

CITY OF FREMANTLE

Minutes of the Ordinary Meeting of Council

Held on Monday 17 January 2005 at 6.00 pm

CONTENTS

Declaration Of Opening/Announcement Of Visitors	4
Attendance/Apologies/Leave Of Absence	4
Responses To Previous Public Questions Taken On Notice	5
Public Question Time	5
Disclosure Of Interests By Members	7
Applications For Leave Of Absence	7
Petitions/Deputations/Presentations	7
Confirmation Of Minutes:	7
Ordinary Meeting Of Council – Monday 13 December 2004	
Announcements By The Mayor	8
Questions By Elected Members	8
Response to Questions By Elected members	9
Tabled Documents	9
Glossary of Frequently Used Acronyms	9
Committee Reports	

Development Assessments Committee –20 December 2004

Nil

(Please note from the Special Development Assessments Committee Meeting held on Monday 20 December 2004 Item DAC0412-328 - 261 South Street Beaconsfield – Change of Use – Residential to Service Professional, Dental Clinic item will be going to Full Council Meeting to be held on 7 February 2005)

Development Assessments Committee – 10 January 2005

DAC0501-003	Crandon Street No. 12 (Lot 7) Fremantle Residential – Construction Of A Two Storey Dwelling Reconsideration Of Condition 6 (E) Only (C40/12 DA 699/03)(Attachment: Att0501-003) <i>This Item Has Been Recommended For Council Advice</i>	11
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REPORTS BY THE MAYOR OR OFFICERS OF COUNCIL

Motions of Which Notice Has Been Given – 17 January 2005

Nil

Statutory Council Items – 17 January 2005

C0501-01	Abbreviated Statements of Financial Position as at 30 November 2004 <i>Council Decision</i>	15
C0501-02	Confirmation of Accounts for Payment – 30 November 2004 <i>Council Decision</i>	17
C0501-03 Att. 1	Sundry Debtors Report – November 2004 Attachment No. 1 <i>Council Decision</i>	19
C0501-04 Att. 2	Investment Report – November 2004 Attachment No. 2 <i>Council Decision</i>	21
C0501-05	Applications for Construction of Concrete Vehicular Footpath Crossings for Council for October, November and December 2004 <i>Council Decision</i>	23

General Council Items - 17 January 2005

C0501-06	Consideration of the development of a Solvent Abuse Local Law <i>Council Decision</i>	25
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C0501-07	High Street/Market Street Intersection – Request for provision of Right Hand Turn Arrow – Council Decision	29
C0501-08	FreoStar Suburban Public Transport Service – Council Decision	32

CONFIDENTIAL MATTERS

Nil

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

THE MAYOR, MR PETER TAGLIAFERRI WELCOMED CR SUE
LIMBERT FROM THE CITY OF COCKBURN

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 (entered at 6.05 pm); Cr Tony Miosich

City Ward

Cr Steve Gorman; Cr Phil Douglas (entered at 6.06 pm)

South Ward

North Ward

Cr Doug Thompson; Cr Bob Williams

Chief Executive Officer, Mr Graeme Mackenzie; Director Urban Management, Mr Jayson Miragliotta; Manager Environmental Control; Mr Bob Caporn; Manager Strategic Planning and Corporate Development, Ms Jill Hanna, Senior Planning Officer, Mr Alan Gray and the Minute Secretary and Mayor's Civic Appointments Secretary, Mrs Nellene Hill and Assistant Minute Secretary, Ms Melody Crockett.

LEAVE OF ABSENCE

Cr Helen Hewitt
Cr Geoff Graham
Cr Kathy Anketell

APOLOGIES

Nil

RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

- 1. Mr Gerard McCann
DAC0501-003**

Summary of Question

Mr McCann spoke of the wording in the recommendation for No. 12 Crandon Street Fremantle condition 6 e) and asked Council to clarify the wording of the previously adopted policy.

Mr McCann read out excerpts from Article 8 of the Burra Charter.

Summary of Response from Mayor P Tagliaferri

The second comment is more of a statement.

Summary of Response from Director Urban Management, Mr Jayson Miragolotti

Mr Miragolotti stated there is some discrepancy in the wording itself that could be clarified.

- 2. Ms Jean Tonkinson
DAC0501-003**

Summary of Question

Ms Tonkinson asked that Council please continue to support her and stated she is prepared to accept the plans in the spirit of compromise.

Summary of Response from Mayor P Tagliaferri

Thank you. That is more a statement and I am sure Council will take your comments on board when making their decision.

**3. Mr Les Lauder
DAC0501-003**

Summary of Question

Council please stick to the decision Council on 1 November 2004 as it is a very reasonable one and it by doing so Council will uphold its creditability.

Summary of Response from Mayor P Tagliaferri

Thank you.

**4. Mr Kelvin Smith
DAC0501-003**

Summary of Question

Mr Smith spoke of his proposed development 12 Crandon Street Fremantle. He advised he has lodged an Appeal against Council's original decision to impose the condition in the State Administrative Tribunal. He also spoke of independent legal advice he has received.

Can Council justify the refusal of this reconsideration resulting in the expense defending the planning appeal over this condition given that there is no planning justification for it and that the advice of its own planning officers is that the condition is unsupportable in the Tribunal?

Summary of Response from Mayor P Tagliaferri

Councillors will make their decision during the debate of the item.

**5. Mr Richard Longley
DAC0501-003**

Summary of Question

Mr Longley spoke of the 12 months community consultation and debate process between neighbours, architects and Council has been a positive and constructive one.

He spoke of condition 1 and part 2 of the planning approval and in particular the implications of the aesthetic approval of a neighbour prior to approval.

Could Council withdraw condition 6e) in its entirety from the planning approval.

Summary of Response from Mayor P Tagliaferri

I am sure Councillors will take your comments into consideration when making their decision.

**6. Mr John Longley
C0501-06, C0501-07 and C0501-08**

Summary of Question

Mr John Longley advised the Chamber of Commerce is highly supportive of the substance abuse initiative proposed by the City.

He also spoke of the Chamber of Commerce is also highly supportive of the FreoStar initiative proposed by the City.

Mr Longley advised the Chamber of Commerce is strongly supportive of the proposed right hand turn arrow at High Street/Market Street intersection and spoke of the Chamber of Commerce's own traffic survey carried out at that intersection. Mr Longley asked this initiative be brought forward sooner than the 2005/2006 Budget round.

Summary of Response from Mayor P Tagliaferri

I am sure Councillors will take your comments into consideration when making their decision.

DISCLOSURE OF INTERESTS BY MEMBERS

Nil

APPLICATIONS FOR LEAVE OF ABSENCE

Nil

PETITIONS/DEPUTATIONS/PRESENTATIONS

Cr Bob Smith presented a petition to be referred to the appropriate Committee which is signed by residents and ratepayers to have a barbecue and seats and lights and a camp swing set at either option 1 being Plane Tree Grove Cottonwood Place Bayleaf or option 2 at the end of Tripuana Green.

CONFIRMATION OF MINUTES

THE MAYOR, MR P TAGLIAFERRI MOVED THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON MONDAY 13 DECEMBER 2004 BE CONFIRMED AS A TRUE AND ACCURATE RECORD

SECONDED BY CR D THOMPSON

CARRIED UNANIMOUSLY 9/0

For	Against
The Mayor, Peter Tagliaferri	
Cr Bob Smith	
Cr Shirley Mackay	
Cr John Alberti	
Cr Steve Gorman	
Cr Doug Thompson	
Cr Bob Williams	
Cr Tony Miosich	
Cr Phil Douglas	

ANNOUNCEMENTS BY THE MAYOR

Nil

QUESTIONS BY ELECTED MEMBERS

Question from Cr S Mackay

1. Has Council been supplied a copy of the developers proposed Bradkin site clean up plan and if yes, are appropriate Council officers satisfied with the measures in the plan?
2. Could Council wait until the Elections are complete to allow new Elected Members the opportunity to have input into the change of meeting nights from Mondays to Tuesdays?

Response to question 1 from Director Urban Management, Mr J Miragolotti

At the moment the only proposal we have received is the upgrade to Island Street and that development application is on hold until we get confirmation from the Health Department the Department of Planning and Environment's assessments and when that is received we will bring that information back to Council.

Response to question 2 from Mayor P Tagliaferri

Mayor P Tagliaferri clarified that newly Elected Members input will be taken into consideration.

Question from Cr D Thompson

Could the Mayor please advise the success of the Brown Paper Bag Event to raise funds for disaster relief for our Sister City in Seberang Perai?

Response from Mayor P Tagliaferri

Mayor P Tagliaferri advised the successful total at present stands at \$23,000.00 raised at the combined Connective Women and City of Fremantle's Benefit held on Sunday 16 January 2005 which will go directly to our Sister City in Seberang Perai.

RESPONSE TO QUESTIONS BY ELECTED MEMBERS

Nil

TABLED DOCUMENTS AND ATTACHMENTS

Petition re Plane Tree Grove

GLOSSARY OF FREQUENTLY USED ACRONYMS

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

COMMITTEE ITEMS

DEVELOPMENT ASSESSMENTS COMMITTEE

**Items referred to Council from the Development Assessments Committee
held in the Council Chambers, Fremantle City Council
Monday 20 December 2004**

Nil

(Please note from the Special Development Assessments Committee Meeting held on Monday 20 December 2004 Item DAC0412-328 - 261 South Street Beaconsfield – Change of Use – Residential to Service Professional, Dental Clinic item will be going to Full Council Meeting to be held on 7 February 2005)

DEVELOPMENT ASSESSMENTS COMMITTEE

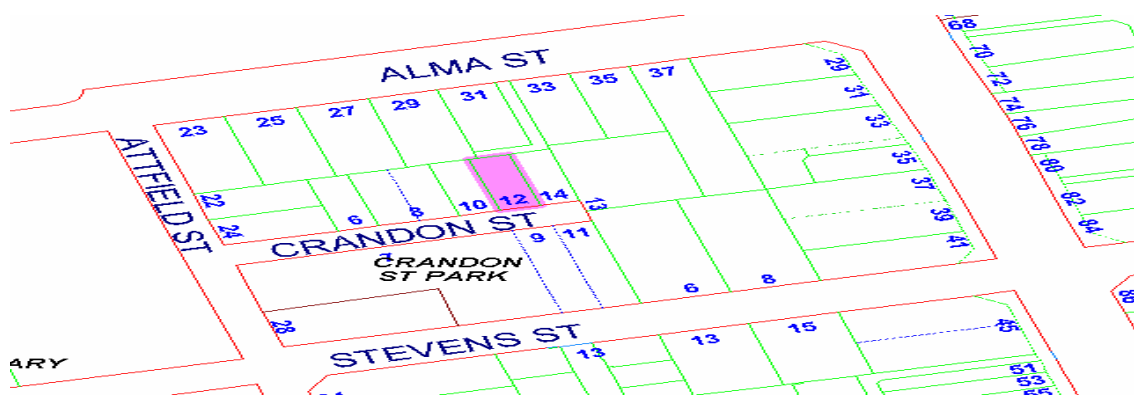
Items referred to Council from the Development Assessments Committee
held in the Council Chambers, Fremantle City Council
Monday 10 January 2005

DEPUTY PRESIDING OFFICER CR P DOUGLAS ASKED IF ANY MEMBERS PRESENT AT THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD ON 10 JANUARY 2005 FORESEE ANY CHANGES TO THE MINUTES AS PRINTED AND PRESENTED.

Nil

DAC0501-003 Crandon Street no. 12 (lot 7) Fremantle residential – construction of a two storey dwelling Reconsideration of Condition 6 (e) only
(C40/12 DA 699/03)(ATTACHMENT: ATT0501-003)
This item is recommended for council advice

Owner Name: K & L Smith
Submitted by: Oswald Homes
M.R.S.: Urban
T.P.S. No. 3: Residence
Heritage Listing: N/A
Existing Land use: Vacant lot
Lot area: 231m²
Building floor area: 211m² approx
RD Code R30



Background

- The Council granted planning approval for the construction of a two storey house on 15/11/04.

- Condition 6(e) imposed by Council required a reduction in the overall height of the building by 250mm and the modification of the rear gutter to truncate the roof line to follow the line of the house. This condition was suggested by the neighbour's representative and imposed by Elected Members at the meeting of full Council on 1/11/04
- The applicants subsequently submitted a reconsideration request to the City and an Appeal to the Town Planning Appeal Tribunal (TPAT).
- The grounds for reconsideration are attached to this report.

DAC Attachments

- Reconsideration request.
- Council report/minutes.
- Location plan and drawings of the proposed house.

Appeal

- The applicant's submitted an appeal to the TAPT and a Case Management Conference was held on 14/12/04.
- At the Conference both the appellants and Council's representative outlined the history of the case (4 sets of revised drawings, community and neighbour concerns, eleven months from submission to Council decision).
- The TAPT Senior Member presiding over the appeal acknowledged the Council's reason for imposing the condition (desire to grant planning approval whilst taking account of the neighbour's concerns) but surmised that the Council's position would be indefensible stating that Council officer's did not recommend this condition and there appeared to be no reasonable planning grounds to defend the condition. In concluding the Senior Member requested that the Council reconsider its decision.
- A formal Appeal Tribunal Hearing has been scheduled for 14 February 2005, but a reconsideration decision in favour of the applicant would avert this Hearing.

Considerations

- The original development application was submitted in November 2003 and was revised four times following negotiations between Council staff and the neighbour at No. 14 Crandon Street. Both the DAC and full Council have previously considered the merits of the proposal and the concerns raised by the neighbour and community generally.
 - An assessment of the proposal against the requirements of the RD Codes concluded that the proposal (as recommended to DAC and Council) complied in respect of the height and setback from the boundary with No.14 Crandon Street and there were no planning grounds (either RD Codes or Council Policies) on which to request a further reduction in height or modifications to the roof/gutterline.
 - Since the Council decision on 1/11/04 no changes to the plans have been made and Council officer's technical assessment remains unchanged.
-

- An additional assessment of the proposed reduction in the height by 250mm has concluded that it would have marginal beneficial impact on the neighbouring property.
- The alterations to the rear roof line would have a detrimental impact on the design of the dwelling by reducing the amount of shade to the first floor bedroom and ground floor kitchen. This would expose both rooms to direct northern sunlight without any opportunity for shade reducing the building's environmental performance.

Conclusion

- The development application took eleven months of negotiation with the applicants, neighbours and general community to achieve a design that minimised the impact on both neighbouring properties and contributed to the streetscape.
- Elected Members imposed Condition 6(e) as a means of addressing concerns raised by the neighbour at No.14 Crandon Street whilst at the same time wanting to support a proposal for a single house that is largely compliant with the RD Codes and Council Policy.
- The applicant's have accepted all but one of the conditions but feel that Condition 6(e) requiring a reduction in the overall height of the roof and modifying the design of the roof at the rear of the building would not achieve an acceptable internal living space.
- In addition to submitting a reconsideration request to the Council the applicants have also submitted an appeal to the TPAT which has already progressed part of the way through the process with the Case Management Conference being held in December 2004. The TPAT Senior Member considered the grounds for appeal and the circumstances surrounding Elected Members imposing Condition 6(e).
- The Senior Member has given an initial indication to both the appellants and the Council that the appeal is likely to succeed. In scheduling an Appeal Hearing for February 2005 the TPAT has afforded the Council time to reconsider its decision and delete condition 6(e).
- The concerns of the neighbour at No.14 Crandon Street are acknowledged but given the initial comments from the TPAT it appears unlikely that the TPAT would support the Council's decision to impose Condition 6(e) given that there are no reasonable planning grounds to support it. Given this it is recommended that Condition 6(e) requiring the height of the building to be reduced by 250mm and modification of the rear gutter to truncate the roof line to follow the line of the original house be deleted.

Recommendation to Council

That the Council, having reconsidered the planning decision dated 15 November 2004 is prepared to amend its decision in the following way:

1. Amend Condition 6 by deleting the following sentence:

- (e) *Reduction in the overall height by 250mm and modification of the rear gutter to truncate the roof line to follow the line of the house.***

Advisory note(s):

- (i) **The applicant is advised that all the other conditions referred to in the planning approval dated are 15 November 2004 remain unchanged and must be complied with.**

Moved by: Cr. Helen Hewitt

For	Against
Cr. Helen Hewitt Cr. Bob Williams Cr. John Alberti	Cr. Tony Miosich Cr. Phil Douglas

CARRIED: 3/2

DEPUTY PRESIDING OFFICER CR P DOUGLAS MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED DAC0501-003 BE ADOPTED.

SECONDED BY CR J ALBERTI

PUT AND CARRIED 5/4

For	Against
Cr Steve Gorman Cr Bob Smith Cr Phil Douglas Cr Bob Williams Cr John Alberti	Mayor Peter Tagliaferri Cr Shirley Mackay Cr Tony Miosich Cr Doug Thompson

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

REPORTS BY MAYOR OR OFFICERS OF COUNCIL

STATUTORY COUNCIL ITEMS 17 JANUARY 2005

MAYOR P TAGLIAFERRI MOVED EN BLOC THE FOLLOWING RECOMMENDATIONS NUMBERED C0501-01 TO C0501-05 INCLUSIVE BE ADOPTED.

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 9/0

For	Against
The Mayor, Peter Tagliaferri	
Cr Bob Smith	
Cr Shirley Mackay	
Cr John Alberti	
Cr Steve Gorman	
Cr Doug Thompson	
Cr Bob Williams	
Cr Tony Miosich	
Cr Phil Douglas	

C0501-01 Abbreviated Statements of Financial Position at 30 November 2004

Financial Statements Book

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

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present a summary of financial information for the month ending 30 November 2004.

EXECUTIVE SUMMARY

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

STRATEGIC & POLICY IMPLICATIONS

Efficient and Effective Local Government

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

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

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

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the Abbreviated Statements of Financial Position for the period ending 30 November 2004 be received.

**ITEM NUMBERED C0501-02 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY EARLIER IN THE MEETING**

**C0501-02 Confirmation of Accounts for Payment November 2004 Financial
Statements Book**

DataWorks Reference: 087/002;
Manager Finance & Administration

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present the listing of payments made during November 2004.

EXECUTIVE SUMMARY

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

REPORT

Comment

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

STRATEGIC & POLICY IMPLICATIONS

Efficient and Effective Local Government

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

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

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

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the listing of payments of accounts within the Financial Statements Book for the month of November 2004 amounting to \$11,588,581.05 be received.

ITEM NUMBERED C0501-03 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY EARLIER IN THE MEETING

C0501-03 Sundry Debtors Report November 2004 Attachment No. 1

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

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

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

EXECUTIVE SUMMARY

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

STRATEGIC & POLICY IMPLICATIONS

The item has a general connection to the City Plan.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the report for November 2004 be received.

ITEM NUMBERED C0501-04 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY EARLIER IN THE MEETING

C0501-04 Investment Report November 2004 Attachment No. 2

DataWorks Reference: 089/004;
Manager Finance & Administration

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present a monthly report on investments as required by Council.

EXECUTIVE SUMMARY

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

STRATEGIC & POLICY IMPLICATIONS

The item has a general connection to the City Plan.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

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

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the report for November 2004 be received.

ITEM NUMBERED C0501-05 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY EARLIER IN THE MEETING

**C0501-05 Applications for Crossovers by City of Fremantle for October ,
November and December 2004**

**DataWorks Reference: Crossover Applications
Technical Assistant – Street Management**

DECISION MAKING AUTHORITY

Information only no decision required.

PURPOSE

Report on the number of crossovers approved by the Manager Physical Services (under delegated authority) to be constructed by the City of Fremantle for the months of October, November and December 2004.

Background

Council has requested that details of crossover construction be reported on a monthly basis. For the month of October 2004 - 3 crossovers constructed, November 2004 - 12 crossovers constructed and December 2004 - 2 crossovers constructed.

STRATEGIC & POLICY IMPLICATIONS

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

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable

Environmental

Not applicable

Social

Not applicable

BUDGET IMPLICATIONS

Not applicable

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

This matter has not been referred to Precincts.

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

OFFICER'S RECOMMENDATION

The information be received.

GENERAL COUNCIL ITEMS – 17 JANUARY 2005

**MAYOR P TAGLIAFERRI MOVED EN BLOC THE FOLLOWING
RECOMMENDATIONS NUMBERED C0501-06 TO C0501-08 INCLUSIVE BE
ADOPTED**

SECONDED BY CR D THOMPSON

PUT AND CARRIED 8/1

For	Against
The Mayor, Peter Tagliaferri	Cr Bob Smith
Cr Shirley Mackay	
Cr John Alberti	
Cr Steve Gorman	
Cr Doug Thompson	
Cr Bob Williams	
Cr Tony Miosich	
Cr Phil Douglas	

C0501-06 Consideration of the development of a Solvent Abuse Local Law

DataWorks Reference: 035/005 ; Bob Caporn
Author: **Bob Caporn Manager Urban Environment & Control**
Actioning Officer: **Bob Caporn Manager Urban Environment & Control**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

To consider the merits of developing a Local Law to address solvent abuse on Council land.

EXECUTIVE SUMMARY

Solvent abuse is a problem in the wider community and there appears to be no mechanisms either through legislation, education or the health facilities to offer support to affected people.

The suggested local law to address solvent abuse is a new area for local government and would need specific legal advice prior to advancing any local law to the state for the necessary approval.

REPORT

Background

The Mayor has requested that the City consider the possibility of creating Solvent Local Laws that could apply in Fremantle. In November 2002 Council adopted a Local Government Property Local Law. This Local Law may be the statute that could be amended to include a section to address solvent abuse on Council property. The full text of the Property Local Law is on “I” drive or a printed version is available on request.

Comment

There is no doubt that there would be some challenges if amendments (or a new Local Law) were to proceed.

These challenges together with possible solutions are indicated in the following table:

Challenge	Possible Solution
State Government will not allow the local law because it may be inconsistent with State Legislation or that it is deemed to be a State responsibility and not a Local Government matter.	Lobby WALGA and State Government to incorporate solvent abuse into State laws
Resource required to properly address compliance issues.	Police could be the only authorised persons under the suggested Local Laws
No existing legislation to utilise as a draft or model	Request Council’s solicitors to prepare draft which is not unusual.
Definitions of “solvent” are broad and will need to be properly investigated.	Solicitors can address.
Powers should be for authorised person to confiscate and dispose of solvents which may be outside the powers of Local Government. Powers exist to impound items but under specified conditions.	Solicitors can address.
Any financial penalties are unlikely to have the desired effect as the offender is unlikely to have funds to pay for fines. The better approach would be for a compulsory referral for medical assistance which is understood to be outside the powers of Local Government.	The City would have to lobby State for such powers or the State to provide medical assistance to referred offenders or people through a detox centre or similar.

Conclusion

As this suggested Local Law would be new legislation not previously the domain of Local Government it would be wise to refer the matter to Council's solicitors for legal advice prior to assuming that the City can advance the matter in the traditional manner.

The objective of the Local Law is supported by the Police.

If the Local Law fails to gain support from elected members or the State then the City could encourage the State to accept the challenge as a state matter.

STRATEGIC & POLICY IMPLICATIONS

City Plan Clause 5 "Safe Community" applies and states "Develop and implement policies, including urban design solutions, that create and maintain an environment that maximises personal safety".

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable other than on those occasions when solvent users damage the physical environment.

Social

There is a tremendous social need for solvent abuse to be addressed through education or legislation.

BUDGET IMPLICATIONS

Nil assuming the authorised persons are the Police.

LEGISLATIVE AND LEGAL CONSIDERATIONS

This matter is new to local government and specific legal advice is warranted

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

This matter has not been referred to the precincts but the objective is supported by the Police.

OFFICER'S RECOMMENDATION

- 1. Council support the principle of adopting a local law that would address substance abuse and that the City request McLeod's to provide legal advice as to the best method of advancing a local law to address solvent abuse in Fremantle.**
- 2. Council inform the Local Member of the Council's concerns about the prevalence of solvent abuse in the wider community and to urge the State to give a high priority to finding a solution through education, legislation and support to affected people.**

ITEM NUMBERED C0501-07 WAS MOVED AND CARRIED EN BLOC EARLIER IN THE MEETING

C0501-07 High Street / Market Street Intersection - Request for Provision of Right Turn Arrow

DataWorks Reference: Main Roads, Traffic & Transport Solutions; 203/003; 165/022

Author: Mayor Peter Tagliaferri

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

For the Council to consider a request for provision of a right turn arrow at the intersection of Market St and High St.

EXECUTIVE SUMMARY

This matter was previously referred by the Strategic Planning Committee to the City Centre Blueprint Working Group. The matter is now brought back to the Council for consideration.

REPORT

Background

At its meeting held on 2 March 2004, the Strategic Planning Committee considered a report from the Transport Planner on this request (SP0403-15) and resolved:

- 1. That the Strategic Planning Committee notes this report and refers it to the City Centre Blueprint Committee.*
- 2. That the recommendation from the City Centre Blueprint Committee be brought back to the Strategic Planning Committee for consideration.*

The Transport Planner's conclusion was that provision of the right turn arrow produces minimal benefits for traffic movement and has a significant negative impact on pedestrian movements at the intersection. Investigations supporting this conclusion were provided in the Transport Planner's report and attachments.

The matter was subsequently considered at the City Centre Blueprint Working Group meeting held on 3 May 2004. Group members agreed that further consideration of the request should be deferred until after completion of the streetscape improvements in High St, west of Market Street.

The High St works are now substantially complete for the section between Market St and Cliff St, other than for new street lighting, public art and some street furniture. Streetscape works in High St west of Cliff St are programmed for May / June 2005, and works in Cliff St to convert it to 2 way traffic will be carried out early in 2005/06, subject to funding.

Street parking in High St in the West End has recently been made free and converted to half hour to encourage more visitors into the West End.

The half hour free parking in High Street has been a successful initiative from the Council with trade reporting additional customers and good trading for the month of December 2004.

Queues have developed in High Street with vehicular queuing to turn right into High Street causing vehicles to jump the amber and rd lights endangering oncoming vehicles and hazardous to pedestrians crossing at the intersection.

Comment

Matters to be considered include:

- Whether absence of a right turn arrow is a deterrent to vehicle access into the West End, and therefore a deterrent to business activity.
- Traffic consultant advice that his observations "...did not show an unusual level of delay for right turning vehicles for an inner city location" and concluded that a right turn arrow is not justified.
- The City would be responsible for the cost of any works.
- Impact on pedestrians crossing Market St.
-

STRATEGIC & POLICY IMPLICATIONS

n/a

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

n/a

Environmental

n/a

Social

n/a

BUDGET IMPLICATIONS

Provision of a right turn arrow would incur expenses for design, traffic signal hardware and re-programming of the traffic signals controller. A new budget allocation would be required to fund these items

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

n/a

RECOMMENDATION TO COUNCIL

1. Council supports the implementation of a right hand turning arrow at the corner of High Street/Market Street. This item be funded in the 2005/2006 Budget.
2. A review and report for the re-introduction of a right hand turning arrow at the corner of Parry Street/South Terrace be brought to Council in the March 2005 Meeting cycle.

ITEM NUMBERED C0501-08 WAS MOVED AND CARRIED EN BLOC EARLIER IN THE MEETING

C0501-08 FreoStar Suburban Public Transport Service

DataWorks Reference: FreoStar
Author: Mayor Peter Tagliaferri

DECISION MAKING AUTHORITY

Council - SIMPLE MAJORITY.

PLEASE NOTE

THE FOLLOWING REPRESENTS THE BACKGROUND ETC. WHICH APPEARED IN ITEM NUMBERED SP0410-74 WHICH WENT TO COUNCIL ON 18 OCTOBER 2004.

BACKGROUND

PURPOSE

To provide a report on the final results of community consultation on the proposed FreoStar public transport service for City of Fremantle residents and an update on issues related to the implementation of the service.

EXECUTIVE SUMMARY

This report includes a final analysis of questionnaire responses, including general comments on the proposal. There was strong support for a free public transport service but a number of concerns were raised about the current proposal. State government approval for operation of the service is still awaited. Proposed funding of the service through introduction of fees for on-street parking in the evening requires further resolution and is to be considered by Council's Parking Policy Working Group.

REPORT

Background

At its meeting on 31 May 2004 (Item SP0405-35), Council resolved that:

1. *Public comment be sought for a six week period on the provision of a subsidised public service operating on Route 4 (as shown in Attachment ATT-SP0405-35), from 9am to 5pm on weekdays.*
2. *The funding needed for operation of the service be raised from the introduction of fees for on-street parking in the evening, as proposed in the 2004/2005 Principal Activities Plan.*
3. *Formal advice be sought from the Department for Planning and Infrastructure and Council's solicitor on the legal and insurance issues associated with operation of such a service.*
4. *A further report be prepared for Council in August 2004.*

In order to undertake some basic market research about possible usage of the proposed FreoStar service, a questionnaire was prepared and circulated to a random sample of 10% of households that would be serviced by the four proposed routes. The Strategic Planning Committee received a progress report at its 30 August 2004 meeting that included interim results of the analysis of completed questionnaires. At that meeting, Council resolved:

1. *That the Strategic Planning Committee notes this report.*
2. *A further report be prepared for the October 2004 Strategic Planning Committee meeting that includes a summary of the completed questionnaire analysis and a recommendation for further action.*

A total of 344 questionnaires have been received and analysis of responses has been completed. A summary of the written comments included on questionnaire responses has also been completed (refer to Attachment ATT-SP0410-74).

Comment

Questionnaire Responses

Analysis of the questionnaire responses indicated that:

- 86% support the provision of the bus service, 10% do not support the provision of the service and 4% failed to respond.
- The largest group of respondents were from Fremantle (32%), followed by Beaconsfield (21%), White Gum Valley (12%), Samson (11%), North Fremantle (11%), Hilton (10%), O'Connor (1%), South Fremantle (1%) and no response (<1%).
- Most people travel into the city centre between 3-5 times per week (35%), followed by 1-2 times per week (30%), 6 or more times per week (17%), Occasionally (16%), Never (1%) and no response (2%).
- The mode of travel used to access the city centre was dominated by Car as Driver with 64% of all trips followed by Walk (17%), Transperth Bus (9%), Car as Passenger (6%), Bicycle (2%), Taxi (1%), Motorcycle (1%), Train (<1%) and no response (1%).

- Respondents access the city centre on all days of the week. The proportions that access each day of the week are Monday (46%), Tuesday (44%), Wednesday (45%), Thursday (55%), Friday (62%), Saturday (61%) and Sunday (46%) for a daily average of 51%.
- As the cost of the proposed service increases, the numbers who say they will use the service decreases. At zero cost, a total of 15% say they will never use the service, at \$0.50 it is 19%, at \$1.00 it is 34% and at \$2.00 it increases to 60%.
- Respondents would use the bus service for the following reasons, in order of preference: Shopping (75%), Café/Restaurant (54%), Personal business (47%), Recreation (38%), to access the Train Station (33%), to Travel to/from Work (10%) and for Education purposes (9%).
- A total of 27% would use the Southern route, 23% the Eastern route, 21% the Central route, 16% the Northern route and 13% failed to respond.
- When looking at changes to encourage patronage, 33% said that more frequent services would increase their patronage, 29% said Saturday services and 28% said Sunday services, 23% said faster and more direct routes and 22% said Thursday – Sunday evening services.

Almost half of all respondents also provided written comments, ranging from simple support for or opposition to the proposed service, to detailed comments and requests for significant changes to the proposal. The main issues raised in the comment section of the questionnaires were:

Existing Bus Services:

- Adequate but could be improved.
- Do not duplicate Transperth services.

Type of bus:

- Provide for pram/pusher and disability access to bus.
- Provide space on the bus for shopping bags.
- If successful, a small bus would be full after first few stops.

Route:

- Do not run on Samson Street (too much traffic) or run through Cappuccino Strip (too many buses already).
- Include Collick Street (Hilton) and Port Beach (during summer).
- Would take too long to get around. Quicker to catch Transperth bus, drive, walk or cycle.

Hours and days of operation:

- Good for pensioners, not suitable for workers.
- Commence earlier and finish later to service resident commuters.

- Run on weekends.
- Run later in the evening from Thursday to Sunday.

Frequency:

- Too infrequent to be useful - if miss the bus then have to wait two hours for next one.

Fare:

- Must be cheaper than Transperth to be attractive.
- Should be free.

Funding:

- Strong opposition to paying evening parking fees.
- Evening on-street parking fees would have detrimental effect on businesses and on Fremantle Library.
- Extend resident concession parking permits to include evenings.

The comments contained a mixture of support for and concern about the perceived shortcomings of the proposed service. Strong support was expressed for the service to be free or in order for it be preferred to current fare payment Transperth services. However, a number of respondents, including some that indicated overall support for the service, indicated that they would not use it because it would either be too infrequent, would be slower than Transperth services, would not suit weekday commuters, would not operate in the evening and/or would not operate on weekends. However, (a) operating the service more frequently would require additional buses and substantial additional expense and (b) operating the service for longer periods than the currently proposed 9am to 5pm weekday service, or operating it on weekends, would also require substantial additional funding.

A number of respondents strongly objected to the proposed funding of the service through evening parking fees. However, many of these respondents indicated that they would support this proposal if resident concession parking permits were broadened to cover evenings (they currently apply from 9am to 11am and from 3pm to 5pm on weekdays and all day in Point Street car Park on weekends).

Elected Members' Workshop

At an Elected Members' workshop held on 1 September 2004, suggestions were received that implementation of the four routes be staged and that Council commit to running the service for a two year period.

Funding

Council's 2004-2008 Principal Activities Plan flagged that *"Council is intending to introduce an extended (mini) CAT bus service to the suburbs within the district. It is intended that funding for this service will be met by introducing paid street parking fees into the evenings. Once costs have been refined and revenue raising estimates calculated, council will consider this matter further."*

Council Officers involved in the management and enforcement of the parking have met to discuss the issues and options associated with the introduction of fees for on-street parking in the evening. The issues identified by Officers were:

- the times and days that the extended restrictions would apply ie 5pm-9pm daily?
- the area to which the evening restrictions would apply– the entire city centre or just the entertainment zone?
- the possible impacts of motorists parking outside this zone to avoid paying the fee?
- parking fee – could charge either a flat rate (say \$2), the daytime hourly rate or a reduced hourly rate;
- changes would be required to ticket machines, depending on the fee structure;
- night time visibility of parking signs and ticket machines - adequacy of existing street lighting requires assessment (enforcement officers would also require torches);
- existing daytime time limits (ie 30 minute – 2 hour) are inappropriate for evening activities – a longer time limit would be preferable;
- changes required to parking signs depending on time limits adopted – could cost around \$7,500;
- extension of resident concession parking permits to cover evenings?
- additional enforcement resources would be required but would depend on the desired level of enforcement;
- security required for Integrated Patrols' Officers patrolling the streets at night;
- financial implications – additional enforcement costs and additional infringement revenue;
- a publicity campaign would be required; and
- alternative methods of raising the revenue to fund FreoStar could be 8am-6pm street parking fees, increase infringement penalty by \$5, increase parking fees by 10% on weekends or extend the current pay parking area into adjacent areas.

If evening parking fees are to be implemented, this would require a formal amendment to the 2004/05 Schedule of Fees and Charges and to the 2004/05 budget (for the additional parking revenue, the capital costs outlined above, additional infringement revenue and enforcement costs, and the publicity campaign, where these could not be funded from within existing budget allocations).

These issues will be discussed at the next meeting of Council's Parking Policy Working Group, which is scheduled for 21 October 2004 and a recommendation brought back to Council.

Other Planning and Operational Issues

Operation of the service would be a significant financial undertaking for the City and would also raise a number of public liability and associated insurance issues. For these reasons, the development of a comprehensive tender document would be required, with assistance from the City's Solicitor.

State Government Approval

The provision of public transport services in WA is regulated under the Transport Coordination Act by the Department for Planning and Infrastructure. A letter was sent to the Minister for Planning and Infrastructure on 18 June 2004 seeking approval to operate the service. An acknowledgement letter was received from the Minister's Office on 24 June 2004. Several subsequent telephone calls to the Minister's adviser that is dealing with this issue have not been returned, so the status of and timeframe for the approvals process is not known.

Conclusion

Whilst there appears to be strong community support for the service, a number of concerns have been raised about the current proposal. The proposed method of funding the service from evening parking fees requires further investigation. State government approval for operation of the service has not been granted as yet and, until this is forthcoming, the development of a detailed tender document is not recommended. However, finalising the proposed routes, and resolving how evening parking fees are to be implemented could proceed.

STRATEGIC & POLICY IMPLICATIONS

The sustainable transport element of City Plan requires the development and implementation of strategies that encourage the use of public transport. It is also an objective of City Plan that "private vehicle use in the city centre is not higher than year 2000 levels."

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Improvement of resident access to the city centre by public transport could generate additional sales revenue for traders.

Environmental

Replacement of car trips by public transport trips can reduce greenhouse gas and vehicle emissions, reduce traffic volumes and reduce road crashes.

Social

Improvement of public transport access to the city centre will increase its accessibility by providing a range of travel options.

Travel by public transport provides an opportunity for social interaction.

BUDGET IMPLICATIONS

There is no allocation in Council's 2004/05 budget for establishment and operation the proposed FreoStar service. If the service is to proceed to implementation, formal amendments to the 2004/05 Schedule of Fees and Charges and to Council's 2004/05 budget will be required.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The provision of public transport services in WA is regulated under the Transport Coordination Act by the Department for Planning and Infrastructure. Factors taken into consideration when assessing proposals include duplication of existing public transport services and use of existing bus stops. Public liability insurance also requires more detailed investigation.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

The results of the community questionnaire are provided in this report. The proposal has previously been released for public comment, including an invitation to Precincts to comment. It has also been discussed, on several occasions, by Council's Transport Advisory Committee.

OFFICER'S & COMMITTEE RECOMMENDATION

- 1. The Chief Executive Officer contact the Office of the Minister for Planning and Infrastructure and request that the approvals process for the proposed FreoStar service be expedited.**
- 2. The implementation of fees for on-street parking in the evening be referred to Council's Parking Policy Working Group and a recommendation be brought back to the November cycle of Council meetings.**
- 3. Preliminary planning for implementation of the service continues, taking into account the community feedback received so far.**

Moved: Mayor, P Tagliaferri	Carried: 4/3
For: Mayor, P Tagliaferri Cr. S Gorman Cr. S Mackay Cr. D Thompson	Against: Cr. K Anketell Cr. H Hewitt Cr. B Smith

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED SP0410-74 BE ADOPTED AT THE COUNCIL MEETING HELD ON 18 OCTOBER 2004

SECONDED BY CR D THOMPSON

PUT AND CARRIED 6/5

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

RECOMMENDATION TO COUNCIL

Given the Parking Policy Working Group fails to find a workable funding structure (Part 2 of Council Resolution adopted for item SP0410-74 on 18 October 2004 Council Meeting) by 1 May 2005, Council resolves to fund the FreoStar through the 2006 Budget process.

CONFIDENTIAL ITEM

Nil

CLOSURE OF MEETING

The Ordinary Meeting of Council concluded at 6.40 pm.