S Gorman Cr K Anketell Cr H Hewitt (Deputy) Cr D Thompson	Against:

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION
NUMBERED SDRCP0408-108 BE ADOPTED
SECONDED BY CR D THOMPSON
PUT AND CARRIED UNANIMOUSLY 10/0

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

CR B SMITH RE-ENTERED THE CHAMBER AT THIS JUNCTURE BEING 6.40 PM

ITEM NUMBERED SDRCP0408-109 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY AND WITH AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

SDRCP0408-109 Proposed Upgrading of Eastern End of Girton Lane - Request to Waiver Rates Charges (Council Decision)

DataWorks Reference: Jayson Miragliotta; 059/002; Roadway Girton Lane

Author: Jayson Miragliotta
Actioning Officer: Jayson Miragliotta

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

The Development Assessment Committee previously considered this matter at its meeting held on 24 May 2004 and resolved as follows:

'That the Development Assessments Committee NOTES this status report and SUPPORTS the following course of action:

1. *The City convenes a meeting with the lane owner to reach agreement on upgrading the eastern portion of the lane as soon as possible and to make arrangements for the works to be performed and funded.*
2. *The City continues with the dedication process under s52 for the entire lane.*
3. *The City reviews the rates situation applicable to the lane.*

Advisory note:

- (i) *The Manager, Development Assessments shall provide an update in relation to point 1 above at the next Development Assessments Committee meeting.'*

EXECUTIVE SUMMARY

Council is requested to endorse the officer's recommendation to facilitate the construction (sealing) of the unmade portion of Girton Lane. Girton Lane is privately owned and provides rear vehicle access to a number of the abutting property owners.

REPORT

Background

- Girton Lane is privately owned, by Mr Michael Patroni, but used by many abutting residential properties for rear vehicular access under established rights.

- While most of the lane was sealed and drained by Mr Patroni as a condition of a past survey strata subdivision approval, the eastern end was excluded.
- That unmade portion makes vehicular access difficult and causes sand wash which affects the sealed portion and soakwells.
- For a number of years no ready solution to this situation has been found – there is no imperative or incentive for Mr Patroni to upgrade that portion, the City has had limited means to do so and the abutting owners have not been able to make it happen.
- More recently the City has pursued the dedication/upgrading process in accordance with its new ROW policy.
- In addition several alternative approaches have been identified and investigated, which are also reported on below.
- The matter is also complicated because the City levies rates on the ROW, to which the owner objects.

ROW Construction Impediments

There are five impediments that have delayed the construction of the subject portion of Girton Lane including:

1. Girton Lane is privately owned and any future works requires the written consent to be forthcoming from the legal owner (Mr Patroni), prior to proceeding.
2. The current owner objects to rates being imposed on Girton Lane and is seeking Council to waiver the rates.
3. A Development Application needs to be approved by Council, prior to proceeding with the subject works in Girton Lane.
4. The cost of constructing the subject portion of Girton Lane needs to be shared on a pro rata basis with the abutting property owners.
5. The future ownership and ongoing maintenance options for the lane needs to be investigated and finalised.

With respect to the above impediments the following comments are provided:

Rates issue

- The City has a legal obligation to rate land that is in private ownership and not entitled to an exemption.
- Broadly, there can be various triggers to levy rates and the City is empowered to waive rates, via SDRCP and by an absolute majority decision of full Council. (It is noted that a decision to waive rates can only be made in relation to each financial year, so one would be required each year, unless it were determined that ongoing rates are not applicable).
- Mr Patroni has expressed objection at being levied rates on the lane by the City in recent times, which apparently did not occur in the past – the amount is some \$560pa, which it is noted is not a large income to the City.
- It is because of the rates that Mr Patroni so far has refused to sign a development application for the subject upgrading (refer below).
- Mr Patroni has pointed out that as the lane carries access rights to the abutting owners, he is unable to use or develop it to generate a rental value and hence it should not be rated.

Development application

- Following discussions with the City the eastern abutting owners have submitted a development application for upgrading of that portion – ie to drain, grade and seal it.
- This includes a letter committing that those owners would pay the full cost – there would be no cost of the upgrading works to Mr Patroni or the City.
- A detailed plan showing the proposed works and abutting properties is included.
- Mr Patroni is aware of this step and has indicated he would accept that approach, but will not consent to the application until the rates issue is addressed.
- Hence in the absence of Mr Patroni's signed consent on the application form as owner of the subject land it cannot be acted on.

A copy of the Development Application for the construction of the subject portion of Girton Lane will be on display at the Committee meeting.

Goodwill negotiation

- The simplest and quickest approach would be that the City waive and reimburse the rates, then the upgrading works be undertaken with Mr Patroni's consent by either the abutting owners or the City.
- The abutting owners will pay for the upgrade works.
- The City is generally empowered under the LG Act to enter into such arrangements.
- It is understood that existing insurance covers would apply where the owner has given consent.

Cost estimates

- The eastern abutting owners have provided an earlier quote for upgrading the eastern portion of the ROW, at \$8,630.50. This is for basic drainage, formation and sealing works. Once the submitted Development Application has been approved by the City the abutting landowners will be responsible to pay for all costs associated with the construction of the subject portion of Girton Lane.

Deed of agreement

- Under the Scheme the City can enter into a deed of agreement with a landowner for the purpose of the observance of the Scheme:

In order to carry out the Scheme and to ensure compliance with it, the Council may enter into agreements with the owners of land, which may provide for the purchase of land by the Council or others, the continued use or maintenance of the land in specified ways, the securing of covenants, easements and caveats, and the carrying out of works by the Council for a specified fee.

- Such an agreement in this case is supported by the objectives of the Scheme, ie controlling land development, safety, convenience and amenity.
- The deed could cover right of entry by the City, performance of the works by whomever, payment of the works by whomever, any necessary indemnities and any other relevant matters.
- The deed would be prepared by McLeods and agreed to by Mr Patroni, possibly with input by his solicitor, and the cost of the deed would be borne by the City or the eastern abutting owners.

Dedication

- Previously the City has pursued the conventional ROW dedication/upgrading process, pursuant to the relevant legislation and Council policy, for the whole of the lane.
- Mr Patroni contended that he should be compensated for the value of the lane if dedicated, especially as he incurred municipal rates on the lane.
- Under the ROW policy the dedication process should ideally be for the whole of a lane and the upgrade fully-funded by the abutting owners.
- While partial or staged dedication/upgrading can occur, it is noted that in this case the eastern end would have no direct connection to a public road, although access would still exist via the rest of the ROW.
- Whilst Council may consider the dedication option it is considered prudent for the lane to remain in private ownership either with the current landowner or in shared ownership by the abutting land owners.

Action Plan

The following action plan is intended to be implemented to facilitate the construction of the subject portion of Girton Lane.

1. The owner of Girton Lane be requested to sign the submitted Development Application to facilitate the construction of the subject portion of Girton Lane.
2. Council support the reimbursement of rates applied to Girton Lane.
3. Council waiver future rates (reviewed annually) applicable to Girton Lane to facilitate its upgrade.
4. The abutting landowners be requested to implement the approved Development. Application for the construction of the laneway. All costs to be borne by the abutting landowners.
5. Dedication and or shared ownership options be investigated with the affected landowners.

Conclusion

- The upgrade of the subject portion of Girton Lane has been a long outstanding issue that needs to be resolved.
- There is a need for a long term solution for ownership, maintenance and possible further upgrading of the entire lane.
- Council is requested to waive the existing rates charges that apply to Girton Lane in order to facilitate the upgrading works within the unconstructed portion of the lane.

STRATEGIC & POLICY IMPLICATIONS

The construction of portion of Girton Lane generally meets the objective of the City Plan.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Council is requested to waive the annual rates charges applicable to Girton Lane in order to facilitate its construction. The rates charges can be reviewed annually and Officers will investigate the option for apportioning the rates to all abutting landowners utilising the laneway.

Environmental

There are no environmental issues other than improving the run off of drainage within the laneway.

Social

The construction of the subject portion of Girton Lane has been a long outstanding issue that has impacted on the amenity of the abutting landowners.

BUDGET IMPLICATIONS

There is no direct budget implication with the construction of the laneway other than the request to waive the annual rates charge (\$560) and reimburse the owner all previous rates charges applied to Girton Lane to the value of \$1,893.00 on the basis of consenting to the required lane upgrade works.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The construction of the subject portion of Girton Lane is being approved under the relevant provisions of Council's Scheme. The request to waive the rates charges is being considered under the relevant provisions of the Local Government Act. The option to dedicate the lane to a public lane will be subject to the provisions of Council ROW Upgrade Policy and the requirements of the Local Government Act.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

1. That Council SUPPORTS the following course of action to facilitate the upgrading works within the unconstructed portion of Girton Lane:
 - a) The owner of Girton Lane be requested to sign the submitted Development Application to facilitate the construction of the subject portion of Girton Lane.
 - b) The owner of Girton Lane be reimbursed all previous rate charges applied to Girton Lane to the value of \$1,893.00 on the basis of consenting to the required lane upgrade works.
 - c) Council waiver future rates applicable to Girton Lane (reviewed annually) to facilitate the required lane upgrade works.
 - d) The abutting landowners be requested to implement the approved Development Application for the construction of the laneway. All costs associated with the upgrading works as approved by Council to be borne by the abutting landowners.
 - e) The dedication and or shared ownership options be investigated with the affected landowners.
 - f)

RECOMMENDATION TO COUNCIL

1. That Council SUPPORTS the following course of action to facilitate the upgrading works within the unconstructed portion of Girton Lane:
 - a) The owner of Girton Lane be requested to sign the submitted Development Application to facilitate the construction of the subject portion of Girton Lane.

-
- b) The owner of Girton Lane be reimbursed all previous rate charges applied to Girton Lane to the value of \$1,893.00 subject to the owner consenting to the Development Assessment and the required lane upgrade works being completed to the satisfaction of the Director of Urban Management.
 - c) The abutting landowners be requested to implement the approved Development Application for the construction of the laneway. All costs associated with the upgrading works as approved by Council to be borne by the abutting landowners.
 - d) The dedication and or shared ownership options be investigated with the affected landowners.

REASONS FOR CHANGE TO RECOMMENDATION

- 1) To strengthen and clarify the intent of part b).
- 2) Remove c) to allow option to rate in future dependant upon co-operation from owner.

Moved: Mayor Peter Tagliaferri

Carried: 7/0

For:

Mayor Peter Tagliaferri
 Cr S Mackay
 Cr S Gorman
 Cr K Anketell
 Cr B Smith
 Cr H Hewitt (Deputy)
 Cr D Thompson

Against:

Comment

To progress the expenditure of the V & E Felstead Fund income and to benefit the City of Fremantle Art Collection, a Council decision is required to accept the annual bequest of Funds from the Deceased Estate of V.C. Felstead. These funds will assist the development of the collection holdings of significant contemporary and historical realist art not represented in the collection.

A distribution of \$6,365.48 was received in August 2004 and GST must be deducted from that amount.

Conclusion

That the 2004/05 budget be amended accordingly to reflect the income of \$5,786 and associated expenditure.

STRATEGIC & POLICY IMPLICATIONS

Not applicable

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Benefit the representation of Fremantle Artists in the collection.

BUDGET IMPLICATIONS

Income and expenditure accounts for the Art Collection capital Account to be increased by \$5,786

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not Applicable.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not Applicable.

OFFICER'S RECOMMENDATION/ RECOMMENDATION TO COUNCIL

1. That Council accepts the annual bequest of \$5,786 from the Deceased Estate of V.C. Felstead to the City of Fremantle Art Collection.
2. That the 2004/05 budget for new acquisitions be amended to reflect the income of \$5,786 and associated expenditure.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

COUNCIL ITEMS 13 SEPTEMBER 2004

C0409-01 Appointment of External Auditor

DataWorks Reference: 083/001

Author: Alan Carmichael Manager Finance & Administration
Actioning Officer: Alan Carmichael Manager Finance & Administration

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To appoint external auditors to undertake the 2003/2004 financial statements audit.

EXECUTIVE SUMMARY

Due to a mix up in contract periods with the audit tender, a gap was left with the 2003/2004 financial year. To address that situation, it is being recommended our previous auditors be appointed for a further 12 months and a new tender is called to operate from the 2004/2005 financial year.

REPORT

Background

Tender FCC 231/04 was advertised in April 2004.

Comment

There was some confusion over whether the previous audit contract expired after the 2002/2003 or 2003/2004 financial statements had been audited. After checking, it was found that 2002/2003 was officially the last year of the contract. A tender was issued in April 2004 for a further 5 year term, but the tender document contained conflicting information. Under the specification, the period of service was correctly specified, but in other critical sections, the period of the tender mistakenly indicated 1 July 2004 to 30 June 2009, when both dates should have been 12 months earlier. All tenderers appear to have tendered based on the period 1 July 2004 to 30 June 2009.

Due to contradictory dates in the tender, it is being recommended that no tender be accepted and further tenders be called for the period 1 July 2004 to 30 June 2009. However, it still means Council needs to appoint an auditor for the 2003/2004 financial year.

Our existing auditors, Grant Thornton, were requested to provide a quotation for the 2003/2004 year and quoted \$17,500. Their price for the 2002/2003 audit was \$15,000, which was set in 1999. Given the changes in professional indemnity insurance between 1999 and 2004, the price increase is considerable reasonable. Therefore, it is being recommended that Grant Thornton, who have considerable Fremantle experience, be engaged for the 2003/2004 audit. That would then allow new tenders to be called for a five year period commencing with the 2004/2005 financial year.

Conclusion

We require an auditor to be appointed and Grant Thornton's previous work and experience at Fremantle, together with a competitive rate, make them the best option to undertake the 2003/2004 audit.

STRATEGIC & POLICY IMPLICATIONS

Not applicable.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

BUDGET IMPLICATIONS

The fee quoted is within the range budgeted for. Since the previous contract was entered into 5 years ago, professional indemnity insurance for auditors has increased materially and reflects in current prices being quoted.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Section 7.3 requires Council to appoint a person to be its auditor. The auditor is to be person who is a registered company auditor or an approved auditor.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

1. That no tender be accepted from tender FCC 231/04 Provision of Audit Services due to the error in the contract period.
2. That Sean McGurk of Grant Thornton be appointed to undertake the 2003/2004 audit.

**MAYOR P TAGLIFERRI MOVED THAT THE FOREGOING RECOMMENDATION
NUMBERED C0409-01 BE ADOPTED
SECONDED BY CR D THOMPSON**

PUT AND CARRIED UNANIMOUSLY AND WITH AN ABSOLUTE MAJORITY 11/0

For

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

Against

C0409-02 **Appointment of New Infrastructure Manager
Council Decision
CONFIDENTIAL ITEM AND ATTACHMENT NO. 1**

Background

Pursuant to section 5.23 (2) (a) of the Local Government Act 1995, Council can deem an item confidential where a matter, if disclosed, would reveal information affecting an employee or employees.

The attachment to this item contains information for various council properties which if disclosed to the general public could be of commercial value to a person.

RECOMMENDATION TO COUNCIL

That any discussion of this item be deemed confidential and be closed to members of the public in accordance with section 5.23 (2) (a) of the Local Government Act 1995, where a matter, if disclosed, would reveal information affecting an employee or employees.

MAYOR P TAGLIFERRI MOVED THAT THE FOREGOING RECOMMENDATION
NUMBERED C0409-02 TO MAKE THIS ITEM CLOSED TO PUBLIC BE ADOPTED
SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 11/0

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

COUNCIL'S DECISION IN RELATION TO ITEM C0409-02 IS AS FOLLOWS:

That Council endorse the recommendation by the Acting CEO to appoint Mr James Duff on a Performance Based Fixed Term contract for four years with a remuneration package of \$110,000.

AT THIS POINT IN THE MEETING BEING 6.42 PM THE MEETING WAS CLOSED TO THE PUBLIC

PLEASE NOTE CONFIDENTIAL ITEM IS NOT AVAILABLE IN PUBLIC COPY OF MINUTES

PLEASE NOTE PAGES 73 TO 75 INCLUSIVE ARE ONLY AVAILABLE IN CONFIDENTIAL COPY OF MINUTES

AT THIS JUNCTURE OF THE MEETING BEING 6.44 PM THE MAYOR P TAGLIAFERRI RE-OPENED THE MEETING TO THE PUBLIC

C0409-04 **Leave of Absence – Cr Phil Douglas**

**DataWorks References – Cr Phil Douglas
Administration Officer**

Decision Making Authority

Council decision required. Simple Majority.

Purpose

To approve Leave of Absence for Cr Phil Douglas for the period Monday 20 September 2004 to Tuesday 5 October 2004 inclusive.

City Plan Linkages

This item has a general connection to the City Plan.

Policy Implications

Not applicable.

Triple Bottom Line Implications

a)Economic

Not applicable

b)Environmental

Not applicable

c)Social

Not applicable

Budget Implications

Not applicable.

Legislative and Legal Considerations

Section 2.25 of the Local Government Act 1995 refers.

Precincts and other Committees Recommendations plus other Consultation

- (a) This matter has not been referred to Precincts because it is a Council matter.
- (b) This matter does not come under the guidelines of an Advisory Committee.
- (c) No other consultation of relevance undertaken.

Officer's Recommendation

That Council approve Leave of Absence for Cr Phil Douglas for the period Monday 20 September to Tuesday 5 October 2004 inclusive.

MAYOR P TAGLLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED C0409-104 BE ADOPTED SECONDED BY CR D THOMPSON

PUT AND CAARRIED UNANIMOUSLY 11/0

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

CLOSURE OF MEETING

The Ordinary Meeting of Council concluded at 6.45 pm