



Minutes

Ordinary Meeting of Council

Wednesday, 24 October 2018, 6.00pm

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ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held in the North Fremantle Community Hall
on **24 October 2018** at 6.00 pm.

1 OFFICIAL OPENING, WELCOME AND ACKNOWLEDGMENT

The Presiding Member declared the meeting open at 6.03 pm and welcomed members of the public to the meeting.

2.1 ATTENDANCE

Dr Brad Pettitt	Mayor
Cr Ingrid Waltham	Deputy Mayor / East Ward
Cr Jenny Archibald	East Ward
Cr Bryn Jones	North Ward
Cr Rachel Pemberton	City Ward
Cr Adin Lang	City Ward
Cr Sam Wainwright	Hilton Ward
Cr Jeff McDonald	Hilton Ward
Cr Andrew Sullivan	South Ward
Cr Dave Hume	Beaconsfield Ward
Cr Hannah Fitzhardinge	Beaconsfield Ward
Mr Philip St John	Chief Executive Officer
Mr Glen Dougall	Director City Business
Ms Fiona Hodges	Director Community Development
Mr Paul Garbett	Director Strategic Planning and Projects
Mr David Janssens	Manager Infrastructure Engineering
Ms Charlie Clarke	Manager Governance
Mr Matt Hammond	Manager Economic Development and Marketing
Mr Paul Dunlop	Manager Communications and Media
Mr Ryan Abbott	Manager Parks and Landscape
Mr Sri Sriranjana	Principal Engineer
Ms Melody Foster	Administration Officer

There were approximately 40 members of the public and 1 member of the press in attendance.

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Cr Doug Thompson	North Ward
Cr Jon Strachan	South Ward

3. APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council approves the request for a leave of absence submitted by Cr Jon Strachan for the 24 October 2018 to 30 November 2018 inclusive.

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

4. DISCLOSURES OF INTEREST BY MEMBERS

Mayor, Brad Pettitt declared an impartiality interest in item number FPOL1810-12 as he is close friends with effected residents.

Cr Ingrid Waltham declared an impartiality interest in item number FPOL1810-12 as she is close friends with effected residents.

Cr Hannah Fitzhardinge declared an impartiality interest in item number FPOL1810-12 as she is close friends with effected residents.

5. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

The following member/s of the public spoke in relation to item FPOL1810-12;

Janey Hutchison

Jocelyn Grace

Susan Green

Val Powell

Penny Kuhland-Smith

Bob White

George Finch

Brian Smith

Maurice Gamblin

Deb Coleman

The following member/s of the public spoke in relation to item FPOL1810-8;

Gerry Saratsis

Perry Sardelic

Michelle Rocchiccioli

Sanghee Ro

Alex Baviovili

Jenny Killin

Ricky Agustinito
Nick Bolton

The following member/s of the public spoke in relation to the petition to be presented by Cr Andrew Sullivan;

Gerry Saratsis
Elizabeth Cheong

Shane Braddock spoke in relation to the Tender for the removal of the Arcs d'Ellipses artwork along High Street and asked the following questions;

- 1. Are the Councillors aware that the building owners affected by the High Tide artwork on High Street have been asked to sign-off on the possibility that some of the foil may remain and simply be painted over?*
- 2. Are the Councillors aware that the removal of the paint for the artwork on the street and lampposts isn't included in the current tender? When will the RFQ be issued for this?*
- 3. Can Graham Tattersall explain why the foil for #8 High Street was removed previously to the other buildings? How much did the removal of this foil cost? Why has a separate agreement been made with the owner of #8 High Street to paint the upper half of his building, also outside of the tender process? How much will this cost?*
- 4. Can Graham Tattersall explain why he (and other members of the Fremantle City Council) described, to the Minister of Heritage Templeman and the State and Federal Members for Fremantle, that the adhesive used to affix the foil was "low tack" when the technical data sheet clearly describes the adhesive as "very high tack". Wouldn't the name of the product, Lok-Tight Duro-Tak have given him a clue?*

Mayor, Brad Pettitt noted that Mr Braddock's questions will be taken on notice and will be provided with a response in writing.

The following member/s of the public spoke in relation to item FPOL1810-4;

Carolyn Frisby
Karen Pina
Cass Evans

The following member/s of the public spoke in relation to item FPOL1810-7;

Olwyn Williams
Kate Hulett

The following member/s of the public spoke in relation to item SPT1810-1;

Olwyn Williams

The following member/s of the public spoke in relation to item FPOL1810-3;

Mayor, Brad Pettitt read out a statement from Eva Dosler

7. PETITIONS

Cr Andrew Sullivan tabled a petition from Davey Street and surrounding residents, requesting the Council to consider installing a pocket park in Davey Street.

Cr Andrew Sullivan also noted an additional 196 signatures provided for the petition already tabled at Council, in relation to the their objection to the installation of a median strip at the intersection of Hampton Road and Scott Street in South Fremantle.

8. DEPUTATIONS

Cr Ingrid Waltham noted that she attended the State Arts and Culture Partnership Honours Awards on behalf of the Mayor and received an award that was presented to the City of Fremantle for the Local Government Partnership, for the Boys School Development.

9. CONFIRMATION OF MINUTES

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

That the minutes of the Ordinary Meeting of Council dated 26 September 2018 be confirmed as a true and accurate record.

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

10. ELECTED MEMBER COMMUNICATION

The Mayor, Brad Pettitt noted that Cr Jon Strachan is currently recovering from recent surgery and noted that the surgery was a success and he is recovering well. The Mayor also wished Cr Strachan a speedy recovery, on behalf of Council.

At 7.15 pm the Mayor, Brad Pettitt brought forward items FPOL1810-4, FPOL1810-7, FPOL1810-8, FPOL1810-12, SPT1810-2 and FPOL1810-5 for discussion.

11. REPORTS AND RECOMMENDATIONS FROM COMMITTEES

FPOL1810-4 DOG EXERCISE AND PROHIBITED AREAS POLICY SIR FREDERICK SAMSON MEMORIAL PARK

Meeting Date: 10 October 2018
Responsible Officer: Manager Parks and Landscape
Decision Making Authority: Council
Agenda Attachments: Dog Exercise and Prohibited Areas Policy
 Community Survey Results – Samson Park
 Petition received – “requesting that the Council withdraw its proposed policy amendment for dogs to be kept on a leash in the bushland areas of Sir Frederick Samson Memorial Park, Samson”.

COMMITTEE RECOMMENDATION ITEM FPOL1810-4 **(Officer’s recommendation)**

Moved: Mayor, Brad Pettitt

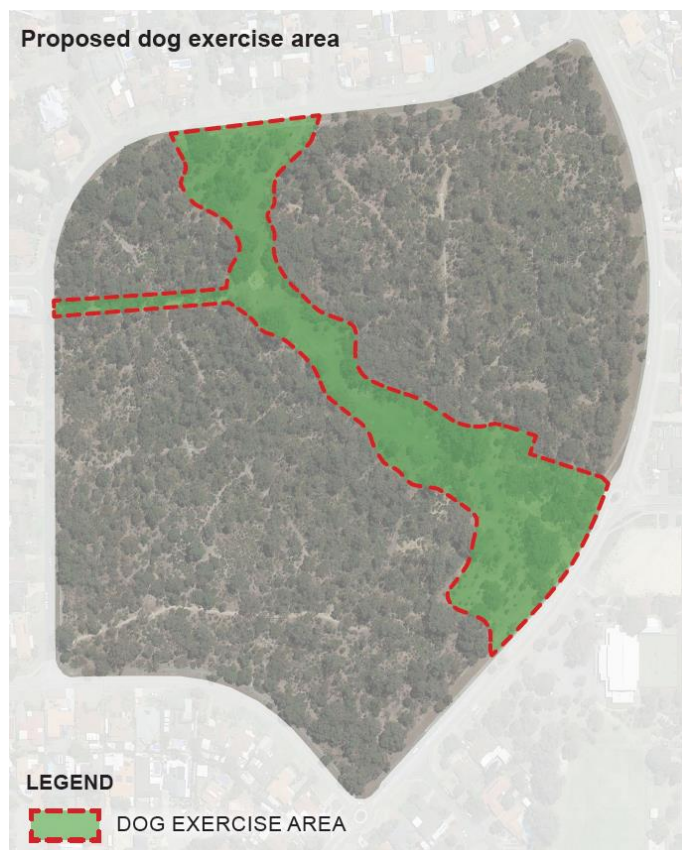
Seconded: Cr Ingrid Waltham

Council:

1. Receive the petition “respectfully requesting that the Council withdraw its proposed policy amendment for dogs to be kept on a leash in the bushland areas of Sir Frederick Samson Memorial Park, Samson”.
2. Adopt an amendment, to be effective from 1 December 2018, to the location details for Sir Fredrick Samson Park outlined in section 2 of the Dog Exercise and Prohibited Areas Policy, by adding the words “*Excluding the bushland areas that are dogs on leash at all times*”, as follows:

Section 2. The following areas are declared dog exercise areas:

Area/Reserve	Location
Sir Fredrick Samson Park	Corner of McCombe Avenue and Sellenger Avenue, Samson, <i>excluding the bushland areas that are dogs on leash at all times</i> .



AMENDMENT 1

Moved: Cr Jeff McDonald

Seconded: Cr Dave Hume

To amend part 2 of the committee recommendation, to read as follows;

Endorse the proposed amendment and approve the giving of local public notice, in accordance with Section 31(3C) Dog Act 1976, to amend the location details for Sir Frederick Samson Park outlined in Section 2 of the Dog Exercise and Prohibited Areas Policy, as follows:

Section 2. The following areas are declared dog exercise areas:

Area/Reserve	Location
Sir Frederick Samson Park	Corner of McCommbe Avenue and Selenger Avenue, Samson; including the highlighted open space, and ring pathway as indicated on the map included; and excluding bushland areas that are dogs on leash at all times.



Amendment Lost: 3/8

For

Cr Rachel Pemberton, Cr Jeff McDonald, Cr Dave Hume

Against

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Sam Wainwright

COUNCIL DECISION ITEM FPOL1810-4

(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Ingrid Waltham

Council:

1. Receive the petition “respectfully requesting that the Council withdraw its proposed policy amendment for dogs to be kept on a leash in the bushland areas of Sir Frederick Samson Memorial Park, Samson”.
2. Adopt an amendment, to be effective from 1 December 2018, to the location details for Sir Fredrick Samson Park outlined in section 2 of the Dog Exercise and Prohibited Areas Policy, by adding the words *“Excluding the bushland areas that are dogs on leash at all times”*, as follows:

Section 2. The following areas are declared dog exercise areas:

Area/Reserve	Location
Sir Fredrick Samson Park	Corner of McCombe Avenue and Sellenger Avenue, Samson, <i>excluding the bushland areas that are dogs on leash at all times.</i>



Carried: 9/2

For

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Sam Wainwright, Cr Dave Hume

Against

Cr Jeff McDonald, Cr Rachel Pemberton

Cr Bryn Jones left the meeting at 7.46 pm prior to consideration of the following item.

FPOL1810-7 DESTINATION MARKETING STRATEGIC PLAN 2018 - 2022

Meeting Date: 10 October 2018
Responsible Officer: Manager Economic Development and Marketing
Decision Making Authority: Council
Agenda Attachments: Destination Marketing Strategic Plan 2018 – 2022
Confidential attachments – under separate cover
2018/19 Annual Implementation Plan
Confidential attachments – under separate cover
Destination Marketing Working Group Terms of Reference

COUNCIL DECISION ITEM FPOL1810-7
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Ingrid Waltham

Council:

1. Receive the attached City of Fremantle Destination Marketing Strategic Plan 2018 - 2022 and 2018/19 Annual Implementation Plan.
2. Adopt the City of Fremantle Destination Marketing Strategic Plan 2018 - 2022.
3. Adopt the 2018 Annual Implementation Plan.

Carried: 10/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Andrew Sullivan, Cr Rachel Pemberton,
Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Sam Wainwright,
Cr Jeff McDonald, Cr Dave Hume

Cr Bryn Jones returned to the meeting at 7.48 pm.

FPOL1810-8 SAFE CROSSING ON HAMPTON ROAD

Meeting Date: 10 October 2018
Responsible Officer: Manager Infrastructure Engineering
Decision Making Authority: Council
Agenda Attachments: Concept Plan – Drawing Number 005-CP-17-001-D
Community Survey Report – July to August 2018

COMMITTEE RECOMMENDATION ITEM FPOL1810-8
(Alternate recommendation)

Moved: Mayor, Brad Pettitt Seconded: Cr Hannah Fitzhardinge

Council approve Project 11664 to improve safety for pedestrians crossing Hampton Road near the Scott Street intersection, in accordance with Option 2:

1. Retain the existing guard controlled crossing in the current location and retain the ban on right turn movements at Hampton / Scott intersection, but modify the median to allow bicycle access.
2. Include (where practicable) design amendments to the median barrier to provide improved pedestrian safety and access in respect to the width of the median strip.
3. Request officers review options in relation to potential design improvements to the intersection at Hampton Road and Lloyd Street, and Hampton Road and Scott Street, and report back to Council, including options on using any potential surplus budget from Project 11664.

At 8.12 pm the following procedural motion was moved:

PROCEDURAL MOTION

Moved: Cr Jeff McDonald Seconded: Cr Bryn Jones

Council deferred the item to the next appropriate Finance, Policy, Operations and Legislation Committee meeting, to allow officers to undertake further discussions with Main Roads WA, for additional options to improve safety for the pedestrian crossing and report back to Council.

At 8.13 pm the Mayor, Brad Pettitt moved to suspend the meeting procedures in accordance with Part 15.1 of the meeting procedures policy, to allow discussion on the deferral motion. Seconded: Cr Hannah Fitzhardinge

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

At 8.29 pm the Mayor, Brad Pettitt moved to resume the meeting procedures.
Seconded: Cr Hannah Fitzhardinge

Carried: 11/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

At 8.29 pm the following procedural motion was put to the vote:

PROCEDURAL MOTION

Moved: Cr Jeff McDonald Seconded: Cr Bryn Jones

Council deferred the item to the next appropriate Finance, Policy, Operations and Legislation Committee meeting, to allow officers to undertake further discussions with Main Roads WA, for additional options to improve safety for the pedestrian crossing and report back to Council.

Procedural motion Lost: 5/6

For

Cr Bryn Jones, Cr Andrew Sullivan, Cr Jenny Archibald,
Cr Jeff McDonald, Cr Dave Hume

Against

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Rachel Pemberton,
Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Sam Wainwright

COUNCIL DECISION ITEM FPOL1810-8
(Committee recommendation)

Moved: Mayor, Brad Pettitt Seconded: Cr Hannah Fitzhardinge

Council approve Project 11664 to improve safety for pedestrians crossing Hampton Road near the Scott Street intersection, in accordance with Option 2:

- 1. Retain the existing guard controlled crossing in the current location and retain the ban on right turn movements at Hampton / Scott intersection, but modify the median to allow bicycle access.**
- 2. Include (where practicable) design amendments to the median barrier to provide improved pedestrian safety and access in respect to the width of the median strip.**
- 3. Request officers review options in relation to potential design improvements to the intersection at Hampton Road and Lloyd Street, and Hampton Road and Scott Street, and report back to Council, including options on using any potential surplus budget from Project 11664.**

Carried: 8/3

For

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Rachel Pemberton,
Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Sam Wainwright
Cr Jenny Archibald, Cr Dave Hume**

Against

Cr Bryn Jones, Cr Andrew Sullivan, Cr Jeff McDonald

At 8.31 pm Mayor, Brad Pettitt, Cr Ingrid Waltham and Cr Hannah Fitzhardinge declared a proximity interest in item number FPOL1810-12 and left the meeting prior to the discussion and voting of the item.

As the Mayor and Deputy Mayor left the meeting, the Chief Executive Officer sought nominations for Chairperson.

Cr Andrew Sullivan nominated Cr Jenny Archibald to be Chairperson, the nomination was accepted and the Chief Executive Officer declared Cr Archibald Chairperson for the following item.

At 8.31 pm Cr Jenny Archibald assumed the chair.

FPOL1810-12 UPDATE REPORT - PAW CLOSURE LOT 55 SWANBOURNE STREET, FREMANTLE LINKING KELLOW PLACE

Meeting Date:	10 October 2018
Responsible Officer:	Manager Information Technology
Decision Making Authority:	Council
Agenda Attachments:	Decision Letter – Department of Planning, Lands and Heritage (DPLH) New Petition from local residents

OFFICER'S RECOMMENDATION

1. Council receive and note the response from the Western Australian Planning Commission (WAPC) not supporting the proposed closure of the Pedestrian Access Way being Lot 55 Swanbourne Street, Fremantle linking Kellow Place, Fremantle.
2. Re-open the Pedestrian Access Way being Lot 55 Swanbourne Street, Fremantle and consider infrastructure options to improve security in the 2018/19 draft budget.

COUNCIL DECISION ITEM FPOL1810-12
(Committee recommendation)

Moved: Cr Jenny Archibald

Seconded: Cr Dave Hume

That Council:

1. **Seek a meeting with the Chair of the Western Australian Planning Committee to seek a review of the decision of the Department of Lands, Planning and Heritage to decline the request to permanently close the Public Access Way at Lot 55 Swanbourne Street, Fremantle.**
2. **Keep the Public Access Way at Lot 55 Swanbourne Street, Fremantle, closed while this request takes place.**

Carried: 6/2

For

**Cr Bryn Jones, Cr Andrew Sullivan, Cr Adin Lang,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

Against

Cr Rachel Pemberton, Cr Sam Wainwright

At 8.40 pm Cr Adin Lang left the meeting.

At 8.41 pm Mayor, Brad Pettitt, Cr Ingrid Waltham and Cr Hannah Fitzhardinge returned to the meeting.

At 8.41 pm Mayor, Brad Pettitt assumed the chair.

SPT1810 -1 FREMANTLE CHAMBER OF COMMERCE - GREATER FREMANTLE ACTION PLAN

Meeting Date: 17 October 2018
Responsible Officer: Director Strategic Planning and Projects
Decision Making Authority: Council
Agenda Attachments: Greater Fremantle Action Plan produced by Fremantle Chamber of Commerce

COUNCIL DECISION ITEM SPT1810 - 1
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council:

- 1. Receive for information the document titled ‘Greater Fremantle Action Plan’ produced by the Fremantle Chamber of Commerce, as contained in Attachment 1 to the agenda of the Strategic Planning and Transport Committee meeting dated 17 October 2018.**
- 2. Acknowledge the constructive initiative taken by the Chamber of Commerce in producing the Greater Fremantle Action Plan document, and inform the Chamber that the City of Fremantle is willing to participate in a Governance Group proposed by the Chamber to oversee the implementation of the Action Plan.**
- 3. Advise the Chamber that in respect of items in the Action Plan document for which the City is identified as a lead partner but which are not within the Council’s current priorities or adopted budget, the Council is prepared to consider these on their merits weighed against other priority projects and activities and overall resource capacity as part of the next review of the Strategic Community Plan and related corporate business planning and budget processes. However at the present time the City is not committing to necessarily undertake these actions.**

Carried: 10/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

At 8.42 pm Cr Adin Lang returned to the meeting.

**FPOL1810-5 EXEMPTION UNDER THE HEALTH LOCAL LAWS TO OPERATE A
CAT MANAGEMENT FACILITY - 99A HAMPTON ROAD,
FREMANTLE**

Meeting Date:	10 October 2018
Responsible Officer:	Manager Field Services
Decision Making Authority:	Council
Agenda Attachments:	Application for exemption to keep more than three cats Location and floor plan of proposed cat café, not to scale Cat Act and Regulations relating to cat management facility, extract Health Local Laws relating to keeping more than three cats, extract

COUNCIL DECISION ITEM FPOL1810-5
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Ingrid Waltham

That Council Approve:

- 1. Catten & Co, to operate a cat management facility at 99A Hampton Road, Fremantle where up to 20 microchipped and sterilised cats may be kept.**
- 2. An Exemption to the applicant, Catten & Co, from complying with clause 67 of the City's Health Local Laws 1997 relating to keeping of more than three cats.**
- 3. Catten & Co, located at 99A Hampton Road, Fremantle to keep up to 20 cats at any one time in the separate cat enclosure within the 'cat café' style food business.**

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

11.1 PLANNING COMMITTEE 3 OCTOBER 2018

PC1810 -5 HIGH STREET, NO. 85-87 (LOT 6), FREMANTLE - PARTIAL CHANGE OF USE TO TWO (2) MULTIPLE DWELLINGS AND ADDITION OF THREE (3) MULTIPLE DWELLINGS - (CJ DA0324/18)

Meeting Date: 3 October 2018
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Development plans
2: Site photos

ADDITIONAL OFFICERS COMMENT

Following the Planning Committee meeting held on 3 October 2018, the applicant has submitted further information in response to the Committee's referral of the application to Council. This information is summarised below.

The applicant has advised that negotiations between the subject site and adjoining site landowners, in regard to the encroaching staircase from 81 High Street, were commenced prior to the development application being lodged with the City. These discussions included input from a Building Surveyor in regard to areas of concern where the adjoining building may not meet the requirements of the Building Code of Australia. Discussions have continued since the Planning Committee Meeting and the applicant has further advised that an agreement between the property owners' in relation to the works to be undertaken to remove the stair and remedy any existing or resultant non-compliances is expected to be reached in the near future, with only the division of costs associated with the works outstanding. A legal Deed of Agreement is to be prepared for execution by the respective parties.

Based on the update provided by the applicant, officers advise council that there appears to be a good prospect of the issues being resolved between the parties within a reasonable timeframe, notwithstanding that the encroachment is a civil matter not considered to fall within the parameters of the planning legislation relating to the assessment and determination of this application. Accordingly officers reaffirm that it would be appropriate for Council to approve the application in accordance with the officers' and Planning Committee's recommendation as printed in this agenda.

COUNCIL DECISION ITEM PC1810 - 5
(Committee recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Adin Lang

Council;

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, partial change of use of the existing building to two (2) Multiple dwellings and the construction of a three storey addition including three (3) Multiple dwellings at No. 85-87 (Lot 2) High Street, Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 11 September 2018. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.**
- 3. This development approval does not relate to any works within the road reserve of High Street or the rear Right of Way.**
- 4. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of City of Fremantle.**
- 5. Prior to issue of a demolition permit, an archival record is to be made of the building to be demolished and submitted to the City of Fremantle for approval, and shall include:**
 - a) A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.**
 - b) Digital photographs taken of the building (once vacated) to include:**
 - i) a general/overall photo of the building to be demolished;**
 - ii) photos of each of the four elevations;**
 - iii) internal photos of all rooms; and photos of any special architectural features.**
- 6. Prior to the issue of a Demolition Permit and/or Building Permit a Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:**
 - a) Use of City car parking bays for construction related activities;**
 - b) Protection of infrastructure and street trees within the road reserve;**
 - c) Security fencing around construction sites;**
 - d) Gantries;**
 - e) Access to site by construction vehicles;**
 - f) Contact details;**
 - g) Site offices;**

- h) Noise - Construction work and deliveries;**
- i) Sand drift and dust management;**
- j) Waste management;**
- k) Dewatering management plan;**
- l) Traffic management including management of the ROW; and**
- m) Works affecting pedestrian areas.**

The approved Demolition and Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

7. Prior to the issue of a Building Permit, the design and materials of the development shall adhere to the built form requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2 to the satisfaction of the City of Fremantle.

8. Prior to occupation of the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle Local Planning Policy 2.18 – New Residential Developments in the City Centre Zone – Noise from an Existing Source. Specifically, the development shall provide the following:

a) to all external openings (windows and doors):

- i) airtight rubber seals to provide acoustic protection; and**
- ii) sliding windows shall be substituted with awning windows as they are able to achieve a positive compression seal; and**
- iii) standard 6mm glass shall be substituted with sealed thickened laminated glass (no less than 10mm); or**
- iv) standard 6mm glass shall be substituted with acoustic double glazing incorporating a 12mm thick pane of laminated glass set in a sealed metal frame with a 100mm air gap to the other pane of glass;**

b) to all external walls:

- i) shall achieve a sound rating of Rw 45 dB or greater;**

c) to all floors and ceilings:

- i) A 150mm thick concrete slab with either carpet or acoustically installed timber flooring or tiles; or**
- ii) Installing high density insulation batts into the cavity of a lightweight, suspended and floating ceilings or floors to absorb sound; or**
- iii) Building components are isolated using resilient compounds such as rubber, neoprene or silicone for the purpose of reducing the transfer of noise.**

9. Prior to occupation of the development hereby approved, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.

10. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located in or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land.
11. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
12. Prior to occupation of the development hereby approved, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Fremantle.
13. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice note:

- i. Details about the stormwater drainage design intended for the proposed development shall be submitted to the City of Fremantle's Infrastructure Engineering department (Principal Engineer) for review and approval by the City. The Infrastructure Engineering department can be contacted via ibs@fremantle.wa.gov.au or 9432 9999.

Details should include catchment area, drainage calculations and information about the existing drainage connection. The applicant shall use an ARI of 1 in 20 years for 15 minutes, for storm water design purposes.

- ii. The applicant is reminded that the development and operation of the development should adhere to the Waste Management Plan lodged with the City. Any proposed changes to the plan or the bin store layout should be discussed with the City's Infrastructure department.

- iii. In relation to condition No. 5 (archival record) above, should there be any further clarification regarding the requirements of this condition please contact the SHO. In addition to this, there are a number of technical advice sheets for conservation of privately-owned heritage buildings on the City's website.
- iv. Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>. A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:
<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Engineering department can be contacted via ibs@fremantle.wa.gov.au or 9432 9999.
- v. The applicant is advised that alternative built form treatments in response to the requirements of LPP 2.3 and LPP 2.18 may be considered subject to the submission of professionally prepared and certified reports by acoustic consultants.

In the instance of conflicts between LPP 2.3 and LPP 2.18, the more onerous of the two requirements must apply.

Carried: 11/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

11.2 FINANCE, POLICY, OPERATIONS AND LEGISLATION COMMITTEE 10 OCTOBER 2018

ITEMS APPROVED “EN BLOC”

The following items were adopted unopposed and without discussion “En Bloc” as recommended.

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

The following items be adopted en bloc as recommended by the Finance, Policy, Operations and Legislation Committee:

FPOL1810-2 Mural on Boundary Wall of 1 Stevens Street, Fremantle

FPOL1810-3 Louisa Street Petition

FPOL1810-6 Budget Amendments - September 2018

FPOL1810-9 Fines enforcement registry (FER) write-offs

**FPOL1810-10 Request for Residential Short Term Accommodation Rate
Concession**

**FPOL1810-11 Proposed City of Fremantle Local Government Property Local Law
2019**

Carried: 11/0

**M Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

**FPOL1810-2 MURAL ON BOUNDARY WALL OF 1 STEVENS STREET,
FREMANTLE**

Meeting Date: 10 October 2018
Responsible Officer: Manager Field Services
Decision Making Authority: Finance, Policy, operations and Legislation Committee
Agenda Attachments: Photographs of the Art work

COUNCIL DECISION ITEM FPOL1810-2
(Committee and officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

That Council

- 1. Declare the mural of native Australian birds located at 1 Stevens Street to be considered non offensive or unsightly.**
- 2. The complainant and property owner be advised that a notice for removal under section 18 of the Graffiti Vandalism Act will not be issued by the City.**

Carried enbloc: 11/0

**M Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

FPOL1810-3 LOUISA STREET PETITION

Meeting Date: 10 October 2018
Responsible Officer: Manager Infrastructure Engineering
Decision Making Authority: Council
Agenda Attachments: Louisa Street Petition
Louisa Street On-Street Parking - Drawing Number
247-P-0000-18

COUNCIL DECISION ITEM FPOL1810-3 **(Committee and officer's recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council:

- 1. Consider a new project proposal for kerb build-outs/extensions at the intersection of South Terrace and Louisa Street as part of the 2019/2020 annual budget process.**
- 2. Approve the installation of parking bay pavement markings as shown on the drawing number 247-P-0000-18, including a 1.0m clearance from the edge of cross-overs (Attachment 2).**
- 3. Do not support one-way traffic in Louisa Street as requested.**
- 4. Request that, as part of the current review of parking issues on Marine Terrace, Officers evaluate the following proposals and report back to Council:**
 - a. 2 Hour time restrictions for on-street parking on Louisa Street.**
 - b. Exemptions for resident parking in Louisa Street.**
 - c. Expanding the time restriction on surrounding streets in South Fremantle.**
- 5. Do not support resident parking only on Louisa Street as per City of Fremantle Parking Policy Number 33.**

Carried enbloc: 11/0

**M Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

FPOL1810-6 BUDGET AMENDMENTS - SEPTEMBER 2018

Meeting Date: 10 October 2018
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Nil

COUNCIL DECISION ITEM FPOL1810-6
(Committee and officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council approves the required budget amendments to the adopted budget for 2018/2019 as outlined below:

Item	Account #	Account Details	2018/19 Adopted Budget	Revenue (Increase)/ Decrease	Expenditure Increase/ (Decrease)	2018/19 Amended Budget
3.1	Adjustments to the budget for the following carrying forward projects due to the variances in the estimated carried forward budget and final actual performance at the end of 2017/18 financial year. Overall the funds held in Surplus Carried Forward from 30 June 2018 will be increased by \$36,188.					
	300083.1606	P-10388 Program-Play space – increase unspent muni funds	40,000		26,188	66,188
	100459.4311	Conduct seniors programs and activities – increase unspent grant funds	(10,000)	10,000		0
	900520.3911	Municipal Surplus Carried Forward from 30 June 2018	(2,498,408)	(10,000)	(26,188)	(2,534,596)

Carried enbloc: 11/0

M Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
 Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
 Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

FPOL1810-9 FINES ENFORCEMENT REGISTRY (FER) WRITE-OFFS

Meeting Date: 10 October 2018
Responsible Officer: Manager Field Services
Decision Making Authority: Council
Agenda Attachments: FER List of write-offs, schedule number: 100690, 100763, 100815, 100820, 100900, 100919, 101006 and 100984
Confidential attachments – under separate cover

COUNCIL DECISION ITEM FPOL1810-9 **(Committee and officer's recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council approves the write-off of debt for the sum of \$215,100.47 (comprising of \$47,439.45 of unpaid infringement notices and \$167,661.02 of associated enforcement costs) in unpaid fines and associated recovery costs outlined within the Department of Justice's Fines Enforcement Registry's schedules 100690, 100763, 100815, 100820, 100900, 100919, 101006 and 100984.

Carried enbloc: 11/0

**M Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

**FPOL1810-10 REQUEST FOR RESIDENTIAL SHORT TERM ACCOMMODATION
RATE CONCESSION**

Meeting Date: 10 October 2018
Responsible Officer: Revenue Team Leader
Decision Making Authority: Council
Agenda Attachments: Nil

COUNCIL DECISION ITEM FPOL1810-10
(Committee and officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council:

1. Approve a 2018/19 rate concession for 32 properties, as per schedule shown below, from Residential Short Term Accommodation to Residential Improved, total concession granted of \$5,916.20.
2. Approve the change in differential rate for the 32 properties to be effective for the 2018/2019 financial period.

Property ID	Charge Type	GRV	RSTA Rates	Residential Improved Rates	Additional Rates
9	GenShortTm	18,980	1,521.11	1,367.13	153.98
97	GenShortTm	22,620	1,812.83	1,629.32	183.51
99	GenShortTm	22,620	1,812.83	1,629.32	183.51
386	GenShortTm	14,560	1,320.00	1,320.00	0.00
408	GenShortTm	15,080	1,320.00	1,320.00	0.00
649	GenShortTm	22,880	1,833.67	1,648.05	185.62
733	GenShortTm	48,880	3,917.38	3,520.83	396.55
1628	GenShortTm	31,720	2,542.13	2,284.79	257.34
1960	GenShortTm	17,940	1,437.76	1,320.00	117.76
2040	GenShortTm	15,080	1,320.00	1,320.00	0.00
2548	GenShortTm	18,720	1,500.27	1,348.40	151.87
2647	GenShortTm	13,260	1,320.00	1,320.00	0.00
3020	GenShortTm	18,720	1,500.27	1,348.40	151.87
4120	GenShortTm	21,840	1,750.32	1,573.14	177.18
4999	GenShortTm	36,400	2,917.20	2,621.89	295.31
5044	GenShortTm	21,580	1,729.48	1,554.41	175.07
6261	GenShortTm	35,620	2,854.69	2,565.71	288.98
6311	GenShortTm	19,760	1,583.62	1,423.31	160.31
7258	GenShortTm	17,680	1,416.92	1,320.00	96.92
7582	GenShortTm	36,920	2,958.87	2,659.35	299.52

7666	GenShortTm	26,520	2,125.39	1,910.24	215.15
8090	GenShortTm	31,200	2,500.46	2,247.34	253.12
8226	GenShortTm	34,320	2,750.50	2,472.07	278.43
8243	GenShortTm	35,360	2,833.85	2,546.98	286.87
15344	GenShortTm	29,640	2,375.43	2,134.97	240.46
15447	GenShortTm	28,080	2,250.41	2,022.60	227.81
15457	GenShortTm	28,080	2,250.41	2,022.60	227.81
1020995	GenShortTm	28,600	2,292.08	2,060.06	232.02
1020996	GenShortTm	28,600	2,292.08	2,060.06	232.02
1020997	GenShortTm	27,560	2,208.74	1,985.15	223.59
1021002	GenShortTm	27,560	2,208.74	1,985.15	223.59
1024962	GenShortTm	16,120	1,320.00	1,320.00	0.00
32			65,777.44	59,861.24	5,916.20

Carried enbloc: 11/0

M Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

**FPOL1810-11 PROPOSED CITY OF FREMANTLE LOCAL GOVERNMENT
PROPERTY LOCAL LAW 2019**

Meeting Date: 10 October 2018
Responsible Officer: Manager Governance
Decision Making Authority: Council
Agenda Attachments: Nil

COUNCIL DECISION ITEM FPOL1810-11
(Committee and officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

That council:

1. Gives notice, in accordance with the provisions and processes of the *Local Government Act 1995*, of its intention to make a draft City of Fremantle Local Government Property Amendment Local Law 2019 – the purpose and effect of which is as follows:

Purpose: the purpose of the City of Fremantle Local Government Property Amendment Local Law 2019 is to enable the City of Fremantle to provide additional controls and management for specific activities on local government property to provide increased clarity and to encourage consideration of environmental impacts.

Effect: the effect of the City of Fremantle Local Government Property Amendment Local Law 2019 is that it will provide a framework for the control of specific activities on local government property and will provide authority to enforce the laws and administer fines.

2. Initiates state-wide and local public notice for a period of 6 weeks (42 days) in accordance with section 3.12 of the *Local Government Act 1995*.
3. Considers all public submissions received at the conclusion of the advertising period.

Local Government Act 1995
City of Fremantle

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the *City of Fremantle* resolved on [INSERT ADOPTION DATE] to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

(1) This local law may be cited as the City of Fremantle Local Government Property Local Law.

1.2 Definitions

(1) In this local law unless the context otherwise requires -

"Act" means the *Local Government Act 1995*;

"applicant" means a person who applies for a permit under clause 3.2;

"authorised person" means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

"balloon" means a pliable container of any shape which is inflated with air or gas;

"boat" means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

"building" means any building which is local government property and includes a –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

"CEO" means the chief executive officer of the local government;

"commencement day" means the day on which this local law comes into operation;

"Council" means the council of the local government;

"date of publication" means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

"determination" means a determination made under clause 2.1;

"district" means the district of the local government;

"function" means an event or activity characterised by all or any of the following –

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

"liquor" has the same meaning as is given to it in section 3 of the *Liquor Licensing Act 1988*;

"local government" means the City of Fremantle;

"local government property" means anything except a thoroughfare –

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

"Manager" means the person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person's assistant or deputy;

"permit" means a permit issued under this local law; "permit holder" means a person who holds a valid permit; "person" does not include the local government;

"pool area" means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

"Regulations" means the *Local Government (Functions and General) Regulations 1996*;

"sign" includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

"surf riding equipment" any device or toy used to or assist a rider in moving in or across waves or the water surface, and includes surfboard, boogie board, windsurfer, wave ski, canoe, kite surfer, inflatable toy or similar device but not a boat;

"trading" means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of –

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them; and

"vehicle" includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and
- (e) a boat.

1.3 Interpretation

- (1) In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

1.4 Application

- (1) This local law applies throughout the district and in the sea adjoining the district for a distance of 200 metres seawards from the high water mark of the Indian Ocean.
- (2) Notwithstanding anything to the contrary in this local law, the local government may -
- (a) hire local government property to any person; or
 - (b) enter into an agreement with any person regarding the use of any local government property.

1.5 Repeal

- (1) The following local laws are repealed –
- (a) *Parks, Recreation Grounds & Public Reserves Local Law gazetted on 6 December 1985 and amended 25 September 1998.*
 - (b) *Swimming Pools Local Law gazetted on 13 January 1971*
- (2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.
- (3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1 - Determinations

2.1 Determinations as to use of local government property

- (1) The local government may make a determination in accordance with clause 2.2 –
- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
 - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
 - (d) as to any matter ancillary or necessary to give effect to a determination.
- (2) The determinations in Schedule 2 –
- (a) are to be taken to have been made in accordance with clause 2.2;
 - (b) may be amended or revoked in accordance with clause 2.6; and
 - (c) have effect on the commencement day.

2.2 Procedure for making a determination

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
 - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to –
 - (a) consider those submissions; and
 - (b) decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).

- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

2.3 Discretion to erect sign

- (1) The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

- (1) A person shall comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

Division 2 - Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
- (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aeroplane
 - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) launch, beach or leave a boat;
 - (f) take or use a boat, or a particular class of boat;
 - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (h) play or practice –
 - (i) golf or archery;

- (ii) pistol or rifle shooting, but subject to the compliance of that person with the
Firearms Act 1973; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
 - (j) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
- (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –
- (a) smoking on premises;
 - (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
 - (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (e) taking or using a boat, or a particular class of boat;
 - (f) the playing or practice of -
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; **and**
 - (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose; **and**
 - (i) **releasing an unsecured balloon inflated with a gas that causes it to rise in the air.**
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
- (a) the days and times during which the activity is prohibited;

- (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
- (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
- (d) that an activity is prohibited in respect of a class of persons or all persons; and
- (e) may distinguish between different classes of the activity.

(3) In this clause –

"premises" means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

Division 3 - Transitional

2.9 Signs taken to be determinations

- (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3 - PERMITS

Division 1 - Preliminary

3.1 Application of Part

This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

Division 2 - Applying for a permit

3.2 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall –
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

3.3 Decision on application for permit

- (1) The local government may –
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

Division 3 - Conditions

3.4 Conditions which may be imposed on a permit

- (1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to –
 - (a) the payment of a fee;
 - (b) compliance with a standard or a policy of the local government adopted by the local government;
 - (c) the duration and commencement of the permit;
 - (d) the commencement of the permit being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a permit which may be required by the local government under any written law;
 - (g) the area of the district to which the permit applies;
 - (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.
- (2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued –
 - (a) when fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Licensing Act 1988;
 - (i) whether or not the hire is for the exclusive use of the local government property;
 - (j) the obtaining of a policy of insurance in the names of both the local

government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and

- (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

3.5 Imposing conditions under a policy

- (1) In this clause –

"policy" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

- (2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).
- (4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

3.6 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 4 - General

3.7 Agreement for building

- (1) Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

3.8 Duration of permit

- (1) A permit is valid for one year from the date on which it is issued, unless it is –
 - (a) otherwise stated in this local law or in the permit; or
 - (b) cancelled under clause 3.12.

3.9 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a

permit for the renewal of the permit.

- (2) The provisions of this Part shall apply to an application for the renewal of a permit *mutatis mutandis*.

3.10 Transfer of permit

- (1) An application for the transfer of a valid permit is to –
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.
- (4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

3.11 Production of permit

- (1) A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

3.12 Cancellation of permit

- (1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a –
 - (a) condition of the permit; or
 - (b) determination or a provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder –
 - (a) shall return the permit as soon as practicable to the CEO; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

Division 5 - When a permit is required

3.13 Activities needing a permit

- (1) A person shall not without a permit –
- (a) subject to subclause 3, hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
 - (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
 - (e) plant any plant or sow any seeds on local government property;
 - (f) carry on any trading on local government property unless the trading is conducted -
 - (g) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
 - (h) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (i) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose -
 - (j) drive or ride or take any vehicle on to local government property; or
 - (k) park or stop any vehicle on local government property;
 - (l) conduct a function on local government property ;
 - (m) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
 - (n) light a fire on local government property except in a facility provided for that purpose;
 - (o) parachute, hang glide, abseil or base jump from or on to local government property;
 - (p) erect a building or a refuelling site on local government property;
 - (q) make any excavation on or erect or remove any fence on local government property;
 - (r) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (s) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property; or
 - (t) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.14 Permit required to camp outside a facility

- (1) In this clause –

"facility" has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

- (2) This clause does not apply to a facility operated by the local government.
- (3) A person shall not without a permit –
 - (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
 - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.
- (4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

3.15 Permit required for possession and consumption of liquor

- (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless –
 - (a) that is permitted under the Liquor Licensing Act 1988; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6 - Responsibilities of permit holder

3.16 Responsibilities of permit holder

- (1) A holder of a permit shall in respect of local government property to which the permit relates –
 - (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
 - (b) leave the local government property in a clean and tidy condition after its use;
 - (c) report any damage or defacement of the local government property to the local government; and
 - (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the Liquor Licensing Act 1988 for that purpose.

PART 4 - BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1 - Behaviour on and interference with local government property

4.1 Behaviour which interferes with others

- (1) A person shall not in or on any local government property behave in a manner which –
 - (a) is likely to interfere with the enjoyment of a person who might use the property; or
 - (b) interferes with the enjoyment of a person using the property.

4.2 Behavior detrimental to property

- (2) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.
- (3) In subclause (1) –
“detrimental to the property” includes –
 - (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
 - (b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

4.3 Taking or injuring any fauna

- (1) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.

- (2) In this clause –

"animal" means any living thing that is not a human being or plant; and

"fauna" means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

4.4 Intoxicated persons not to enter local government property

- (1) A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

4.5 No prohibited drugs

- (1) A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

Division 2 - Signs

4.6 Signs

- (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
 - (a) not to be inconsistent with any provision of this local law or any determination; and
 - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1 - Swimming pool areas

5.1 When entry must be refused

- (1) A Manager or an authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a pool area any person who –
- (a) in her or his opinion is –
- (i) under the age of 6 years and who is unaccompanied by a responsible person over the age of 14 years;
 - (ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
 - (iii) under the influence of liquor or a prohibited drug; or
- (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

5.2 Consumption of food or drink may be prohibited

- (1) A person shall not consume any food or drink in an area where consumption is prohibited by a sign.

Division 2 - Beaches

5.3 Powers of surf life saving club members

- (1) Subject to subclause (2), the local government may authorise under section 9.10 of the Act the members of a surf life saving club to perform all or any of the following functions in relation to a beach –
- (a) patrol any beach;
 - (b) carry out any activity on any beach;
 - (c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;
 - (d) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and
 - (e) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.
- (2) Under subclause (1), the local government shall authorise only those members who have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.
- (3) Under subclause (1), the local government may authorise members generally, or in relation to particular times, days or months.

5.4 Authorising other persons

- (1) A local government may authorise, under section 9.10 of the Act, a person to perform all or any of the functions referred to in clause 5.3(1) in relation to a beach.

- (2) Under subclause (1), the local government shall authorise only those persons who, in the reasonable opinion of the local government, are competent to perform the functions referred to in clause 5.3(1) in respect of which they are authorised.
- (3) Under subclause (1), the local government may authorise a person generally, or in relation to particular times, days or months.
- (4) Where the local government has authorised members of a surf life saving club under clause 5.3(1) and a person under subclause (1) in relation to the same beach, so that they can perform all or any of the functions referred to in clause 5.3(1) contemporaneously, the local government is to specify which authorisation is rendered ineffective when both are exercised.

5.5 Persons to comply with signs and directions

- (1) A person shall -
 - (a) not act in contravention of any sign erected on a beach under clause 5.3(1)(c);
 - (b) not enter an area which has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless he or she is a member of the club or has obtained permission to enter from the club; and
 - (c) comply with any direction given under clause 5.3(1)(c) or 5.3(1)(e),notwithstanding that the sign or the direction was erected or given, as the case may be, by a person referred to in clause 5.4(1).

Division 3 - Fenced or closed property

5.6 No entry to fenced or closed local government property

- (1) A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

Division 4 - Toilet blocks and change rooms

5.7 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –
 - (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
 - (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

Division 5 - Golf course

5.8 Interpretation

- (1) In this Division –

"controller" means the person appointed by the local government to direct, control and manage a golf course;

"golf course" means that portion of a golf course reserve which is laid out as a golf course and includes all tees, fairways, greens, practice tees, practice fairways, practice greens and any driving range; and

"golf course reserve" means the local government property described in Schedule 3 2 and includes all buildings, structures, fittings, fixtures and equipment on that land.

5.9 Observance of special conditions of play

- (1) While on a golf course, every player shall observe and comply with a –
- (a) direction of a controller in respect of any special conditions of play; and
 - (b) requirement of any notice erected to direct or control play.

PART 6 - FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY

6.1 No unauthorised entry to function

- (1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except –
- (a) through the proper entrance for that purpose; and
 - (b) on payment of the fee chargeable for admission at the time.
- (2) The local government may exempt a person from compliance with subclause (1)(b).

PART 7 - JETTIES AND BRIDGES

Division 1 - Preliminary

7.1 Interpretation

- (1) This Part only applies to bridges and jetties which are local government property.
- (2) In this Part –
- "jetty" means any jetty, pier, wharf or landing place which is local government property; and
- "bulk cargo" means bulk produce, such as grain, coal, oil or mineral ore, which is not packaged.

Division 2 - Consents and fees

7.2 Application for consent and application fee

- (1) Where a person is required to obtain the consent of the local government under this Part, the person is to apply for that consent in the manner required by the local government.
- (2) The local government may require an application for consent made under subclause (1) to be accompanied by a fee.
- (3) If an application for consent is not made in the manner required by the local government or the fee which is to accompany that application is not paid, the local government may refuse to consider the application for consent.
- (4) The local government shall give its decision on an application for consent, in writing to the person who applied for that consent.

- (5) Where a fee is referred to in this Part, the fee must be imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

Division 3 – Prohibitions on use of jetty

7.3 When use of jetty is prohibited

- (1) A person shall not land at, use or go on any part of a jetty which is –
- (a) under construction or repair; or
 - (b) closed,

unless that person has first obtained the consent of the local government.

Division 4 - Mooring boats to jetties

7.4 Method of mooring boat

- (1) A person in control of a boat shall not moor or make fast the boat to a jetty, or to any part of the jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

Division 5 - When boats may remain at jetty

7.5 When boat may remain moored

- (1) A person in control of a boat shall not moor or make fast the boat to a jetty unless –
- (a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;
 - (b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government;
 - (c) the loading or discharging of cargo or other goods is in progress in accordance with Division 7; or
 - (d) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such mooring or making fast to the local government.

7.6 Authorised person may order removal of boat

- (1) Notwithstanding anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty shall remove it immediately upon being directed to do so by an authorised person.

Division 6 - Launching of boats

7.7 Restrictions on launching

- (1) A person shall not launch a boat from or over any jetty (other than a boat ramp) unless she or he has first obtained the consent of the local government.

Division 7 - Cargo or other goods

7.8 Loading and discharging

- (1) A person in control of a boat shall not allow the boat to come alongside or be moored or made fast to a jetty for the purpose of loading or discharging cargo or other goods –
- (a) until the cargo or other goods are ready to be loaded or discharged; or
 - (b) without the consent of the local government –
 - (c) between the hours of 6.00pm to 6.00am on the next day; or
 - (d) for longer than 2 consecutive hours.

7.9 Outgoing cargo not to be stored on jetty

- (1) A person in control of cargo or other goods intended for loading on to a boat shall –
- (a) not allow them to be stored or placed on a jetty unless and until the boat is moored or fastened to or alongside the jetty; and
 - (b) load them on to the boat as soon as practicable after the boat is moored or fastened to or alongside the jetty.

7.10 Removal of incoming cargo from jetty

- (1) Any person unloading cargo or other goods from a boat on to a jetty shall remove them, or cause them to be removed from the jetty as soon as practicable, but not later than 6.00pm on the day on which they were placed there.

7.11 Authorised person may direct removal

- (1) An authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods which remain on a jetty contrary to any provision of this Part to remove them from the jetty.

7.12 Handling of bulk cargo

- (1) Except with the prior consent of the local government, a person shall not place or deposit bulk cargo from a vehicle, boat or container on to a jetty.

Division 8 - Polluting surrounding area

7.13 Polluting surrounding area

- (1) A person shall not tip or deposit anything on to a jetty so as to pollute the surrounding area.

Division 9 - Fishing from jetties and bridges

7.14 Limitations on fishing

- (1) A person shall not –
 - (a) fish from a jetty or a bridge so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or the bridge or so as to unreasonably interfere with the use of the jetty or the bridge by any other person; or
 - (b) hang or spread a fishing net from, on or over any part of a jetty or a bridge.

PART 8 - OBJECTIONS AND APPEALS

8.1 Application of Division 1, Part 9 of the Act

- (1) When the local government makes a decision as to whether it will –
 - (a) grant a person a permit or consent under this local law; or
 - (b) renew, vary, or cancel a permit or consent that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

PART 9 - MISCELLANEOUS

9.1 Authorised person to be obeyed

- (1) A person on local government property shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of her or his duties.

9.1 Persons may be directed to leave local government property

- (1) An authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

9.2 Disposal of lost property

- (1) An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

9.3 Liability for damage to local government property

- (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of –
 - (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that property.
- (2) Unless there is proof to the contrary, a person is to be taken to have damaged

local government property within subclause (1) where –

- (a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or the boat; or
 - (b) the damage occurred under a permit, the person is the permit holder in relation to that permit.
- (3) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

PART 10 - ENFORCEMENT

Division 1 - Notices given under this local law

10.1 Offence to fail to comply with notice

- (1) Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

10.2 Local government may undertake requirements of notice

- (1) Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2 - Offences and penalties Subdivision 1 - General

10.3 Offences and general penalty

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2 - Infringement notices and modified penalties

10.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that –
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

10.5 Form of notices

- (1) For the purposes of this local law –
- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Division 3 - Evidence in legal proceedings

10.6 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

SCHEDULE 1 PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.4(1)	Failure to comply with determination	400 -125
3.6(1)	Failure to comply with conditions of permit	400 -125
3.13(1)	Failure to obtain a permit	400 -125
3.14(3)	Failure to obtain permit to camp outside a facility	400 -125
3.15(1)	Failure to obtain permit for liquor	400 -125
3.16(1)	Failure of permit holder to comply with responsibilities	400 -125
4.2(1)	Behaviour detrimental to property	400 -125
4.4(1)	Under influence of liquor or prohibited drug	400 -125
4.6(2)	Failure to comply with sign on local government property	400 -125
5.2(1)	Consuming food or drink in prohibited area	400 -125
5.5(1)	Failure to comply with sign or direction on beach	400 -125
5.6(1)	Unauthorised entry to fenced or closed local government property	400 125
5.7(1)	Gender not specified using entry of toilet block or change room	400 -125
5.9(1)	Failure to comply with direction of controller or notice on golf course	400 -125
6.1(1)	Unauthorised entry to function on local government property	400 -125
7.3(1)	Unauthorised use of any part of jetty which is closed or under repair or construction	400 -125
7.4(1)	Mooring of boats in unauthorised manner	400 -125
7.5(1)	Unauthorised mooring of a boat to jetty	400 -125
7.6(1)	Failure to remove moored boat on direction of authorised person	400 -125
7.7(1)	Launching of boat from jetty without consent	400 -125
7.8(1)	Mooring when not ready to load or discharge cargo, at times not permitted or for longer than permitted	400 -125
7.9(1)	Unlawful storing of goods on jetty	400 -125
7.10(1)	Removing goods from jetty during other than permitted hours	400 -125
7.11(1)	Failure to remove cargo on jetty on direction of authorised person	400 -125

7.12(1)	Unauthorised deposit of bulk cargo on jetty	100-125
7.14(1)	Fishing from jetty or bridge so as to obstruct a boat or another person	100-125
10.1(1)	Failure to comply with notice	200-250

SCHEDULE 2 DETERMINATIONS

~~The following determinations are to be taken to have been made by the local government under clause 2.1.~~

PART 1 PRELIMINARY

Definitions

~~1.1 In these determinations unless the context otherwise requires—~~

~~"local law" means the Local Government Property Local Law made by the local government;~~

Interpretation

~~1.2 Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.~~

SCHEDULE 3-2 GOLF COURSE RESERVE

The golf course reserve referred to in Part 5 Division 5 of this local law is described below:

"That portion of Reserve Number 6638, bordered by Montreal Street to the west, High Street to the north, Royal Fremantle Golf Club to the east, and Booyeembara Park to the south, and commonly known as the Fremantle Public Golf Course."

Dated 31st day of October 2002

The Common Seal of the City of Fremantle
was affixed by authority of a resolution of the Council in the presence of :

Philip St John
Chief Executive Officer

Brad Pettitt
Mayor

Carried enbloc: 11/0

M Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

11.3 STRATEGIC PLANNING AND TRANSPORT COMMITTEE 17 OCTOBER 2018

SPT1810 -2 'PLANNING FOR ENTERTAINMENT NOISE IN THE NORTHBRIDGE AREA' PUBLIC CONSULTATION PAPER - SUBMISSION

Meeting Date: 17 October 2018
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: 1 – Executive Summary of '*Planning for entertainment noise in the Northbridge area*' public consultation paper.

COMMITTEE RECOMMENDATION ITEM SPT1810 - 2 **(Officer's recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council:

1. Support a submission on the '*Planning for entertainment noise in the Northbridge precinct*' public consultation paper which indicates that:
 - a) The move as a whole to undertake some reform on this issue is very welcome and long overdue.
 - b) The approach of using amendments to planning provisions (special control area designation under planning scheme) and environmental legislation (the noise regulations) in parallel seems a sound one, and necessary to address the combination of issues.
 - c) The introduction of the 'agent of change' principle is supported as much more equitable than the current arrangements where the noise generating use always carries the burden of responsibility even if they have been in operation for a long time, within an established precinct, and a new noise sensitive use is introduced nearby against their wishes.
 - d) The proposal to apply only the indoor assigned noise levels under the noise regulations and exclude the outdoor areas is also supported.
2. Request that the proposed Northbridge entertainment precinct trial proposed by the WAPC be extended to a second trial area within the Fremantle CBD (details of boundary to be determined through a subsequent process upon and assuming WAPC support for a second trial area).
3. Offer the following additional detailed comments on the *Planning for entertainment noise in the Northbridge precinct* public consultation paper:
 - a) The WAPC is requested to give consideration to transition / interface areas in the drafting of the Position Statement on entertainment precincts and potentially enable the creation of a frame around entertainment precincts within which noise impacts might be experienced.

- b) The use of notification on title to advise of the existence of special controls is supported in principle for more exceptional circumstances (such as within special entertainment precincts for so long as these are deemed a trial) but over-use of notifications to advise of routine development requirements and controls is cautioned against.
- c) There may be a case for designating different acceptable noise levels for different days of the week (eg indoor noise levels only, to apply on weekend evenings) this might pose a more reasonable balance in some instances. However, establishment of an overly complex approach is cautioned against because of the difficulties this poses for public comprehension and administration.
- d) Establishment of different acceptable indoor noise levels is not recommended.
- e) Noise compliance is a notoriously difficult area to manage. The proposed reforms do not make this either easier or more complex, but do at least establish a principle aligned to many people's sense of natural justice, that the change agent within established precincts should be responsible for mitigation. The need to establish the change agent may create additional challenges on some occasions however is considered a relatively minor challenge compared to others.
- f) The Position Statement consider the application of pre-emptive quiet house design requirements for dwellings within designated areas to minimise future conflict and avoid much more costly retrofit options.

AMENDMENT 1

Moved: Cr Rachel Pemberton

Seconded: Cr Andrew Sullivan

To amend part 2 of the Committee Recommendation, to add the words as shown in italics, to read as follows;

2. **Request that the proposed Northbridge entertainment precinct trial proposed by the WAPC be extended to a second trial area within the Fremantle CBD (details of boundary to be determined through a subsequent process upon and assuming WAPC support for a second trial area) *in recognition of the City's strong focus on the arts, culture and entertainment, and Fremantle's tradition of accommodating these (including live music) as part of its role as Perth's second city, and a vibrant and diverse urban centre.***

Amendment Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

Reason for change:

To explicitly acknowledge the alignment of the proposal to the City's strategic objectives and focus as outlined in the Strategic Community Plan and subsidiary documents.

COUNCIL DECISION ITEM SPT1810 - 2
(Amended committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council:

- 1. Support a submission on the ‘*Planning for entertainment noise in the Northbridge precinct*’ public consultation paper which indicates that:**
 - a) The move as a whole to undertake some reform on this issue is very welcome and long overdue.**
 - b) The approach of using amendments to planning provisions (special control area designation under planning scheme) and environmental legislation (the noise regulations) in parallel seems a sound one, and necessary to address the combination of issues.**
 - c) The introduction of the ‘agent of change’ principle is supported as much more equitable than the current arrangements where the noise generating use always carries the burden of responsibility even if they have been in operation for a long time, within an established precinct, and a new noise sensitive use is introduced nearby against their wishes.**
 - d) The proposal to apply only the indoor assigned noise levels under the noise regulations and exclude the outdoor areas is also supported.**
- 2. Request that the proposed Northbridge entertainment precinct trial proposed by the WAPC be extended to a second trial area within the Fremantle CBD (details of boundary to be determined through a subsequent process upon and assuming WAPC support for a second trial area) *in recognition of the City’s strong focus on the arts, culture and entertainment, and Fremantle’s tradition of accommodating these (including live music) as part of its role as Perth’s second city, and a vibrant and diverse urban centre.***
- 3. Offer the following additional detailed comments on the *Planning for entertainment noise in the Northbridge precinct*’ public consultation paper:**
 - a) The WAPC is requested to give consideration to transition / interface areas in the drafting of the Position Statement on entertainment precincts and potentially enable the creation of a frame around entertainment precincts within which noise impacts might be experienced.**
 - b) The use of notification on title to advise of the existence of special controls is supported in principle for more exceptional circumstances (such as within special entertainment precincts for so long as these are deemed a trial) but over-use of notifications to advise of routine development requirements and controls is cautioned against.**
 - c) There may be a case for designating different acceptable noise levels for different days of the week (eg indoor noise levels only, to apply on weekend evenings) this might pose a more reasonable balance in some instances. However, establishment of an overly complex approach is cautioned again because of the difficulties this poses for public comprehension and administration.**
 - d) Establishment of different acceptable indoor noise levels is not recommended.**

- e) Noise compliance is a notoriously difficult area to manage. The proposed reforms do not make this either easier or more complex, but do at least establish a principle aligned to many people's sense of natural justice, that the change agent within established precincts should be responsible for mitigation. The need to establish the change agent may create additional challenges on some occasions however is considered a relatively minor challenge compared to others.**
- f) The Position Statement consider the application of pre-emptive quiet house design requirements for dwellings within designated areas to minimise future conflict and avoid much more costly retrofit options.**

Carried: 11/0

**M Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

12. REPORTS AND RECOMMENDATIONS FROM OFFICERS

ITEMS APPROVED “EN BLOC”

The following items were adopted unopposed and without discussion “En Bloc” as recommended.

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

The following items be adopted en bloc as recommended:

- C1810-1 Monthly Financial Reports - September 2018
- C1810-2 Information Report - Award of Tenders under CEO Delegation
September - October 2018
- C1810-3 Schedule of Payments for the month of September 2018
- C1810-4 Monthly investment report - September 2018

Carried: 11/0

M Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

C1810-1 MONTHLY FINANCIAL REPORTS - SEPTEMBER 2018

Meeting Date: 24 October 2018
Responsible Officer: Manager of Finance
Decision Making Authority: Council
Agenda Attachments: Monthly Financial Report – 30 September 2018

COUNCIL DECISION ITEM C1810-1

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council receives the City of Fremantle Monthly Financial Report including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets for the period ended 30 September 2018.

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

**C1810-2 INFORMATION REPORT - AWARD OF TENDERS UNDER CEO
DELEGATION SEPTEMBER - OCTOBER 2018**

COUNCIL DECISION ITEM C1810-2

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

**Council receives the Council information report for the award of tenders under
CEO delegation for September to October 2018.**

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

C1810-3 SCHEDULE OF PAYMENTS FOR THE MONTH OF SEPTEMBER 2018

Meeting Date: 24 October 2018
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: 1. Schedule of payments and listing
2. Purchase card transactions
Attachments viewed electronically

COUNCIL DECISION ITEM C1810-3

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council:

- 1. Accepts the list of payments made under delegated authority, totalling \$8,416,112.32 for the month ending September 2018, as contained within Attachment 1.**
- 2. Accepts the detailed transaction listing of credit card expenditure, for the month ending September 2018, as contained within Attachment 2.**

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

C1810-4 MONTHLY INVESTMENT REPORT - SEPTEMBER 2018

Meeting Date: 24 October 2018
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Investment Report – 30 September 2018

COUNCIL DECISION ITEM C1810-4

Council receives the Investment Report for the month ending 30 September 2018.

Carried: 11/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. URGENT BUSINESS

Nil

15. LATE ITEMS

Nil

16. CONFIDENTIAL BUSINESS

Nil

17. CLOSURE

The Presiding Member declared the meeting closed at 8.47 pm.