

CITY OF FREMANTLE

Minutes of the Ordinary Meeting of Council

Held on Monday 7 February 2005 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 6.00 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 John Alberti; Cr Shirley Mackay

Hilton Ward

Cr Bob Smith; Cr Tony Miosich

City Ward

Cr Steve Gorman; Cr Phil Douglas

South Ward

Cr Geoff Graham; Cr Helen Hewitt

North Ward

Cr Doug Thompson; Cr Bob Williams

Chief Executive Officer, Mr Graeme Mackenzie; Director Urban Management, Mr Jayson Miragliotta; Director Cultural and Community Services, Mr Ken Posney (entered at 6.06 pm); Acting Manager Finance and Administration, Mr Wayne Smith; Manager Environmental Control; Mr Bob Caporn; Manager Strategic Planning and Corporate Development, Ms Jill Hanna; Manager Infrastructure Services, Mr James Duff; Manager Cultural and Recreation, Mrs June Moorehouse and the Mayor's Civic Appointments Secretary and Minute Secretary, Mrs Nellene Hill.

Number Of Members Of The Public Present Was Approximately 27

Number Of Media Present Was 2

LEAVE OF ABSENCE

Nil

APOLOGIES

Nil

RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

1. **Jillian Nicholas**
74 Solomon Street Fremantle
General
DAC0412-328

Summary

Spoke of the process regarding development applications.

Summary of Response from Mayor P Tagliaferri

Councillors will take your comments on board when making their decision.

Summary of Response from CEO Graeme Mackenzie

There is no sponsorship system and there is no influence made on the development application process.

2. **Frank Acocella**
SDRCP0501-16

Summary

Spoke of the Mayors comments in a recent article in the Herald newspaper and of a report in the Notice Paper for Council Meeting 7 February 2005 relating to item SDRCP0501-16.

Summary of Response

Thank you.

3. **Jim De Blanken**
SDRCP0501-16

Summary

Spoke of the background in relation to item SDRCP0401-16.

Summary of Response Mr Bob Caporn

Mr Caporn will provide a response to Mr De Blanken's concerns which are included in Tabled Documents at the rear in this publication. A copy was distributed to all Councillors during Public Question Time to assist them for discussion of this item.

**4. Carl Greenwood
General**

Summary

Spoke of the Northbank foreshore and the jetty connected to the foreshore and to the Management Plan. He also spoke in particular of an electrical distribution board for the jetty. He queried a consultation process in relation to this area.

Summary of Response

Mr James Duff will provide a response to Mr Greenwood.

**5. David Johnston
40 Tuckfield Street Fremantle
General**

Summary

Spoke of the John Curtin plinth at the entrance to the Town Hall and what response has been received from the State Government for the removal of this plinth in compliance with Council wishes.

Spoke of questions not responded to date of the files containing Council Agendas downloaded off Council system and also a question he had asked regarding bus shelter artwork on the bus shelter in Ord Street outside Leisure Centre and when will this be attended to.

Summary of Response

Mr Ken Posney advised no response received from the Premier possibly because the Government is in a caretaker mode at present.

CEO Graeme Mackenzie will follow up with Councils IT staff to include the date on the files containing Council Agenda's on Council's computer system.

**6. Sandra Mallon
1 Cadd Street Beaconsfield
DAC0412-328**

Summary

Spoke of her concerns with the development under item DAC0412-328.

Summary of Response

Thank you and Councillors will take your comments on board when making their decision.

**7. Peter Webb
York Street Subiaco
DAC0412-328**

Summary

Spoke of aspects and background of the item DAC0412-328.

Summary of Response

Mayor P Tagliaferri advised Council will take those comments on board when making their decision tonight.

**8. Les Lauder
General**

Summary

Spoke of his award of the Premiers Citizenship Award on Australia Day and spoke of his concerns of Cr H Hewitt's accusations made with regard to this Award. He wished to go on record that there was no corruption of the Citizenship Award process and there was no prior arrangement with the Premier, the Mayor or the CEO with regard to the Citizenship Award.

Summary of Response

Mayor P Tagliaferri advised his comments would be taken on notice and Cr Hewitt would be asked to respond through the Notice Paper.

DISCLOSURE OF INTERESTS BY MEMBERS

Cr Bob Smith	SDRCP0501-16	Financial interest as Mr Acocella was his campaign manager during his election
Cr Helen Hewitt	SDRCP0501-19	Cr Hewitt advised that although she is a member of the Fremantle Tourist Bureau she does not have a financial interest in this item

APPLICATIONS FOR LEAVE OF ABSENCE

Nil

PETITIONS/DEPUTATIONS/PRESENTATIONS

Cr J Alberti thanked the Mayor Peter Tagliaferri for giving him the opportunity of representing him at the Hari Krishna festival held in Fremantle on 23 January 2005 which was a food festival as well as a fundraising event to assist the Tsuanmi appeal. He and his wife thoroughly enjoyed the day and met with the top Vegetarian Chef in Australia Kurma Dasa and wished to thank the organiser, Sita Rama for a wonderful event.

Cr D Thompson advised Council that even though Father Baczynski from Crossroads Community Church has been ill recently, he is happy to report he is recovering.

Cr S Mackay advised Council of the success of the recent Kids Dance Party organised with the input of young children of the City to raise money for the Save the Children Tsunami Appeal which raised \$2,000.00 and congratulated all involved.

CONFIRMATION OF MINUTES

THE MAYOR, MR P TAGLIAFERRI MOVED THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON MONDAY 17 JANUARY 2005 BE CONFIRMED AS A TRUE AND ACCURATE RECORD

SECONDED BY CR D THOMPSON

CARRIED UNANIMOUSLY 12/0

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

ANNOUNCEMENTS BY THE MAYOR

Nil

QUESTION BY ELECTED MEMBERS

Cr P Douglas spoke of the success of the 30 minute free parking in High Street. He also spoke of the proposed replacement of trees at the Fremantle Arts Centre behind the stage area to which the Mayor Peter Tagliaferri and the CEO Graeme Mackenzie responded.

RESPONSE TO QUESTIONS BY ELECTED MEMBERS

Nil

TABLED DOCUMENTS AND ATTACHMENTS

Alternative recommendation item SDRCP0501-16
 Alternative recommendation item DAC0412-328
 Correction to DAC minutes of 31 January 2005 item DAC0501-012
 Proposed amendment to item DAC0501-012
 Cone vision and overshadowing documents for item DAC0501-012
 Response email from Bob Caporn re F Acocella for item SDRCP0501-16

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

COUNCIL ITEMS

CONFIDENTIAL ITEMS

CLOSURE OF MEETING

DEVELOPMENT ASSESSMENTS COMMITTEE

Items referred from the Development Assessments Committee
to be held in the Chambers, City of Fremantle,
6.00 pm – Monday, 20 December 2004

CR H HEWITT ASKED IF ANY MEMBERS PRESENT AT THE DEVELOPMENT ASSESSMENTS COMMITTEE HELD ON 20 DECEMBER 2004 FORESEE ANY OBJECTION TO THE MINUTES AS PRESENTED AND PRINTED

NIL

DAC0412-328 South Street No. 261 (Lot 1) Beaconsfield
Reconsideration Request - Change Of Use – Residential To Service Professional, Dental Clinic

(DA444/04) (RM/AJ) (Attachment: Att0412-328)

This Application Is Recommended For Council Refusal

DataWorks References: Property: 261 South Street, Subject No: 059/002

OVERVIEW

- This report presents for reconsideration the proposed use of a vacant residence as a small dental clinic.
- Recently DAC refused the proposal on the basis that the discretionary use was not considered appropriate in a strategic context.
- The officer assessment had concluded that the low-key use was supportable, but of course DAC reserves the right to determine the matter.
- The owner has subsequently requested reconsideration, and engaged a second planning consultant to submit additional information.
- This report presents the initial assessment report and the additional information, for further consideration and determination of the proposal.

PREVIOUS REPORT & ADDITIONAL INFORMATION

- The previous report is repeated in full below, including a summary and assessment of the additional information submitted in support of the reconsideration.
- Following that, comment and advice is provided to Committee about the operation of the reconsideration provision and the exercise of discretion, to enable a decision on the matter.
- The submission from the planning consultant, comprising text and photos, is attached to the DAC Agenda.
- Under policy, where a reconsideration request is to a refusal, submitters notified of that decision shall be further consulted. This additional advertising has been undertaken and a summary of those submissions received and comments on them is included in the report (together with the initial submissions and comments).

Owner Name	Dr Adeline Teh
Applicant Name	Patrick Gersch Planning Consultant
M.R.S.	Urban – fronting onto primary regional road category 3
T.P.S. No. 3	Residence R20
Heritage	Nil
Permissible Use Class	AA
Existing Land Use	Residence
Lot area	471m ²
Total building floor space	120m ² approx.
Encumbrance	Nil
Proposal	
Date Received	Revised Plan 14 th September 2004
Use proposed	Service Professional – Dental Clinic
Details	<p>An application has been submitted for the change of use – existing residence to Dental Clinic.</p> <p>The dental clinic operates with only the dentist and one nurse / receptionist. The practice currently operates in Central Avenue and the dentist wishes to move to a location with more passing traffic. The operation functions as follows:</p> <p>Hours of operation 9am – 6 pm Monday to Friday Saturday 9am – 12pm</p> <p>No structural changes other than the construction of extra parking bays, and disabled access for wheelchair accessibility.</p> <p>Parking is available for 5 cars, of which the only person to work at the premises who drives is the dentist. The receptionist could drive however lives close enough to walk or cycle to work.</p> <p>Being a small scale business with one dentist she can only see one patient at a time, so at most two additional visitors vehicles will be parked at the site. This vehicle demand is catered for on-site with ample parking bays.</p> <p>The applicant has deleted the entrance crossover from South Street with all access to the clinic being from Cadd Street.</p> <p>The applicant has submitted the following detail in support of her application:</p> <ul style="list-style-type: none"> • The business is a relocation of an existing practice to provide better facilities and access for the senior citizens with designs including a disabled ramp and car parking bay. • The practice is a single operator practice and is non offensive to the streetscape – it will not alter the appearance of a residential building. • The existing front garden will be maintained. • There are no drugs or cash left on the premises at night; generally a medical surgery has a high risk of break in and crime. • Due to the small size of the block being 471m² there is not very little room to expand the business, nor does the applicant wish to expand. • Traffic – will not be anything more than 1 or 2 additional cars at any one time with ample on-site parking. Many of the patients live locally and walk to the clinic; it is also located on an existing bus route for access from public transport.
Relevant Background	<p>The site was recently subdivided and the previous adjoining site which previously consisted of butcher's premises has now been demolished. The proposal forms part of Lot 1 of 4 new lots, with retention of the existing residence seeking approval</p>

	<p>for a low-key service professional use. On 11 October 2004 DAC refused the application for change of use for the following reasons: <i>Committee was not prepared to exercise its discretion to support the change of land use.</i> This reflected the planning considerations canvassed in the assessment report and the role of Committee to determine proposals as it sees fit, including taking into account strategic planning aspects, all of which were discussed at the meeting.</p>
<p>Details of Request for Reconsideration</p>	<p>To begin with, Town Planner Patrick Gersch submitted the request for reconsideration on the 28th October 2004 with the following supportive details: <i>It is requested that the proposal be reconsidered in light of the following matters:</i></p> <ul style="list-style-type: none"> • <i>Adoption of the state government's network city initiative promoting South Street as a future activity corridor.</i> • <i>The relocation of an existing well established business adjoining residential land uses which has operated in excess of five years without complains from surrounding owners;</i> • <i>The retention of the residential appearance of the existing dwelling on the subject site. It is put to the City that there are no amenity impacts on adjoining properties which are wither vacant of separated by Cadd Street.</i> • <i>The purpose of the future road widening of South Street and the need to buffer residential areas from the future increased traffic, noise and congestion making private residential land use inappropriate; and</i> • <i>Due regard being given to the precedent of other commercial premises that existing along South Street and adjoining residential properties, particularly those which have clear amenity impacts (childcare centre, liquor store, fish and chips, car rental and car wash etc.</i> <p><i>I trust this matter will be referred to the next available Committee meeting for reconsideration. We respectfully request that the City use its discretion to support the proposal on the basis of the above matters. It is considered that the impacts created by a previous butcher store would not be applicable to a genuine professional operator."</i></p> <p>Further to this request, the applicant engaged Town Planner Peter Webb, who has submitted a case for the reconsideration, which is attached in full to the DAC Agenda and summarised as follows:</p> <ul style="list-style-type: none"> • <i>Notwithstanding that a number of submissions were received in response to the advertising of this proposal, Council's administration continued to feel able to support the application as it was felt that the submissions were either able to be addressed (e.g. by the removal of the direct access from the site onto South Street), or were not of a significance which could reasonably be considered to impact upon the residential amenity of adjoining properties.</i> • <i>In the first instance the property is zoned Residential R 20 and a dental clinic use class in this zone is 'AA', giving the Council discretion to approve it.</i> • <i>South Street at this point is a primary regional road (category 3) and Main Roads WA advises that it presently accommodated in the order of about 25,000 vehicles per day.) it is there not particularly conducive to new residential development).</i> • <i>No direct access is proposed from the site, onto South Street. All access / egress to and from the site will be onto Cadd Street and thence to South Street. There will be a maximum of twelve vehicle trips per day generated by this business (which compares with traffic engineering convention criteria</i>

	<p><i>of about seven vehicle trips per day for a conventional family home).</i></p> <ul style="list-style-type: none"><i>• The use is relatively benign and as it does not operate after 6pm, it cannot generate noise impacts which might reasonably be associated with a residential dwelling, caused through after-hours activities.</i><i>• This application is supported by the patients of the proponents existing clinic (currently situated at 213 South Street, Beaconsfield) They attach photos of the existing dental clinic and its (residential) environs.)</i><i>• They have reviewed comments attributed to objectors of this proposal and note that these concerns regarding traffic movements (already address) but more particularly perhaps, with the suggestion that this clinic should be situation in existing commercial centres in the locality.</i><i>• They have discussed this with their client who has inspected the two commercial centres in close proximity to that the subject of this application. The first is situated on the south eastern corner of the intersection of South and Carrington Streets and they are advised that the centre displays bad feng shui(with the shop fronts being sunken), helping to explain why it is simply not appearing to “work” commercially. Being located in the centre would simply not work for this proponent.</i><i>• The second centre is situated centrally within the locality centrally within the locality of Beaconsfield and they have two fundamental difficulties with that. The first is that it would attract vehicular traffic (which is being objected to by some neighbours at the currently proposed site) through residential streets to access the site. Secondly, it has very poor exposure and would only be accessed by people who are aware of its existence. This would similarly not “work” commercially for the proponent.</i><i>• Some residents commented about the parking facility associated with this site however this needs to be kept in the context of a combination of demands for such facilities by both staff and patients. There will only be two staff on this site, one of whom lives in close proximity and would walk or cycle to it. There is only a need for two additional parking bays as there is a single practioner and on Occasion, patients’ visits may overlap. Notwithstanding that, the plan indicated that there are a total of five bays proposed, which is in excess of the Scheme requirements and in excess of the practical, functional requirements of this facility. Contrary to the suggestion of some objectors, there will be no need for patients to park within the adjacent road reserve. Some mention is made in some objections about the right of way which extends between Cadd and Carrington Streets. They are unclear why this is being mentioned given that it is not adjacent nor associated with the subject site.</i><i>• Finally they believe that Council’s administration has responded appropriately to unnecessary emotive and subjective comment including the fact that it is alleged, this proposal will impact on the “ numerous people who have lived in this are for 20+ years.</i><i>• Accordingly they seek to have our continued support for this proposal and they look forward to the Council of the City making a decision on the objective planning merits of this proposal rather than a subjective, inaccurate claims that the proposal will impact on the residential amenity of the area. This is simply not the case. The proposed dental clinic is a most benign activity and the rationale behind the level of objection to it, has to be questioned.</i>
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Original Assessment		Comments (if applicable)
Site Inspection date	August 2004	
Adjoining Land Uses	Residential	
Existing structures	Existing dwelling	
Street Trees	Yes	
Other	Nil	
Relevant internal referrals		Summary of Comments (if applicable)
Building	Yes	
Physical Services	Yes	
Parks & Gardens	Yes	
Environmental Health	No	
Strategic Planning	Yes	<p>The proposal for a dental clinic on this site can be considered by Council as a discretionary use in a residential zone under the provisions of TPS3. Under the final draft of CPS4 lodged for final approval with the WAPC, consulting rooms and medical centres will also be discretionary uses in the residential zone and subject to advertising. CPS4 as advertised included consulting rooms and medical centres as X uses in the residential zone. The Council however, voted in its final consideration of the scheme to retain discretion over these land uses. This was not supported by the land use planner. It is possible that a policy will be required under CPS4 to help Council in the exercise of its discretion over this land use.</p> <p>Residents in this section of Beaconsfield, and the nearby residents of White Gum Valley and Hilton, are served by two existing local centres on South Street. Both centres are within 400 metres of the proposed dental clinic. There is also a local centre on Lefroy Road in Beaconsfield.</p> <p>In land use planning terms, the dental clinic should be located on land zoned for commercial activity – that is one of the nearby local centres. There are advantages for all local businesses where grouped together as they share customers and can share facilities such as parking. It is also considered a more sustainable form of development as vehicle use, or walking and cycling distance is diminished, as people can complete a number of tasks with one trip. This makes it more convenient for customers as well.</p> <p>All the local centres named have been recognised in the City’s Local Centre Program which seeks to:</p> <ul style="list-style-type: none"> • encourage community development through enhancement of local centres as community meeting places; • facilitate economic revitalisation to ensure an appropriate range and scale of shopping, other commercial activities and services; • improve the appearance, safety, physical amenity, landscaping and furnishing of each local centre; • ensure centres do not adversely impact on adjoining land uses with regard to noise, traffic, parking etc; • Reduce travel demand by encouraging people to shop locally.

Filipe Telo

4 Smith Street, Beaconsfield

- Traffic travelling west and must merge from two lanes into one, 100m from Carrington Street, They believe that the traffic will be forced to travel in a loop via smith street and Lefroy road to Cadd Street, which affects their safety.
- Is concerned with the potential (current and future) size of the premises, patient numbers, trading hours, security and the visual impact of trading signs in this area. Does not believe a surgery will add benefit to the community.
- Would personally like to see the area remain residential.

Ian & Gillian Nicholas

74 Solomon Street, Fremantle

- Object for the following reasons:
- Concerned about traffic and the form 1 lane from Carrington Street intersection.
- The land will not be occupied at night and therefore has no impact on improving the security of the neighbourhood. This will reduce the amenity of the local area.
- The proposed signage across the corner of Cadd st would be to the detriment of the visual amenity of the area.
- Most of the open space will be given over to car parking.
- They believe there will be drugs kept onsite which may attract thieves and addicts.
- Medical waste will need to be disposed of requiring hazardous material waste removal vehicles.
- She believes that the estimated amount of patients is grossly underestimated through her family experience with dental clinics.
- The amount of visitation does not indicate the number of deliveries as well as sales personnel to the site.
- In the house plans there is shown a large area for utility and one dental room only, however this room could be used for other surgeries and a dental therapist employed which could increase the patient rate significantly.
- The proposed crossovers into the property from South Street and from Cadd Street are very close to the lane changes. They are concerned about people using the ROW for access to the business.
- They are concerned about potential expansion of the business into adjoining lots.
- They believe that the proposal should be located in a local centre nearby.

Denise Groves

2 Cadd Street, Beaconsfield

- Objects to the proposal
- Prefers to have residential use rather than commercial.
- Increased traffic and parking problems, especially in regards to the ROW.
- Traffic hazard from patients coming into Cadd Street from South Street.
- There are numerous empty commercial tenancies which should be used instead of using a perfectly good family home.

<p>R & S Mallon 1 Cadd Street, Beaconsfield</p> <ul style="list-style-type: none"> • Objects to the proposal. • Concerned about traffic down the right of way. • Concerned about traffic safety. • Concerned about security. 	
<p><u>Planning comment on original submissions:</u></p>	<ul style="list-style-type: none"> • The proposed parking and crossover to South Street has been removed. • The signage onto the corner of South Street and Cadd Street has been deleted from the proposal. • The applicant has specified that she does not wish to expand her business to adjoining lots nor employ further staff. • The amount of parking bays on-site exceeds that required in table one of Town Planning Scheme No 3. The proposal includes the provision of 5 parking bays.
<p><u>Petition of objection submitted:</u></p> <p>Below are listed the Cadd Street and nearby residents who have signed this petition.</p> <p>Robin & Merrilee McCabe 9 Cadd Street, Beaconsfield</p> <p>Cheryl Zappara 3 Cadd Street, Beaconsfield</p> <p>Ron & Sandra Mallon 1 Cadd Street, Beaconsfield</p> <p>Kate Garbin 267 South Street, Beaconsfield</p> <p>M & V Fortini 265 South Street, Beaconsfield</p> <p>Michelle Locke 6/A Cadd Street, Beaconsfield</p> <p>Janine Garbin 12 Cadd Street, Beaconsfield</p> <p>Angie Symon 14 Cadd Street, Beaconsfield</p> <p>Julie & Kate Hardaker 25 Cadd Street, Beaconsfield</p>	<p>Summary of objections:</p> <ul style="list-style-type: none"> • This area should remain as a residential use and the proposed dental surgery should be located in the business / shopping area precinct located on the eastern side of Carrington Street in South Street. This business / shopping precinct have numerous shop vacancies and could easily accommodate a dental surgery that will not impact the Cadd Street residents. • The traffic movements in and around the western corner of the junction of Cadd and South Street Beaconsfield between the hours of 730am – 1030am & 3pm – 630pm is extremely heavy and currently causes the local Cadd Street residents a great deal of concern. With the addition of this dental surgery it will be intolerable. • The dental surgery has 6 parking bays, two at the back and four at the front. They believe that the four at the front will serve clients. (Since deleted). • The access and egress of the vehicles from the front of the property / surgery will be a nightmare as buses regularly stop at the front of the premise and during peak hours it will be a major catastrophe. (Since deleted). • What will end up being the norm is that clients will park in Cadd Street and frustrate the Cadd Street Residents. • The previous smallgoods / butcher shop had some impact but this was minimised by the provision of a 1000m2 parking area immediately behind the house / adjacent to the factory. • The other major concern is the ROW running parallel to South Street accessing Cadd & Carrington Street and located at the northern end of Cadd Street. This ROW

<p>Jonathan Cope 27 Cadd Street, Beaconsfield</p> <p>Jo Buckee 23 Cadd Street, Beaconsfield</p> <p>Ken & Pam Vagg 18, Cadd Street, Beaconsfield</p> <p>Ray White 1/22 Cadd Street, Beaconsfield</p> <p>S & K Ensor 5 Cadd St, Beaconsfield</p> <p>Phyllis Martin 16 Cadd Street, Beaconsfield</p> <p>John Harty 2/22 Cadd Street, Beaconsfield</p> <p>G Olsen 4/22 Cadd Street, Beaconsfield</p> <p>L A & F V Cumbor 5/22 Cadd Street, Beaconsfield</p> <p>C & B Jozwicki 3/22 Cadd Street, Beaconsfield</p> <p>M & R Smith 21 Cadd Street, Beaconsfield</p>	<p>services 4 residences facing South Street and the 6 units located on the eastern end of this laneway.</p> <ul style="list-style-type: none"> • Support of this proposal will impact on numerous people who have lived in this area for 20+ years.
<p><u>Planning comment of petition:</u></p>	<ul style="list-style-type: none"> • It is assessed that the proposed access to the dental clinic is not suitable from South Street. This has been deleted in accordance with recommendation from the Department for Planning and Infrastructure. The access to the site is solely from Cadd Street with up to two visitor cars located on-site at any point in time with 1 – 2 staff bays parked behind the existing gates. • The applicant has purchased the property. • She has no intention of relocating to commercial premises in Hilton. Her clientele base is in the immediate vicinity of Beaconsfield. She currently operates from a residence in Central Avenue. • The ROW is a private lane way which is not utilised for access in this instance. The lane way is private property and not in the control of the City of Fremantle. • It is noted that this section of South Street does become busy during peak hours. People who wish to turn left into Cadd Street coming from the East or those returning from Fremantle into Cadd Street may have difficulty due to traffic.

	<ul style="list-style-type: none"> • This proposal does not increase that risk as it would operate similar to a residential property in terms of numbers of vehicles on site at any one time. The proposal involves 2 – 4 vehicles at any one time. • The proponent wishes to occupy the residence she has bought for the purposes of a small-scale dentist surgery with little to no noise or interruption to the local community. The proposal physically will be virtually unrecognisable from what is currently on-site. • The proposal has considerably less impact than the previous neighbours to this property at No. 259 South Street which was previously a butchers shop. The applicant does not wish to expand her business to the adjoining lots nor does she wish to increase the intensity of the proposed use.
<p><u>Subsequent petition of support lodged by applicant:</u></p> <p>Antonio Forte 58 Gibson Street, Beaconsfield</p> <p>Jennifer Camielo 50 Gibson Street, Beaconsfield</p> <p>Same Caniglia 50 Gibson Street, Beaconsfield</p> <p>Julie Constantine 122 Lefroy Road, Beaconsfield</p> <p>Peter Reiloi 20 Willis Street, Mosman Park</p> <p>Tanya Yukich 6 Cincotta Loop, Beeliar</p> <p>Lorenzo Fortini 23 Blondere Drive, Munster</p> <p>Fce Bok Ng 6 Withers Close, Murdoch</p> <p>Roy Turner 5 Impson Gardens, South Lake</p> <p>Noe Franco 37 Allamanda Drive, South Lake</p> <p>Peter Harlow 3 Porcelli Close, South Fremantle</p> <p>Helen Baltasar 19B Forrest Street, Hamilton Hill</p>	<p>Summary of comments:</p> <ul style="list-style-type: none"> • No objections regarding the proposed dental clinic. • We the undersigned fully support the relocation of the dental surgery to 261 South Street, Beaconsfield. The relocation would be more convenient and accessible with upgraded premises. • We would like to keep the dental surgery within the area which would reduce the inconvenience of travel.

<p>S Scaffidi 203 Adelaide Street, Fremantle</p> <p>Carin Hush 11 Eariston Place, Booragoon</p> <p>Vili Keck 63 Healy Road, Beaconsfield</p> <p>Domenica Covelio 32 Faubarn Road, Spearwood</p> <p>Raymond Yurich 31 Barrett Street, Spearwood</p> <p>Dargioa St Jorre 22 Whecker Road, Hamilton Hill</p> <p>Gerald Hitchcock 48 Jenkin Street, South Fremantle</p> <p>Jacinta Shilling 9 Central Avenue, Beaconsfield</p> <p>Mark Vernoeven 34 Gurnely Road , Spearwood</p> <p>Gary Anderson 53A Gibson Street, Beaconsfield</p> <p>Maria Camelas 48 Gibson Street, Beaconsfield</p> <p>R P Hao 13 Ibeseu Street, Spearwood</p> <p>Alan Canelas 48 Gibson Street, Beaconsfield</p> <p>Wilma Hobson 13 Richardson Road, Coogee</p>	
<p><u>Further submissions following reconsideration advertising:</u></p> <p>P Lawrence 8 Montgomery Street, Beaconsfield</p> <p>L Reid 4 Elizabeth Street, White Gum Valley</p>	<p>General non-objection.</p>

<p>M & P Trolio 72 Britannia Avenue, Beeliar</p> <p>R Hyland 35/340 High Street, Fremantle</p> <p>J Lebeck 4 Adelphi Rise, Yangebup</p> <p>T Hankin 83 Rennie Crescent, Hilton</p> <p>LL Kang, A Thor & I Tobagus 1 Sauce Square, Winthrop</p> <p>S Coliduer 3 Badham Close, Beaconsfield</p> <p>M Breed 71 Shepherd Street, Beaconsfield</p>	
<p><u>Objections received to reconsideration advertising:</u></p> <p>Mrs Julie Hardaker 25 Cadd Street, Beaconsfield</p> <p>Robin & Merrilee McCabe 9 Cadd Street, Beaconsfield</p> <p>Elizabeth Cumming & Clinton Kessey 257 South St, Beaconsfield</p> <p>Telo Filipe 4 Smith Street, Beaconsfield</p> <p>Phyllis Martin 16 Cadd Street, Beaconsfield</p> <p>Ian & Gillian Nicholas 74 Solomon Street, Fremantle</p> <p>Kenneth Allan & Pamela Vagg 18 Cadd Street, Beaconsfield</p> <p>S & R Mallon 1 Cadd Street, Beaconsfield</p> <p>Karen Ensor 5 & 5A Cadd Street, Beaconsfield</p>	<p>Grounds of objection:</p> <ul style="list-style-type: none"> • Believe the proposal will increase local traffic. • Concerned about the exit of vehicles at the intersection of South Street and Cadd Street which is seen as a dangerous intersection. • Raise the issue of a previous butcher's shop and associated problems, general fear of repeat problems. • Believe that the number of vehicles stated by the application to be less than what would be considered realistic. • Objections state that the applicant is currently located in an appropriate site zoned Local Centre on the corner of South Street and Central Avenue. • They are concerned for the new owners of surrounding blocks of land as to whether they are aware that a dental clinic may be located directly next door. • Residents are wondering, according to one submission, why the applicant has purchased the property when several other premises in other appropriate areas along South Street are left vacant. • The residents believe that it is detrimental for Cadd Street residents to have further traffic problems associated with a dental clinic, with staff and clients either parking or endeavouring to enter and exit on a very busy and dangerous corner. • Believe it will set an undesirable precedent for all residential properties along South Street.

	<ul style="list-style-type: none"> Believe that commercial properties generally devalue residential properties. 	
<p><u>Petition against the reconsideration:</u></p> <p>Robin & Merrilee McCabe</p> <p>Olive McLaren 15 Cadd Street, Beaconsfield</p> <p>Angela Davey 8A Cadd Street, Beaconsfield</p> <p>Wayne Gloete 8 Cadd Street, Beaconsfield</p> <p>Austin Simms 7 Cadd Street, Beaconsfield</p> <p>Angela & Russell Surman 14 Cadd Street, Beaconsfield</p> <p>Jo Irwin 13 Cadd Street, Beaconsfield</p> <p>Felicity Matthews 17 Cadd Street, Beaconsfield</p> <p>Mary Smith 21 Cadd Street, Beaconsfield</p> <p>Peter and Janine Garbin 12 Cadd Street, Beaconsfield</p>	<p>Objections as above.</p>	
<p><i>Statutory Requirements</i></p>		
<i>Specifications</i>	<i>Proposed</i>	<i>If non-compliant, insert comment</i>
No. Of Employees:	2	Complies
Floor Area:	120m ²	120m2 approx - complies
Car Parking Required	3 bays	5 bays provided
Loading Bay	N/A	N/A
Bin Storage	To be screened	Conditioned
Hours Of Operation	As above	Complies
Rate of Visitation	1-2 patients at a time in the premises	Complies
<i>Checklist</i>		<i>Yes/No</i>
Car Bay Dimensions comply?		Yes
Access Width complies?		N/A
Vehicles Able to Exit in Forward Motion?		No
Storage Areas Screened?		condition
Potential to Affect Amenity of Adjoining Properties (if "Yes" then detail below)		Nil

Policy Considerations (if applicable)

Key Issues.

Parking

- Adequate parking on site – parking requirements of the Scheme is 3 bays, 5 bays provided including 1 disabled parking bay.

Security

- The applicant will be encouraged to install security sensor lighting and a security system. This is not a policy or Scheme requirement.

Deliveries

- All deliveries to the site shall be via Cadd Street and utilising parking bays on-site.

Disabled Access

- The proposal includes parking bay with disabled facilities – ramps to the entrance to the building in accordance with the Building Code of Australia.

Additional Comments

Based on the original officer assessment and having regard to the reconsideration information the following observations are made:

- The proposed use is classified as an “AA” use in Town Planning Scheme No. 3 which is defined as: *A use that is not permitted unless consent is granted by the Council.*
- The subject site is located within walking distance to local centres at South Street / Carrington Street Hilton, and a smaller local centre on the corners of South, Yalgoo & Stokes Street.
- It is assessed from a strategic planning perspective that the location of such a clinic would be better suited to a local centre; however, Council’s strategic direction within City Planning Scheme No. 4 is to continue to allow such uses in residential zones. The proposed use class is “Consulting Rooms” which is identified as an ‘A’ use in CPS4 – meaning: *The use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice (advertising) in accordance with Clause 9.4.*
- This particular area of South Street has not been identified as an area where consulting rooms would be restricted. It is assessed that each application should be assessed on its own merits; taking into consideration any amenity issues and the effect strategically each application in this category has on the local centres and the residential nature of the land use.
- In keeping with Council’s decision to maintain discretion for consulting rooms in CPS4, the application in consideration of the existing town planning scheme should be approved. The small scale proposal has minimal impact on adjoining land uses, does not create an amenity impact through noise, parking or hours of operation, is a single person practice and the property may be considered less idealistic for a residence given the high numbers of passing vehicles along South Street.
- The proposed crossover and access from South Street has been deleted. The proposal caters for excessive parking bays compliant with the Scheme requirements and in general is a very low-key use which would not be suitable for an entire commercial suite in the adjoining local centres. It is assessed that the proposed change of use should be controlled in terms of intensification and that further signage be submitted as a separate application for assessment.
- Further to the applicant’s request for reconsideration it is argued by the planning consultant that the proposal has minimal impact on adjoining properties and is relatively benign in nature in terms of focal activities generating a high degree of traffic movement.
- The City of Fremantle may approve the application given that it meets the requirements of the planning scheme and does not cause any amenity impact.

Possible Approval

If based on all of the above Committee finds that the reconsideration ought to be allowed, an approval would be recommended in the following form:

Recommendation

That the Development Assessments Committee, acting under authority delegated by the Council, having reconsidered its decision of 11 October 2004, GRANT planning consent under the Metropolitan Region Scheme and Town Planning Scheme No. 3 for change of use, residential to service professional - dental clinic, at No. 261 (Lot 1) South Street, Beaconsfield, in accordance with plans dated 14 September 2004, subject to the following conditions:

1. The proposed use is limited to that applied for and the numbers of employees and visitation rate is restricted to that applied for.
2. The proposed parking bays shall be constructed, drained and marked to the satisfaction of the Director Urban Management prior to occupation of the building and commencement of the business.
3. No vehicular access shall be permitted from South Street, in accordance with advice from the Department for Planning and Infrastructure.
4. Any proposed signage shall form part of a separate development application.
5. All verge trees shall be protected and retaining during construction works for disabled access.

Advisory Notes:

- (i) A building licence is required for the proposed alterations for disabled access. Please liaise with the City's Building department.
- (ii) The applicant is advised that the City of Fremantle does not support the expansion or intensification of the service professional use in this location. If the operation requires expansion, the City recommends that such an operation is more suitable to a Local Centre zone.

FRAMEWORK FOR DECISION-MAKING

- The AA use classification requires Committee to weigh-up and make a choice on whether or not a proposal is acceptable.
- By definition this classification implies caution and is not an as-of-right use.
- Committee is entitled to make a decision based on the strategic direction it sees as appropriate, as land use decisions are fundamental to implementing strategy.
- In this particular instance, Committee considered that although the degree of likely amenity impact was low, it was important to support the objective of planned local centres, the principles of separation of land uses and protection of amenity, and to have regard to community objections (which is a key aspect of the planning process – hence the view expressed that this is a subjective influence cannot really be sustained).
- The planning consultant has provided more assessment of the land use aspect to demonstrate that the proposal is justified.
- While the points raised are acknowledged, it has to be said that South Street is predominantly residential in character, with mostly nodes of commercial development, as a result of strategic planning and past decisions for the locality, despite the fact of the traffic route.
- In terms of the Reconsideration Policy, a request is required to be justified and this has been fulfilled.
- There is also the input of the further community consultation to be considered, with both expressions of support and objection being received to the advertising of the

reconsideration. In this respect it can be seen that there remains substantial concern amongst Cadd Street and other local residents about the potential impacts of the proposal and the principle of the return to residential land use as the intended strategy for the area. While some support has been registered it is noted that it partly tends to be from residents not living in the area.

CONCLUSION

- This relatively minor change of use proposal invokes the exercise of Council's discretion.
- There is clear strategic direction along South Street for the planning and management of residential and non-residential uses, which by and large has been successfully adhered to and implemented.
- Given the recent removal of the long-standing non-conforming use in the area, and the approval of subdivision for further residential development, the expectations of residents in regard to land use and amenity are for that rather than the re-introduction of non-residential uses, however modest. Such objections are valid as part of the consultative planning process.
- While a case has been put forward in favour of the proposal, this is not considered to outweigh the strategic and statutory planning framework for a decision that prefers residential usage.

Recommendation to Council

That Council, having reconsidered its decision of 11 October 2004, REFUSE planning consent under the Metropolitan Region Scheme and Town Planning Scheme No. 3 for change of use, residential to service professional - dental clinic, at No. 261 (Lot 1) South Street, Beaconsfield, in accordance with plans dated 14 September 2004, for the following reasons:

1. **It is considered that the proposal would prejudice the orderly and proper planning of the area and the preservation of the amenity of the locality.**
2. **The preferred land use strategy for the subject property and area is to encourage residential land use, to remove non-conforming uses, to direct non-residential uses to planned Local Centres, and to minimise potential traffic and amenity impacts.**
3. **The proposal is not an as-of-right use, but is one requiring the Council to exercise discretion to approve it, which in this case all things considered the Council is not prepared to do.**

Moved by: Cr. Helen Hewitt

For	Against
Peter Tagliaferri Cr. Tony Miosich Cr. Bob Williams Cr. John Alberti	Cr. Helen Hewitt Cr. Kathy Anketell

CARRIED: 4/2

Cr. Helen Hewitt requested the item be referred to the full Council meeting of 7th February 2005.

Seconded by Cr. Kathy Anketell.

CR H HEWITT MOVED HER ALTERNATIVE RECOMMENDATION AS FOLLOWS:

That the Development Assessments Committee, acting under authority delegated by the Council, having reconsidered its decision of 11 October 2004, GRANT planning consent under the Metropolitan Region Scheme and Town Planning Scheme No. 3 for change of use, residential to service professional - dental clinic, at No. 261 (Lot 1) South Street, Beaconsfield, in accordance with plans dated 14 September 2004, subject to the following conditions:

1. The proposed use is limited to that applied for and the numbers of employees and visitation rate is restricted to that applied for.
2. The proposed parking bays shall be constructed, drained and marked to the satisfaction of the Director Urban Management prior to occupation of the building and commencement of the business.
3. No vehicular access shall be permitted from South Street, in accordance with advice from the Department for Planning and Infrastructure.
4. Any proposed signage shall form part of a separate development application.
5. All verge trees shall be protected and retaining during construction works for disabled access.

Advisory Notes:

- (i) A building licence is required for the proposed alterations for disabled access. Please liaise with the City's Building department.
- (ii) The applicant is advised that the City of Fremantle does not support the expansion or intensification of the service professional use in this location. If the operation requires expansion, the City recommends that such an operation is more suitable to a Local Centre zone.

SECONDED BY CR K ANKETELL

CR HEWITT'S ALTERNATIVE RECOMMENDATION WAS PUT AND LOST 7/5

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

MAYOR PETER TAGLIAFERRI MOVED ORIGINAL RECOMMENDATION

SECONDED BY CR P DOUGLAS

PUT AND CARRIED 8/4

For

The Mayor, Peter Tagliaferri
Cr Bob Smith
Cr Shirley Mackay
Cr John Alberti
Cr Bob Williams
Cr Helen Hewitt
Cr Tony Miosich
Cr Phil Douglas

Against

Cr Kathy Anketell
Cr Geoff Graham
Cr Doug Thompson
Cr Steve Gorman

DEVELOPMENT ASSESSMENTS COMMITTEE

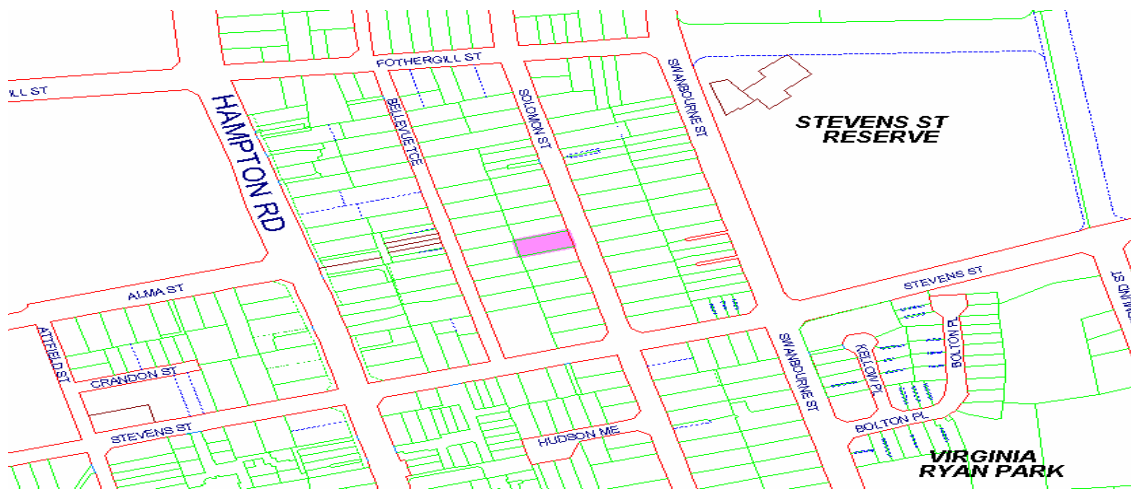
Items referred from the Development Assessments Committee to be held in the Chambers, City of Fremantle, **6.00 pm – Monday, 31 January 2005**

CR H HEWITT ASKED IF ANY MEMBERS PRESENT AT THE DEVELOPMENT ASSESSMENTS COMMITTEE HELD ON 31 JANUARY 2005 FORESEE ANY OBJECTION TO THE MINUTES AND PRESENTED AND PRINTED WITH THE INCLUSION OF A CORRECTION TO THE RECOMMENDATION TO GRANT PLANNING CONSENT IN ACCORDANCE WITH THE OFFICER'S RECOMMENDATION AND WITH THE CHANGE TO CONDITION 1 AND TO SHOW CR K ANKETELL VOTED AGAINST THE RECOMMENDATION WITH THE REASONS READING AS FOLLOWS: CR K ANKETELL VOTED AGAINST THIS ITEM AS THERE WAS INSUFFICIENT INFORMATION TO MAKE AN INFORMED DECISION ALSO TO SHOW CR K ANKETELL AS ATTENDING THE MEETING.

NIL

DAC0501-012 Solomon Street No. 53 (Lot 32) Fremantle Residential – Three Storey Rear Additions – Revised Plans
(S18/53 DA540/04) (Stephen Kovacs) (Attachment: Att0501-012)
This Item Is Recommended For Delegated Approval

Please Note Additional Information Provided with New Recommended Conditions



Owner Name	Savino Torelli
Applicant Name	Carmelo & Alessandra Galipo
M.R.S.	Urban
T.P.S. No. 3	Residence, R25
Permissible Use Class	Yes
Heritage	No
Existing Land Use	Residential dwelling
Lot area	531m ²

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Total building floorspace	311m ² approx.	
Encumbrance	None	
Proposal		
Date Received	13 th September 2004. Revised plans 21 Dec 04.	
Details	Proposed three storey addition to existing dwelling.	
Assessment		
Comments (if applicable)		
<i>Note: the following assessment is to the revised plans although it includes comments from original submissions and advice from other departments.</i>		
Site Inspection date	20 th October 2004	
Site level	Land slopes westwards at a gradient of approximately 1:14	Increases the proposal's impact on properties situated west or downhill of the proposed development. Bulk and scale relatively greater as perceived from a western direction.
Crossovers	1 situated at the NE corner of the lot, fronting Solomon St	No bearing on the proposal. Standard crossover condition will apply.
Obstructions to proposed access	No impediments to rear access. Existing concrete and bitumen driveway.	Complies.
Existing structures	Existing dwelling; brick and fibro garage; tree and internal brick fence in back garden	Proposed extension would entail some pruning of the tree.
Street Trees	No trees in front of subject property.	Not applicable.
Other	Sewer junction at rear, 2.5m below ground level. Eaves of neighbouring dwelling (no. 55) possibly encroaching.	The sewer junction is sited approximately 1m from the rear boundary, and will not be affected by the proposed development. The existing dwelling and proposed extension is setback by around 1.5m from the northern (side) boundary, well away from the area of possible eaves overhang.
Relevant internal referrals		
Summary of Comments (if applicable)		
Building		Applicant will be required to submit a construction management plan.
Parks & Gardens		Applicant is encouraged to retain the tree.
External Submissions (Summary)		
Neighbour Notification: Yes <input checked="" type="checkbox"/> N/A <input type="checkbox"/> <i>Note: comments received on original plans, which revised plans address.</i>		
Reuben and Christine Gosfield, 56 Solomon Street		
<ul style="list-style-type: none"> The proposed external wall height of 8.6m exceeds the permissible 6m, while the total building height of 10m exceeds the allowable 9m. The proposed extension will not fit the existing streetscape. Concerned the developer may add a lookout to further increase the height of the development. 		
Andra and Imants Kins, 50 Bellevue Terrace		
<ul style="list-style-type: none"> The proposed extension exceeds the allowable maximum. Major overlooking of rear courtyard, kitchen and bedroom of 50 Bellevue Terrace, because 		

<p>proposed upper floor to have full height glass and balcony (with glass balustrading).</p> <ul style="list-style-type: none"> • Land slopes towards the west, increasing the perceived height of the development. 	
<p>Ignazia Greco, 55/A Wood Street</p> <ul style="list-style-type: none"> • Does not object to the proposal. 	
<p>Planning comment on submission(s)</p>	<p>Council’s Policy D.G.F.24 – Solomon St, states that large residences are acceptable, although the Policy does not define the precise meaning of “large”. Moreover according to Clause 3.7.1 of the R Codes, residential developments shall comply with the standards contained in Category B of “Table 3 – maximum Building Heights”, which restrict developments to two storeys except where stated otherwise in a Local Planning Policy. These R Codes provisions restrict dwellings to a maximum wall height of 6m and roof height of 9m.</p> <p>The original proposal included plans for a maximum ridge height of 10.8m and wall height of 8.83m. This went considerably beyond the maximum R Codes requirements.</p> <p>In December 2004, the City received amended plans which included substantial modifications. The new proposal is for a ridge height of 9.34m (originally 10.8m) and wall height of 7.89m (originally 8.8m). While still exceeding R Codes requirements, this represents a significant change to the original plans and may be supported.</p> <p>It is considered that these alterations represent more than merely a “token change”, and will reduce amenity impacts, as they relate to bulk, scale and mass. Furthermore, under the new proposal the building is to be set back by a further 666mm from the rear boundary (to 9m), which will serve to reduce the extent of overshadowing of the southern neighbour, and diminish the visual impact on the rear (western) property.</p> <p>The streetscape impact is not considered to be adverse, as the extension would be built at the rear of the development. As Council’s Policy D.G.F24 ‘Solomon Street’ notes, large residences are acceptable along Solomon Street, as they continue an existing development trend.</p> <p>All developments require Council Planning and Building approvals. An extension not included in the plans would be classed as an illegal development, which becomes a compliance issue for the local authority.</p> <p>Overlooking of private open space and rooms opening from habitable spaces is an adverse development impact that does not comply with Clause 3.8.1 of the R Codes. However, in this case the development would look onto</p>

		uninhabited roof spaces.
Statutory Requirements		
Specifications	Proposed	If non-compliant , insert Comment
Streetscape		
Surveillance	Windows look on to the street from the existing dwelling.	Complies. The windows from the existing dwelling provide passive surveillance of the street.
Building Design	Three storey addition to be at rear of dwelling.	Complies. However, although the proposed three storey extension is situated at the rear of the dwelling, which diminishes the streetscape impact, such a large addition will still form a prominent feature of the streetscape.
Front Fences	Existing front brick fence.	Complies with Council's Policy D.B.H2 'Front Fences and Screen Walls'.
Setback of Garages & Carports	Existing garage situated behind the dwelling.	Complies with Council's Policy D.C.6 'Garages/Carports in front of Dwelling/Buildings'
Garage Door Frontage	Existing Garage entrance to be 4.8m wide. Proposed garage to be 6.9m wide. Driveway width to be 3.8m.	Complies. Clause 3.5.3 of the Codes state that a parking bay shall be 2.4m wide, plus 0.3m for any side confined by a wall, or a total of 3m for an enclosed bay (such as in a garage). Complies. Clause 3.5.4 of the Codes requires a minimum driveway width of 3m. The current drive is built to the boundary; the Codes require a 0.5m setback. A 0.5m landscaping strip can be established by breaking up some of the existing bitumen and concrete. The driveway and crossover are both in need of repair.
Dwelling Orientation	East – West. The existing dwelling has windows facing toward the street (east) and rear windows facing west. The new elevations would have large west facing windows and balcony.	
Bulk Scale and Mass	The new elevations will appear massive from the rear (west) because the proposal is for two new storeys (total of three storeys), and the ground slopes westwards, so the properties to the west are at a lower level. However, the amended plans include a greater rear boundary setback distance as well as a significantly reduced rear elevation (wall height).	
Overshadowing	Approximately 60% of the back gardens of the two neighbouring properties to the south would have been overshadowed by the original proposal. However, with the increased setback, and reduced wall height, only around 40% of the neighbouring back garden (number 57 Solomon St) and around 23% the back garden of number 55 would be overshadowed. These properties would still have winter light to the rear portion of their private open space. The R Codes require that no more than 25% of a	

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	neighbouring site area be overshadowed in R 25-coded areas. They stipulate that due regard must be shown for neighbouring outdoor living areas. In this case, both southern neighbours will still have a considerable amount of open space (exceeding 9m in length) unshadowed by the proposed development.	
Building & roof style	Colourbond gable roof at 45 degree pitch. Large glass windows and balustrades.	
Boundary Setbacks		
Front (East)	Existing dwelling 3.5m from the front boundary	Not applicable as the proposed extension is at the rear portion of the dwelling.
Rear (West)	9000m	Complies. 3.8m required for a wall height of 8m for walls with habitable openings, as per table 2b of the Codes. Element 8 of the Codes suggests a distance of 7.5m is an acceptable setback for second storey elevations with openings from habitable rooms.
Side South	1550mm	4.6m required by the Codes for a wall that is 14m long and 7.5m high. However, application of split level windows reduces the need for this setback. If it were assessed as a wall without openings to a habitable room, it would require a setback of 2.1m – which is still greater than that proposed.
Side North	3805mm	2.1m required by the Codes (see above). Although balconies with clear glass balustrading are proposed on this side elevation, most of the rear private open space of the neighbour would not be overlooked. Moreover, approval will be conditional on the provision of privacy screening.
Private Open Space	67% open space on lot.	Complies – 50% required under Table 1 of the Codes.
	70m ² Outdoor living area.	Complies – 30m ² of Outdoor living area required under Table 1 of the Codes.
Courtyard / Balcony	Balcony is 25m Alfresco is 47m	Not applicable.
Orientation	Outdoor living areas (back garden, balconies and alfresco) face west.	Noted. Western orientation maximises ocean views. Back garden is somewhat overshadowed by single storey garage.
Opening from Habitable room	Access to garden from alfresco area.	Complies.
Parking	Two bays proposed for garage.	Complies - Two bays required under the Codes.
Design of spaces	6.9m width.	Complies, refer to section on garage frontage, above.
Site works		
Excavation or fill		

Building Height	Wall height to be 7.89m and roof height 9.34m.	Does not comply. Table 3 – “Maximum Building Heights” restricts dwellings to a maximum wall height of 6m and roof height of 9m. However, the proposal has been substantially modified to diminish impacts, and entails a greater rear setback.
Visual Privacy	West facing balconies.	Land slopes from east to west, raising overlooking concerns among the rear neighbour. However, the balconies would look on to the roof of the neighbour.
Privacy screening	None proposed.	Required for the north facing balconies to prevent overlooking of part of the neighbouring rear open space.
Energy Efficiency	<p>Large, west facing windows.</p> <p>North and west facing upper floor bedroom.</p> <p>Second floor family room and upper floor living room to have windows on southern elevation.</p>	<p>Balconies will prevent direct afternoon sun penetrating indoor living areas.</p> <p>Provision of effective highlight windows to ensure light and warmth for upper floor bedroom.</p> <p>Double glazing shall be required for the south oriented windows.</p>

<i>Policy Considerations (if applicable)</i>	
Key Issues	<p><u>Council’s Policy D.G.F24 ‘Solomon Street’</u> <i>The objective of this policy is to maintain and enhance the character of the existing street whilst allowing the street to develop in harmony with current trends, that is, large, attractive single residences of diversified styles.</i></p> <p>In terms of streetscape and urban design assessment, this section of Solomon Street is characterized by mainly historical cottages or mid-twentieth century single dwellings.</p> <p>The lots tend to be small and hence the dwellings are quite close to the street and close together, creating a fairly dense and built-up atmosphere, even as single storey and undercroft of loft styles of development.</p> <p>A number have taken advantage of the topography to achieve undercrofts and terraces etc that capture an outlook to the ocean and a couple of grander dwellings have had substantial extensions to the rear and upwards to further realize this potential.</p> <p>The proposal likewise seeks to optimise occupation of the lot and elevation of the building to insert a two and three storey structure amongst this pattern of residential properties and streetscape, retaining the original single storey portion to the street front and adding to the rear.</p> <p>In this context it is assessed overall that the proposal as revised will sit reasonably comfortably so as to be acceptable to the site, surrounding sites and street.</p>
<i>Additional Comments</i>	
<p><u>Technical assessment and design improvements:</u></p> <ul style="list-style-type: none"> • The current proposal has been modified to take into account neighbour concerns related to the 	

visual impact of the proposal, and the City's planning requirements pertaining to overshadowing.

- The rear elevation is now proposed to have a wall height of 7.89m and ridge height of 9.34m – note the RD Codes allow a wall height of 6m and ridge height of 9m. The proposal is therefore over the allowable maximum.
- The extension does not present to the street, but rather to the rear, set well into the lot and behind the existing dwelling and roofline.
- The rear extension is to have an additional rear boundary setback of 666mm, to be 9m from the boundary (RD Codes require only 7.5m), also helping to mitigate the impact of the development on the neighbour to the west.
- Although the proposal will cast a winter shadow onto two southern neighbours, they will still have a significant portion of unshadowed rear open space. Neither of the owners of these properties has expressed a concern over the proposed development.
- The principal design objective centres on maximising ocean views. Although there are large west-facing openings, the impact of the hot afternoon summer sun will be mitigated by the roofed balcony (verandah) extensions. North-facing highlight windows will provide sufficient light and warmth to the proposed upper floor bedroom. Some heat loss can be expected to occur from the southern oriented windows. The application of double-glazed windows shall be required to address this concern.

Process

- As a result of comments from submissions, coupled with technical assessment and officer liaison with the owner and architect, revised plans have been prepared that seek to address concerns raised.
- As the revisions lessen impacts and take account of objections as well as technical requirements, they have not been re-advertised.
- However, the proposal seeks to introduce three storeys (whereas two storey developments are the standard recognised by the RD Codes) and to introduce another substantial rear addition to the street, which exceeds the allowable wall and ridge height. Hence, determination at DAC-level is considered appropriate, consistent with other similar proposals in recent times. This will allow the proponents to present their design approach, as well as neighbours to be further informed and to attend if they wish.

Officer's Recommendation

That the Development Assessments Committee, acting under authority delegated by the Council, GRANT planning consent under the Metropolitan Region Scheme and Town Planning Scheme No. 3 for three storey addition at No. 53 (Lot 32) Solomon Street, Fremantle, as detailed on revised plans dated 21 December 2004, subject to the following conditions:

1. The development shall comply with the Residential Design Codes. The wall height shall not exceed 6m, and the ridge height shall be no more than 9m.
2. For residential development, the manoeuvrable areas for car bays/carports/ garages shall be designed to allow vehicles to turn in a single turning movement at a radius of not less than 5.5m and exit in forward gear.
3. All stormwater shall be contained and disposed of on site.
4. The development shall be connected to the reticulated sewerage system prior to occupancy and thereafter.

5. A Construction Management Plan shall be submitted and approved to the satisfaction of the Director Urban Management prior to the issue of a building licence, addressing the following:
 - (a) staging
 - (b) dust mitigation
 - (c) construction/development times
 - (d) complaint contacts and resolution
 - (e) materials delivery, storage and waste storage and removal
 - (f) site rehabilitation during the construction phase of the development
 - (g) workers' and delivery vehicles access and parking
 - (h) verge and any verge tree protection
 - (i) or any other matters as deemed appropriate.

The plan shall be implemented, as required, to the satisfaction of the Director Urban Management.
6. Details of external materials and colours shall be submitted prior to issue of a building licence, to the satisfaction of the Director Urban Management.
7. Any works within the road reserve, such as crossovers or pathways, require a separate application to the City's Physical Services department.
8. The applicant shall lodge a Verge Bond of \$750 to Council's Building Department, prior to any works commencing, to cover any damage to the City's infrastructure caused as a result of construction of this proposal.
9. The northern sides of the rear al fresco areas on the second and third storeys shall include permanent privacy screening a minimum height of 1.6m above floor level, to the satisfaction of the Director Urban Management. The screening shall comply with the minimum requirements prescribed in Element 8 of the Residential Design Codes (ie, perforations should constitute no more than 20% of the total surface area).
10. The south-facing windows opening from the second floor family room and meals area and third floor living room shall be double-glazed, in order to reduce heat loss during the winter months.
11. A 0.5m landscaping strip shall be provided between the driveway and northern boundary, in order to comply with Clause 3.5.4 of the Residential Design Codes. This strip can be created by breaking up the bitumen along this section.
12. Fully-revised and detailed plans incorporating all of the above requirements shall be submitted for the purpose of a building licence, to the satisfaction of the Director Urban Management.

Advisory note(s):

- (i) A building licence is required prior to the commencement of construction works.
 - (ii) Evidence is required to certify that the proposed structure is in compliance with the BCA Volume 2 Housing Provisions, Part 3.12, Energy Efficiency, prior to the issue of a building licence.
-

(iii) The applicant is encouraged to retain the tree on site.

Committee Decision

That the Development Assessments Committee, acting under authority delegated by the Council, defer this item to the next meeting of Council and the officer's be requested to prepare a cone of vision and shadow analysis for the proposed development for Committee's consideration.

Moved by: Cr. Helen Hewitt

For	Against
Cr. Helen Hewitt Peter Tagliaferri Cr. Tony Miosich Cr. Bob Williams Cr. John Alberti Cr. Phil Douglas	Cr Kathy Anketell

CARRIED: 6/1

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

Cr K Anketell voted against this item as there was insufficient information to make an informed decision. Cr K Anketell requested the officer's be requested to prepare a cone of vision and shadow analysis for the proposed development for Council's consideration. Seconded by Cr Helen Hewitt

ADDITIONAL INFORMATION PROVIDED WITH NEW RECOMMENDED CONDITIONS AS WITH ATTACHMENTS

DAC- 53 Solomon Street, Fremantle

The Development Assessments Committee at its meeting held on the 31 January 2005 resolved to refer the item to Council to allow officers more time to prepare cone of vision and overshadowing diagrams. The diagrams are appended to this report.

This report follows from discussions held between the Planning Officer and concerned neighbours at number 50 Bellevue Terrace, during a site inspection of the affected property on Thursday 3rd of February.

Overlooking

- The applicants have agreed to increase the required rear setback to reduce the development's impact on the rear neighbour. This reduces the extent of overlooking of the neighbouring property. However, the neighbours are still very concerned about the overlooking that would occur.
- The photographs supplied to the Development Assessments Committee do not accurately convey the overlooking that would occur as they are taken from a lower height than the level of the proposed third floor balcony. The neighbour's have also drawn attention to the fact that their trees are deciduous, resulting in significantly less screening available during the winter months.

Variations to the RD Codes height requirement.

- Although the proposed dwelling exceeds the allowable wall height under the Design Codes, the development meets the relevant Performance Criteria (clause 3.7.1) in that it protects the amenity of the neighbouring properties by providing an increased rear setback of 9m rather than 7.5m required under the Codes.
- The ridge height proposed has been reduced from 10.8m (in the original plans) to 9.34m. Moreover, a condition of approval will require a gabled roof to the extension. Hence, the ridge at the rear elevation will *not* exceed the Design Codes requirements.
- The wall height proposed for the rear elevation has been reduced from 8.8m to 7.89m. The Design Codes allow a maximum wall height of 6m. As discussed, the applicants address the Performance Criteria by greatly increasing the rear boundary setback. The external wall height has exceeded the requirements due the new 2 storey development being constructed over an existing parking undercroft, which has dictated the final building heights.

Rear Set back.

- As discussed in the original report, the gradient is gentle. The decision to increase the rear setback was done by the applicants as part of the negotiation with Council officers to reduce the development's impact on the rear property. A cone of vision analysis has been prepared to demonstrate this. This analysis shows that it would only be possible to overlook the neighbouring back garden if a person stood on the balcony.

Streetscape

- The streetscape impact is minimal due to the rear extension being at the back of the dwelling. This form of development has numerous precedents as is encouraged by several Council policies (see for e.g. Council's Policy D.B.H1 'Urban Design and Streetscape Guidelines' which states that second storey additions should occur in the rear). As previously discussed the required set back for the balconies complies with the minimum distance as specified by the RD Codes.

Neighbours concerns (west and south)

- The proposal was modified in order to diminish impact on the western and southern neighbours. This has been achieved largely by greatly increasing the rear boundary setback, as well as design alterations to the proposed building namely; reducing the ridge height from 10.8m to 9.34m and wall height from 8.8m to 7.89m, and creating a gabled roof to the western elevation.

Two storey height limit

- The proposal is considered to be acceptable because the development does not significantly overlook the neighbour, and leaves part of the southern back garden unshadowed (the area that is unshaded is directly proportionate to the setback, hence the desirable effect of a greater rear setback). Cone of vision analysis has demonstrated the visual intrusion by the development will be limited and ephemeral (restricted to occasions when people stand on the third floor balcony). There will not be overlooking from the third floor sitting room.

New recommended conditions

1. **The balustrade panels located on the rear balconies to be constructed of frosted glass and increased in height to 1.2m to the satisfaction of the Director Urban Management.**
2. **Planter boxes to be installed (minimum width of 1.0m) behind the balustrade panels to prevent people standing on the edge of the balconies.**
3. **Screen planting to be provided at the rear boundary of the applicant's property to reduce any potential impacts of visual intrusion into the neighbouring property to the satisfaction of the Director Urban Management.**

Advice note:

1. **The applicant is requested to liaise with the owner of the rear property to discuss the option to increase the height of the boundary wall.**

CR H HEWITT MOVED THAT THE ORIGINAL OFFICER'S RECOMMENDATION TOGETHER WITH THE ADDITIONAL CONDITIONS 1, 2 AND 3 AND ADVICE NOTE AS ABOVE BE ADOPTED

SECONDED BY CR KATHY ANKETELL

CR K ANKETELL MOVED AN AMENDMENT TO INCLUDE AN ADDITIONAL CONDITION 4 WHICH READS AS FOLLOWS:

4. The rear boundary wall will be increased in height to address the issue of overlooking to the satisfaction of the Director of Urban Management

SECONDED BY CR P DOUGLAS

CR K ANKETELL MOVED A MOTION TO DEFER THIS ITEM TO DEVELOPMENT ASSESSMENTS COMMITTEE TO ALLOW DISCUSSION WITH THE APPLICANT AND THE OBJECTING NEIGHBOURS

SECONDED BY CR G GRAHAM

MOTION TO DEFER WAS PUT AND LOST 9/3

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

THE AMENDMENT WAS PUT AND CARRIED 7/5

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

MOTION AS AMENDED PUT AND CARRIED 9/3

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

STRATEGIC PLANNING COMMITTEE

Items referred from the Strategic Planning Committee
to be held in the Committee Room, City of Fremantle,
7.30 pm – Monday, 24 January 2005

MAYOR P TAGLIAFERRI ASKED IF ANY MEMBERS PRESENT AT THE STRATEGIC
PLANNING COMMITTEE MEETING HELD ON 24 JANUARY 2005 FORESEE ANY
CHANGES TO THE MINUTES AS PRINTED AND PRESENTED

NIL

SP0501-05 Adoption of Strang Street Structure Plan
Attachment No. ATT-SP0501-05.1 & 05.2

DataWorks Reference: Jayson Miragliotta, 115/040
Author: Jayson Miragliotta, Director Urban Management
Actioning Officer: Jayson Miragliotta, Director Urban Management

DECISION MAKING AUTHORITY

Council Decision – Simple Majority

DECLARATION OF INTEREST

None

PURPOSE

Council is requested to grant final approval to the Strang Street Structure Plan to guide future development within the designated area. The approved structure plan will need to be endorsed by the Western Australian Planning Commission under the relevant provisions within City Planning Scheme 4.

EXECUTIVE SUMMARY

Council is requested to grant final approval to the draft Strang Street Structure Plan in accordance with the Scheme provisions. The Strang Street Structure Plan provides a planning framework to guide future development, subdivision layouts and land use zones. The adoption of the Plan will assist in the coordinated and integrated development of the designated Precinct Area and surrounding urban catchment.

The implementation of the Strang Street Precinct Plan, will be dependent on the gazettal of the City Planning Scheme 4 and at this stage the structure plan is merely being adopted by Council as a guiding document.

REPORT

Background

The Strang Street Precinct is located towards the City of Fremantle's southern boundary and has traditionally been developed as a service industry and bulk storage area. The precinct area is located on the eastern boundary of the urban catchment centred around the two local shopping centres located on Hampton Road.

Development within the designated area has generally been ad-hoc and disjointed with a mixture of service industries, storage sheds, light industry, market gardens and most recently a caretaker's residence associated with small commercial tenancies. The encroachment of residential dwellings within and surrounding the precinct area has prompted a re-think of the role and function of land uses within the precinct, hence the necessity to prepare an integrated plan to justify and guide the transition of the area.

In terms of strategic vision for this particular locality, the City is keen to develop an integrated service commercial node centred on the two local shopping centres which are intended to support the surrounding residential catchment. As stated above, the designated area is undergoing a transition with the traditional industrial land uses becoming either unviable or inappropriate given the encroachment of residential development in the locality. In this instance, there is an opportunity to develop a portion of the area for residential purposes, whilst improving the quality of the service commercial development frontage in Hampton Road.

The purpose of the structure planning process is to provide a planning framework for future land use development within the precinct area and to identify infrastructure improvements required to accommodate future residential development. The City is also keen to ensure that the precinct is developed in accordance with 'Liveable Neighbourhoods' and 'sustainable development' principles.

Comment

The structure plan has been designed to consolidate the commercial node fronting Hampton Road and redevelopment of the balance of the Strang Street precinct for both mixed development and residential purposes. The structure plan will be used to guide land use development, built form, infrastructure improvements, access, car parking nodes and streetscape improvements.

The Strang Street Precinct Plan aims to:

1. improve both the pedestrian and vehicular linkages between the Strang Street Precinct area and the Douro Road Shopping Centre;
2. provide for a broad range of mixed land uses to strengthen community interaction, economic diversity, consolidated urban population, community amenities, community facilities and urban form;
3. provide for a broad range of residential densities (R20-R60) and accommodation types (single bedroom accommodation, group dwellings, multi dwellings, family houses and seniors developments);
4. create a sustainable Precinct node that incorporates the cultural values of Fremantle, the natural ecology, walkable catchments, public transport, energy efficient design principles, economic development, community focus and a diverse range of supporting land uses;

5. integrate the highway commercial development fronting Hampton and Clontarf Roads;
6. provide solutions to traffic circulation and management;
7. improve the design standards of the built form to improve the streetscape appeal;
8. provide a framework to guide future development and land uses within the Strang Street Precinct area;
9. improve the employment opportunities and commercial viability of the Strang Street Precinct;
10. develop a distinctive character and identity for the Strang Street Precinct.
11. develop a well planned urban land use framework to guide quality development outcomes; and
12. provide a development vision and identity for the Strang Street Precinct area.

Consultation

The draft Strang Street Precinct Plan was advertised for public comment for a period of 5 weeks and affected/nearby landowners advised in writing in accordance with the relevant provision of the draft City Planning Scheme 4. Both public and precinct information sessions were convened during the public advertising period. The draft Precinct Plan was also referred to the Department for Planning and Infrastructure and the relevant servicing authorities during the advertising period.

Nineteen (19) submissions were received during the public advertising period and are summarised at ATT-SP0501-05.1 for Council's consideration. Generally there was support for the overall direction of the Structure Plan subject to a number of clarifications, minor modifications and editing of the plan and associated documents.

Copies of the submissions have been made available within the Elected Members' Lounge for consideration.

The key issues raised by the submissions are as follows:

1. Upgrading of existing infrastructure services

The existing infrastructure and services contained within the Structure Plan area will need to be upgraded to accommodate future infill of residential development. Approval will need to be sought from the various service authorities to determine the extent of the required upgrading, as part of the pending subdivision and/or redevelopment processes. All service upgrades will need to be funded by the relevant landowners as part of the development process. The Strang Street Infrastructure Improvement Plan also identified additional infrastructure costs to be funded by Developers in order to facilitate the implementation of the approved plan. It is recommended that Council considers aligning its normal infrastructure program as it relates to the designated area, with the relevant developers to ensure continuity of the required upgrading works.

2. Approval of the proposed Strang Court and Hampton Road link road and intersection

The link road is a critical design element to improve direct vehicle access into the proposed industrial node and to divert truck traffic away from the designated residential areas within the Structure Plan area. Approval from Main Roads Western Australia on the design of the intersection treatment is essential. Main Roads have advised that they support in principle the proposed link road subject to reviewing the intersection design, impacts on traffic

movements and traffic safety. There are a number of design options for the intersection which need to be prepared and analysed prior to determining the appropriate design solution.

At this stage it is recommended that a notation be placed on the approved Structure Plan, stating that the proposed Strang Court and Hampton Road intersection design is subject to Main Roads Western Australia and affected landowners approval, prior to proceeding. This notation will enable further investigation and design works to be undertaken by the City and Main Roads to determine the appropriate design. The link road and intersection is intended to be funded by the Developers Contribution Scheme, detailed in the Structure Plan document (available from Director Urban Management) and implementation of development incentives for the affected landowners.

3. Proposed pedestrian linking Strang Street to Hampton Road

The proposed pedestrian link is desirable as it provided a direct pedestrian route from the designated residential node to Hampton Road. The Structure Plan has identified a number of opportunities to improve pedestrian access; however the process for implementing the pedestrian link requires the agreement of all affected landowners.

In this respect it is recommended that a notation be placed on the approved Structure Plan, stating that the implementation of the proposed 2.0m wide pedestrian easement shall be subject to the agreement of all affected landowners, prior to the construction of the pathway.

4. Retain mixed development option

A number of landowners located immediately south of the proposed industrial node have expressed a desire to develop mixed uses (residential above commercial) on their properties. The mixed use developments would be consistent with the existing land uses, and will provide for small business and employment opportunities and provide for a transition land use buffer between the industrial node and proposed infill residential development areas. This option is supported as it maintains employment based development, provides for housing variety and development vitality. The designated mixed development sites are detailed on the Structure Plan and will be subject to specific design criteria and noise attenuation requirements.

5. Additional POS

The advertised Structure Plan had identified a small portion of public open space (POS) located on the corner of Naylor and Strang Streets. The balance of the required POS contribution was intended to be provided as a cash-in-lieu contribution, to fund the upgrade of the adjacent POS areas.(eg Clontarf Hill and the former Fremantle Eastern Bypass land).

The submissions received requested that additional POS area be provided within the Structure Plan area, to support the needs of the pending residential development. In this respect it is recommended that the proposed POS area be increased to 8% of the total residential subdividable area, (reflect the Liveable Neighbourhood Standards) with the remaining 2% being provided as cash-in-lieu, to fund the upgrade of Clontarf Hill and the former Fremantle Eastern Bypass land as public recreation areas.

6. Protect existing land uses

The design elements identified within the Structure Plan will not be forced on landowners and will need to be negotiated on an individual basis. The purpose of the Structure Plan is merely to guide future redevelopment and the various design elements need to be negotiated with the affected landowners, prior to proceeding with construction. On this basis existing land use can continue to operate, irrespective of the desired land uses outlined in the structure plan, until such time as affected landowners seek to redevelop their site. Once

the owner proceeds to redevelop their land, the relevant provisions of the Structure Plan can be enforced.

The implementation of the structure plan takes into account the integrity of existing business and the need to stage redevelopment of the area, apply development strategies, design criteria and development buffers to protect the operation of these businesses.

7. Need to clarify land uses and development standards

The Structure Plan is intended to be adopted under the provisions of CPS4 and as such should reflect the land use categories and development standards contained within the Scheme. Both the adopted Structure Plan and the associated document shall be modified to be consistent with the relevant provisions of CPS4.

8. Viability of employment and industrial nodes

The Structure Plan needs to be considered in the context of the broader precinct, located on the western side of Hampton Road containing both residential, non residential development and the land fill site. The Structure Plan encourages the integration of the development nodes, located on either side of Hampton Road to create a consolidated urban node. The Plan also introduces a broader range of non residential land uses, to be developed within the designated area, including home based businesses, cottage industries, mixed developments, intensive industrial and highway commercial developments. The integration of the commercial developments fronting Hampton Road and improved access to the industrial node, will ensure the commercial viability of these areas.

9. Funding streams and responsibilities

The Structure Plan contains a Developer Contribution Scheme and an Implementation Schedule to outline the required funding streams and actions necessary to facilitate the Plan. Generally the majority of the funding required to implement the Plan, will be provided by developers as part of either the pending subdivision or redevelopment process. Additional funding will be sought from the relevant service authorities to upgrade infrastructure to support the development of the broader Precinct area. Council is requested to consider aligning its future budget program to compliment the private development investment in the area.

10. Compliance with DPI Structure Plan requirements

The approved Structure Plan has been prepared in accordance with the Department for Planning and Infrastructure Structure Plan Checklist.

11. Correct Plan and documents

A number of minor corrections and clarifications have been made to the draft Structure Plan and associated document to address the various points raised in the submissions.

The modified Strang Street Structure Plan diagram is included in Attachment ATT-SP0501-05.2.

Conclusion

The implementation of the Strang Street Structure Plan is a key strategic initiative to consolidate and integrate land use development within the southern entry into Fremantle. Council is requested to grant final approval to the Strang Street Structure Plan and associated text as a working document, to guide the future growth of the commercial node and the surrounding residential fabric.

STRATEGIC & POLICY IMPLICATIONS

A key function of the Strang Street Structure Plan is the consolidation of all relevant Council policies and strategic documents pertaining to the designated Precinct area into a single document. In this respect the implementation of the Precinct Plan will ensure that all disciplinary aspects pertaining to the Neighbourhoods development are adequately addressed.

The Strang Street Structure Plan is a significant document when interfaced with other strategies for Fremantle, including the City Plan No 4, redevelopment of the Eastern Bypass land and Liveable Neighbourhood Principles. It is therefore critical that the redevelopment and evolution of this employment and mixed development node is guided to ensure the highest level of economic, social and environmental benefits can be achieved.

The Strang Street Structure Plan is intended to be adopted as a Planning Policy under the relevant provisions of CPS No 4 and requires the endorsement of the Western Australian Planning Commission. The Strang Street Structure Plan provides a planning framework to assess future development, subdivision layouts and land use zones within the designated area.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The Implementation Schedule contained within the Strang Street Structure Plan document, outlines the processes, infrastructure and funding arrangements necessary to implement the plan. Generally new infrastructure will be funded by landowners either as a result of redevelopment and/or subdivision processes. In addition, a Developers' Contribution Scheme (refer Part 6-Section 9) is proposed to fund the major infrastructure items identified within the designated Precinct area. The Implementation Schedule recommends that Council upgrades its existing dual use path networks, cycleways, Milbourne Street Reserve, drainage facilities, street plantings and road networks within the designated Precinct area, in order to ensure continuity with works to be provided on private land.

Environmental

The redevelopment of portions of the designated area for residential purposes, will necessitate the preparation and clearance of the required site contamination investigation reports, due to the existing industrial use of the area. Approval from the Department of Environment and the Western Australian Planning Commission will be required prior to the area being subdivided or developed for residential purposes.

Social

The Strang Street Structure Plan identifies a number of infrastructure and land use improvements, designed to address land use conflicts, public accessibility and amenity issues that currently exist within the designated area. Key social objectives of the Plan include an enhanced employment node, improved public access, compatible land uses, improved visual amenity and the development of a consolidated urban node around the two local shopping centres fronting Hampton Road.

BUDGET IMPLICATIONS

The Strang Street Structure Plan Implementation Schedule, recommends Council's future infrastructure improvement program for the locality be coordinated with the private development process. The proposed Developer Contribution Scheme facilitates the provision of key infrastructure improvements within the designated Precinct area. The Developer contributions are apportioned on a pro rata basis, as part of the subdivision and development approvals process.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The Strang Street Structure Plan shall be adopted as a Planning Policy under the relevant provisions of the draft City Planning Scheme 4. The Precinct Plan will guide the future subdivision layout, development patterns and land use zones within the designated area. The Precinct Plan may be modified in accordance with the relevant provisions of the City's Scheme.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

The draft Strang Street Precinct Plan was referred to the relevant Precinct Group and affected landowners for comment during the advertising period. Submissions received during the advertising period are summarised in the attached schedule of submissions at ATT-SP0501-05.1 for Council's consideration.

7.41 pm *Cr. Douglas arrived at the Committee meeting.*

OFFICER'S & COMMITTEE RECOMMENDATION

- 1. That Council grant final approval for the Strang Street Structure Plan as a guiding document to facilitate future redevelopment and subdivision within the designated area, subject to the following modifications being made to the Structure Plan and associated text, prior to being forwarded to the Western Australian Planning Commission for endorsement.**
 - i. A notation is to be placed on the Structure Plan, stating that the proposed Strang Court and Hampton Road intersection design is subject to Main Roads Western Australia and affected landowners approval, prior to proceeding .**
 - ii. A notation is to be placed on the Structure Plan, stating that the implementation of the proposed 2.0m wide pedestrian easement linking Strang Street to Hampton Road, shall be subject to the approval of affected landowners, prior to the construction of a path.**
 - iii. A notation is to be placed on the Structure Plan, stating that the proposed eastern extension of Clontarf Road, shall be subject to the approval of Main Roads Western Australia and Western Australian Planning Commission, prior to proceeding.**
 - iv. The Public Open Space provision is to be increased to 8% of the proposed subdividable residential area, in accordance with the liveable neighbourhood provisions, with the remaining 2% being provided as a cash-in-lieu payment to upgrade of Clontarf Hill.**
 - v. Re-classify the land uses abutting the proposed industrial node from Industry and residential to mixed development, as detailed on the**

- approved Structure Plan to facilitate a transition zone.
- vi. **Modify figures 7 and 8 (Ped Shed Plans) to make reference to the existing local shopping centre located on the corner of Lloyd Street and Hampton Road .**
 - vii. **Modify figures 9 to include desired urban form images for commercial and industrial developments.**
 - viii. **The various items identified within the Strang Street Infrastructure Improvement Plan, are to be costed and apportioned to the affected landowners and applied as part of the pending subdivision and redevelopment processes.**
 - ix. **The Strang Street Structure Plan and associated documents are to be modified to reflect the above changes and schedule of submissions.**
2. **Council notes and endorses the schedule of submissions attached (ATT-SP0501-05.1) and forward to the Western Australian Planning Commission for consideration.**
 3. **The approved Strang Street Structure Plan and associated documents are to be forwarded to the Western Australian Planning Commission, for endorsement to guide the future subdivision and redevelopment of the designated area.**

<p>Moved: Mayor, P Tagliaferri</p> <p>For: Mayor, P Tagliaferri Cr. S Gorman Cr. G Graham Cr. B Smith Cr. D Thompson</p>	<p>Carried: 5/2</p> <p>Against: Cr. K Anketell Cr. S Mackay</p>
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MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED SP0501-05 BE ADOPTED

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 11/1

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 Bob Williams Cr Doug Thompson	Cr Kathy Anketell

SERVICE DELIVERY, REVIEW AND CORPORATE PERFORMANCE COMMITTEE

Items referred from the Service Delivery, Review and Corporate Performance Committee held in the Committee Room, City of Fremantle at 5.30pm on Monday 24 January 2005

MAYOR P TAGLIAFERRI ASKED IF ANY MEMBERS PRESENT AT THE SERVICE DELIVERY REVIEW AND CORPORATE PERFORMANCE COMMITTEE MEETING HELD ON 24 JANUARY 2005 FORESEE ANY CHANGES TO THE MINUTES AS PRINTED AND PRESENTED

CR SHIRLEY MACKAY BROUGHT TO COUNCIL'S ATTENTION CORRECTION TO SDRCP0501-1 THAT THE RECOMMENDATION READ AS FOLLOWS:

1. THAT THE PHYSICAL ACTIVITY STRATEGIC PLAN 2005 – 2009 BE ADOPTED SUBJECT TO MINOR AMENDMENTS MADE IN THE REPORT

THESE AMENDMENT ARE ON PAGE 25 SECOND PARAGRAPH LAST TWO SENTENCES SHOULD READ:

THE OVERLAYING OF THE GIS AND ABS DATA INDICATED THAT CAR OWNERSHIP WAS HIGH IN FREMANTLE WITH 10908 DWELLINGS OWNING AT LEAST ONE VEHICLE AND 1229 HOUSEHOLDS HAVING NO VEHICLE OR MOTORBIKE ONSITE. IT WAS INDICATED THAT THE DWELLINGS THAT HAD NO CAR WERE SITUATED IN AREAS OF LOWER SOCIOECONOMIC AREAS. ON PAGE 62 ON COUNCIL FACILITIES BOOYEEMBARA PARK TOILET SHOULD SHOW YES.

MAYOR P TAGLIAFERRI MOVED EN BLOC THE FOLLOWING RECOMMENDATIONS NUMBERED SDRCP0501-01, SDRCP0501-02, SDRCP0501-04 SDRCP0501-05, SDRCP0501-06, SDRCP0501-07, SDRCP0501-08, SDRCP0501-09, SDRCP0501-12, SDRCP0501-15, SDRCP0501-17, SDRCP0501-18, SDRCP0501-20, SDRCP0501-23 AND SDRCP0501-24 BE ADOPTED

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 12/0 AND WITH AN ABSOLUTE MAJORITY FOR ITEMS SDRCP0501-01, SDRCP0501-02, SDRCP0501-04 SDRCP0501-05, SDRCP0501-06, SDRCP0501-07, SDRCP0501-17, SDRCP0501-18, SDRCP0501-20

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 Bob Williams	
Cr Kathy Anketell	
Cr Doug Thompson	

**SDRCP0501-1 Physical Activity Strategic Plan (Council Decision) Absolute
Majority Required
Attachment No. SDRCP0501-1
DataWorks Reference: June Moorhouse;156/005
Author: June Moorhouse
Actioning Officer: Manager Culture & Recreation**

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To adopt the Physical Activity Strategic Plan 2005-2009 which is attached as Attachment No. SDRCP0501-1.

EXECUTIVE SUMMARY

The Premier's Physical Activity Task Force (PATF) has been encouraging local government to develop a strategic approach to improving the health and wellbeing of their communities by increasing the level of participation in physical activity. PATF provided funding to employ consultant Dr Melissa Stoneham to prepare a Physical Activity Strategic Plan. The Plan outlines straightforward ways in which Council's decision-making processes could encourage increased participation in physical activity and deliver health benefits to the people of Fremantle. PATF has now offered \$14,000 funding to assist with the implementation of the Plan.

REPORT

Background

The impetus for developing this Plan arose from the Premier's Physical Activity Taskforce initiative, which aimed to increase the percentage of the population undertaking sufficient physical activity for a health benefit over the next ten years. The Taskforce has provided funding to encourage local government to embrace and develop opportunities for physical activity in their communities. As such, financial support to assist the City Of Fremantle to develop this strategic plan was provided by the Physical Activity Taskforce. This funding was matched dollar-for-dollar by the City Of Fremantle. Additional funding was received from the South Metropolitan Public Health Unit.

Although Council has undertaken health promotions activities in the past, the development of this Plan offered an opportunity to achieve structural change within the Council and work toward long-term benefits for the community.

The Plan was developed by Dr Melissa Stoneham, guided by the City Of Fremantle Physical Activity Strategic Planning Working Group, Chaired by Cr Shirley Mackay.

The Plan

Substantial research was undertaken in the formulation of this Plan to determine the level and type of activity currently undertaken by community members, the range and quality of facilities available to support physical activity (both through private operators and public facilities) and any barriers to greater participation.

Based on these findings and within the context of the City Plan, Dr Stoneham has identified guiding principles and key themes to support the Physical Activity Strategic Plan. The Plan provides a framework of objectives and practical strategies to assist the City Of Fremantle plan, develop, implement and evaluate physical activity programs and services into the future, particularly from 2005-2009.

The Plan articulates the importance of local government awareness and action in supporting community participation in physical activity. It also indicates some relatively simple ways in which, through greater awareness and coordination across Council, significant gains could be made for the community. Developing a process where physical activity impact statements are conducted on relevant planning applications is one example of how we could influence opportunities. Improving coordination within Council between staff who regularly deal with physical activity issues is another. Other strategies include undertaking specific projects such as a “walkable community” program. These projects will be developed in partnership with various Council departments and other Fremantle organisations such as schools, community groups, the Division of General Practice, Notre Dame University, the Chamber of Commerce and so on. Some strategies specifically address the barriers to increased physical activity that were identified through the research such as working with the TravelSmart Officer to identify positions for secure bike racks and other urban furniture within the City.

This Plan links with other key documents such as the Disability Services Plan, the Bike Plan and the Indigenous Strategy and strategies have been developed to enhance work across these areas of Council. As such, although carriage of this Plan resides with Recreation Services, implementation will require effective collaboration with other Council staff.

Award Winning Plan

The development of this Plan led to the City of Fremantle being Highly Commended in the National Heart Foundation’s Local Government Awards in the category ‘Policy for Structural Change’.

The Plan has also been successful in attracting a further grant from Lotterywest through the Premier’s Physical Activity Task Force to assist with the implementation of the Plan.

Comment

The Physical Activity Strategic Plan supports the City Plan and highlights the opportunity for Council to further contribute to the health of the community.

Successful implementation of the Plan offers direct health benefits for participants and focuses on prevention of illness which could reduce the demands on services that illness creates. Because the Plan enhances work underway in other areas of Council, the health benefits to particular risk groups such as seniors, young people and Indigenous community members could alleviate some demand in these areas. With regard to the ageing population in Fremantle, this work ensures that in addition to the frail-aged, Council is responsive to the

well-aged, providing both physical activity opportunities and ways of overcoming social isolation.

The research undertaken for this Plan was thorough and reveals relatively simple ways in which Council could make a significant difference. The strategies are cost-effective and achievable.

Conclusion

Council adopt the Physical Activity Strategic Plan and allocate \$14,000 matching funding to the PATF grant to assist with implementation.

STRATEGIC & POLICY IMPLICATIONS

The Physical Activity Strategic Plan supports the City Plan, particularly in the following areas:

A Great People Place

Caring and Accepting Community

Fremantle fosters harmony and social justice and provides opportunities for all individuals to maximise their potential and quality of life.

Artistic, Cultural, Sports and Recreational Opportunities

Fremantle offers a range of accessible cultural, recreation and leisure experiences.

Healthy Community

Fremantle is a place where healthy lifestyles are promoted.

A Beautiful and Accessible Place

Fremantle City Centre

Fremantle city centre is an attractive, accessible, safe and stimulating place with high quality public spaces and a diverse range of street activity. It is a vibrant outdoor activity centre giving priority to cyclists and pedestrians.

Public Open Space

Fremantle has a network of high quality parks and reserves which are valued by the community.

Environmental management

Fremantle's natural environment is carefully managed and enhanced and the sustainable use of resources by all Fremantle people is encouraged.

Facilities and Infrastructure

Fremantle has a high standard of construction and maintenance of public facilities and infrastructure.

Sustainable Transport

Fremantle has a balanced transport system which encourages the use of public transport, bicycles and walking while managing vehicle use.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable

Environmental

Implementation of the Physical Activity Strategic Plan will encourage more pedestrian and cycling activity, thereby reducing fuel consumption and emission levels.

Social

The Physical Activity Strategic Plan aims for:

- Significant gains in health and well being for the Fremantle community
- Greater social interaction as a by-product of increased recreational activity

BUDGET IMPLICATIONS

The initial request is for Council to match the PATF funding of \$14,000. This will cover the cost of implementing some strategies and employing Dr Stoneham one day per week from March 2005-2006 to set the Plan in place. For this year's financial budget the implications are \$4,500 and the balance for 2005-2006.

In the longer term, the support and development of the Plan rests with the reinstatement of a part-time Health Promotions Officer, subject to a new initiative request in 2006.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Considerable consultation with the community was undertaken in developing the Physical Activity Strategic. A press release was distributed inviting public comment, the Strategy was available on Freo Focus and copies were sent inviting comment to stakeholders such as the Dept of Sport and Recreation, the Education Dept, Dept of Health, the local Public Health Unit, Notre Dame, and the City of Cockburn. The consultant actively liaised with officers across Council who have all signed off on the Plan. The Plan was developed in consultation with the Physical Activity Strategic Planning Working Group made up of stakeholders and Chaired by Cr Shirley Mackay.

OFFICER'S RECOMMENDATION / Recommendation to Council

1. That the Physical Activity Strategic Plan, 2005-2009 be adopted.
2. That Council accept the funding of \$14,000 from the Physical Activity Task Force.
3. That the budget be amended to reflect the receipt of the grant of \$14,000 and the expenditure of contribution of \$14,000.
4. That the Committee be thanked for developing the Physical Activity Strategic Plan.

Moved: **Mayor Peter Tagliaferri** **Carried:** **7/0**
For:
Mayor Peter Tagliaferri **Against:**
Cr K Anketell
Cr S Gorman
Cr G Graham
Cr S Mackay
Cr B Smith
Cr D Thompson

ITEM NUMBERED SDRCP0501-2 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 AND BY AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

**SDRCP0501-2 Grant for South St Local Centre Works
(Council Decision) Absolute Majority Required**

DataWorks Reference: Main Roads WA; 106/013; Roadway South St
Author: Jon Horne
Actioning Officer: Jon Horne

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To seek council approval to accept additional grant funding of \$15,700 from Main Roads WA for road works associated with the South St local centre upgrade project.

EXECUTIVE SUMMARY

This item considers recent advice from Main Roads on the availability of additional grant funding for road works associated with the South St local centre project. It is recommended to accept the grant funds and amend the budgets accordingly.

REPORT

Background

The current financial year budget includes \$60,000 for the South St local centre upgrade project. The budget will cover those works behind the kerb lines; including verge improvements and planting, footpath re-grading/ replacement, new pram ramps and grab rails to allow for better pedestrian and disabled access, as well as normal design, site and traffic management costs.

Comment

As part of the project, it was identified by A & I staff that an opportunity existed to widen the traffic lanes and cycle lanes to bring them to an acceptable Main Roads standard. This requires the median island widths to be reduced. Works on the road pavement within the kerb lines need to be funded by Main Roads as this section of South St falls within Main roads control.

Main Roads were approached to provide funding to complete the changes required within the road pavement. Based on costing from A & I, Main Roads has confirmed that \$15,700 will be made available to remove the existing median kerbs, install new kerbs and median paving and reinstate the road pavement. Main Roads will also arrange for installation of traffic signs and pavement markings.

It is noted that median trees will need to be removed as the reduced median island width will result in them contravening lateral clearance guidelines.

The project is out for public consultation and upon completion of the consultation phase it would be appropriate to make public Main Road's request for the tree removal. This can be achieved through the normal consultation reporting process through the internet.

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 current budget will need to be increased for the grant funding of \$15,700 to be received this year.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable

OFFICER'S RECOMMENDATION / Recommendation to Council

Council accept the grant funding of \$15,700 for the road works associated with the South St local centre project and amend project and revenue budgets.

**SDRCP0501-3 Acceptance of Grant Funding: Network City Communities Grant Program - Western Australian Planning Commission
(City Plan Review)
(Council Decision) Absolute Majority Required**

DataWorks Reference: Kylie Telfer; W.A. Planning Commission; 038/027
Author: **Kylie Telfer**
Actioning Officer: **Kylie Telfer**

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To seek Council approval for the acceptance of a grant to fund the City's consultation efforts associated with the development of the City Plan, 2006 – 2010 (specifically the Strategic Plan).

EXECUTIVE SUMMARY

The City of Fremantle has been offered a grant for \$10,000 from the Western Australian Planning Commission under its Network City Communities Grant Program. This grant will fund the City's consultation efforts associated with the development of the Strategic Plan (2006 – 2010). It is recommended that this grant be accepted.

REPORT

Background

The City of Fremantle is currently developing its Strategic Plan (2006 – 2010). An important component of this process is to consult with the community to ensure that the vision, strategies and performance measures contained therein adequately reflect the needs and expectations of the community.

In November 2004 the City ran a workshop to capture the community's hopes and dreams for the future of Fremantle and to consider points raised in the Network City process. Around 70 people participated in facilitated discussions around 3 broad topics: transport, community wellbeing, and the 'look and feel' of the City. This feedback, together with other strategic inputs, will be integrated into the development of the draft Strategic Plan (to be released for public comment).

Comment

In 2004 The Western Australian Planning Commission (WAPC) established the *Network City: Communities Program* to assist councils develop strategies, plans and projects in line with the objectives of Dialogue With the City, and to support the development of effective methods of community engagement.

The Corporate Development Officer applied for funding for this program (Round 1) - to fund the Community Workshop and the subsequent development of the City Plan. The application was successful.

As the grant offer was received mid-project, some of the terms and conditions set out in the 'Project Funding Agreement' are obsolete. Some minor amendments might need to be made to ensure that the City can comply with the terms and conditions of funding.

Discussions are currently underway with the Department of Planning and Infrastructure (which is administering the grant on behalf of the WAPC) to resolve this issue.

Conclusion

This funding will support the City of Fremantle's ongoing commitment to community engagement and participation. It is recommended that the grant be accepted subject to any necessary amendments to the Project Funding Agreement.

STRATEGIC & POLICY IMPLICATIONS

- Directly connected to the City Plan and its development.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

The grant monies will fund the City Plan Community Workshop which offers the community and key stakeholders the opportunity to participate in Council's decision making processes.

BUDGET IMPLICATIONS

There will be no net effect on the overall council budget. Income and expenditure accounts for the City Plan will need to be increased by \$10,000.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

This item relates to the consultation process undertaken at a community workshop associated with the development of the City's Strategic Plan.

ITEM NUMBERED SDRCP0501-4 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 AND BY AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

**SDRCP0501-4 Acceptance of Funding from The Office of Multicultural Interests
(Council Decision) Absolute Majority Required**

DataWorks Reference: Michelle Champion/Office of Multicultural Interests; 106/031
Author: Michelle Champion
Actioning Officer: Michelle Champion

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To accept funding in the 2004/2005 budget and creation of associated income and expenditure accounts.

EXECUTIVE SUMMARY

Fremantle Community Youth Service is receiving a grant of \$500 from the Office of Multicultural Interests to fund activities for 'Harmony Week' with young people.
The grant is \$500 exclusive of GST.

REPORT

Background

Fremantle community Youth service provides a range of services to young people and young families both mainstream and 'At Risk' services provided include supported accommodation, information, advocacy and referral and recreational programs.

Comment

Funding of \$500 is being provided to Fremantle Community Youth service by the Office of Multi Cultural Interest to promote community awareness of W.A's cultural heritage and enabling West Australians to take a stand against racism and discrimination.

Conclusion

Council accept the funding of \$500 (excluding GST) from the Office of Multi Cultural interests to provide a graffiti art workshop with local young people which will result in an end piece to be displayed at the Youth service(7 Quarry street) building entrance. The art works theme will be 'multiculturalism'

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 funding will provide an opportunity for young people to come together workshop, design and complete a graffiti art piece while focusing on positive aspects of multiculturalism.

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 for Fremantle Community Youth Service to be increased by \$500 (excluding GST). Operating expenditure budgets to be increased by \$500 (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

1. That council accept the grant of \$500 (exclusive of GST) from the Office of Multi Cultural Interests.
2. That the City of Fremantle 2004-2005 revenue and associated expenditure budgets for Fremantle Community Youth Service be amended by \$500.

ITEM NUMBERED SDRCP0501-5 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 AND BY AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

**SDRCP0501-5 Acceptance of Grant - Living Smart for People with Disabilities
(Council Decision) Absolute Majority Required**

DataWorks Reference: Caroline Raphael; 078/015;
Author: Caroline Raphael
Actioning Officer: Caroline Raphael

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

For Council to accept the Department of Education and Training grant to increase participation and diversity in Adult Community Education. The City of Fremantle applied for the grant to modify the Living Smart Kit suitable for people with disabilities and has been successful in its application.

EXECUTIVE SUMMARY

The Living Smart Steering Committee (consisting of The Meeting Place, City of Fremantle, Murdoch University and Southern Metropolitan Regional Council) has developed the award winning Living Smart program to increase the sustainability of households and facilitate community development. The Living Smart Kit will soon be ready as a final draft and in order to make the program more accessible to the community, a funding application was put forward to the Department of Education and Training to develop a module suitable for people with disabilities. The module would be developed in partnership with Southern Metropolitan Personnel Inc. The funding application was approved. This item seeks Council approval to accept the grant and to increase expenditure accounts accordingly.

REPORT

Background

The Living Smart Program is a community environmental education program that:

- increases awareness of sustainability issues and creates positive environmental behaviour change in participants and,
- supports community development and strengthens community bonds.
-

The program achieves this by providing the community with the knowledge and skills to take action to improve the sustainability of their homes and their community. The program, which won the Adult Learners Week (Outstanding Environmental Care Program) award 2003 and the Allen Strom Eureka Prize for Sustainable Education 2004, was initiated in response to an expressed need within the Fremantle community for an environmental education program that helped people to live more sustainable lifestyles.

The Living Smart topics have been chosen to encompass all facets of leading a sustainable life and include:

- The Living Smart Program - Introduction to the program
- Thinking Smart, Being Smart - Goal setting for Life
- Simple Smart Living - Sustainability and Lifestyles
- Waste Smart - Managing waste better
- Water Smart - Conserving Water for the future
- Smart Gardens for Biodiversity - Creature Friendly and Native Gardens
- Smart Gardens for Productivity - Organic gardens that produce vegetables and fruits
- Power Smart - Saving energy and greenhouse gases
- Move Smart - Environmentally friendly travel
- Health Smart You - Looking after yourself as well as the environment
- Health Smart Home - Creating a healthy chemical free home
- Community Smart - Making a difference in your community

The Living Smart program was piloted in February 2003, as a seven-week lecture series at The Meeting Place Community Centre. Field trips to the Regional Resource Recovery Centre, Booyeembara Park, Environment House and Sustaining Settlements Community Garden Centre were also included in the program.

The evaluation results from the first pilot demonstrate that the Living Smart program was effective at increasing the number and frequency of the participant's sustainable actions at home as well as their environmental knowledge. The key achievements realised by the participants of the Living Smart program in February 2003 were that:

- 91% of participants felt more a part of the community as a result of attending the Living Smart program at The Meeting Place.
- 95% increased their knowledge of community resources and services.
- 82% increased their sense of well being.
- 68% of participants said that the program changed the way they think about lifestyle/ environmental issues.
- 50% of the participants felt that what they had learnt in the program would influence them for a very long time.
- 41% said it would influence them forever.

Living Smart has also been trialled in two different formats during February to June 2004 and as a result of the positive feedback, a Living Smart Kit to help other organisations, individuals and community groups is being prepared by the Living Smart Steering Committee to facilitate the extension of the program.

The funding application to the Department of Education and Training has been based on the objective to extend the program such that it is meaningful, accessible and useful to people with disabilities.

The expected outcomes are:

1. The development of a module within the Living Smart Kit (currently being developed) which would enable agencies and community groups to run the Living Smart program for people with disabilities.
2. The successful completion of a pilot program (2 courses). It is expected that the pilot will involve up to forty participants. The fully developed resource kit will be made available (free) to the world via the Living Smart web site.
3. Improved skills and abilities by the participants to engage in activities related to the environment and sustainability. It is hoped that these new skills will provide them

with the self-esteem and confidence to participate in other programs as their needs require.

The City of Fremantle on behalf of the project partners, has been successful in the funding application.

Comment

The Department of Education and Training funding provides the Living Smart Steering Committee with the opportunity to modify the Living Smart program so that it is useful for people with disabilities and in doing so, allow the program to be applied in a different context and more broadly within the community.

Conclusion

It is in the City's interest to accept the Department of Education and Training Funding of \$8,000 to modify the Living Smart program for people with disabilities.

STRATEGIC & POLICY IMPLICATIONS

The Living Smart programs relate to the strategic and corporate sections of the City Plan, particularly via:

- A Great People Place (1.2 Caring and Accepting Community, 1.3 Participation and Knowledge, 1.3 Healthy Community)
- Beautiful and Accessible Place (3.4 Environmental Management)
- Effective and Efficient Local Government (2.5 Environment)
-

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

NA

Environmental

Reduced resource use as a result of participating in Living Smart.
Reduced greenhouse gas emissions.

Adoption of sustainable behaviours in and out of the household.

Social

Fosters community development, friendships and relationships amongst the program partners and participants.

Improved and enhanced opportunities for participants to engage within the community through events, activities and other programs.

BUDGET IMPLICATIONS

The grant of \$8,000 for the City of Fremantle to use on the Living Smart programs will be added to the budget. As there will be corresponding expenditure there is a net bottom line result.

LEGISLATIVE AND LEGAL CONSIDERATIONS

NA

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable

OFFICER'S RECOMMENDATION / Recommendation to Council

That Council accepts the Department of Education and Training grant to increase Participation and Diversity in Adult Education for the adoption of the Living Smart program for people with disabilities to a value of \$8,000 and that this income and corresponding expenditure be added to the 2004-05 budget.

ITEM NUMBERED SDRCP0501-6 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 AND BY AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

SDRCP0501-6 Finding My Place Program Grant (Council Decision) Absolute Majority Required

DataWorks Reference: Linda Thorne; 106/039
Author : Linda Thorne Children's Librarian
Actioning Officer: Linda Thorne Children's Librarian

DECISION MAKING AUTHORITY

Statutory requirement to present information to Council. Absolute majority required.

PURPOSE

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

EXECUTIVE SUMMARY

Fremantle City Library successfully applied for a grant for a Finding My Place program to promote the library to at risk youth. A grant of \$3300 inclusive of GST was approved.

REPORT

Background

During 2003 and 2004, a partnership was established between the Western Australian Department of Education and Training and the City of Belmont's Ruth Faulkner Public Library to assist disadvantaged young people who were considered at risk of disengaging from the education system prematurely.

The program, called Finding My Place, aimed to give students a better appreciation for learning so that they would stay in the learning environment and also to prepare them with life skills necessary to succeed. The ten sessions in each program were organised and hosted by the public library and promoted the library as an alternative, accessible and non-threatening venue for life-long learning. In September 2004, expressions of interest were invited by the City of Belmont from Western Australian public library services for grants to support Finding My Place programs in their own libraries. The funding has been made available by the Department of Education and Training, with grants administered by the City of Belmont.

Comment

Fremantle City Library was successful in obtaining a grant from The City of Belmont for \$3300 (inclusive of GST) to conduct a Finding My Place program in early 2005. Interest in and support for the program has already been gained from the coordinator of Fremantle Fast Track at the Princess May Building. Finding My Place sessions will be incorporated into

Fast Track's existing Electives Program during the first two terms of 2005, with all 75 Fast Track students attending at least two library sessions each.

Conclusion

The proposed Finding My Place program will be a valuable service in promoting awareness of the library to young people.

STRATEGIC & POLICY IMPLICATIONS

The grant will contribute to the objectives of the City Plan in honouring Fremantle as a *Great People Place* with a *range of accessible cultural, recreation and leisure experiences*, as well as encouraging *Participation and Knowledge*.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

The program of activities will contribute to the range of accessible cultural activities available to the community as well as promoting library membership.

BUDGET IMPLICATIONS

Benefit of \$3300 (inclusive of GST) for specific appropriate purpose. The grant must be accepted by Council.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION / Recommendation to Council

That Council accept the grant of \$3300 (inclusive of GST) from the City of Belmont and that the 2004/2005 budget be amended by \$3300 in revenue and expenditure.

ITEM NUMBERED SDRCP0501-7 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 AND BY AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

SDRCP0501-7 Consideration of a Component of Council's Local Laws in Respect to Residential Parking Permits (Council Decision) Absolute Majority Required
Attachment No. SDRCP0501-7a, 7b & 7c

DataWorks Reference: Bob Caporn; 028/004
Author: **Bob Caporn, Manager Urban Environment & Control**
Actioning Officer: **Bob Caporn, Manager Urban Environment & Control**

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To consider the qualifying aspects on how a resident can obtain either a Residential Parking Permit/s and/or a Visitors Parking Permit/s. The process and qualification aspect is contained within the City's Parking Local Laws and therefore any variation will need to be progressed as an amendment to the Local Law.

As an amendment is required to the Local Laws the City has been instructed by the Joint Standing Committee of delegated legislation to delete clause 84 from the Local Law. This clause relates to "A person is not entitled to any claim, by way of damages or otherwise, against the authorised person, member of the Police Force, or the Local Government in respect of any vehicle impounded and dealt with under these clauses or against any person who purchases an impounded vehicle sold or otherwise disposed of by the Local Government pursuant to section 3.47 of the Act". This amendment (to delete clause 84) needs to be progressed as a matter of urgency.

EXECUTIVE SUMMARY

Residential Parking Permits have been under review since December 2000 and several recommendations have been presented to Council during the following four years. However several major issues remain unresolved and therefore elected members have again requested a review of the Residential Parking Permits. Discussions at an elected member's workshop suggested some changes which have been considered in this item. This item has been divided into 3 different options.

The first option suggests no changes in the current Local Law.

The second option suggests some minor amendments to increase the number of permits that could be applicable to qualifying premises.

The third option suggests an increase to the fees charged for permits. These proposed fees are similar to those applied by other local authorities such as the City of Perth.

The fourth option is to establish a residential parking permit system that addresses two aspects: one being a permit that applies to time limited non-fee paying areas and the other applying to fee payable areas. The table in the Comments section describes the number of permits and qualifying criteria.

REPORT

Background

This item was last considered at the SDRCP meeting of 5 April 2004 (SDRCP0404-43 refers) and the Council meeting of 27 April 2004.

The resolution of the council meeting was that the item be referred back to the Service Delivery Review and Corporate Performance Committee for re-examination as there was inadequate time to consider the officer's recommendation.

The intent of the existing Local Law in its present form is to place a responsibility on the developer to provide sufficient parking on site rather than reliance on the limited on-street public parking. Additionally the purchaser should ensure that there is sufficient parking on site to meet their needs.

Council's policies encourage residential development but at the same time Council has the discretion to reduce parking requirements through the Town Planning Scheme. The dilemma is obvious: on one hand the City encourages housing in the CBD and surrounding areas but some new residents move in with more cars than can be accommodated on site. In these circumstances should the City provide that additional parking bay/s free of true cost or value and what would be the reaction of businesses affected by the loss of parking for their clients/shoppers?

Discussions have occurred between the Manager of Urban Environment and Cr Gorman in an endeavour to find a proposal acceptable to both these questions. However these discussions have now resulted in some common ground, in that the CBD of Fremantle should not be included in any residential parking permit scheme other than that applicable for residents between 9 am and 11 am in the morning and between 3 pm to 5 pm in the afternoon.

Clause 58 of the Parking Local Law which relates to Residential Parking Permits is included in Attachment No. SDRCP0501-7a. A complete copy of the current Parking Facilities Local Law is available electronically (on I:/drive) or on request.

Comment

There are four options discussed in this item.

Option one (refer Attachment No. SDRCP0501-7a)

Retain the existing local law in its present form.

Advantages

The community knows the criteria that has been in place since 1999 and slightly eased in 2000.

Developers and real estate agents are aware of the limitations and restrictions.

A balance is maintained between the demands for parking by residents and the short term parking needs for shoppers/visitors.

The objective of Council is to not increase the number of vehicles in Fremantle.

The community is not seen to be subsidising parking costs for inner city residents.

There is a clause that allows Council to issue parking permits in special circumstances.

Supports Council's policy on sustainable transport, City's policy on sustainable transport.

Disadvantages

There are limited parking areas available in the CBD without fees being applicable.

Subsequent owners of dwellings in the CBD underestimate parking difficulties.

The number of permits that can be obtained long term is limited in number.

Detracts from making living in the CBD more attractive to potential residents.

Loss of parking bays for wider community and local business.

Every permit issued could be a loss of the value of the parking bay from payment of parking fees (estimated \$3000 pa minimum).

Wider community subsidising the cost of parking for residents in the CBD.

Option 2 (refer Attachment No. SDRCP0501-7b)

Modify the permit eligibility table so that it eases the restriction on Visitors parking permits and provides the opportunity to issue more flexible multi-purpose permits.

Advantages

Change will make it easier for residents who own up to 3 vehicles.

Change recognises social needs of residents living in CBD.

Could make CBD living more attractive to potential residents.

Supports the City's policy on sustainable transport.

The introduction of a multi-purpose parking permit.

Disadvantages

Some could argue that it makes CBD living less attractive to potential residents as it is still restrictive.

Loss of parking bays for wider community and local business.

Developers would tend to rely on Council to provide off street parking.

Wider community subsidising the cost of parking for residents in the CBD.

Every permit issued could be a loss of the value of the parking bay from payment of parking fees (estimated \$3000 pa minimum).

Wider community subsidising the cost of parking for residents in the CBD.

Option 3 (refer Attachment No. SDRCP0501-7c)

Revise the permit eligibility criteria after considering some examples depicted in Attachment No. SDRCP0501-7c. This option applies a fee that could be consistent with other local authorities, some of which are detailed in Attachment No. SDRCP0501-7c.

Advantages

Fees could apply for permits that are reflective of the true value of an on street parking bay, so encouraging developers to include parking on site.
 Fees could be changed by Council at Council's discretion
 Fee structure in keeping with other councils.
 Supports the City's policy on sustainable transport.

Disadvantages

A low fee would encourage more vehicles into the CBD on a long term basis, contrary to the intent of City's policy on sustainable transport.
 Loss of parking bays for wider community and local business.
 Detracts from making living in the CBD more attractive to potential residents.
 Discourages developer from including parking on site.

Option 4

Establish a new residential parking permit system that differentiates between time limited non-fee paying areas and fee payable areas.

For time limited non-fee paying areas.

The conditions that should apply would need to be clear and should include the following:-

1. Resident has to reside at the property
2. Vehicles have to be registered to the person applying for the permit
3. Permits will not be issued to vehicles which exceed 7.5m in length or 4.5 ton
4. Permits will not be issued to caravans, motor homes or trailers
5. Due to the short supply of parking in certain streets restrictions on the number of permits issued will apply. This will be determined by Council or the Manager Urban Environment & Control
6. Permits will not be issued to residential complexes where the number of units exceed 8 in number. (An exemption to this will apply if the resident is an occupier when time limited parking is implemented in the street of an official address.)
7. Permits will be valid for 12 months from the date of issue
8. If the application does not comply and the applicant is of the opinion that they have special circumstances, an application detailing these circumstances should be submitted to the Manager Urban Environment & Control for determination
9. Eligibility table -

Number of adequate parking bays available	Number of vehicles registered to the residential address	Maximum number of permits permissible
Nil bays on site	Nil	1 Multi-Purpose Parking Permit
	1	1 Residential Parking Permit 1 Multi-Purpose Parking Permit
	2	2 Residential Parking Permits

		1 Multi-Purpose Parking Permit
	3 or more	2 Residential Parking Permits 1 Multi-Purpose Parking Permit
1 bay on site	Nil	Nil
	1	1 Multi-Purpose Parking Permit
	2	1 Residential Parking Permit 1 Multi-Purpose Parking Permit
	3 or more	1 Residential Parking Permits 1 Multi-Purpose Parking Permit
2 bays on site	Nil	Nil
	1	Nil
	2	1 Multi-Purpose Parking Permit
	3 or more	1 Multi-Purpose Parking Permit

Note: under this option the term “Visitor parking permits” is replaced by multi-purpose parking permits. This permit carries the same intent as the Visitor parking permits, however allows the resident to display the permit in their own vehicle (currently a Visitor parking permit is not valid if displayed in a resident’s vehicle).

Fees –

The fees applicable for these permits can be determined by Council. Current fees are \$26 per permit on application and \$10.50 per permit for renewal. If this option is selected it would be an opportunity to introduce a fee scale that discourages the issue of multiple permits eg. first permit \$15, second permit \$25, subsequent permits \$30 & multi-purpose fees \$50.

Time Limited – Fee paying areas

Permits valid for the CBD/fee paying area will be issued by the City’s Commercial Parking business unit at a fee determined by that unit. This may be dependent of the number of permits, streets the permits are valid for, additional streets required etc.

If adopted, any changes will need to be incorporated as an amendment to clause 58 of Council’s Parking Local Laws.

STRATEGIC & POLICY IMPLICATIONS

There is a need for the City to be cautious when amending its Local Laws so that there is minimum conflict between the City’s strategic direction and the impact of the Local Law amendment. However the City’s strategic direction for parking needs to better coordinated than it is at the present time. Parking policy is not addressed in sufficient detail other than for new developments via the Town Planning Scheme. In the meantime the City is reacting to the needs of the community on an ad-hoc basis as those needs become apparent.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Residential Parking Permits add value to CBD residential properties because they permit the off-site parking of vehicles at a cost significantly below the commercial rates for parking or

the cost of providing on-site parking (ie. A garage or carport). The wider community may interpret the option referring to parking permits issued to CBD residents as being a financial subsidy to inner city residents.

Some CBD businesses may be adversely affected by the reduced availability of nearby on-street parking bays.

Environmental

By easing the restrictions on Residential Parking Permits it may encourage residents to purchase vehicles, which may result in an additional number of vehicles in the CBD. Therefore there may be an adverse effect on the environment. City's policy on sustainable transport should apply.

Social

Some residents would be pleased to have increased access to Residential or Visitors Parking Permits.

BUDGET IMPLICATIONS

At the time of preparing this agenda item the exact number of residents who would qualify for the various options described above is unknown. Each on-street parking bay in the CBD generates an average income to the City of between \$3000 and \$5000 per annum depending on location.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Should option 2, 3 or 4 be selected then the Local Government Act requires the following action to be implemented in order to amend the Local Law:-

NOTE ! This is the point that we are at now, in progressing the amendment to the Local Law.

- Summary of purpose and effect of Local Law to be read out at Council meeting.
- *Local Government gives Statewide notice of proposed Local Law.*
- *Local Government gives Local Law and notice to Minister(s).*
- *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.*
- *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.*

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

LOCAL GOVERNMENT: CITY OF FREMANTLE

TITLE: Local Laws relating to Parking	
<input type="checkbox"/> New Local Law	<input type="checkbox"/> Repeal of Local Law
<input type="checkbox"/> Amendment to Implement NCP	<input type="checkbox"/>
<input checked="" type="checkbox"/> Other Amendment to Local Law	<input checked="" type="checkbox"/>
<input type="checkbox"/> No Amendment to Local Law	<input type="checkbox"/>
Review conduct: Not Applicable	
Restrictions on Competition: The requirements to the National Competition Policy do not apply to this proposed Local Law	
Effects of the Restrictions: Some residents will not qualify	
Assessing the Benefits and Costs: The benefits to the community would be easier access to limited parking. The cost of implementing change will be minimal	
Alternative Means of Achieving Desired Outcome: Deregulation of residential parking in a regional centre such as Fremantle could cause an increase in the difficulty for visitors who wish to park their vehicles in Fremantle.	
Overall Conclusion and Recommendations: Residential parking permits should only be applicable with qualifying criteria and a fee schedule being applied.	
Implementing Recommendations: Responsible officer is the Manager, Urban Environment & Control.	

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

This matter has been discussed at an Elected Members workshop. Community input will follow compulsory advertising. Mr Longley, the executive officer of the Chamber of Commerce, has been informed of the possible change and will be making a submission to any change in the Local Law.

The following summary of purpose and effect of Local Law is to be read out at Council meeting:

“In summary, the purpose of the suggested amendments to the City of Fremantle Parking Local Laws are to apply a qualifying criteria for residential parking permits and to delete clause 84 from the Local law. The effect will be that some residents who do not have sufficient parking on site will need to make alternative parking arrangements. The effect of deleting clause 84 removes the authority of Council to not allow claims for damages. (This is a requirement of the Joint Standing Committee of delegated legislation.)”

OFFICER’S RECOMMENDATION / RECOMMENDATION TO COUNCIL

1. That Council advertise its intent to adopt a revised qualifying criteria for Residential and Visitors parking permits by the application of a fee schedule in keeping with the intent of option 4 effective from 1st July, 2005.
2. That an exemption to Clause 6 will apply if the resident is an occupier when time limited parking is implemented in the street of an official address.
3. That Council advertise the intent to delete clause 84 as required by the Joint Standing Committee of delegated legislation.

Moved:	Cr. S Mackay	Carried:	6/0
	For:	Against:	
	Cr K Anketell		
	Cr S Gorman		
	Cr G Graham		
	Cr S Mackay		
	Cr B Smith		
	Cr D Thompson		

ITEM NUMBERED SDRCP0501-8 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 AND BY AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

SDRCP0501-8 Repeal of Policy SG25 - Reserve Funds (Council Decision)
Attachment No. SDRCP0501-8

DataWorks Reference: 238/001 ;238/002
Author: **Alan Carmichael Manager Finance & Administration**
Actioning Officer: **Alan Carmichael Manager Finance & Administration**

DECISION MAKING AUTHORITY

SIMPLE MAJORITY REQUIRED

PURPOSE

To repeal policy SG25 which is no longer applicable.

EXECUTIVE SUMMARY

With the creation of policy SG29 Financial Reserve Funds in December 2003 and the adoption of the 2004/2005 Budget in July 2004, policy SG25 effectively became redundant.

REPORT

Background

The Financial Reserve Fund policy endorsed in December 2003 (SG29) set the strategic framework and with the adoption of the 2004/2005, the variations/additions/deletions to the reserve funds to bring them in line with the strategic policy SG29 were implemented.

Comment

A copy of policy SG25 is at Attachment No. SDRCP0501-8.
Now, the primary source of reference for details on specific reserve funds is the annual budget document. In some instances, specific policies relate to specific reserves and cross references to those policies are made in the budget document. Reserves that have their own policies are;-
SG14 Investments – Property and Other Non-Current Assets.
SG30 Heritage Places

Conclusion

Policy SG25 is no longer applicable and needs to be repealed.

STRATEGIC & POLICY IMPLICATIONS

Not applicable.

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 / RECOMMENDATION TO COUNCIL

That Policy SG25 Reserve Funds be repealed.

ITEM NUMBERED SDRCP0501-9 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 EARLIER IN THE MEETING

SDRCP0501- 9 Review of Delegated Authority - 3.4 Authorisation of Accounts for Payment (Council Decision) Attachment No. SDRCP0501- 9

DataWorks Reference: 084/012;100/002
Author: **Alan Carmichael Manager Finance & Administration**
Actioning Officer: **Alan Carmichael Manager Finance & Administration**

DECISION MAKING AUTHORITY

SIMPLE MAJORITY REQUIRED

PURPOSE

To review the delegated authority to facilitate change arising from continuing implementation of electronic service delivery.

EXECUTIVE SUMMARY

The changes proposed will allow officers to close the Advance Bank Account and thus make all "Advance Account" payments direct from the Municipal Bank Account. The ongoing shift to direct crediting of payments to creditors has reduced the need for a separate bank account to make normal payments from.

REPORT

Background

For many years, payments (as per monthly cheque register) have been made from the Advance Account with a single authorising signature. Receipts go to the Municipal Account.

Comment

A copy of the existing delegated authority with the proposed changes highlighted by track changes is at Attachment No. SDRCP0501- 9.

The Advance Account has traditionally been used to make all the payments in order to make reconciliation of unrepresented cheques easier. However, with increased use of direct deposits to creditors bank accounts, funds are cleared immediately from our bank account and the unrepresented value of those payments is no longer an issue.

As a consequence, officers are now looking at closing the Advance Account and making all payments from the Municipal Account. The change will not affect the monthly cheque listing presented to Council, but it will eliminate all the transfers between the Municipal and Advance Accounts that currently appear in the monthly financial reports. The change to the delegated authority is necessary, as the current delegation specifically refers to the Advance Account (i.e., Function Delegated (2)). The changes in no way lessen the internal controls that currently exist for the payment and authorisation of expenditure from City of Fremantle bank accounts.

Conclusion

The recommended changes remove the requirement to pay daily operating expenses from a specific account, which in turn will facilitate continuing process improvements to be implemented in the management of Council bank accounts.

STRATEGIC & POLICY IMPLICATIONS

Not applicable.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The item is varying the guidelines to an existing delegated authority.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION / RECOMMENDATION TO COUNCIL

That delegated authority 3.4 Authorisation of Accounts for Payment is amended as below:-

3.4 ACCOUNTS FOR PAYMENT - AUTHORISATION OF

Function Delegated:

- (1) Authority under Local Government (Financial Management) Regulations 12(1) and 13(2) to make payments from the Municipal Fund and Trust Fund. Note: A "Fund" can have multiple "Accounts".
- (2) Single signatory only required for payments processed through the corporate accounts payable (creditors) module.
- (3) All manually produced cheques on bank accounts to require two signatures with at least one being an officer with single signatory delegated authority.
- (4) Electronic transfers on all bank accounts to require two authorities, with at least one being an officer with single signatory authority.

Conditions:

- (1) A report on payments in accordance with Local Government (Financial Management) Regulation 13 is presented to Council for each month.
- (2) Cheque or Payment Authority Facilities associated with Investment of Funds to require two signatories/authorities with one being Manager Finance & Administration or Director Corporate Services (delegated officers under Item 3.2 for Investment of Surplus Funds) in conjunction with Revenue Accountant, Financial Accountant or Finance Officer (Banking).

Delegated by the Council to:

Chief Executive Officer

Delegated by the Chief Executive Officer to:

- (a) **Authority to approve/sign as single authorisation:**
 - Director Corporate Services
 - Manager Finance & Administration
 - Financial Accountant
- (b) **Authority to approve/sign in conjunction with single authority delegate:**
 - Revenue Accountant**
 - Finance Officer (Banking)**
 - Finance Officer (Budgets)

Reference:

None

ITEM NUMBERED SDRCP0501-12 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 EARLIER IN THE MEETING

**SDRCP0501-12 Revision of Policy OP26 concerning Parking Compliance
(Council Decision) Attachment No. SDRCP0501-12a & 12b**

DataWorks Reference: Integrated Patrols Section; 035/005
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 review the existing parking compliance policy that is long overdue for review. The objectives of the policy are:-

To enhance equitable access to services and businesses and contribute to harmonious community living within the constraints of the physical environment and legislation.

It is not a long term parking strategy document.

EXECUTIVE SUMMARY

This parking compliance policy is overdue for review. Its intent is not that of an overall long term parking strategy but is intended to outline some work practice objectives in parking compliance to facilitate efficient and effective processing of parking matters.

REPORT

Background

Policy OP26 was adopted on 20 December 1993.

Comment

This policy has endeavoured to address the objectives of the Council so as to provide an equitable access to the limited parking in Fremantle. To achieve this a number of strategies have been enunciated in the policy which have been amended slightly. The revised policy (Attachment No. SDRCP0501-12a) together with the original 1993 version (Attachment No. SDRCP0501-12b) is attached to this item. The strategies are listed below, together with an explanation of what the respective key component is.

Strategy 1

Provide reliable and professional administrative and managerial support to enable elected members to focus resources on the broad needs of the whole community including visitors, as well as community advocacy.

Explanation:

This strategy focuses on the needs for the community as a whole and whilst there can be some special needs, the fact is that parking in Fremantle is limited and there seems to be an every increasing demand for parking.

Strategy 2

Provide for decision making in a timely manner so that enquiries can be addressed concisely and promptly.

Explanation:

This reflects the business unit objective to reply to enquiries within 10 working days.

Strategy 3

Exercise delegation to provide for the efficient enforcement of all aspects of the Parking Local Laws and those sections of the Local Government Act that apply to parking and vehicle control as well as the creation of an infringement system and the collection of modified penalties.

Explanation:

Without delegation compliance matters would have to be referred to Council which would be a time consuming task. The current practice is to refer matters to Council when the need is apparent.

Strategy 4

To have delegation to enable parking on reserves at any time when there is a situation where special circumstances apply. In exercising this delegation the CEO must support the fact that "special circumstances" do apply.

Explanation:

This specific strategy is for those rare occasions when it may be necessary to allow vehicle parking on reserves following a specific and urgent need.

Strategy 5

To have delegation to withdraw parking infringements on those occasions when the infringement was issued incorrectly or the offender has offered an explanation that warrants the withdrawal of the infringement. To withdraw infringements when it is clear to the assessing officer that compassionate grounds apply.

Explanation:

The current work practice provides every opportunity to aggrieved drivers to request the withdrawal of a parking infringement before the matter is referred to the Court or to the Fines Enforcement Registry.

Conclusion

The revised policy reflects current work practice and the requirements of the Parking Local Laws.

Of course the demands on parking come from residents, businesses, employees, visitors and tradespeople. Residents express the wish for dedicated parking and do not want to know of any adverse impact that dedicated parking has on others. The more restrictions that are applied the greater the problem in nearby streets. Businesses want free long term parking for shoppers and, in some cases, their own (or employees') vehicles. Employees would like free long term parking close to their workplace (such as at the hospital).

Initiatives such as the Cat Bus have helped and do encourage parking outside the CBD areas.

STRATEGIC & POLICY IMPLICATIONS

The City has policies in place to encourage the use of public transport and discourage private vehicle ownership.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

To have an efficient and effective policy has some economic benefit to the City and infringed drivers.

Environmental

The City should continue with its present policies to discourage private vehicle ownership and encourage use of public transport.

Social

The policy should support the principle that parking is of interest to the whole of the community and should be reflective of total needs.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Local Government Act 1995
City of Fremantle Local Laws relating to Parking
Town Planning Scheme No.3

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

This item has not been referred to precincts or the Chamber of Commerce but it is usual practice to advertise such policies prior to adoption.

OFFICER'S RECOMMENDATION / RECOMMENDATION TO COUNCIL

That council advertise for community comment the City's intent to adopt the suggested policy addressing parking compliance. Any comments or submissions to be referred back to council for consideration prior to formally adopting the revised policy.

ITEM NUMBERED SDRCP0501-15 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 EARLIER IN THE MEETING

SDRCP0501-15 Review of Policy OP2 entitled Bush Fire Control (Council Decision)
Attachment No. SDRCP0501- 15

DataWorks Reference: Bob Caporn; 122/011
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 review the Bush Fire Control policy in keeping with the direction of the City Plan, Local Government Act and Bush Fires Act. The suggested revised policy is attached as Attachment No. SDRCP0501- 15.

EXECUTIVE SUMMARY

Even though the average person believes that the City has only a few vacant lots there were actually 272 notices sent out this year (November 2004) reminding the owners of their responsibilities. The Bush Fires Act provides the power to issue infringements and serve notices and the attached policy will serve as a guide to officers policing the legislation.

REPORT

Background

The existing policy was adopted by Council on 22nd July 1991 and is now overdue for review.

The existing policy has been a good guide but does require some changes. The suggested changes are in italics.

Comment

The suggested changes and policy are straight forward and are reflective of the objectives of the City Plan and Council's objectives.

Conclusion

The suggested policy should be adopted as soon as possible.

STRATEGIC & POLICY IMPLICATIONS

The City Plan part one clause 5 applies.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Proactive bush fire control measures have distinct advantages over reactive control measures and make economic sense when considering the potential damage to life, property and the environment.

Environmental

The environment of Fremantle is enhanced by good bush fire control measures.

Social

The community benefits by the City having good fire control measures in place which should enhance the community's sense of social wellbeing.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

This suggested policy is directly linked to the Local Government Act and the Bush Fires Act.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

This suggested policy needs to be advertised in accordance with Council Policy and any comments received should be referred to Council for consideration.

OFFICER'S RECOMMENDATION / RECOMMENDATION TO COUNCIL

Council advertise for community comment, the City's intent to adopt the suggested policy addressing bush fire control. Any comments or submissions received are to be referred back to Council for consideration before formally adopting the policy.

DISCLOSURE OF INTEREST

CR B SMITH DECLARED A FINANCIAL INTEREST IN THE FOLLOWING ITEM NUMBERED SDRCP0501-16 AS MR F ACOCELLA WAS HIS CAMPAIGN MANAGER DURING HIS ELECTION. CR B SMITH VACATED THE CHAMBERS AT 7.26 PM AND WAS NOT PRESENT DURING DISCUSSION OF THE ITEM

SDRCP0501-16 Request to waive Court imposed fine and costs – Frank Acocella ATTACHMENT NO'S SDRCP0501-16a & SDRCP0501-16b (Tabled at the meeting and included with the Committee Minutes)

DataWorks Reference: Bob Caporn; Frank Acocella; 141/007; 122/007 ; 13 Joslin St
Author: **Bob Caporn, Manager Urban, Environment and Control**

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

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

The Acting CEO received a phone call on 13 December 2004 from Mr Frank Acocella requesting that Council waive the fine and costs imposed by the court for not complying with a health notice.

EXECUTIVE SUMMARY

The Court has imposed fine and costs amounting to \$4468.70 against Mr Frank Acocella. This cost was imposed in respect to the non compliance with a health notice to repair a drainage problem at 13 Joslin Street. Mr Acocella has stated that there has been a long-standing dispute between himself and the occupier of the property (Mr & Mrs Tetlo) in question which resulted in private legal action between the parties. From media reports it is apparent that Mr Acocella was successful in his court action. On 13th December 2004 Mr Acocella contacted the Acting CEO and requested that Council waive the fine and costs imposed by the court for not complying with a health notice that was served on him as owner of the property.

REPORT

Background

The Health Notice referred to was served on Mr Acocella as owner of the property at 13 Joslin Street, Hilton. The required works comprised of repairs to the septic tank system so that the toilet and other drainage within the home could function properly. Photographs taken at the time will be available at the Committee meeting. The notice was served only as a last resort and followed several discussions with both occupiers, Mr and Mrs Tetlo, and owner, Mr Acocella. A number of letters were sent confirming the requirements. A court date hearing was set as 23 July 2004 and in the meantime Mr Tetlo entered into an arrangement with a drainage contractor and plumber to rectify the problem. This work was

undertaken as arranged. The Court imposed a fine of \$3800 and costs of \$668.70 a total of \$4468.70. Mr Acocella did not appear in Court, nor did he appeal the judgement.

On 16 September 2004 Mr Acocella requested that the City not take any action to recover the fine and costs as he had private legal action against the occupier, Mr Tetlo, who is a relative of Mr Acocella. This request was agreed to. The private legal action was not initiated as a result of the drainage fault but is understood to relate to the occupancy of the property. This action therefore has nothing to do with the City. Mr Acocella was informed in a letter dated 16 September 2004 of the action that he could take under the Health Act if he was of the opinion that the drainage matter was the responsibility of Mr Tetlo.

On 13 December 2004 the Acting CEO received a phone call from Mr Acocella requesting that Council waive the fine and costs imposed by the Court.

Comment

The Director of Community Development and the Manager of Urban Environment & Control did invite Mr Tetlo and Mr Acocella into a meeting in an endeavour to resolve the dispute regarding the property. This invitation was not accepted.

Of course, it is every citizen's right to seek natural justice and the Court system applies mechanisms of appeal to ensure that aggrieved citizens can pursue matters to a considerable extent. If Mr Acocella is aggrieved with the Court's decision he should have lodged an appeal. It is very unwise for the City of Fremantle to be put in a position of, in effect, disregarding a Court imposed fine and costs.

In this instance Mr Acocella could have:

- Entered into a formal lease with the occupier to place beyond doubt who was responsible for repairs to the property. The Health Act (sections 369 and 370) enables either the owner or occupier to pursue recovery of debts. Mr Acocella should obtain legal advice on how he can progress this through the Court system if he wishes to follow this course of action.
- The property could have been connected to sewer when the first sign of drainage difficulties emerged a few years ago or at the time the current problems emerged. (It is understood that the cost of connection to the main sewer is approximately \$1500.00.)
- When the health notice was served an appeal could have been lodged with the Executive Director of Public Health.
- He could have appeared in Court to defend the matter.
- He could have lodged an appeal against the magistrate's findings.

Conclusion

It is disappointing when members of the community are unable to resolve a dispute amicably and between the parties most concerned. In this instance the drainage problem could have been attended to in a few days simply by connection to sewer. Such action would have had benefits to all involved. It would be an unfair imposition on the ratepayer for Council to absorb the \$4468.70 when Mr Acocella can enter into an agreement with the Fines

Enforcement Agency in the same manner as others who find themselves in similar situations.

The Health Act does provide opportunities for Councils to bear the cost of connection to sewer on application by the property owner. This could still happen.

STRATEGIC & POLICY IMPLICATIONS

Not applicable.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The loss of \$4468.70 to the City will not have a dramatic effect on the budget and no doubt would have considerable benefit to Mr Acocella.

Environmental

The property is still not connected to sewer and a similar problem could reoccur. It would be in the interest of all for the property to be connected to sewer.

Social

This matter has caused some consternation to immediate neighbours who have had to endure unpleasant odours for some weeks.

BUDGET IMPLICATIONS

The \$4468.70 is not a loss that has been budgeted for. There is no reason why Fines Enforcement Agency could not collect the \$4468.70 through an arranged payment schedule.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Avenues may be available for Mr Acocella to recover the \$4468.70 from the occupier but this is a private matter that he should pursue. It is unwise for Council to assume a role best dealt with as an appeal to the Courts. The community would not expect Council to not collect fines and costs imposed, especially from a resident who was a Councillor.

Council can resolve not to collect the \$4468.70.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

This is a request direct to Council and therefore does not warrant Precinct input.

OFFICER'S RECOMMENDATION/ RECOMMENDATION TO COUNCIL

- 1. Council decline the request from Mr Acocella to waive the Court imposed fine and costs of \$4468.70. (The reasons being that there are no special or extenuating circumstances and there were numerous opportunities to either comply with the notice (or appeal it), connect to sewer or appeal the court judgement)**
- 2. Mr Acocella be advised to contact the Fines Enforcement Registry to make arrangement for repayment over a time period.**

Moved: Mayor Peter Tagliaferri
For: Mayor Peter Tagliaferri
Cr K Anketell
Cr G Graham
Cr S Mackay
Cr D Thompson

Carried: 5/2
Against: Cr B Smith
Cr S Gorman

CR H HEWITT MOVED HER ALTERNATIVE RECOMMENDATION AS FOLLOWS

1. That Council take no action to recover the fine and costs imposed against Mr Frank Acocella for breaches of the Health Act, because Mr Acocella had made an offer to Council to resolve the problem (such offer being rejected) 6 weeks prior to the problem actually being resolved by other means.

CR GEOFF GRAHAM RE-ENTERED THE CHAMBER AT THIS JUNCTURE BEING 7.28 PM

SECONDED BY CR K ANKETELL

CR S MACKAY MOVED A MOTION TO REFER ITEM BACK TO SERVICE DELIVERY REVIEW AND CORPORATE PERFORMANCE COMMITTEE TO ALLOW COUNCILLORS TO TAKE ON BOARD ALL THE FURTHER INFORMATION THAT HAS BEEN PRESENTED

SECONDED BY CR G GRAHAM

PUT AND LOST 6/5

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

CR H HEWITT'S ALTERNATIVE RECOMMENDATION WAS PUT AND LOST 9/2

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

ORIGINAL RECOMMENDATION AS PRINTED WAS PUT AND CARRIED 8/3

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

CR B SMITH RE-ENTERED THE CHAMBER AT THIS JUNCTURE BEING 7.55 PM

ITEM NUMBERED SDRCP0501-2 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 AND BY AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

SDRCP0501-17 Graffiti Vandalism Grant Funding (Council Decision) Absolute Majority Required

DataWorks Reference: Hon M Roberts; 045/006;
Author: Jon Horne
Actioning Officer: Jon Horne

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To seek council approval to accept grant funding of \$25,000 from the State Government for graffiti reduction and prevention.

EXECUTIVE SUMMARY

This item considers recent advice from the Minister for Community Safety that \$25,000 has been made available as a grant for tackling graffiti. It is recommended to accept the grant and amend budgets accordingly.

REPORT

Background

As part of its strategy in assisting local government to combat graffiti vandalism, the State Government has made \$250,000 in funding available to local government. Councils had to compete for grant funding. Based on its application and history in combating graffiti to date, and as part of the September round of offers, Fremantle has been awarded a grant of \$25,000.

Comment

The grant of \$25,000 is to be applied against the purchase of graffiti management equipment, which allows for GPS co-ordinates and digital photo recording to be streamlined for Office of Crime Prevention reporting. The grant will cover the purchase of handheld electronics, support equipment software, and initial training and follow up assistance with the system.

It is expected that this will allow for greater effort in physical removal activity as the recording mechanism for graffiti activity is streamlined.

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 current budget will need to be increased for the grant funding of \$25,000 to be received this year.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable

OFFICER'S RECOMMENDATION / RECOMMENDATION TO COUNCIL

Council accept the grant funding of \$25,000 for graffiti vandalism costs and amend revenue and expenditure budgets.

ITEM NUMBERED SDRCP0501-18 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 AND BY AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

**SDRCP0501-18 Budget Reallocation for Office Renovation Works
(Council Decision) Absolute Majority Required**

DataWorks Reference: James Duff; 091/007
Author: Jon Horne
Actioning Officer: Jon Horne

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To seek council approval for the reallocation of existing budgeted funds to allow for proposed office renovations for the Assets & Infrastructure (A & I) business unit.

EXECUTIVE SUMMARY

This item reviews the additional costs associated with A & I business unit office renovations as a result of minor restructuring of the unit, and recommends a reallocation of expected savings in design budgets to fund these costs.

REPORT

Background

As part of the minor restructuring of A & I business unit operations, a consolidation of the existing staff structure and appointment of fixed term contractors has been identified to allow for more effective delivery of street management and design activities.

As a result, allowance needs to be made for additional work space for dedicated design activities. Costs for any staffing requirements will be met out of the existing overall staffing budgets; however, extra costs of an anticipated \$19,000 will also be incurred for associated office renovations.

Comment

The movement of the Urban Management director from offices on the second floor to the third floor has allowed extra space to be created within the A & I business unit area. It is intended that this vacant office be used to house two designers and create extra work space within the design office area to accommodate staffing. The expected costs of \$19,000 will cover the office renovations and work station requirements.

Funding for the office renovations is expected to come from savings in the existing budget for agency staff in the design operations. These savings will be realised as a result of the

business unit hiring a fixed term direct staff member to cover those design activities which would normally be fulfilled by more expensive agency personnel.

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

Additional costs of \$19,000 are expected for the required office renovations and work spaces. Because these will be covered by savings in agency costs for design personnel, there will be no net effect on the municipal budget.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable

OFFICER'S RECOMMENDATION / RECOMMENDATION TO COUNCIL

That Council approve the reallocation of \$19,000 from A & I agency costs to fund the business unit office renovations and work station requirements.

**SDRCP0501-19 Request for Rates Exemption from Fremantle Tourist Bureau
(Council Decision) Absolute Majority Required**

DataWorks Reference: Ken Posney/Fremantle Tourist Bureau; 152/001: Unit 2/8
William Street, Fremantle

Author: Ken Posney

Actioning Officer: Ken Posney

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To increase subsidy to Fremantle Tourism Shop(FTC) to compensate for rates imposed post lease agreement between Council and the FTB.

EXECUTIVE SUMMARY

The lease between the Fremantle Tourism Bureau (FTB) and the City Of Fremantle was approved by Council in January 2002. When the lease was signed no mention was made of rates. Subsequently to the signing of the lease, an audit was carried out by Council's Rates Section of the Finance Business Unit, to establish whether there were properties that were eligible to pay rates but for some reason had escaped the notice of the Rates Department. As a consequence of this audit, the FTB was deemed as commercial and rateable. Obviously, this presented a dilemma because there was no mention of rates in the 2002 lease and it was not seen as a viable option to waive the rates because of the precedence it would cause to other commercial properties.

This item recommends that the subsidy be increased to \$7,734.52 to compensate on the lease. There are several reasons for this recommendation firstly, it appears to be unfair to suddenly impose costs that were not in the original lease and secondly, because the FTB operates as a major tourism centre in Fremantle. This topic is expanded in the "Comment" section of this item.

REPORT

Background

In January 2002, Council approved a subsidy to the Fremantle Tourism Bureau (FTB) to the value of \$33,800 for five (5) years. The subsidy included a lump sum direct payment of \$20,000 + GST to FTB and a rental subsidy of \$3,800 representing the difference between the market rate attainable and rent offered and there were special conditions which included :-

1. Open on Saturdays and Sundays.
2. Collection of Library books at weekends.
3. Assist with telephone enquiries pertaining to Council on weekends.
4. Display Council brochures in the shop as required.

The rationale behind this decision was that Council wished to retain a tourism bureau in the current location. Council had previously managed the tourism shop quite wisely, however when Council opened the “Service and Information Counter” on the ground floor, the tourism shop evolved into the entity it is today.

Comment

As mentioned in the “Executive Summary” the FTB operates as a major visitor centre in Fremantle. Thanks to the hard work of Fremantle First (Fremantle Chamber of Commerce) FTB is now recognized by Tourism WA (formerly the West Australian Tourism Commission) as Fremantle’s major Visitor Centre (VC). Quoting from an email by John Longley the CEO of Fremantle Chamber of Commerce:-

***“About 4 years ago the Chamber realized that Fremantle was continuing to miss out on opportunities, as the FTB did not have official status within the TWA structure. It lobbied the TWA to either give the FTB that status or build their own VC down here. The main problem for TWA in agreeing to this was that the FTB was a “for profit” organization. However, this objection was eventually overcome and the FTB was made a Network Visitor Centre (NVC), given appropriate NVC signage and included in the computer network being set up across the State by the TWA.*”**

A key factor in allowing the FTB to become an NVC was recognition by the TWA that the staff of the FTB did a great amount of non profitable visitor servicing, such as advising visitors of free attractions, public transport links and so forth.”

As to the future the Tourism WA recognises that in the long term Fremantle is in urgent need of better facilities. 76% of visitors to the State will visit Fremantle and the Fremantle Chamber is working hard to secure Federal and State Government funding for a new visitor Centre in Fremantle.

Conclusion

The FTB is functioning as a Visitor Centre in Fremantle and meeting its community obligations for Council. More recently the FTB has reopened on Sundays for a three (3) hour period. The reason for closing on Sundays was primarily for safety but there is also minimal commercial return on Sundays. This could be a locational factor that will be addressed when FTB is relocated to a more prominent position.

Essentially in 2002, when the lease was approved rates were not a factor. Again it seems unfair to introduce that element as an added cost post the 2002 decision. The most sensible way forward is to increase the subsidy for 2004/2005 by \$7,734.52 which includes current and area rates from 2002 to this financial year.

The outstanding Emergency Services Levy amounting to \$635.44 for the current and last year should stand, and it is not recommended that the subsidy be increased to cover this cost as the City is only collecting this levy for the State Government Fire & Emergency Services.

The current lease expires on 31 December 2006 at which time a new lease arrangement can be considered and at which time Council will have a more up to date view of whether FTB can be relocated to a better site within Fremantle.

STRATEGIC & POLICY IMPLICATIONS

Has links to the City Plan under the category “**A Great People Place – Welcome Visitors – Fremantle** provides for visitors and assists them to appreciate the city’s character and also contributes to a vibrant economy.”

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

As an improved tourism bureau the FTB contributes to one of Fremantle’s commercial assets “tourism”.

Environmental

Nil

Social

Improves the visitor experience to Fremantle.

BUDGET IMPLICATIONS

An adjustment of \$7,735 will be required in the February 2005 budget review.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not Applicable

OFFICER’S RECOMMENDATION

1. Council approve an increased subsidy of \$7,734.52 to the Fremantle Tourism Bureau for 2004/2005.
2. An adjustment of \$7,735 be made in the February 2005 budget review.

RECOMMENDATION TO COUNCIL

1. **That Council approve an increased subsidy of \$7,734.52 to the Fremantle Tourism Bureau for 2004/2005, Subject to the Fremantle Tourist Bureau opening for the agreed hours on Sundays.**
2. **That an adjustment of \$7,735 be made in the February 2005 budget review.**

Moved: Cr S Mackay

For:

Cr K Anketell
Cr S Gorman
Cr G Graham
Cr S Mackay
Cr B Smith
Cr D Thompson

Carried: 6/0

Against:

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION
NUMBERED SDRCP0501-19 BE ADOPTED

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 12/0

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 Bob Williams	
Cr Kathy Anketell	
Cr Doug Thompson	

ITEM NUMBERED SDRCP0501-20 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 AND BY AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

**SDRCP0501-20 Interpretation Plan for Fremantle Heritage Trails Network -
Acceptance of Grant
(Council Decision) Absolute Majority Required**

**DataWorks Reference: Lotterywest Grant 398721
Author: Agnieszka Kiera Heritage Architect Planner Actioning
Officer: Agnieszka Kiera Heritage Architect Planner**

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

For Council to accept the grant allocated by the Lotterywest to the City of Fremantle for the Interpretation Plan for Fremantle Heritage Trails Network.

EXECUTIVE SUMMARY

In response to the City Of Fremantle's submission, the grant of \$11,200 (GST exclusive) has been allocated by the Lotterywest under its 2004/05 Cultural Heritage/Interpretation Program. The allocation of the grant is subject to standard conditions of the Lotterywest, one of each is declaration of acceptance of grant by the City.

The aim of this project is to provide the framework and strategy for integrating the City of Fremantle's heritage trails, cultural centres and transport routes. The project will involve the identification of city wide new heritage trails. The overall aim of the project is to encourage exploration of Fremantle in a wide range of active and sustainable transport means which are consistent with its traditional urban form and at the same time to reveal and better communicate Fremantle's unique history to the community and to further the City's rich sense of identity and heritage.

The grant is in order to be accepted by the Council.

REPORT

Background

Over the last 20 years the City of Fremantle has initiated and constructed a number of heritage trails, mainly around the West End Conservation Area in response to a particular demand for a trail at the time, but in an uncoordinated manner in terms of the overall city.

In July 2004 The City of Fremantle applied to the Lotterywest for a grant to develop an integrated Interpretation Plan for Fremantle Heritage Trails Network.

Comment

The aim of this project is to provide the framework and strategy for integrating the City of Fremantle's heritage trails, cultural centres and transport routes. The project will involve the identification of city wide new heritage trails as well. The overall aim of the project is to encourage exploration of Fremantle in a wide range of active and sustainable transport means which are consistent with its traditional urban form and at the same time to reveal and better communicate Fremantle's unique history to the community and to further the City's rich sense of identity and heritage.

The aim of this project is to provide the framework and strategy for integrating the City of Fremantle's heritage trails, cultural centres and transport routes. The project will involve the identification of new heritage trails as well. The overall aim of the project is to encourage exploration of Fremantle in a wide range of active and sustainable transport means which are consistent with its traditional urban form and at the same time to reveal and better communicate Fremantle's unique history to the community and to further the City's rich sense of identity and heritage.

In reviewing the existing heritage trails and developing new trails, the City of Fremantle identified the opportunity to establish new heritage trails and, more importantly, to interconnect these trails and link them with recreational and transport routes, cultural venues and walkways in general.

There are currently five walking heritage trails in the Fremantle area, four of which were developed as part of the 1988 Bicentennial Heritage Trail project administered by the WA Heritage Committee. These heritage trails are now over 15 years old and require updating. The signage and interpretative material (brochures) associated with these trails also requires updating. In addition, the City of Fremantle has two new trails under development and installation – Maritime Heritage and Convict Places.

The aim of this project is to develop a strategy that would guide expansion of the existing trails and provide access into the broader Fremantle area. The current concentration on the West End means that most of Fremantle remains unexplored by both locals and visitors. Also to establish consistent approach to interpretation of the trails rather than what it has now – a mixture of interpretative means and signs, most of it well worn out.

There is a wealth of research on the history of Fremantle that has been developed in the last 15 years (most in the form of archival material) and the City has a considerable number of recognised cultural heritage places.

This information can be used to identify new trails, update existing trails and provide text and images for interpretative material on the ground where it will be easily accessible to the community of Fremantle and the world wide community of visitors.

The budget and brief for the project has been consulted widely internally and both have been accepted by the funding body.

The grant allocation is in order to be accepted by Council.

Conclusion

In response to the City Of Fremantle's submission, the grant of \$11,200 (GST exclusive) has been allocated by the Lotterywest under its 2004/05 Cultural Heritage/Interpretation Program. The allocation of the grant is subject to standard conditions of the Lotterywest, one of each is declaration of acceptance of grant by the City.

The aim of this project is to provide the framework and strategy for integrating the City of Fremantle's heritage trails, cultural centres and transport routes. The project will involve the identification of city wide new heritage trails. The overall aim of the project is to encourage exploration of Fremantle in a wide range of active and sustainable transport means which are consistent with its traditional urban form and at the same time to reveal and better communicate Fremantle's unique history to the community and to further the City's rich sense of identity and heritage.

The grant is in order to be accepted by the Council.

STRATEGIC & POLICY IMPLICATIONS

This item has a connection to the following areas of the City Plan:

A Great People Place: a sense of history – Fremantle cherishes its history and cultural heritage and draws strength from its traditions.

A Vibrant Economy: heritage focus – Fremantle conserves its cultural and built heritage, recognising its fundamental importance to its economic future and prosperity.

A Beautiful and Accessible Place (Our Environment): Fremantle has a distinctive built form with creative reuse of buildings, innovative use of small building plots and integration of heritage.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The project will promote exploration, attraction and use of a greater (heritage) area of Fremantle, including its out of the city centre landmarks and cultural venues such as the Arts Centre and North Fremantle's original civic and commercial centre. This is likely to increase the attraction of the city and the existing venues to tourists and other visitors, adding vitality and increasing intensity of the existing uses.

Environmental

This item deals with protection of heritage as a non-renewable natural, cultural and built resources.

Social

This item deals with interpretation and promotion and greater accessibility of the significant heritage places and landmarks, which is held in high esteem by the community. The strategy for integrated network of heritage trails would guide staged and incremental construction of those trails and this in turn would enhance a sense of place, history and identity of the community thus contributing to social capital and building sustainable community.

BUDGET IMPLICATIONS

The required financial and in kind contribution of the City has been included in the 2004/05 budget under “Consulting Services Integrated Network of Heritage Trails”.

Any future financial commitments to implementation of the long term strategy will be subject a separate and relevant statutory budget approval process(es) of Council.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The allocation of the grant is subject to standard conditions of the Lotterywest, guiding expenditure of the grant and payment of money to the City for which processes and mechanisms are already in place.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

The project forms part of the long term conservation strategy for capital conservation projects prepared by the former Heritage Advisory Committee to the City of Fremantle, which included representatives of both, precincts and the community.

The project has been extensively consulted internally and its implementation is being coordinated with the more comprehensive city wide network of walkways.

OFFICER’S RECOMMENDATION / RECOMMENDATION TO COUNCIL

- 1. Council accepts the grant of \$11,200 excl. of GST allocated to the City of Fremantle by the Lotterywest allocated under its Cultural Heritage /Interpretation Program 2004/05.**
- 2. That the 2004/2005 budget be increased by \$11,200 in revenue and expenditure to reflect acceptance of the grant and authorisation of the associated expenditure.**

ITEM NUMBERED SDRCP0501-23 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY 12/0 EARLIER IN THE MEETING

**SDRCP0501-23 Fremantle Community Care – Frederick Wright Memorial Home
Independent Living Units (Council Decision)**

DataWorks Reference: Joanne Lorraine;023/004;83 Rennie Cres
Author: Joanne Lorraine
Actioning Officer: Joanne Lorraine

DECISION MAKING AUTHORITY

Council Decision – SIMPLE MAJORITY

PURPOSE

To seek approval to increase the rental fee at the Fred Wright Memorial Homes (FWMH).

EXECUTIVE SUMMARY

Fred Wright Memorial Homes [FWMH] provides accommodation for seniors on low income. The complex has 19 units and was built approximately 30 years ago. Over the years there has been a minimal increase in rental charges.

Until last year there has also been minimal upgrades carried out at these units resulting in significant work being required to be undertaken to bring it to an acceptable standard. Subsequently, a maintenance audit was carried out by Council (copy of the audit is available from Joanne Lorraine, Manager Community Services if required) a risk management approach was taken to identify priority areas that needed maintenance and repair. Over the past 18 months, maintenance work in these areas has been carried out.

Therefore, to continue to address other areas identified in the audit, approval is required to increase rental charges which will assist Council to undertake the remaining work. The proposed increase per resident would result in resident contributions increasing by \$4 per week for units still to be renovated and \$5 per week once the unit has been renovated. Centrelink rental assistance of up to 25 % of the Aged pension would cover the additional rental increase proposed.

This combined increase will result in additional revenue of approximately \$32,000 per annum.

REPORT

Background

Frederick Wright Memorial Home Units provides low cost accommodation in 19 units for Seniors over the age of 60 to live in our community. At the present time rental fees are below the community rental housing costs.

As a result the complex has not brought forth increased revenue to meet the needs of maintaining and upgrading the units to today's community living standards. Therefore the building is looking very old and tired with fittings worn, torn and out of date.

In March 2003, an audit was undertaken to establish Council's role and responsibilities in relation to the administration and management of these units. The outcome led to an internal maintenance audit of the facility, ceasing the role of the existing Caretaker, renovating and fitting out the communal function room, updating all the resident agreements and review of the rental fees.

Comment

Subsequent to this audit, a risk management approach was taken to identify priorities and maintenance works have been carried out using approximately \$40,000 from the reserve account.

To date all units have been fitted with a personal care alarm system for resident safety and security. Footpaths have also been attended to, to reduce the risk of injury. Four units have been completely renovated with an additional one to be completed by the end of this financial year with another three partially completed. Residents living in the renovated units are very pleased and compliment the City of Fremantle for the quality and standard of accommodation provided.

A dedicated Council Officer will assist all residents should they require help to complete the necessary paperwork to receive rental assistance from Centrelink.

Conclusion

Having embarked on the implementation of the audit report it is important to continue to complete the planned upgrades and bring all units to an acceptable and comfortable living standard for our older people. We also need to address the overall tired outlook of the complex and attend to the grounds and garden area. The rental increase will greatly assist Council to accomplish this goal and ensure ongoing maintenance is undertaken to protect the City's asset.

STRATEGIC & POLICY IMPLICATIONS

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

There will be minimal financial impact on our clients.
Maintenance and improvement of a City of Fremantle Asset

Environmental

City of Fremantle properties maintained in an acceptable standard to meet legislative requirements and community expectations.

Social

Improved housing available for older people living on low incomes within the Fremantle community.

BUDGET IMPLICATIONS

Will increase revenue of approximately \$32,000 per annum.

Income from rental contributions will increase from \$44,000 to approximately \$76,000 per annum.

Additional monies available from the reserve account once upgrades are completed.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Maintained to meet building standards.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable

OFFICER'S RECOMMENDATION / RECOMMENDATION TO COUNCIL

1. That Council continue to renovate all units to bring them in line to meet the quality standards outlined in the audit report.
2. That from 1 July 2005 ,for existing residents, the rental fees at Fredrick Wright Memorial Homes be increased as follows:-
Be increased from \$90 per fortnight to \$150 per fortnight for non-renovated units and;
Be increased to \$170.00 per fortnight for renovated units.
3. That the increased fee apply immediately to any new resident moving into a renovated unit.
4. That the increased revenue be used for the period it takes to address all audit recommendations until all units, grounds and gardens meet acceptable industry standards.

Moved:	Cr S Mackay	Carried:	6/0
	For:	Against:	
	Cr K Anketell		
	Cr S Gorman		
	Cr G Graham		
	Cr S Mackay		
	Cr B Smith		
	Cr D Thompson		

ITEM NUMBERED SDRCP0501-2 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY 12/0 EARLIER IN THE MEETING

**SDRCP0501-24 Appeal Against Street Numbering Decision – Property
Assessment 066456 (147 Michael Street that is currently using 115 Lefroy Road)
Attachment No. SDRCP0501-24a, 24b, 24c & 24d**

DataWorks Reference: Frichot & Frichot; 152/006; 147 Michael St; 115 Lefroy Rd

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

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

To consider and objection Under Section 9.5 of the Local Government Act 1995 on a street numbering decision in relation to property assessment number 066456.

EXECUTIVE SUMMARY

Due to continuing development along Lefroy Road between Gibson Street and York Street, officers were required to review the street numbering to accommodate new developments. In undertaking the task, officers became aware that the Beaconsfield Shopping Centre had been using a street address in Lefroy Road, even though the property (Property assessment 066456) on which the shopping centre is located does not have a frontage to Lefroy Road. Officers subsequently advised the owners that the property address was now to be 60 York Street and not 115 Lefroy Road currently being used. The owners of the property have lodged an appeal against the decision through their solicitors Frichot & Frichot.

REPORT

Background

Property addressing is carried out in accordance with Delegated Authority “3.60. STREET NUMBERING” (copy attached at Attachment No. SDRCP0501-24a).

Other documents used are the Australian/New Zealand Standard AS/NZS 419:2003 - “Geographic Information – Rural and Urban Addressing” (DataWorks Document No 310985) adopted by the Department of Land Information and the former Department of Land Administration “Procedure for Urban Property Street Numbering in Western Australia” (copy attached as Attachment No. SDRCP0501-24b).

A plan of the area is also attached at Attachment No. SDRCP0501-24c, along with a copy of the appeal attached as Attachment No. SDRCP0501-24d.

Comment

The property address in the Council rating system (i.e., Rate Book) and the address to which the rate assessment notices are directed is 147 Michael Street Beaconsfield. The registered owners of the property as per the Rate Book are Romano Nanni and Carmela Nanni.

The issue came to light when a new development at 115 (lot 1) Lefroy Road (Property Assessment 66449 and owned by Romanos Enterprises Pty Ltd) developed a group of commercial units which required street numbers. When looking to allocate street numbers for the units, officers could not start the unit numbering from 1, because a development known as Lefroy Square on the corner of Lefroy Road and Gibson Street (strata plan 41426) already has Units 1 to 9 of 115 Lefroy Road allocated to these units. At the same time, it became evident that the Beaconsfield Shopping was using 115 Lefroy Road and shop numbers 1 to 11, which meant there was a pre existing duplication of street numbers.

To properly address the issue, it meant looking at the entire block bound by Lefroy, York, Michael and Gibson Streets. The appellants claim they have a beneficial interest in the property assessment 66449 that fronts Lefroy Road and officers have no information to dispute that claim, but that property is on a separate title and under separate legal ownership. As there are two titles and two different legal ownerships, either property can be sold or encumbered at any point in time.

The officers who made the evaluation, including the officer that made the decision, felt it was necessary to make the decision, because there are already 2 properties with the address of 115 Lefroy Rd with frontage to Lefroy Rd and our records showed lot 147 addressed as 147 Michael St. The decision was based on the fact that lot 147 does not have legal access to Lefroy Rd. While it currently has informal access through lot 1 (115 Lefroy Rd) because of beneficial interests, it is not the same legal owner as lot 147, therefore access can not be guaranteed for the future as either property can be sold at any time.

It may be possible for the owner to formalise access to Lefroy Rd by amalgamation of the properties or the creation of an easement over Lot 1 but this will never read as the obvious primary access to Lot 147 for emergency services, delivery vehicles or visitors. The main accesses are clearly from York St or Gibson St. York St was chosen because it is considered to be the more prominent street.

The appellant has been advised of the Council's \$25.00 reimbursement of costs associated with the change.

It should be noted that if Council upheld the appeal and allowed the shops on lot 147 to use 115 Lefroy, then it would immediately create a further street numbering issue, as the shop numbers would duplicate unit numbers already allocated to strata plan 41426. In those circumstances, application of the Council's policy and associated guidelines would mean the street addresses for the shops on lot 147 would all have to be renumbered, as the logical flow of numbers for the public and emergency services would mean the strata development on the corner of Gibson and Lefroy road would retain unit 1 to 9. Under the officer's current decision, the shop numbers on strata plan 41426 do not need to be changed.

The grounds outlined by the appellants' solicitors in section 6 of their submission all appear to be commercially based. However, it appears that many years ago the property owners made a decision without reference to Council in selecting a street address that best suited their commercial interests.

If the appellants are dissatisfied with the decision of Council in relation to the appeal, they have a further right of appeal under the Local Government Act 1995 to the State Administrative Appeal Tribunal.

Conclusion

The officer's decision is seen as appropriate and logical given the different lot numbers and ownership, together with the possibility for further development along the strip. Clear property addressing has become an important focus for the Department of Land Information in recent years and I believe that the Department relies on Local Authorities making good decisions in this regard. Therefore it is recommended the appeal be dismissed.

STRATEGIC & POLICY IMPLICATIONS

Any decision to go outside of Council Policy and DOLA guidelines would establish a precedent for future decision making.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

This is an appeal against a decision of the city under Section 9.5 of the Local Government Act 1995. If the appellant is not happy with the decision of Council, they have a further right of appeal under the Local Government Act 1995. The latter appeal would be to the State Administrative Tribunal which came into operation on 1 January 2005.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the appeal from Romano Nanni and Carmela Nanni on street numbering for Property Assessment 066456 be dismissed and the officers decision to allocate the street number 60 York Street to the property assessment be endorsed.

RECOMMENDATION TO COUNCIL

That Council uphold the objection and refer the matter back to officers for renumbering.

REASONS FOR CHANGE TO RECOMMENDATION

As the community view the Beaconsfield Plaza as one property, it is seen reasonable for the whole property to retain one street address.

Moved:	Mayor Peter Tagliaferri	Carried:	6/1
	For:	Against:	Cr K Anketell
	Mayor Peter Tagliaferri		
	Cr S Gorman		
	Cr G Graham		
	Cr S Mackay		
	Cr B Smith		
	Cr D Thompson		

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

REPORTS BY MAYOR OR OFFICERS OF COUNCIL

MAYOR P TAGLIAFERRI MOVED EN BLOC THE FOLLOWING RECOMMENDATIONS NUMBERED C0502-01 AND C0502-03 MAKING THIS ITEM CONFIDENTIAL AND CLOSED TO THE PUBLIC

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 12/0 WITH BY AN ABSOLUTE MAJORITY FOR ITEM C0502-01

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 Bob Williams
Cr Kathy Anketell
Cr Doug Thompson

C0502-01 Delegated Authority Manual Review (Attachment No. 1)

DataWorks References: Governance – Authorisations - Delegations
Director Urban Development

Decision Making Authority

Council (Absolute Majority Required)

Purpose

In accordance with Section 374 (1b) of the Local Government (Miscellaneous Provisions) Act 1960 the Local Government may delegate the authority to approve or refuse building licence applications to a person appointed to the office of building surveyor.

Background

The previous incumbent, Mr Richard Olsen has been replaced by Mr Rodney Byl as the appointed Principal Building Surveyor. The revised Delegated Authority Manual is attached reflecting the change:

Delegation	Changes
4.17 “Building Licences – Issuing Of”	Delegation by Council to Employee (“Rodney Byl” to replace “Richard Olsen”)

City Plan Linkages

This item has a general connection to the City Plan.

Policy Implications

The delegations are connected to and the actual content of the delegated authority is replicated within various Council policies relating to the same topic.

Triple Bottom Line Implications

(a) Economic
Not Applicable

(b) Environmental
Not Applicable

(c) Social
Not Applicable

Budget Implications

Not Applicable

Legislative and Legal Considerations

In accordance with Section 374 (1b) of the Local Government (Miscellaneous Provisions) Act 1960 the Local Government may delegate the authority to approve or refuse building licence applications to a person appointed to the office of building surveyor.

Section 160(1) of the Local Government (Miscellaneous Provisions) Act 1960 and Regulation 3 of Local Government (Qualification of Municipal Officers) Regulation 1984, indicates a local government may only appoint a person to the office of building surveyor if the appointee holds a certificate of qualification.

Mr Rodney Byl possesses a current certificate of qualification in accordance with the above.

Precincts and other Committees Recommendations plus other Consultation

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

Recommendation to Council

- 1. That Council, pursuant to Section 374 (1b) of the Local Government (Miscellaneous Provisions) Act 1960, delegate its authority to approve or refuse to approve plans and specifications submitted for building licence to the Principal Building Surveyor, Mr Rodney Byl as per Attachment No. 1 “Building Licences – Issuing of”**
- 2. That Council, pursuant to Section 374 of the Local Government (Miscellaneous Provisions) Act 1960, endorse all building licence approvals issued since 14 September 2004.**

**C0502-02 Annual Report 2003/ 2004
Attachment No. 2 and 3**

DataWorks Reference: 083/003; 087/004
Author: Alan Carmichael Manager Finance & Administration
Actioning Officer: Alan Carmichael Manager Finance & Administration

DECISION MAKING AUTHORITY

SIMPLE MAJORITY REQUIRED

PURPOSE

To accept the 2003/2004 Annual Report and set the date for the Annual Electors Meeting.

EXECUTIVE SUMMARY

Council is required to accept the Annual Report and set a date for the Annual Electors Meeting.

REPORT

Background

Once the Council has accepted the report, it is required to hold a general meeting of electors within 56 days, but must give at least 14 days local public notice of the meeting.

Comment

The general information in the report has been co-ordinated by the Public Relations Officer and the financial information by the Manager Finance & Administration. The report contains the information to be published, but the final published version may vary slightly with additional formatting and graphics to improve presentation. As has been the case since the 2001/2002 Annual Report, the Annual Report will only be printed with abridged financial statements. The full financial statements will be available on the Council web site.

The abridged financial statements will contain the following documents and statements: -

- Independent Audit Report
- Statement by Chief Executive Officer
- Operating Statement for the year ended 30 June 2004
- Statement of Financial Position for the year ended 30 June 2004
- Statement of Changes in Equity for the year ended 30 June 2004
- Statement of Cash Flows for the year ended 30 June 2004

A copy of the report with the full financial statements is at Attachments 2 and 3 respectively.

Conclusion

That the report is accepted and the date of the annual electors meeting is set.

STRATEGIC & POLICY IMPLICATIONS

Not applicable.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Local Government Act 1995.

- Annual Report. Sections 5.53, 5.54 and 5.55
- Electors Meeting. Section 5.27

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

1. That the 2003/2004 Annual Report be accepted.
2. That the General Meeting of Electors be held on Wednesday 2 March 2005 at 6.00pm.

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED C0501-02 BE ADOPTED

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 12/0

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 Bob Williams
Cr Kathy Anketell
Cr Doug Thompson

Against

ITEM NUMBERED C0501-3 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 EARLIER IN THE MEETING TO MAKE THE ITEM CONFIDENTIAL AND CLOSED TO THE PUBLIC

**C0501-03 Encroachment – McCabe Park, North Fremantle
Confidential Item and Attachment No. 3**

**Dataworks Reference: McCabe Park, 14 Harvest Road, North Fremantle.
David Duncanson – Economic Development Officer**

Council Decision

Background

Pursuant to section 5.23 (2) (e) (ii) of the Local Government Act 1995, Council can deem an item confidential where a matter, if disclosed, would reveal information that has a commercial value to a person.

The item contains information relating to a possible commercial transaction which if disclosed to the general public could be of commercial value to a person or persons.

Recommendation:

That any discussion of the item relating to the item encroachment – McCabe Park, North Fremantle be deemed confidential and be closed to members of the public in accordance with section 5.23 (2) (e) (ii) of the Local Government Act 1995, where a matter, if disclosed, would reveal information that has a commercial value to a person or persons.

COUNCIL’S DECISION IS AS FOLLOWS:

1. **Council offers the property owners adjoining McCabe Park the opportunity to purchase that area of land encroaching;**
2. **the sale of each encroachment is contingent upon the sale and settlement of all the other encroachments listed in this recommendation;**
3. **proceeds from the sale of these encroachments be used for the improvement of McCabe Park;**
4. **all legal costs be borne by the purchasers.**

CLOSURE OF MEETING

The Ordinary Meeting of Council concluded at 8.04 pm.