



**MINUTES OF A HEALTH & GENERAL PURPOSES COMMITTEE MEETING,
HELD IN THE UPSTAIRS MEETING AREA, ON WEDNESDAY, 8 MAY 2002,
COMMENCING AT 6.32PM.**

H37. OPENING OF MEETING

The Presiding Member opened the meeting.

H37.1

Present

Cr D Hogg	Presiding Member
Mr J O'Neill	Mayor
Cr M Carosella	
Cr A Fenna	
Cr E Lovell	
Cr J Kenny	Observer
Mr S Wearne	Chief Executive Officer
Mr V Andrich	Principal Environmental Health Officer
Mr P Henderson	Ranger

H38. WELCOME TO GALLERY

There were no members of the public in the gallery at the commencement of the meeting.

H39. APOLOGIES

Cr J Wheeler

H40. PRESENTATIONS/DEPUTATIONS/PETITIONS

H40.1

Parking Restrictions – Marmion Street Median

Messrs Bob Uittenbroek (General Manager), Gary Stockden (Director) and Rex Townsend (Director) were in attendance representing the East Fremantle Football Club. Mr Uittenbroek submitted an apology on behalf of the President of the Club, Mr Barrie John.

Mr Bob Caporn (Manager of Urban Environment) representing the City of Fremantle was also in attendance.

The Chief Executive Officer gave an outline of the various issues associated with cars parking on the Marmion Street median and Council's position, which had led to tonight's deputation.

Mr Downs (EFFC) asked about the future of the landscaping and reticulation in the median and queried how much was reticulated.

Mayor O'Neill advised that the median strip from Petra to East Street was originally reticulated however had been damaged by cars parked on the median. This reticulation had not been in use for the past 2-3 years.

Mr Uittenbroek (EFFC) advised that he had not seen a sprinkler operating in the median for the past 6 years.

The Chief Executive Officer confirmed sprinklers had not been in use for the past 3 years.

Mr Downs (EFFC) asked about the time frame for repairing the reticulation.



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MINUTES

The Chief Executive Officer advised that this would depend on whether it could be repaired or would need to be replaced. General upgrading of the median strip would not be carried out until the proposed roadworks were completed.

Mr Downs (EFFC) asked whether funds had been allocated for upgrading of the median strip in this years or next year's budget.

The Chief Executive Officer advised there was general planting scheduled however it depended on a resolution of this issue and, as already indicated, the planned roadworks.

Mr Downs (EFFC) asked if parking could remain until the landscaping upgrade commenced and whether parallel parking would be allowed in Marmion Street?

The Mayor advised that parallel parking would be permitted.

The CEO stated there were two key issues:

- Council must uphold its Parking local laws which prohibits parking on the median strip
- The liability issue should there be an accident which could be related to permitted or non enforced parking on the median strip.

The CEO further advised the only way the parking could be legalised would be to amend our parking local laws and it would be inappropriate to do this solely on the grounds (ie leaving any other issue aside) of the impending conversion of Marmion Street to one lane, alone.

The Mayor advised that Council was investigating other alternatives eg parallel parking on left hand side of Marmion Street, angle parking in Moss Street and possible arrangements in other residential streets.

Cr Hogg expressed his concern that given it was a traffic offence to park on the median strip, would Councillors be personally liable if parking on the median was permitted and someone had a traffic accident.

Representatives of the Football Club then expressed a similar concern on their own part.

Mr Downs (EFFC) advised that the East Fremantle Football Club gardens were old and not particularly attractive and sought advice on whether the gardens could be removed to facilitate additional parking.

Cr Kenny stated she would be opposed to the removal of gardens particularly as she considered the existing building frontage was ugly.

Cr Lovell declared that all parties have to compromise to solve the situation.

Mr Uittenbroek (EFFC) suggested angle parking on the football club side of Moss Street given the wide footpath. He considered angle parking could also be located in Marmion Street and one side of Allen Street.

Cr Lovell suggested other possible changes to Moss Street.

Mayor O'Neill advised that no one used the oval side of Allen Street and angle parking could be accommodated in the western verge with appropriate signage.

Cr Hogg advised that there was not normally vehicles parked in Irwin Street on match days.

Cr Kenny questioned the need for additional dedicated car parking if street parking was available in nearby streets.



Mr Downs (EFFC) advised that many supporters were elderly and not able to walk far.

Mr Uittenbroek (EFFC) advised that supporters had been previously “spoilt” by having a lot of parking available – in particular Richmond Raceway and the Marmion Street median. Richmond Raceway had now been lost leaving only the Marmion Street median as the traditional parking area of football patrons.

Mr Uittenbroek (EFFC) thanked Council for the reticulation of East Fremantle Oval however stated that VIP and media parking under the shelter at the northeast corner of the ground had been subsequently withdrawn by Council given possible damage to sprinklers. He requested Council give consideration to limited parking in the oval surrounds. East Fremantle Football Club would be prepared to purchase appropriate sprinkler heads if this would assist.

The CEO stated that this issue was not on the agenda for the meeting and preferred not to discuss the matter in the absence of the Works Supervisor, given the Works Supervisor’s responsibility for the installation and maintenance of the reticulation system which had been installed at Council’s expense. Nevertheless he would say that there were important public liability considerations in respect of vehicles parked on the oval perimeter, particularly the slopes.

The Chief Executive Officer advised that he would meet with the East Fremantle Football Club, on site, to look at this specific issue if this was the Club’s wish.

The Chief Executive Officer advised that he had asked the Ranger to estimate the amount of residential parking in the vicinity of East Fremantle Oval. It was estimated that there were approximately 840 bays (not including the East Fremantle Shopping Centre car park or the 130 bays previously available on the median strip) available on match days.

Cr Lovell asked the East Fremantle Football Club whether they had people available to direct people to park.

Mr Uittenbroek (EFFC) advised that they would check their volunteer list.

Mr Downs (EFFC) advised that educating the public was the issue, especially the opposition supporters.

Mr Uittenbroek (EFFC) undertook to look at this issue.

The Ranger advised that Council staff had previously directed traffic on Derby days (four times this year).

Cr Hogg believed Council should set up a subcommittee to knot out issues.

It was agreed that the map and associated report on available parking, by street, prepared by the Ranger be made available to the East Fremantle Football Club.

Mr Caporn (City of Fremantle) advised that the City of Fremantle’s local laws mirrored that of East Fremantle. He believed that patrons needed to be encouraged to use public transport or share a vehicle. He suggested a courtesy bus patrol adjacent streets to provide transport to the ground. Mr Caporn advised that he had nothing further to add however the City of Fremantle would work and support the Town of East Fremantle.

Mayor O’Neill advised that a date should be set for the next meeting to consider this issue.



Cr Fenna asked what the situation was for this weekend in regard to parking on the median strip.

Mayor O'Neill advised that this would be left to the Chief Executive Officer.

Mr Downs (EFFC) suggested a volunteer be located on the Marmion Street median strip to hand out an information pamphlet on the issue. He asked whether Council could provide someone this week.

Cr Hogg advised the East Fremantle Football Club representatives that Council is sympathetic to their situation.

Mr Downs (EFFC) requested a copy of Council's local law and potential parking areas so they could hand out the information on Friday night.

Mr Downs (EFFC) asked whether vehicles could park on the cycleway.

The Ranger advised that as it was a designated cycleway it was an offence to park on a cycleway.

The Chief Executive Officer advised as follows:

- Moss Street would be looked at, both in terms of traffic calming and providing more football parking
- the possibility of more parking spaces in the club itself would be investigated
- there was a lot of street parking available eg Richmond Raceway section of Silas Street and this should be promoted by the Club. He was prepared to meet with Bob Uittenbroek to assist with this.
- he did not believe a special committee was needed, rather if there were ongoing issues these could be considered at ordinary meetings of the Health & General Purposes Committee.

Cr Kenny queried the liability with regard to impaired vision resulting from the Football Club sign located on the median strip.

Following advice from the CEO Mr Uittenbroek (EFFC) advised that the sign would be removed.

Mr Uittenbroek (EFFC) queried whether infringements would be issued this weekend.

The Chief Executive Officer advised he would discuss this directly with the Club after consulting with the Senior Ranger.

H42. ADJOURNMENT

Cr Hogg – Mayor O'Neill

That the meeting be adjourned at 7.40pm to allow the partaking of a light supper and refreshments with the guests from the East Fremantle Football Club and the City of Fremantle. CARRIED

H43. RESUMPTION

Cr Hogg – Mayor O'Neill

That the meeting be resumed at 8.00pm with all those present at the adjournment, except the representatives from the East Fremantle Football Club and the City of Fremantle, in attendance. CARRIED

H44. PUBLIC QUESTION TIME

Nil.



H45. CONFIRMATION OF MINUTES

H45.1 Health & General Purposes Committee – 3 April 2002

RECOMMENDATION TO COUNCIL

Cr Lovell – Mayor O’Neill

That the Minutes of the Health & General Purposes Committee Meeting held on 3 April 2002 as adopted at the Council meeting held on 16 April 2002 be confirmed.

CARRIED

H46. CORRESPONDENCE (LATE RELATING TO ITEMS IN AGENDA)

Nil.

H47. REPORTS OF COMMITTEES

H47.1 Sumpton Green Management Meeting

ATTACHMENT

Cr Fenna – Cr Lovell

That the Minutes of the Sumpton Green Management meeting held on the 14 April 2002 be received and adopted.

CARRIED

H48. REPORTS OF OFFICERS

48.1 Local Laws Review

A/BLW1

By Vic Andrich, Principal Environmental Health Officer on 3 May 2002

PURPOSE

The purpose of this report is to commence the process of repealing obsolete, superfluous or defunct local laws and replace them with new local laws.

BACKGROUND

Description of Proposal/Application/Submission

It is proposed for Council to adopt the following:

1. A Local Law to repeal existing outdated local laws.
2. A Local Government Property Local Law
3. An Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
4. a Urban Environment and Nuisance Local Law.

ATTACHMENT

Any Relevant Previous Decisions of Council and/or History of an Issue or Site.

This report was previously considered by Council at its March 2002 meeting where it was resolved to hold the matter over pending further assessment by Council officers.

Council officers were invited to submit further comments to the Principal Environmental Health Officer prior to reconsideration by Council.

REPORT

Introduction/Comments

The Local Government Act 1995 sets out the procedure to follow regarding the adoption/repeal of local laws. In short, the following procedure is to be followed:

1. At a Council meeting the person presiding is to read aloud a summary of the purpose and effect of each of the proposed local laws.
2. Advertisement of local laws for public comment/submissions. Copy to Minister for Local Government.
3. Incorporate submissions/comments into the local laws as appropriate and represented to Council for adoption. (special majority required)



Issues

REPEAL LOCAL LAW

The purpose of this local law is to repeal local laws considered to be superfluous, obsolete or defunct, relating to the following:

- Old Refrigerators and Cabinets. [gazetted 23 August 1962]
- Limiting the height of Obstructions at corners of Streets, Roads or Right of Ways. [gazetted 14 March 1975]
- Regulating the keeping of Goats. [gazetted 4 September 1925]
- Long Service Leave [gazetted 21 May 1971]
- Construction, Establishment, Operation and Maintenance of Motels. [gazetted 20 January 1978]
- Rates - Payment [gazetted 25 June 1993]
- Control of Hawkers [gazetted 4 March 1977]
- Petrol Pumps [gazetted 1 October 1964 and 19 September 1966]
- Flats and Plot Ratios [gazetted 9 September 1965]
- TV Masts and Antennae [gazetted 27 May 1960]
- Holiday Accommodation. [gazetted 6 December 1975]
- Prevention of Damage to Streets [4 March 1977]
- Extractive Industries [gazetted 10 March 1978]
- Street Verandas [gazetted 19 December 1962]

LOCAL GOVERNMENT PROPERTY LOCAL LAW

The purpose of this Local Law is to regulate the care, control and management of all property of the Town of East Fremantle except thoroughfares in the interest of the whole community. In particular this local law will regulate the use of local government property in order to minimise:

- any interference with the environment;
- potential safety threats to the community; and
- the likelihood of fraudulent and misrepresentative trading.

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW

The purpose of this Local Law is to consolidate various local laws relating to activities in thoroughfares and trading in thoroughfares and public places. Its effect is to prohibit some activities, permit some activities only under permit in thoroughfares and public places. Also, the local law enables a local government to require house numbering and the erection of fences in certain circumstances.

URBAN ENVIRONMENT AND NUISANCE LOCAL LAW

The purpose of this Local Law is to make provision for the control of particular pollution and nuisance problems generally associated with the urban environment and not covered by other written law.

The particular problems are –

- Nuisance arising from amusements, reflective surfaces, use of floodlights, the parking of livestock trucks, truck noise by persons starting trucks in the middle of the night, and people dumping cabinets in an unsafe condition.

Consultation

The Local Laws will be advertised statewide as well as locally to ensure residents have the opportunity to provide submissions on the proposed local laws.

Statutory Requirements

The Local Government Act 1995 section 3.5 and 3.12 govern the adoption/repealing of local laws.

Relevant Council Policies

Nil.



Principal Activity Plan Implications

Nil.

Strategic Plan Implications

This review is consistent with Goal 6: Corporate Services and Resourcing. Strategy 6.5 to develop and implement improved management practices.

Financial/Resource/Budget Implications

Nil.

Options and Implications

N/A

Discussion

Nil.

Conclusion(s)

A review of local laws is long overdue and it is appropriate that Councils local laws are reviewed.

RECOMMENDATION(S)

That Council commence the process of repeal/adoption of local laws in accordance with the Local Government Act 1995 and advertise its intention to consider the adoption of the following:

1. A Local Law to repeal existing superfluous, obsolete or defunct local laws.
2. A Local Government Property Local Law
3. An Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law

RECOMMENDATION TO COUNCIL

Cr Hogg – Cr Carosella

That Council commence the process of repeal/adoption of local laws in accordance with the Local Government Act 1995 and advertise its intention to consider the adoption of the following:

1. **A Local Law to repeal existing superfluous, obsolete or defunct local laws.**
2. **A Local Government Property Local Law**
3. **An Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law**
4. **Urban Environment and Nuisance Local Law** CARRIED

H49. DELEGATIONS OF AUTHORITY

H49.1 Delegations Notation

C/DEL1

BACKGROUND

Under the provisions of the Local Government Act, Officers who exercise delegated authority are required to advise Council of such action.

COMMENTS

The delegations as shown on the attachment have been exercised for **April 2002.**

ATTACHMENT

RECOMMENDATION

That Council note the Officers' use of delegated authority for the period 1 April to 30 April 2002.



RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Lovell

That Council note the Officers' use of delegated authority for the period 1 April to 30 April 2002. CARRIED

H50. REFERRED BUSINESS

Nil.

H51. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

H51.1 Community Security Watch

The Chief Executive Officer advised of a request received from Cr Carosella regarding a Community Security Patrol service. The CEO advised this was being considered in the context of the Draft Budget. Given the lack of a Council decision on the issue it was difficult to estimate the likely costs involved, because this would depend on the nature and scope of the potential service which was being proposed.

The concept of a ratepayer survey, to be distributed with the rate notice and as previously suggested by Cr Carosella, was supported. The survey could seek advice on whether the ratepayer wished Council to instigate such a service. If so:

- a) what type of service?
- b) how much would they be prepared to pay?

There being no further business the meeting closed at 8.44 pm.

*I hereby certify that the Minutes of the meeting of the **Health & General Purposes Committee** of the Town of East Fremantle, held on **8 May 2002**, Minute Book reference **H37. to H51.1** were confirmed at the meeting of the Council on*

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Presiding Member