

City of Fremantle

MINUTES

Strategic and General Services Committee

Wednesday, 11 March 2009
6.00 pm

COMMITTEE MEMBERS

Mayor Peter Tagliaferri
Cr Shirley Mackay
Cr Georgie Adeane
Cr Donna Haney
Cr Brad Pettitt
Cr Alice King
Cr Doug Thompson

Beaconsfield Ward
South Ward
City Ward
East Ward
Hilton Ward
North Ward

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STRATEGIC AND GENERAL SERVICES COMMITTEE

Minutes of the Strategic and General Services Committee
held in the Council Chambers, Fremantle City Council
on 11 March 2009 at 6.00 pm.

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.05 pm.

NYOONGAR ACKNOWLEDGEMENT STATEMENT

"We acknowledge this land that we meet on today is part of the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Nyoongar people as the custodians of the greater Fremantle/Walyalup area and that their cultural and heritage beliefs are still important to the living Nyoongar people today."

IN ATTENDANCE

Cr Georgie Adeane	Presiding Member / South Ward
Cr Shirley Mackay	Deputy Presiding Member / Beaconsfield Ward
Cr Doug Thompson	North Ward
Cr Donna Haney	City Ward (arrived 6.10 pm)
Cr Brad Pettitt	East Ward
Cr Bill Massie	Hilton Ward
Mr Graeme Mackenzie	Chief Executive Officer
Mr Glen Dougall	Director Corporate Services
Mr Ken Posney	Director Cultural and Community Services
Ms Marisa Spaziani	Director Community Development Services
Mr Phil Gale	Acting Director Technical Services
Mr Cameron Bartkowski	Ranger & Community Safety Co-ordinator
Mr Alan Carmichael	Manager Finance and Administration
Mr Ian James	Strategic Urban Designer
Ms Agnieszka Kiera	City Heritage Architect
Mis Penny Nind	Minute Secretary

There were approximately 2 members of the public and 1 member of the press in attendance.

APOLOGIES

Peter Tagliaferri Mayor

LEAVE OF ABSENCE

Cr Alice King

Hilton Ward

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Nil

DEPUTATIONS / PRESENTATIONS

Nil

DISCLOSURES OF INTEREST BY MEMBERS

Nil

LATE ITEMS NOTED

- SGS0903-11 Budget Review 2008/09 – Mid Year
- SGS0903-12 Adoption of Tender Recommendation for the Installation of Replacement Parking Ticket Machines
- SGS0903-13 Fremantle Markets Project Urgent Conservation Works - Consultancy Tender Report

CONFIRMATION OF MINUTES

MOVED: Cr G Adeane

That the Minutes of the Strategic and General Services Committee dated 11 February 2009 as listed in the Council Agenda dated 25 February 2009 be confirmed.

CARRIED: 5/0

For	Against
Cr Georgie Adeane Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

TABLED DOCUMENTS

Nil

Cr D Haney arrived at the meeting at 6.10 pm

REPORTS BY OFFICERS (COMMITTEE DELEGATION)

The following items are subject to clause 1.1 and 2.1 of the City of Fremantle Delegated Authority Register

Nil.

REPORTS BY OFFICERS (COUNCIL DECISION)

Cr G Adeane MOVED en bloc recommendations numbered SGS0903-1, SGS0903-4, SGS0903-6, SGS0903-7, SGS0903-10 and SGS0903-12.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

The following item number **SGS0903-1** was moved and carried en bloc earlier in the meeting.

SGS0903-1 AMENDMENT TO DELEGATED AUTHORITY REGISTER RELATING TO SHORT STAY ACCOMODATION

DataWorks Reference: 035/001
Disclosure of Interest: Nil
Previous Item: PSC0803-65, Council meeting 26 March 2008
PSC0805-113 Council Meeting 28 May 2008
PSC0811-323 Council Meeting 26 November 2008
Responsible Officer: Graeme Mackenzie, Chief Executive Officer
Actioning Officer: Glen Dougall, Director Corporate Services
Decision Making Authority: Council
Agenda Attachments: Short Stay Accommodation Local Law

PURPOSE

To create an additional delegation under Section 3 (*delegations by Council to the Chief Executive Officer (CEO)*) of the Delegated Authority Register relating to short stay accommodation as per the Short Stay Accommodation Local Law recently adopted by Council.

EXECUTIVE SUMMARY

The Short Stay Accommodation Local Law was adopted by Council on 26 November 2008. In this Local Law it refers to delegations made to the CEO to determine an outcome of an application for registration of a short stay dwelling. While it is not specifically stated in the body of the Local Law, it is indicated by virtue of Schedule 1 (Registration Form) that this determination will be made by the CEO or the CEO's delegate.

It is recommended that Council considers adopting an additional delegation to the Delegated Authority Register relating to short stay accommodation.

BACKGROUND

Under the Local Government Act 1995 local governments may delegate the exercise of any of its powers or duties to a committee of Council or the CEO except those powers specifically identified under the Act. The CEO may then delegate these powers to other officers but only in accordance the delegation set by Council.

The Short Stay Accommodation Local Law has been made by the Council. Clause 1.4 - Terms used in this local law -expressly sets out that the CEO means the CEO of the City AND any other employee of the City to whom the CEO has delegated his or her powers under this Local Law. The local law goes on to refer to the CEO's power of delegation under section 5.44 of the *Local Government Act 1995*.

COMMENT

Under clause 2.5 of the local law that where an application complies with the requirements of clause 2.3 and the registration fee is paid that the City must issue a certificate of registration. This removes any element of discretion, if the application complies there is an obligation on the City to issue the registration.

The local law adopted by the Council clearly authorises the CEO to administer the local law and to issue:

1. Certificate of Registration
2. Infringement Notice
3. Withdrawal of Infringement Notice

The forms all include reference to the CEO or his delegate.

CONCLUSION

Delegations provide for an effective and efficient delivery of services to the Fremantle community. The recommendation contained in this report ensure that these delegations remain current to Council's structure, policies and procedures.

STRATEGIC AND POLICY IMPLICATIONS

Nil

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Nil

Environmental

Nil

Social

Nil

BUDGET IMPLICATIONS

Nil

LEGISLATIVE AND LEGAL CONSIDERATIONS

Section 5.42 of the Local Government Act 1995 makes provision to delegate some powers and duties to the CEO, except for exclusions under section 5.43. The Act also enables the CEO to further delegate these roles to officers, but only to the extent that Council has delegated power to the CEO.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE'S AND OFFICER'S RECOMMENDATION

MOVED: Cr G Adeane

For Council to approve for the CEO to have delegation authority relating to Short Stay Accommodation under section 3 of the Delegated Authority Register to:

- 1. Issue Certificate of Registration**
- 2. Issue Infringement Notice**
- 3. Issue Withdrawal of Infringement Notice**

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

The following item number **SGS0903-4** was moved and carried en bloc earlier in the meeting.

SGS0903-4 GREEN ENERGY SUPPLY AND A PROPOSAL TO BECOME A CARBON NEUTRAL ORGANISATION

DataWorks Reference: 137/004
Disclosure of Interest: Nil
Previous Item: SGS0812-4 of 17 December 2008
Responsible Officer: Paul Garbett, Manager Planning Projects and Policy
Actioning Officer: Alan Carmichael, Manager Finance & Administration and Alex Hyndman, Sustainability Officer
Decision Making Authority: Council
Attachments: Nil

PURPOSE

To endorse a preferred funding option for green energy in the 2009/2010 Budget and to consider becoming a carbon neutral organisation from 1 July 2009 at the same time.

EXECUTIVE SUMMARY

It is being recommended by officers that green energy be funded from commercial parking revenue and that objective can be achieved by increasing the threshold amount before funds are transferred to the Parking Dividend Equalisation Reserve. In addition the report also recommends the City of Fremantle becomes a carbon neutral organisation. Electricity is historically responsible for approximately 80% of the City's greenhouse gas emissions. The green energy initiative will therefore achieve around 80% of the reductions necessary to become a carbon neutral organisation. That means the last step to a carbon neutral status is relatively minor in financial terms. If the Council decided to become carbon neutral, it would likely be the first time that a Western Australian local government has become carbon neutral.

BACKGROUND

At its meeting of 17 December 2008, Council resolved:-

"That Council resolves in principle to become a 100% green energy electricity user by 1 July 2009 and officers bring a further report(s) back to Council to address proposed budget funding options and any other issues required to implement the plan."

COMMENT

The two major questions on the green energy funding options are whether the City absorbs or passes on the green energy costs to tenants and then how to address within the 2009/2010 Budget the extra costs that the City will be required to pay for green energy.

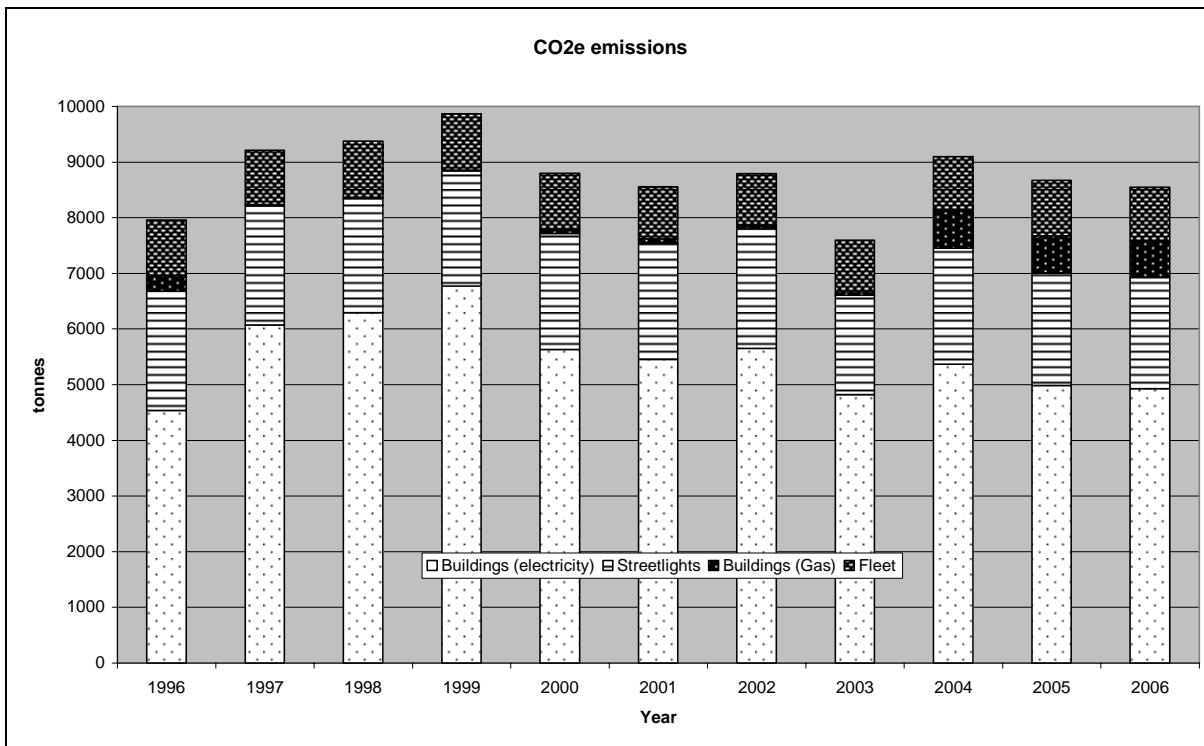
With the first item, the City currently recovers electricity costs under property leases from commercial tenants, sporting clubs and other community organisations. The Commercial

Property Co-Coordinator advises that if the City elects to acquire green energy then it is entitled to recover that cost from the tenant(s) in accordance with the leases. As advice indicates there is no legal impediment to recovering the costs of green energy from tenants it is being recommended that the City of Fremantle recover the costs from the tenants and promote the City as green energy landlord/organisation so that lessees understand the situation and their occupancy of a City of Fremantle property is not producing any carbon emissions from electricity consumption, albeit at the tenant's cost. From an economic perspective, it is hoped we would not lose any tenants because of that approach, but acknowledge that could be difficult to measure in the current economic climate. With sporting clubs and other community organisations, the additional costs should hopefully not be large and may even help clubs to focus on energy management as a way to reduce consumption and hence the cost of electricity consumption.

Secondly, the potential sources of funding for new initiatives are normally:- (1) above inflation increase in rates, (2) above inflation increase in other revenues, (3) deletion or reduction in current operating initiatives or (4) reduction of capital expenditure with transfer of funds to the operating budget. However with green energy, officers are recommending a variation which is to use parking revenue and which could be actioned in the 2009/2010 Budget by increasing the threshold of net profit from parking operations that is retained for municipal operations. This strategy is recommended for two reasons:-

- 1) 100% green energy will abate approximately 6,800 tons of CO₂ each year for the "organisation". The use of the City's parking facilities generates greenhouse gas emissions indirectly whilst patrons are driving to the City. These indirect emissions are estimated to be approximately 14,000 tons each year. Therefore directing parking revenue towards green energy acquisition and abatement of 6,800 tons of CO₂ for the City is considered a better approach than increasing rates above inflation or one of the other alternatives listed above.
- 2) Given the buoyancy in parking operations during the last couple of years and with parking revenues still holding up, plus with the Parking Dividend Equalisation currently providing a buffer against any dramatic downturn in parking revenues plus funds for capital equipment replacement, the revised threshold is not anticipated to impact on the ongoing viability of the parking operations.

Whilst investigating the impact of purchasing 100% green electricity, it became apparent that this would result in the abatement of the vast majority of the City's greenhouse gas emissions. Based on the last complete inventory year (2006) electricity consumption in the City's buildings and street lights, generated 81% of the City's greenhouse emissions. Most of the residual emissions come from the City's fleet and the gas used to heat the leisure centre pool. The following graph shows how the emissions sources have contributed to the City's total emissions over previous inventory years:



The relatively small amount of emissions remaining after the purchase of green power, presents an opportunity to become completely carbon neutral. To the best of the City's officers' knowledge, if the Council decided to become carbon neutral from 1 July 2009, it would be the first council in Western Australia to achieve this.

The process of offsetting residual emissions is simple: calculate an inventory, select offset provider(s) and purchase offsets.

The graph above shows the inventories prepared for the Cities for Climate Protection (CCP) program. In order to be able to make a verifiable claim of carbon neutrality it is important to calculate the emissions according to a broadly recognised standard however. The standard recommended for this purpose is AS ISO 14064-1 (Greenhouse gases Part 1: Specification with guidance at the organization level for quantification and reporting of greenhouse gas emissions and removals). The City will also need to appoint an independent auditor to verify our inventory calculations and offset purchases.

It is recommended that an inventory be prepared and audited for the 2008/09 financial year in preparation of becoming carbon neutral from 1 July 2009. This will ensure that the necessary skills and systems are in place ahead of time. It is recommended that the quarantine on the remaining \$23,500 within the Sustainability Initiatives budget be lifted to cover any inventory and audit expenses. Discussions with officers from the City of Sydney (who have recently become carbon neutral) indicate that \$23,500 should be adequate, but not excessive.

Offsetting carbon can be achieved using a number of mechanisms. Many offset providers will plant trees to sequester carbon, install equipment to reduce energy consumption, or prevent the emissions of greenhouse gases such as methane. There are pros and cons of each offset product and several standards have been developed to provide credibility. Probably the most rigorous of these standards in Australia is the

Department of Climate Change's 'Greenhouse Friendly' certification. It is recommended that all carbon offsets purchased shall be certified as Greenhouse Friendly.

Based on the 2006 CCP inventory, there were 1620 tons of CO_{2e} generated from the City's gas and transport fuel consumption. The Greenhouse Friendly offsets reviewed to date cost between \$10 and \$35 a tonne - which is largely determined by the offset mechanism. If the average offset cost was \$20 per ton, then it would have cost just over \$32,000 to offset the (non-electricity) emissions in 2006.

One criticism that can be levelled at carbon offsetting or carbon neutral organisations is that they are simply 'paying to pollute'. The City has already put significant effort and expense into minimising its energy consumption over the last decade, through programs such as CCP and Wipe Out Waste. It is therefore appropriate to use renewable energy and offsets as the next step of managing our greenhouse gas emissions. Carbon neutrality should not however be seen as a justification to stop further abatement action. Instead, carbon neutrality should be viewed as a demonstration of leadership within our community, which should be built upon through further community engagement and emissions reduction work.

CONCLUSION

The Council had already decided in principal to acquire 100% green energy and the next logical step is to become a carbon neutral organisation. Given the minimal incremental cost to take that next step, it is recommended we become a carbon neutral organisation from 1 July 2009/2010. By Council becoming a carbon neutral organisation, it is not the completion of a journey but rather the continuation of a journey, albeit it from a more sustainable platform.

STRATEGIC AND POLICY IMPLICATIONS

The initiatives being recommended are outcomes from the Environmental Action Plan and if implemented will demonstrate the high priority Council has given to the sustainability agenda.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

There will be costs associated with purchasing green power and offsetting residual emissions. This will however provide an extra financial incentive to further reduce energy consumption. It will also position the City extremely well to prepare for and fully understand the financial impacts of the proposed Carbon Pollution Reduction Scheme.

Environmental

This proposal provides an opportunity to exceed environmental obligations and fully abate the City's greenhouse gas emissions. It is possible that the City's behaviour could influence other organisations and individuals to also reduce their greenhouse emissions.

Social

Fremantle is already regarded as an environmental leader and this will further enhance the City's reputation, which will be a source of pride for many residents.

BUDGET IMPLICATIONS

In the December 2008 report to Council the cost of green energy was estimated at \$180,000 based on currently existing prices. Since that report was written, it has been confirmed that the cost for the municipal portion of the contestable sites will increase to \$100,000 from \$80,000 whilst the non contestable sites and street lighting (additional 75% portion) remain at the \$40,000 and \$60,000 respectively, i.e., total of \$200,000. Despite recent increases in the normal non contestable electricity tariffs and normal street lighting tariffs, we still have not received any confirmed increases in their green energy portion of the tariff.

The cost of non-electricity emissions at \$20 per ton have been estimated at \$32,000 for a full financial year and the proposal is to fund these costs from the recurrent budget. Depending on the nature of offsets purchased that could include costs being charged directly to the running costs of the fleet or funded from the \$100,000 per year currently allocated to sustainability initiatives. The later allocation would also be used to fund ongoing auditing of our inventory calculations and offset purchases.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The Local Government Act 1995, section 6.8(1) (b) refers.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority

COMMITTEE'S AND OFFICER'S RECOMMENDATION

MOVED: Cr G Adeane

- 1. That the City of Fremantle acquire 100% green energy from 1 July 2009 and:-**
 - a) Where property or tenancy leases, agreements or licenses provide for recovery of electricity costs, then the costs recovered include the cost of green energy.**
 - b) Officers inform existing and future prospective tenants of the cities 100% green energy policy.**
 - c) To fund 100% green energy from 1 July 2009, the threshold above which net revenues from parking operations are transferred to the Parking Dividend Equalisation Reserve be increased from \$3,737,791 to \$3,940,000 (i.e., increase of \$202,209) in the 2009/2010 Budget.**
- 2. That Council endorse the objective of the City of Fremantle becoming a carbon neutral organisation from 1 July 2009 and approve the following action associated with achievement of this objective:-**

- a) Complete and audit an inventory of the City’s 2008/09 greenhouse gas emissions, in accordance with AS ISO 14064, in preparation of becoming carbon neutral from 1 July 2009;
 - b) Lift the quarantine status on the remaining \$23,500 in the 2008-09 Sustainability Initiatives budget to enable the funds to be used to implement 2(a) above; and
 - c) Treat carbon neutrality as a leadership opportunity and continue to reduce energy use and increase energy efficiency by the City of Fremantle, and engage the community to achieve similar aims within the wider Fremantle community.
3. That the CEO is delegated authority to enter into contracts commencing 1 July 2009 to purchase:-
- a) Green energy from Synergy relating to contestable sites, non-contestable and street lighting.
 - b) Greenhouse Friendly accredited carbon offsets to achieve carbon neutrality

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

The following item number **SGS0903-6** was moved and carried en bloc earlier in the meeting.

SGS0903-6 CONSUMPTION OF LIQUOR WITHOUT A MEAL IN OUTDOOR EATING AREAS: EVALUATION OF THE SIX MONTH TRIAL & DRAFT POLICY

DataWorks Reference: 039/055, 143/011
Disclosure of Interest: Nil
Previous Item: SGS0804-6, SGS0809-8
Responsible Officer: Matthew Piggott, Coordinator Environmental Health & Building Services
Actioning Officer: Matthew Piggott, Coordinator Environmental Health & Building Services
Decision Making Authority: Council
Agenda Attachments: Liquor Without A Meal Trial Survey
Survey Results – Public Opinion on Trial
Survey Results – Eating & Drinking Activity of Patrons

PURPOSE

To provide an evaluation of the six month trial allowing consumption of liquor without a meal in the Outdoor Eating Areas at Gino's, Next Door, Kailis and Benny's Bar & Café.

To recommend that Council adopt a policy titled 'Consumption of Liquor Without a Meal in Outdoor Eating Areas'. The policy will outline the procedure that the City of Fremantle shall follow in assessing applications submitted by Outdoor Eating Area licensees to vary the conditions of an Alfresco Extended Trading Permit (ETP) to allow the consumption of liquor without a meal in a licensed alfresco area.

EXECUTIVE SUMMARY

The City of Fremantle's six month trial allowing liquor consumption without a meal in the Outdoor Eating Areas of Gino's, Next Door, Kailis and Benny's Bar & Café concluded on 28th February 2009.

The trial successfully demonstrated that flexibility in liquor laws for low risk drinking environments can promote opportunities for small business and greater choice for consumers without compromising local amenity or the objective of minimizing alcohol related harm.

The City of Fremantle did not received any complaints alleging alcohol related harm in the community as a result of liquor consumption without a meal in the alfresco areas at Gino's, Next Door, Kailis and Benny's Bar & Café during the six month trial.

The trial has allowed licensees greater flexibility to meet the needs of their consumers.

Amenity of the locality was protected by staff engaging in responsible service of alcohol practices and patrons responsibly consuming liquor without a meal in alfresco areas.

BACKGROUND

A "Liquor Without a Meal Trial Survey" was conducted in December 2008 to capture the opinion of patrons eating and drinking in the Outdoor Eating Areas at Gino's, Next Door, Kailis and Benny's Bar & Café.

A copy of the survey and survey results is attached.

As an overview, 93 patrons thought it was 'good' to have the choice of consuming liquor without a meal in an alfresco dining area. 4 patrons thought it was 'bad'.

35 survey respondents were consuming liquor without a meal, 63 survey respondents were consuming liquor and a meal, and 14 survey respondents were consuming a meal only.

COMMENT

Positive feedback on the trial has been received from the participating licensees, patrons eating and drinking in the Outdoor Eating Areas at Gino's, Next Door, Kailis and Benny's Bar & Café and South Metropolitan Alcohol and Drug Advisory Police officers.

In 2006 the Hon. Mark McGowan, the then Minister for Racing and Gaming, stated that "liquor laws need to provide greater flexibility to meet the needs of consumers and tourists while promoting the consumption of liquor in low-risk drinking environments."

In establishing the six month trial, the City of Fremantle supported the variation of the Alfresco Extended Trading Permit conditions for Gino's, Next Door, Kailis and Benny's Bar & Café by the Director of Licensing.

Due to the success of the trial, Environmental Health & Building Services Coordinator Matthew Piggott proposes Council adopt a policy that establishes a framework to allow the City of Fremantle to assess applications submitted by Outdoor Eating Area licensees to vary the conditions of Alfresco Extended Trading Permits to allow consumption of liquor without a meal in licensed Outdoor Eating Areas, subject to conditions.

It is proposed that each application would be assessed on its merits and, prior to receiving support from the City of Fremantle, the following conditions shall be met:

- The licensee shall possess an Outdoor Eating Area licence from the City of Fremantle;
- The licensee shall possess an Alfresco extended trading permit from the Department of Racing, Gaming & Liquor;
- The licensee shall demonstrate that consumption of liquor without a meal in the Outdoor Eating Area is in the public interest;
- The licensee shall demonstrate a history of responsible service of alcohol;
- The licensee shall demonstrate a history of management practices designed to reduce the potential for alcohol related harm in the community;
- The licensee shall commit to and be bound by the following conditions in respect to the provision of liquor without a meal in the Outdoor Eating Area;

i) Liquor may only be consumed by patrons while seated at a table;

- ii) *The sale and supply of liquor to patrons is restricted to table service;*
- iii) *The kitchen must be open and operating at all times liquor is available and the regular full menu must be available at all times.*
- iv) *The maximum permitted trading hours are:*
 - *Monday to Saturday, 6am to midnight*
 - *Sunday 10am to 10pm*
 - *No trading is authorised on Christmas Day, Good Friday or before noon on Anzac Day.*

Other conditions as may be necessary and appropriate in an individual case can be considered.

The above conditions were imposed on the four premises participating in the trial by the Department of Racing, Gaming & Liquor.

The City of Fremantle has 22 licensed restaurants that possess an Outdoor Eating Area licence and an Alfresco ETP.

Only 4 out of 22 premises indicated an interest in participating in the City of Fremantle's six month trial.

SUGGESTED DRAFT POLICY

Policy number SG (Number to be inserted)

Policy Title "Consumption of Liquor Without a Meal in Outdoor Eating Areas".

(Note: Licensees seeking to vary the conditions of their Alfresco Extended Trading Permit to allow the consumption of liquor without a meal in a licensed alfresco area must submit an application and pay the necessary fees to the Department of Racing, Gaming & Liquor.)

Policy Type	Approved	Amended	Custodian
Strategic			Coordinator Environmental Health & Building Services

1. Objective

To outline the procedure that the City of Fremantle will follow in assessing applications submitted by Outdoor Eating Area licensees to vary the conditions of an Alfresco Extended Trading Permit (ETP) to allow the consumption of liquor without a meal in the licensed alfresco area.

2. Higher Order Plan

City of Fremantle Strategic Plan 2006-2010

(Sustainability Theme 1.3 - Safe Community, 2.1 – Vibrant and Diverse Economic Activity, 2.4 – Attract and Welcome Visitors and Tourists).

3. Legislative Framework

Liquor Control Act 1988

Health Act 1911

Local Government Act 1995

City of Fremantle Local Laws Relating to Outdoor Eating Areas

4. Decision Maker

Coordinator Environmental Health & Building Services

5. Delegation of Decision-Making

From Council to the CEO to the Coordinator Environmental Health & Building Services

6. Policy

In this policy an “Outdoor Eating Area” is defined as a part of a thoroughfare or public place in which tables, chairs and other structures are provided for the purpose of the supply of food or drink to the public or the consumption of food or drink by the public.

It is the policy of the City of Fremantle that an application submitted by an Outdoor Eating Area licensee to vary the conditions of an Alfresco Extended Trading Permit (ETP) to allow the consumption of liquor without a meal in the licensed alfresco area shall be assessed within the framework of the following decision matrix:

DECISION MATRIX

<i>Description</i>	<i>Comments</i>
<i>1. Does the applicant possess an Outdoor Eating Area licence from the City of Fremantle?</i>	<i>If yes, proceed to question 2.</i>
<i>2. Does the applicant possess an Alfresco Extended Trading Permit from the Department of Racing, Gaming and Liquor to allow consumption of liquor ancillary to a meal in the Outdoor Eating Area?</i>	<i>If yes, proceed to question 3.</i>
<i>3. Has the applicant submitted an application to the Department of Racing, Gaming and Liquor to vary the conditions of an Alfresco Extended Trading Permit to allow the consumption of liquor without a meal in the alfresco area?</i>	<i>If yes, proceed to question 4.</i>

<p>4. Has the applicant demonstrated that the consumption of liquor without a meal in the licensed alfresco area is in the public interest?</p>	<p>If yes, proceed to question 5.</p>
<p>5. Has the applicant demonstrated a history of responsible service of alcohol?</p>	<p>If yes, proceed to question 6.</p>
<p>6. Has the applicant demonstrated a history of management practices designed to reduce the potential for alcohol related harm in the community?</p>	<p>If yes, proceed to question 7.</p>
<p>7. If the answer to Question 1, 2, 3, 4, 5, 6 & 7 is 'Yes' in all cases then the City of Fremantle may support the application to vary the conditions of the Alfresco Extended Trading Permit to allow consumption of liquor without a meal in the alfresco area subject to conditions.</p>	<p>If the answer to Question 1, 2, 3, 4, 5, 6 or 7 is 'No' the City of Fremantle shall not support the application.</p>

Should the City of Fremantle decide to support the application to vary the conditions of the Alfresco Extended Trading Permit to allow consumption of liquor without a meal in the alfresco area, the following shall occur:

- The City of Fremantle shall request the Department of Racing, Gaming & Liquor impose the following conditions on the Alfresco Extended Trading Permit in respect to the provision of liquor without a meal in the licensed alfresco area:

Conditions of Approval

- i) Liquor may only be consumed by patrons while seated at a table;
- ii) The sale and supply of liquor to patrons is restricted to table service;
- iii) The kitchen must be open and operating at all times liquor is available and the regular full menu must be available at all times.
- iv) The maximum permitted trading hours are:
 - Monday to Saturday, 6am to midnight
 - Sunday 10am to 10pm
 - No trading is authorised on Christmas Day, Good Friday or before noon on Anzac Day.

Other conditions as may be necessary and appropriate in an individual case can be considered.

7. National Competition Policy Implications

Not applicable.

8. Policy Implementation Steps

The policy is to be referred to the Council meeting on 25th March 2009 for consideration in draft form.

9. Reporting Arrangements on Decision-Making under this Policy

Not applicable.

10. Policy Review Date

1st July 2012

CONCLUSION

The trial successfully demonstrated that flexibility in liquor laws for low risk drinking environments can promote opportunities for small business and greater choice for consumers without compromising local amenity or the objective of minimizing alcohol related harm.

The City of Fremantle did not received any complaints alleging alcohol related harm in the community as a result of liquor consumption without a meal in the alfresco areas at Gino's, Next Door, Kailis and Benny's Bar & Café during the six month trial.

The trial has allowed licensees greater flexibility to meet the needs of their consumers.

Amenity of the locality was protected by staff engaging in responsible service of alcohol practices and patrons responsibly consuming liquor without a meal in alfresco areas.

It is recommended that Council adopt the draft policy titled 'Consumption of Liquor Without a Meal in Outdoor Eating Areas'. The policy will outline the procedure that the City of Fremantle shall follow in assessing applications submitted by Outdoor Eating Area licensees to vary the conditions of an Alfresco Extended Trading Permit (ETP) to allow the consumption of liquor without a meal in a licensed alfresco area.

STRATEGIC AND POLICY IMPLICATIONS

City of Fremantle Strategic Plan 2006-2010

- 1.3 Safe Community
- 2.1 Vibrant and Diverse Economic Activity
- 2.4 Attract and Welcome Visitors and Tourists

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The implementation of liquor licensing reform promotes greater levels of flexibility and innovation within the liquor and hospitality industries, in addition to providing opportunity to the small business sector.

Environmental

Nil

Social

Embracing liquor license reform will assist the tourism sector cater for thousands of visitors to Western Australia and create a safer liquor environment with the promotion of responsible liquor consumption and harm minimisation principles in low-risk drinking environments.

BUDGET IMPLICATIONS

Nil

LEGISLATIVE AND LEGAL CONSIDERATIONS

Liquor Control Act 1988

City of Fremantle Local Planning Scheme No.4

Health Act 1911

City of Fremantle Local Laws Relating to Outdoor Eating Areas

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

On 5 February 2009, the Fremantle Alcohol Advisory Committee met to evaluate the success of the six month trial allowing consumption of liquor without a meal in the Outdoor Eating Areas at Gino's, Next Door, Kailis and Benny's Bar & Café.

6 members attended the meeting. Cr. Brad Pettitt, Cr. Jon Strachan, Combined Precincts representative Mr. Barry White, Licensed Restaurant/Café sector representative Mr. Tim Grey-Smith, Youth representative Mr. Jeremy Smith and Coordinator Environmental Health & Building Services Matthew Piggott.

Unanimously, the members voted that the trial was a success and a policy should be drafted to allow the City of Fremantle to support, where appropriate, the consumption of liquor without a meal in Outdoor Eating Areas of low-risk licensed premises that are willing to comply with the licence conditions that were imposed by the Department of Racing, Gaming and Liquor on Gino's, Next Door, Kailis and Benny's Bar & Café during the trial.

4 members were unable to attend.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE'S AND OFFICER'S RECOMMENDATION

MOVED: Cr G Adeane

Council adopt the draft policy titled 'Consumption of Liquor Without a Meal in Outdoor Eating Areas', as attached in the Strategic and General Services Committee agenda of 11 March 2009.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

The following item number **SGS0903-7** was moved and carried en bloc earlier in the meeting.

SGS0903-7 AMENDMENT TO SCHEDULE OF FEES AND CHARGES - SHORT STAY ACCOMMODATION LOCAL LAW 2008 FEES

DataWorks Reference: 091/008
Disclosure of Interest: Nil
Previous Item: Nil
Responsible Officer: Kathy Bonus, Manager Development Services
Actioning Officer: Kathy Bonus, Manager Development Services
Decision Making Authority: Council
Agenda Attachments: Nil

PURPOSE

The purpose of this item is to request that Council amend its schedule of Fees and Charges to include fees payable under the Short Stay Accommodation Local Law, 2008.

EXECUTIVE SUMMARY

In November 2008, Council adopted the Short Stay Accommodation Local Law, 2008 for the purpose of addressing and regulating the provision of short stay accommodation occupied by 6 or less people. The Local Law requires that premises utilised for short stay accommodation under the Local Law be registered with the City. This report recommends an amendment to the City's Schedule of Fees and Charges to include the application fee required under the Local Law.

BACKGROUND

The Local Law does not prescribe a fee for the application process. This is intentional as the fee may be subject to change with inflation and budgetary changes over time, and therefore should not be prescribed within the legislation. The *Local Government Act 1995* prescribes, amongst other things, that fees shall not be significantly more than the costs involved with providing the service that is being requested – in this case the “real” cost to Council of processing the application, and any resulting follow up inspections, administrative work and the like.

COMMENT

The City's 2008/09 Schedule of Fees and Charges prescribes a fee for most registrations and licenses issued under other Local Laws which range from about \$50 up to \$200 as a stand alone application fee. The lower end of this range is insufficient to cover the City's costs in assessing, processing and administering the registration, whilst the upper end of the range exceeds the fee required for a simple development application (currently the minimum fee is \$127). It is anticipated that the level of administrative work required would be similar to that of a simple development application and it is therefore recommended that the application fee for registration under the Short Stay Accommodation Local Law, 2008 be set at \$127 for the remainder of the 2008/09 financial year. No GST is applicable to this fee. This fee will then be reviewed as part of

the annual review of the Schedule of Fees and Charges undertaken during the Council's budget process. It should be noted that the Local Law does prescribe financial penalties (Part 3) to be applied where an offence has been committed.

CONCLUSION

It is recommended that Council amend its schedule of Fees and Charges to include an application fee payable under the Short Stay Accommodation Local Law, 2008 of \$127 for the remainder of the 2008/09 financial year with future fees to be included in the annual budget process.

STRATEGIC AND POLICY IMPLICATIONS

Nil

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Nil

Environmental

Nil

Social

Nil

BUDGET IMPLICATIONS

The adoption of the registration application fee under the Short Stay Accommodation Local Law, 2008 will represent a slight increase overall in the income derived this financial year.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The *Local Government Act 1995* permits Council to charge fees that, amongst other things, are not significantly greater than the costs involved with providing the requested.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not necessary for this report.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE'S AND OFFICER'S RECOMMENDATION

MOVED: Cr G Adeane

That the City of Fremantle's Fees and Charges Schedule for 2007/08 be amended to include fees under the Short Stay Accommodation Local Law, 2008 as follows:

PLANNING AND DEVELOPMENT SERVICES	FEE
SHORT STAY ACCOMMODATION LOCAL LAW, 2008	
REGISTRATION APPLICATION FEE	\$127.00 (GST Free)

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

The following item number **SGS0903-10** was moved and carried en bloc earlier in the meeting.

SGS0903-10 SUBSIDISED RENTAL OF COUNCIL COMMERCIAL PROPERTIES

DataWorks Reference: 049/008;013/001
Disclosure of Interest: Nil
Previous Item: Nil
Responsible Officer: Ken Posney, Director Community Development
Actioning Officer: John Amor, Property Coordinator
Decision Making Authority: Council
Agenda Attachments: Policy – Subsidised Rental of Council Properties

PURPOSE

To recommend adoption of the Policy – Subsidised Rental of Council Properties.

EXECUTIVE SUMMARY

The City of Fremantle receives regular requests from not-for-profit organisations for subsidised rental assistance to lease Council properties contained in our commercial property portfolio. Many of these organisations are already renting properties from Council. This policy will introduce a consistent approach to allocating a subsidised rental to lease these council properties. It will also introduce an element of accountability to the process these requests. Council will also be able to identify, to what degree it can subsidise these organisations.

BACKGROUND

Council has various properties that it leases out to not-for-profit organisations. What this Policy will strive to do, is introduce a consistent approach in allocating subsidies to these organisations and requests from other not-for-profit organisations in the future, taking into account that these commercial properties are required to generate revenue within their own performance criteria.

COMMENT

How the Policy will operate is that a commercial valuation will take place for each property and the rental subsidy will be based on a 50% of the valuation. In some cases however, the subsidy can be 75%, when the organisation has no source of income other than membership fees and general fundraising income, which is put to a charitable or community oriented use or is managed primarily by volunteers.

CONCLUSION

The rental subsidy can be used to maintain the premises and in all cases it will be managed by Council and will be in line with Council's approach to managing it's properties.

STRATEGIC AND POLICY IMPLICATIONS

Refer to attached policy.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Nil

Environmental

Nil

Social

Nil

BUDGET IMPLICATIONS

Requests for subsidies will be included in the annual budget process for consideration.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE'S AND OFFICER'S RECOMMENDATION

MOVED: Cr G Adeane

That Council adopts the Policy – Subsidised Rental of Council Properties as attached to the Strategic and General Services Agenda of 11 March, 2009.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

The following item number **SGS0903-12** was moved and carried en bloc earlier in the meeting.

**SGS0903-12 ADOPTION OF TENDER RECOMMENDATION FOR THE
INSTALLATION OF REPLACEMENT PARKING TICKET MACHINES**

DataWorks Reference: 016/002, 045/012, 096/068, 165/010, 159/007
Disclosure of Interest: Nil
Previous Item: SGS0608-13, SGS0611-5, SGS0807-2
Responsible Officer: Glen Dougall, Director Corporate Services
Actioning Officer: Cameron Bartkowski, Community Safety and Ranger
Coordinator
Decision Making Authority: Council
Agenda Attachments: Nil

PURPOSE

Selection of preferred Tender for the installation of replacement Parking Ticket Machines and delegation to the Chief Executive Officer for the appointment of contract in accordance with tender subject to a the results of a trial of the preferred supplier machines.

EXECUTIVE SUMMARY

It is recommended that *Australian Parking and Revenue Control*, be selected as the preferred supplier for the provision and installation of replacement Parking Ticket Machines. Estimated value for stage 1 is \$298,890.00 (+ GST) based on the supply and provision as tendered by the preferred supplier.

It is requested the Chief Executive Officer is delegated authority to appoint this contract subject to his satisfaction of a trial period of the machines from the preferred supplier for stage one of 30 machines plus up to a further 175 machines subject to future funding allocations in future budgets.

Australian Parking and Revenue Control offers the best conforming tender in terms of qualitative criteria and price; and meets the tender requirements.

BACKGROUND

Tender (FCC321/08) was invited by public advertising in the West Australian Wednesday 19 November 2008 for the supply of 30 on street ticket machines, initially, and provision for up to 200 machines over the next 3- 5 years closing Thursday 18 December 2008. A compulsory site meeting was held on Thursday 4 December 2008. Of which Five Companies attended that meeting.

COMMENT

Evaluation of tenders was based on each tenderer's offer (see below), and assessment to the Tender Compliance and Qualitative Criteria. This included 3 months testing of

each tending companies Parking Ticket Machines. Only Australian Parking and Revenue Control had not had the chance to supply machines for testing, however, under the terms of the tender they will submit a machine for testing. The specifications and references that have been received for the preferred supplier have already been assessed and now only needs testing in the working environment.

Four tenders were received, being from **Duncan Solutions (Reino International Pty Ltd)**, **Australian Parking and Revenue Control**, **CHS Global Australia Pty Ltd** and **Wilson Parking Australia**.

Tendered	Total (+ GST)	Rank	Diff From Lowest	% Diff From Lowest	Price Criteria Points
Duncan Solutions (Reino International Pty Ltd)	\$283,902.00	1	\$-	0%	60
Australian Parking and Revenue Control	\$298,890.00	2	\$14,988.00	5.3%	55
CHS Global Australia Pty Ltd	\$340,874.00	3	\$56,972.00	20.1%	40
Wilson Parking Australia	\$354,502.50	4	\$70,600.50	24.9%	33

Tender Projected Cost Assessment

The tenders were then evaluated to the Compliance and Qualitative Criteria as detailed below. The tenders do meet the requirements of the tender Compliance Criteria. Australian Parking and Revenue Control demonstrated the most experience in the supply and provision of these services in completing similar projects.

QUALITATIVE CRITERIA

Criteria	Weighting	1	2	3	4
Demonstrated experience in completing, similar projects/supply similar goods	20%	12	19	12	17
Skills and experience of key personnel.	10%	8	10	10	10
A demonstrated understanding of the required tasks.	10%	8	10	8	10

WEIGHTED COST CRITERIA

Tendered price	60%	60	55	40	33
	Total:	88	94	70	70

Tender Compliance and Qualitative Criteria

Australian Parking and Revenue Control offers the best conforming tender in terms of qualitative criteria and price; and satisfies the tender requirements, subject to a trial of the device.

CONCLUSION

Based on the assessment criteria Australian Parking and Revenue Control is ranked highest overall in the tender assessment.

It is recommended to select them as the preferred supplier so that testing of the machines can be undertaken and the Chief Executive Officer is delegated with authority to award the contract if or once he believes the testing has met the City's requirements to Australian Parking and Revenue Control.

STRATEGIC AND POLICY IMPLICATIONS

The provision of new parking ticket machines will continue to provide and promote a range of accessible and affordable parking options to support business activity in Fremantle and support the maintenance and upgrading of Council's car parking facilities.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The renewal of parking ticket machines will allow the City to continue providing an efficient and effective service through economies of scale. The City already provides a substantial parking service and this will add to the revenue potential of the City.

Environmental

Nil

Social

This would support the Parking Action Plan by maximising efficient use of existing parking facilities and providing clear and uniform signage.

BUDGET IMPLICATIONS

The funding for the replacement of these ticket machines is drawn from the Parking Dividend Equalisation Reserve Fund. The current budget provides for expenditure up to \$360,000. The Tender being recommended is within budget.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Local Government Act 1995

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE'S AND OFFICER'S RECOMMENDATION

MOVED: Cr G Adeane

- 1. Australian Parking Revenue Control is selected as preferred supplier for Tender FCC321/08 for the provision of on-street parking ticket machines.**
- 2. The Chief Executive Officer is granted delegated authority to award tender FCC321/08 for the provision of on-street parking ticket machines subject to a trial of the preferred supplier's machines to his satisfaction up to the value of \$360,000 (ex GST) for 30 machines, plus the contract for the supply of up to a further 175 machines over the next 36 months subject to future budget funding approval, to the value of \$10,500 (ex GST) per machine.**

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

SGS0903-2 WESTGATE MALL

DataWorks Reference: 068/023
Disclosure of Interest: Nil
Previous Item: SGS0705-04
Responsible Officer: Manager Planning Projects
Actioning Officer: Strategic Urban Designer
Decision Making Authority: Council
Agenda Attachments: 1 Consultant's report on proposed closure.
2 Summary of submissions received.

PURPOSE

To consider whether to proceed with the process to close the Adelaide St leg of the Westgate Mall Pedestrian Access Way (PAW).

EXECUTIVE SUMMARY

This report recommends that the part closure of the Westgate PAW should be deferred as it is considered that the closure would not properly resolve the current problems with the mall, particularly in the current economic and property development market.

Closure of the Adelaide St leg of the mall was being considered in order to resolve the long history of problems with security and amenity within this section of the PAW that result from low pedestrian volumes, poor sightlines and absence of shopfronts or other activities fronting this leg of the walkway. The closed section of PAW would be amalgamated with an adjacent lot or lots and it was anticipated that this would stimulate further amalgamation of lots resulting in a greater chance of significant redevelopment of part or all of the streetblock.

However as a result of the changed economic environment during 2008, there is now a concern that if the mall is closed in the near future it may remain undeveloped for some time, or not be developed to its full potential.

In the meantime, there is still a need to address the current and ongoing problems with vandalism, personal security and graffiti in the mall. This report also recommends that Council give consideration to the allocation of \$110,000 in the 2009/10 budget to undertake upgrading of the current mall including the installation of security CCTV, improved street furniture and landscaping.

BACKGROUND

In 2005 the Council commenced a planning and development study for the Westgate streetblock. The aim of the study was to investigate and recommend a viable option(s) for redevelopment within the study area that will "improve the commercial viability and vitality of properties, and upgrade the amenity and safety of public spaces".

The City engaged a planning consultant to carry out the study in two stages: Stage 1 included an examination of the background and an analysis of the current situation. Stage 2 involved the identification and examination of options for redevelopment as the basis for the preparation of a recommended strategic improvement plan for the study area.

The consultant's report, dated 3 August 2005, concluded that:

- The ability of the Westgate Mall complex to provide a positive contribution to the physical amenity and economic health of this part of Fremantle city centre is substantially compromised by its poor design, the large number of individual owners, its drab appearance and, in parts, its poor condition.
- The City has achieved little in the past 20-odd years by dealing conservatively and cautiously with the owners and traders in the Malls. If nothing different is initiated then this very unsatisfactory and frustrating situation will continue indefinitely. It is considered that the City can comfortably justify a more aggressive course of action in order to achieve improvements to the streetblock.
- The City is not a landowner in the Malls streetblock, but is a major land owner of the Point Street Carpark / Port Cinema streetblock, and therefore able to initiate direct, decisive actions to redevelop that area. This would then leave the northern part of the Malls streetblock as an underdeveloped "island", which could well stimulate new developer interest (and action by existing landowners) in this area.

The consultant recommended that:

1. In the immediate term the City take steps to close portion of the Westgate PAW, and, in conjunction with DPI/DLI, aims to ensure that the closed portion is acquired and developed by one of the abutting owners. (It will be important to ensure that yet another land owner is not introduced into the streetblock. The answer to a timely redevelopment of part or all of the streetblock is the progressive amalgamation of lots with a parallel reduction in the number of land owners.)
2. At the same time, the City should begin the process which will ultimately lead to the redevelopment of its landholdings north of Point Street. This should be done through an "expression of interest" register, whereby the City states its financial requirements and development and urban design parameters "up front", and waits to see what ideas are generated from the development industry.

In June 2007 the Council resolved to proceed with the redevelopment project for the City owned properties north of Point St, having purchased the remaining property in November 2006. This has resulted in the Council's recent agreement to implement a Business Plan for the disposal and redevelopment of the land and to invite tenders for disposal of the properties.

With regard to the consultant's first recommendation, the Council resolved at its meeting on 27 May 2007 that:

1. *The Council agrees to initiate the process to close the Adelaide Street leg of the Westgate Mall Pedestrian Access Way and authorises the preparation of a formal report on the implications of the closure, including seeking public and agency comment, and preparation of a submission to the Department of Planning and Infrastructure.*
2. *A report with the outcomes of part 1 above is to be brought back to Council through the Strategic and General Services Committee for consideration of whether to formally proceed with the closure.*

A report addressing the implications of closure, in accordance with DPI requirements, was subsequently prepared. The report, which makes a strong case that the PAW should be closed, is provided as Attachment 1.

Closure of the PAW could only proceed if it was to be amalgamated with an adjacent property or reserved. The Valuer General's Office was requested to value the section of mall proposed to be closed and several of the adjoining owners subsequently confirmed their interest in acquiring the land.

Comment from the public and relevant service authorities was then invited during September and October 2008. Information on the sixteen submissions and a petition that were received is provided later in this report and in Attachment 2.

COMMENT

There has been an extensive history of unsuccessful proposals to revitalise the Westgate Mall and to address ongoing security and maintenance issues. The aim of proposed closure of the Adelaide St leg of the PAW was to stimulate further amalgamation of lots throughout the streetblock with a parallel reduction in the number of land owners and leading to significant redevelopment of part or all of the streetblock.

As a result of the changed economic environment during 2008, it is now a concern that if the mall is closed in the near future it may remain undeveloped for some time, or not be developed to its full potential. At present more than 25% of the properties in this streetblock are vacant and closure of the PAW without any subsequent redevelopment could exacerbate this situation.

It is therefore considered that proceeding with the closure should be deferred. This would also be appropriate if, as part of a separate consideration, the Council agreed to carry out a broader examination of planning and development issues and opportunities in this sector of the city centre, including the Westgate streetblock. This would enable the City to be more pro-active in guiding and encouraging appropriate uses, built form and pedestrian access in any future development, which may or may not include closure, and/or relocation, of the PAW.

There are, however, ongoing problems with vandalism, personal security and graffiti in the mall that should be addressed in the short-term. It is therefore recommended that the Council give consideration to the allocation of \$110,000 in its 2009/10 budget to undertake upgrading of the current mall including the installation of security CCTV (\$25,000), improved landscaping (\$25,000), street furniture (\$33,000) and fees and contingency (\$27,000). The installation of security gates at the 3 entrances has been examined but is not recommended for this interim stage due to the estimated capital cost

(\$120,000 to \$150,000) and the ongoing management arrangements that would be required for daily opening and closing of the gates as well as for after-hours and emergency access.

If, however, the Council wishes to proceed with the closure now, the next steps in accordance with formal procedure established by the WA Planning Commission, is to:

- Submit the closure report to the Department for Planning and Infrastructure, including an assessment of public and agency comments received.
- Resolve to proceed with the closure (subject to support from DPI), having regard to the impacts of the closure as identified in the closure report, the advice received from agencies and comment from the public.
- Update the closure report. If the council resolves to proceed the report is updated with details of consultation and advice received.
- Submit the closure report to DOLA.

CONCLUSION

It is concluded that the part closure of the Westgate PAW should be deferred as it is considered that the closure would not properly resolve the current problems with the mall, particularly in the current economic and property development market.

STRATEGIC AND POLICY IMPLICATIONS

Revitalising the area, and upgrading amenity and safety would achieve the key result areas in the City Plan for a Vibrant Economy and an attractive, accessible, safe and stimulating City Centre.

BUDGET IMPLICATIONS

It is recommended that the Council consider allocation of \$110,000 in the 2009/10 budget to undertake security and upgrading works within the mall.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The WA Planning Commission has established a formal process to be followed for the closure of a PAW. If the closure proceeds, the City will need to liaise with DOLA regarding the preparation of relevant documentation.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Comment on the proposed closure was invited via:

- Local newspaper advertisement.
- The City's website.
- Mail out to approximately 280 residents and businesses within and surrounding the PAW.
- Signs at each end of the PAW throughout the comment period.
- Service authorities advised in writing.

At the closure of the six week comment period on 31 October 2008, sixteen submissions and a petition had been received. A summary of the submissions is provided as Attachment 2.

- 3 submissions from mall owners / traders supported the closure.
- 5 from mall owners / traders opposed the closure.
- 3 from Adelaide St residents opposed the closure.
- 5 service authorities had no major objections to the closure, subject to conditions.
- A petition from approximately 200 signatories opposed the closure.

Opposition to the closure was mostly for the reason that it would reduce pedestrian traffic in the mall and therefore effect the viability of businesses in the mall as well as further increase the likelihood of anti-social behaviour in the area.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

Cr G Adeane MOVED an amendment to the Officer's Recommendation to the following:

2. **Give consideration to the allocation in the draft 2009/10 budget to undertake upgrading of the current mall including the installation of security CCTV, improved landscaping and street furniture *and Installation and management of a gate system***
3. ***Officer's bring back a report on the feasibility of part two and possible sources of contribution of these items.***

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

COMMITTEE'S AND OFFICER'S RECOMMENDATION

MOVED: Cr G Adeane

That the Council:

1. **Agree to not proceed at this time with the closure of the Adelaide St leg of the Westgate Mall Pedestrian Access Way as it is considered that the closure would not properly resolve the current problems with the mall, particularly in the current economic and property development market.**

- 2. Give consideration to the allocation in the draft 2009/10 budget to undertake upgrading of the current mall including the installation of security CCTV, improved landscaping and street furniture and Installation and management of a gate system
- 3. Officer's bring back a report on the feasibility of part two and possible sources of contribution of these items.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

SGS0903-3 INFORMATION REPORT FOR MARCH 2009

LOCAL GOVERNMENT REFORM AGENDA – GUIDELINES

DataWorks Reference: 102/001
Author: Glen Dougall, Director Corporate Services
Agenda Attachments: Attachment 5 – Local Government reform Timeframe and Guidelines
Attachment 6 – **Confidential** – Advice from Jackson MacDonald Solicitors in relation to the Ministers Guidelines.

The Minister for Local Government and Regional Development has released the reform agenda timeframe and guidelines for local government to provide to the Minister in relation to his announcement for amalgamations for local government. These guidelines were released on 3rd March, 2009.

The timeframe proposed seeks local government to consider suitable amalgamation partners, a reduction in the number of elected members and completion of a checklist of items by 30 April, 2009 as stage 1. It then proposes a further 4 stages concluding in August 2009 where the Minister proposes, through a Reform Steering Committee, to refer the matter to the Local Government Advisory Board for consideration. The membership of the Steering Committee established by the Minister is provided in the attachments.

The process suggests that any structural reform proposals could be in place by July 2011.

The City has received a legal opinion from one of our panel solicitors to advise that currently the guidelines are couched in voluntary terminology. A copy of this advice is attached as a confidential attachment. Legislative requirements still provide that before a recommendation to amalgamate can be implemented, notice has to be given to the residents of the district and a poll can be called by the residents and the Minister must abide by the results of the poll. The Minister is establishing working groups to consider matters such as legislative change though.

It would seem that there is no obligation on behalf of local government to follow the reform process established by the Minister, however officers will review the proposal provided by the Minister over the next week with the intention of formally reporting to Council on what action may be considered.

FREE & SUBSIDISED USE OF HALLS AND RESERVES 2008

DataWorks Reference: 042/016
Author: Donna Turner, Coordinator Service & Information
Agenda Attachments: Attachment 1 – List of subsidised use provided

The Coordinator Service and Information has delegated authority to accept or reject bookings and to approve subsidised use up to 50% of the hire fees and under certain conditions free use of the Town Hall (or alternative halls) and reserves in accordance with the criteria specified in the Town Hall Management – OP7 policy and Sporting and Recreational Reserves Hire and Bookings - OP13.

The list of free and subsidised use for 2008 has been provided to Council for information

HERITAGE AND SPECIAL PLACES ADVISORY COMMITTEE MINUTES OF FEBRUARY 2009 MEETING

DataWorks Reference: 039/004

Author: Vanessa Collins, Heritage Planner
Agenda Attachments: Attachment 2 – H &SPC Minutes 3/02/09
Attachment 3 – H &SPC special meeting Minutes
16/02/09

The first meeting of the Heritage and Special Places Committee (the Committee) for 2009 was held on 3 February. The committee advises Council through the Strategic Planning Committee on proposed developments, strategy, policy, performance standards and other relevant matters relating to heritage. The committee is chaired by Cr Dowson and includes seven Councillors and eight community representatives.

A special meeting was also held on the 16 February for a presentation and discussion on the Fremantle East End Planning and Urban Design Study prepared for the City of Fremantle by Hassell Ltd and dated January 2009.

The minutes for both H&SPC meetings are attached.

URBAN DEVELOPMENT ADVISORY COMMITTEE – MINUTES OF MEETING HELD 9 FEBRUARY 2009

DataWorks Reference: 039/006
Author: Strategic Urban Designer
Agenda Attachments: Attachment 4 – UDAC Minutes 9 February 2009

Representatives from consultants Hassell Ltd attended the meeting to provide a briefing on the recommendations in the East End Planning & Urban Design Study and to note feedback from committee members in accordance with the Council's resolution on 28 January 2009.

Minutes of the meeting are attached.

COMMITTEE'S AND OFFICER'S RECOMMENDATION

MOVED: Cr G Adeane

The information report for March 2009 be received.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

SGS0903-5 FOOTPATH ASSET MANAGEMENT AND SERVICES PLAN

DataWorks Reference: 030/029
Disclosure of Interest: Nil
Previous Item: SGS0805-13 Asset Management Policy
Responsible Officer: Philip Gale, Acting Director of Technical Services
Actioning Officer: Kelton Hincks, Facilities and Assets Coordinator
Decision Making Authority: Council
Agenda Attachments: Attachment 1 – Footpath Asset Management and Services Plan

PURPOSE

To seek council endorsement of the Footpath Asset Management and Services Plan.

EXECUTIVE SUMMARY

This item seeks council approval of the Asset Management and Services Plan for Footpaths as part of the adoption of a more formal and structured approach to management of the City of Fremantle's assets.

BACKGROUND

The City of Fremantle became part of the West Australian Asset Management Improvement Program in February 2008. Since then the City has been committed to developing asset management within the organisation. The WAAMI program educates Staff and Councillors in the principles of Asset Management and also helps develop strategic goals. One such goal was to create an Asset Management Policy which was adopted by Council in May 2008.

Following on from the Policy an Asset Management Strategy has also been created and approved by Senior Management which included an action plan. This plan highlighted the need to develop "First Cut" Asset Management and Services Plans for all nine (9) asset classes. This first of which is the Footpath Plan.

These plans are structured in the format recommended by the West Australian Asset Management Improvement Programme and contain information on inventory, levels of service, demand, life cycles, financial summaries and improvement plans.

COMMENT

This plan focuses on the Cities footpath network, how it is managed currently and identifies any gaps in service delivery against desired levels of service. The resulting financial summary in the document identifies funding gaps but there is no recommendation or funding strategy. The funding strategy will feature in the Advanced Asset Management Strategy after all nine (9) Asset Management and Services Plans are completed. This approach enables officers to evaluate the desired levels of service for all classes and find the optimum funding solution to provide these services.

CONCLUSION

Nil

STRATEGIC AND POLICY IMPLICATIONS

This item has a connection to the Strategic Plan through Strategy 3 (A Beautiful and Accessible Place), key result area 6 (Facilities and Infrastructure)

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The long term goal is to create an approach that is more likely to be sustainable in the future by preserving current assets in high functioning condition thus reducing excessive spikes in funding demands.

Environmental

The long term goal is to create an approach that is more likely to be sustainable in the future through using materials and services that present low carbon footprints.

Social

The long term goal is to create an approach that is more likely to be sustainable in the future by presenting facilities that are of a high standard and are available for use by the community at all times.

BUDGET IMPLICATIONS

There are no budget implications at this stage; however, future budget changes are likely once all plans are completed and the Advanced Asset Management Strategy is presented to Council.

LEGISLATIVE AND LEGAL CONSIDERATIONS

There are no specific legislative or statutory requirements in this area as yet, however it may become a requirement of local governments to produce asset management plans at sometime in the future.

From a legal perspective there is an important risk management imperative in developing asset management plans and strategies that indicate how an organisation will deal with the monitoring, repair and maintenance of its assets.

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council approve the adoption of the Footpath Asset Management and Services Plan as detailed in attachment 1 of the Strategic and General Services Committee agenda of 11 March 2009

COMMITTEE'S DECISION

Cr G Adeane MOVED to defer this item to the next Ordinary Meeting of Council to allow the Service Plan to be distributed.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

The Service Plan was not included in the Agenda's Attachments, this will be provided at the next Ordinary Meeting of Council.

SGS0903-8 RECOMMENDATIONS FOR THE 2010 SURVIVAL ABORIGINAL CULTURAL FESTIVAL (SACF) TO BE HELD AT FREMANTLE PARK

DataWorks Reference: 154/016
Disclosure of Interest: Nil
Previous Item: Nil
Responsible Officer: Ken Posney, Director Community Development
Actioning Officer: Doreen Johnson, Events Operations & Logistics Officer
Decision Making Authority: Council
Agenda Attachments: Minutes of de brief for Survival Concert 2009

PURPOSE

To approve the 2010 Survival Aboriginal Cultural Festival (SACF) to be held at Fremantle Park.

EXECUTIVE SUMMARY

The Survival Aboriginal Cultural Festival (SACF) was held in Fremantle on 26 January 2009 at the western end of Fremantle Park by the Coalition of Peoples' (organiser). Of the estimated 3500 hundred people who attended, there was a family atmosphere. The SACF and the headline acts were broadcast across Australia and the message emphasized was reconciliation with the traditional Australian Day celebrations. Unfortunately, a good day was marred by anti-social behaviour that took place at the end of the Festival and the aftermath that followed, later on in the evening. During the Festival, there was also street drinking going on around the Park. This item recommends how these negatives can be overcome so that the SACF can be held in 2010 at the same location.

BACKGROUND

The SACF has been held by the City of Perth since the year 2000. In 2009, the City of Perth decided to tender the Aboriginal event but as no tenders were approved, an Aboriginal group "Ngalang Koolark" was chosen to perform at the event. The event was held in the Supreme Court Gardens between 5:00 pm and 8:30 pm and the City of Perth did not experience any unusual problems.

There is much speculation about anti-social problems but Events Coordinator, Marija Jelavic, who worked with the City of Perth on three SACF's mentioned that the organisers were a dream to work with.

Therefore, the 2009 Survival Aboriginal Cultural Festival was held at Fremantle Park on Monday, 26 January 2009 from 1.00 – 8.00pm This free family event featured music, dance, stalls and displays and had Mary G, Fitzroy Xpress and Yabu as headline acts. The event was also attended by the Hon Kim Hames, Minister of Indigenous Affairs, the Deputy Leader of the Opposition, the Hon Roger Cook and several of our Fremantle Elected Members.

The event was approved under delegated authority, by the Director of Community Services under the "Sporting and Recreation Reserves Hire & Bookings & the Concerts In Fremantle Policy 1991".

As the event generated public interest and issues of anti-social behaviour reported in the press, the option to hold the 2010 Survival Aboriginal Cultural Festival is being submitted to Council for a decision.

COMMENT

Subsequent to the event a debrief was held on Monday, 9 February 2009 and a copy of these minutes are attached. Two of the public safety issues taken from the Coalition of Peoples' Survival 2009 Report are mentioned as follows:-

"Recommendation – To increase the presence of the Western Australian Police Force throughout the day to assist in policing alcohol consumption and to decrease anti-social behaviour.

Recommendation – To source security firm that have crowd control management credentials and are well resourced as far as staffing is concerned to ensure smooth running on the day."

I would add the following recommendations:-

- Discussions be held with Coalition of Peoples' about fencing out the event. This will allow security to discriminate between those who are consuming alcohol and generally provide a more orderly event. The fence does not have to be any taller than 1.5 metres. It is a free event and that size should be sufficient.
- Council to ensure that "Notification of Residents" should be done as a matter of course. For example, 80% of residents of Barnett Street mentioned that the event was great. However, they received no notification of the event.
- Rubbish bins were an issue, there were not enough. Council will ensure that the organisers will provide adequate bins.
- The organisers "Coalition of Peoples' be invited to preliminary meetings organised by Council in connection with the "Cracker Night" celebrations. (This is something that may occur in the process rather than specifically sought)

CONCLUSION

Council has many policies that support events of this nature. It appears that Coalition of Peoples' create opportunities to achieve reconciliation among its people as a basis for a just and sustainable society. But that being said, the safety concerns have to be addressed by the event organisers.

It should be noted that Council did not receive any complaints from this event.

STRATEGIC AND POLICY IMPLICATIONS

- Support and encourage community initiated cultural development events and services.
- Support and participate in significant events that celebrate the diversity of Fremantle.
- Initiate and support events and programs working towards Indigenous inclusion.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Nil

Environmental

Nil

Social

To celebrate the inclusion of Indigenous culture.

BUDGET IMPLICATIONS

Nil

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Council

OFFICER'S RECOMMENDATION

1. Council approve the application for the 2010 Survival Concert to be held at Fremantle Park subject to the organisers (Coalition of Peoples) complying with the following recommendations:-
 - a) The Concert to conclude at 6.30 p.m.

- b) Coalition of Peoples' request a more increased presence of the Western Australian Police Force throughout the day to assist in policing alcohol consumption and to decrease anti-social behaviour.
- c) Coalition of Peoples' to source a security firm that has crowd control management credentials and are well resourced as far as staffing is concerned to ensure smooth running on the day."
- d) Discussions be held with Coalition of Peoples' about fencing out the event at Fremantle Park. This will allow security to discriminate between those who are consuming alcohol and generally provide a more orderly event. The fence does not have to be any taller than 1.5 metres (it is a free event and that size should be sufficient.)
- e) Coalition of Peoples' to ensure that "Notification of Residents" be done as a matter of course . (For example, 80% of residents of Barnett Street mentioned that the event was great. However, they received no notification of the event.)
- f) Council to ensure that Coalition of Peoples' the will provide adequate bins. (Rubbish bins were an issue, they were not enough.)

Cr D Thompson MOVED an amendment to the Officer's Recommendation to include the following wording:

- 1. Council to support in principle the 2010 Survival Concert to be held at Fremantle Park to conclude at 6.30 p.m; and**
- 2. This approval in part one is subject to revised Event Management Plan which includes but is not limited to the following;**
 - a) An increased presence of the Western Australian Police Force throughout the day to assist in policing alcohol consumption and to decrease anti-social behaviour.**
 - b) A security firm that has crowd control management credentials and are well resourced as far as staffing is concerned to ensure smooth running on the day."**
 - c) Fencing of Fremantle Park during the event. Allow security to discriminate between those who are consuming alcohol and generally provide a more orderly event.**
 - d) Notification of Residents to be done two weeks prior to the event.**
 - e) Ensure the provision of adequate bins.**
 - f) Applicant to arrange with culturally suitable organisations to provide transport after the event.**

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

COMMITTEE'S AND OFFICER'S RECOMMENDATION

MOVED: Cr G Adeane

- 1. Council to support in principle the 2010 Survival Concert to be held at Fremantle Park to conclude at 6.30 p.m; and**
- 2. This approval in part one is subject to revised Event Management Plan which includes but is not limited to the following;**
 - a) An increased presence of the Western Australian Police Force throughout the day to assist in policing alcohol consumption and to decrease anti-social behaviour.**
 - b) A security firm that has crowd control management credentials and are well resourced as far as staffing is concerned to ensure smooth running on the day."**
 - c) Fencing of Fremantle Park during the event. Allow security to discriminate between those who are consuming alcohol and generally provide a more orderly event.**
 - d) Notification of Residents to be done two weeks prior to the event.**
 - e) Ensure the provision of adequate bins.**
 - f) Applicant to arrange with culturally suitable organisations to provide transport after the event.**

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

To remove any speculation about the requirements of the conditions.

SGS0903-9 NOTICE OF MOTION - ANNUAL MEETING WITH FREMANTLE PORT AUTHORITY

DataWorks Reference: 097/004
Disclosure of Interest: Nil
Previous Item: Nil
Author: Cr John Dowson
Decision Making Authority: Council
Agenda Attachments: Nil

BACKGROUND

The CEO of the Fremantle Port Authority has recently been announced. It is over a year since the full Council met with the full board of the Fremantle Port Authority. It was previously agreed that a regular meeting should take place to discuss mutual major topics such as

- a) Capping the number of containers through Fremantle
- b) Ensuring a high quality marine environment in the Swan River and off Fremantle
- c) Encouraging the great work Fremantle Ports has been doing with the Passenger Terminal, and further restoration and expanded use
- d) Indicating to the port what our priorities are for this year
- e) Working together to secure a 5 star hotel in an appropriate location in the City or on port land
- f) The future of US naval visits, which have dropped off significantly
- g) Fremantle's transport challenges
- h) Interpretation and reuse of the west end of Victoria Quay

I feel Fremantle Council needs to firm up its own position on the future of the Port, I would like to a workshop to be held in order to seek that Council formulise a view on the following issues.

RECOMMENDATION

For Council to hold a workshop to formulise a view on:

1. The future of the Inner Harbor
2. Whether Council seeks to have a limit on the number of containers annually through Fremantle (say 650,000)
3. What efficiencies Council seeks, to reduce the impact of container traffic eg faster acceleration of container to rail traffic, fewer empty containers on the roads, and in terms of Council preferences for a new Outer Harbour Port, support for the Cockburn Island model, or land model or Buckridge model.

Cr G Adeane MOVED an amendment to the Recommendation 1 and to delete points 2 and 3.

For Council to hold a workshop to formulise a view on:

- 1. The future of the Inner Harbor specifically in response to the Minister's Taskforce "Terms of Reference"**

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

COMMITTEE'S RECOMMENDATION

MOVED: Cr G Adeane

For Council to hold a workshop to formulise a view on:

- 1. The future of the Inner Harbor specifically in response to the Minister's Taskforce "Terms of Reference"**

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

SGS0903-11 BUDGET REVIEW 2008/09 - MID YEAR

DataWorks Reference: 091/003
Disclosure of Interest: Nil
Previous Item: C0807-4
Responsible Officer: Glen Dougall, Director Corporate Services
Actioning Officer: Alan Carmichael, Manager of Finance
Decision Making Authority: Council
Agenda Attachments: Financial Statements for Period Ending 31 December, 2008.

PURPOSE

To receive and review the Mid Year Budget Report prepared in accordance with the requirements of the Local Government Act 1995. The report considers the progress of the adopted budget for 2008/09 and highlights areas where the budget may not be or will not result as anticipated when the budget was adopted. It will also highlight any new issues that may have arisen since the adoption. Issues identified in the audit process for 2007/08 which may affect the brought forward balance of the current budget from the previous year will also be considered.

The review considers the period from 1 July to 31 December, 2008.

EXECUTIVE SUMMARY

Local Governments are required to undertake a mid year budget review each year to ensure sound financial management. With the global financial crisis (GFC) impacting on economies and organisations all around the world, it is even more prudent to undertake regular reviews of performance against budget estimates.

Senior Management has developed a draft framework in response to the GFC which will be presented to elected members in a future workshop in the near future. This report does not deal with that, but rather the statutory responsibility of a mid year review.

The 2008/09 Budget was adopted at the Ordinary meeting of Council on 23rd July, 2008. It was adopted with a \$150,000 surplus in accordance with normal practice over the past years.

The budget was adopted with a carry forward surplus of \$3,636,059 which reflected projects or activities being carried over from the previous year. The end of year result from the audit has identified a variance in the brought forward figure anticipated when adopting the budget and the actual result. The actual figure is more than anticipated at \$3,790,253. While this figure is a greater amount than estimated the final figure also includes a variation to unexpended loans for a further \$363,322 for the City Blueprint Project. This variation needs to be subtracted from the opening balance resulting in a deficit when compared to the estimated carried forward.

Changes made through Council since the budget was adopted have increased the budget surplus to \$170,146 at 31 December 2008 and reduces it to \$97,146 at 28 February 2009.

The review will consider and report only on the relevant areas of each business unit. Commentary will be provided only on the areas that are considered relevant enough to raise and any areas where comment is not made are either due to the budget tracking in accordance the anticipated result or that the result is expected to track on budget by year end.

BACKGROUND

Each year local governments are required to adopt a budget for the activities and services it will perform in that financial year. The Local Government Act 1995 requires that a review of the budget is to occur once a year for the period ending 31 December of that financial year.

This report provides the review for the 2008/09 adopted budget for the period ending 31 December, 2008 and considers how any issues raised may affect the end of year result.

COMMENT

Local Governments are required to undertake a mid year budget review each year to ensure sound financial management. With the Global Financial Crisis (GFC) impacting on economies and organisations all around the world, it is even more prudent to undertake regular reviews of performance against budget estimates.

The review of the mid-year position of the 2008/09 has been more in depth than previous reviews. Due to the GFC and the result on our investments it is considered appropriate that a more in-depth view of the situation be provided to Council so as to ensure that the City is managing its financial capacity appropriately.

This report identifies issues by business unit and services within each unit. Areas considered relevant to the end of year position will be raised for information and/or consideration to budget amendments where considered necessary;

City Management

City Management

Boundary Review (1116903.7): This project has a budget allocation of \$30,000 and is yet to commence, although requests for quotes have been called and this period ends on 20 February, 2008. The brief for this project will be modified slightly to account for the announcement by the Minister for Local Government on 5th February, 2008 in relation to seeking local governments to consider amalgamations within the next six months. The brief will not necessarily reflect forced amalgamation but will consider where boundary change could occur in accordance with the current legislative requirements.

Retail Strategy (1116903.91): This project was a previous project carried forward from 2005/06 and started out to be more of a commercial strategy. After consideration at further budget workshops it was changed to a retail strategy and has become more about marketing and needs of retail for Fremantle CBD. Due to the change in the overall marketing for Fremantle (the old Fremantle First allocation) it is considered that this money may no not be a priority and the \$50,000 allocated to this budget will not be spent. It is also considered that the money will not be proposed to be carried forward into the next budget.

Fremantle Marketing: A report was provided to the February round of meetings detailing the first six months of the Fremantle marketing Strategy. The brand – “*find yourself in Fremantle*” has now been established and currently the expenditure is tracking in line with budget. This program has received some extra revenue in the form of business contributions to the Boxing Day radio advertising campaign but this is only anticipated change to the current budget and will be offset by the cost of this advertising.

Corporate Services

Corporate Services Management

Salaries (1167110): Due to maternity leave, which has a paid portion in accordance with Council Policy, and back-payments this year this account will finish the end of the year approximately \$30,000 over budget. It is expected that general savings in salaries across the organisation will offset this situation.

Integration of Local Government Software ERP (1161671): The enterprise resource implementation into the Technology One solution is well underway. Configuration of the new software will be completed by February and testing of the product will occur after that. Due to a need to update the software, delays in configuration and the need to ensure effective training the “go live” date has been moved from 9th March, 2009 to the 1st July, 2009. This will provide benefits in that less transactional data conversion is required and allow for the current financial year to be completed on the current system. Once end of year is completed then the opening balances can be transferred into the new system.

This project is currently tracking on budget with the \$500,000 allocation expected to close to fully expended by the end of the year. A 70 day training plan has been created for the organisation which will see 285 staff trained in the new software.

The new system will be demonstrated to elected members soon. It is structured around asset management, using asset codes and work orders and a costing ledger which will feed up to a greatly reduced general ledger structure. Much of the detail of costs will be held in works and assets and the cost ledger and this will allow for greater management reporting of programs. The new Property and Rating system will provide the ability to deal with our residents, ratepayers and customers as one person within the entire system rather than multiple databases in each area, this will better improve the way we manage single and multiple dealings with our community.

Information Technology

Computer Software maintenance (3216915): This account is currently over the annual allocation. Budget allocation is \$186,000 and the current expenditure is \$235,000 – an over-expenditure of \$49,000. It is not anticipated that any further allocation is required this financial year and is the result of having licence fees for both our redundant local government software (Aussoft) and the new Enterprise software (Technology One) being implemented.

A further issue is the need to expand licensing capacity under the new software to ensure a sufficient number of employees are able to access the different applications at the same time, these are not fully known at this time and it is not expected to impact until after July when the new system takes over. Savings will be sought in IT capital program to offset this budget situation.

Human Resources

Recruitment Advertising (4537310): This year to date accrual of \$52,000 is reflective of the labour market over the past. This amount will be allocated over various business units before year end. With the Global Financial Crisis the labour market is showing some signs of shifting again and recent vacancies have seen significantly raised responses which should see the high recruitment costs of the past couple of years move back.

Finance

Interest – Investments (5144710): The Global Financial Crisis (GFC) has seen the interest earnings potential this year significantly diminished to those of the past couple of years. In the past the City has realised the increasing value of our growth asset investments each year which, with interest earned, has resulted in good returns. The GFC which has seen a lowering in interest rates and the fall being experienced in some of our investments in growth products is affecting the current year result. Much of the interest currently being earned is being offset by the decrease in values of our investments in growth assets. As a consequence it is not anticipated that the City will achieve it's budget allocation of \$1.2 million in interest and growth earnings this year. Worst case scenario is that actual earnings may be more in the \$300,000 range.

Rate Revenue (various): rate revenue this year is tracking above budget estimates. This is mainly due to better than expected interim rates. As a result it is anticipated that rate revenue will end the year about \$200,000 better than anticipated.

Administration Building Maintenance (various): There have been several building maintenance issues with the administration building this year which have resulted in the year to date actual (\$125,850) already exceeding the annual budget (\$117,040). This area will need to be closely monitored for the remainder of the year.

Building maintenance across the organisation is causing some concern and a separate report will need to be compiled to address the needs of the organisation.

Commercial Properties

Property Rental (various): Various properties have been subject to market rent reviews this year that have seen an improved rent return compared to estimated rents when adopting the budget. Queensgate rents (6414531.0311) will return an extra \$100,000 alone. It is estimated that by year end an additional \$200,000 in rent will be achieved across the various leases for commercial property. This will be partly offset by some overruns in reactive building maintenance of approximately \$30,000. This additional revenue can be used to assist in offsetting the decrease in interest revenue mentioned above.

Parking

Parking Revenue (various): Both on-street and off-street parking revenues are well above budget estimates for the mid year period. On-street parking is approximately \$110,000 over budget estimates for the period and off-street is approximately \$340,000 over the estimate for this period. If this trend continues parking revenue will result in a net revenue surplus above budget of approximately \$600,000, taking into consideration some off-street sites are leased and improved returns are also returned to the Lessor.

Council Policy is to move any parking revenue excess into reserve funds. It is recommended that the budget transfer to reserve remain and that any excess be kept in general revenue to offset the decrease in interest revenue mentioned earlier.

Capital Program (various): The upgrade of the lifts in Queensgate carpark, purchase of new off-street ticket machines and finalisation of new ticket machines in Queensgate carpark are all being progressed. These projects are all funded from reserve funds so do not impact on the municipal funding within the budget. All these projects carried over from the previous year and have taken longer than anticipated. The only project expected to have some carry forward component for the end of the year is the on-street ticket machine contract. This contract should be adopted in March but may require some testing of the machines first.

Agency Labour – Integrated Patrols (2216941): This budget is already exceeded the annual estimate by \$16,000. Currently roster reviews have been occurring in this area and as a result agency staff have been used to cover vacant positions in this area. The roster changes have now been agreed by staff and management and these vacant positions will be filled with full time staff. The agency over-run should be offset by general salaries savings across the organisation.

CCTV Capital Grant (2214229.0223): The second stage of the CCTV program was due to be implemented this year. Unfortunately the grant funding of \$150,000 was not approved under the former state government. The new state government has promised specific funding for these projects although no actual funding round has been provided as yet. The City has placed a grant application to the Commonwealth Proceeds of Crime funding body but will not know the result of this application until April, 2009.

The City has received funding of \$20,000 through its Crime Prevention Plan which will be used to fund a mobile camera mounted on a trailer.

CCTV Capital Program 92211641.0223: As noted above the grant funding for this program has not been approved to date. The budget of \$247,200 is unlikely to be

expended unless the Commonwealth approve a request for grant funding in April, 2009. Even if approval was given it is expected that the implementation will not be finalised by the end of June, therefore being carried forward into the next financial year.

As the Crime Prevention Plan grant of \$20,000 has been received the new mobile camera will be sourced. This part of the CCTV program represents \$70,000 of the total budget in this account.

Community Development

Community Development Support

Salaries (4167110): This account is \$37,000 over budget estimates at the period end of 31 December, 2008. This is mainly due to back-pays. This will reduce over the balance of the year although not entirely, but should be offset by the general savings across the organisation salaries accounts.

Consulting Services (4166903): The consulting budget has already reached the annual estimate of \$20,000. There is more outstanding on this account to the value of approximately \$2,000. It is not expected that any further allocations will be required.

Contracted Services – Family Awards (4166912.1): This account, with a budget estimate of \$10,000, is new to this financial year. No expenditure has been allocated to date. These funds should have been added to the Arts Centre budget and will need to be transferred with this review.

Children Services

Child Care – Quarry Street (various): Over the past several months the City has been negotiating with Not for Profit group Wanslea to take over the child care service. This transfer of business officially took place in November, 2008. From August 2008 City of Fremantle staff were transferred to Wanslea and the City contracted Wanslea to manage the operation, until the Commonwealth approved the licence transfer to Wanslea – which occurred in November. Revenue from this service to the City is up on budget estimates by approximately \$140,000. This can be attributed to the fact that the City managed the business for a longer period than expected, therefore revenue was collected for a longer period than expected. The records indicate that Grant revenue (3414324.055) is down by \$30,000 whilst Parent Fees (3414511.055) is up by \$170,000.

The longer period also resulted in the City contracting Wanslea to provide staff to manage this service for a longer than expected period. General costs are therefore over-expended by \$190,000 (accounts 3416912.16 and 3416912.17), resulting in an overall cost to the City of approximately \$50,000. A review of these accounts has been requested to ensure that finalisation of the transfer has been completed and these results are final. It is anticipated that some consideration of any outstanding debts will also need to be analysed.

Community Legal Centre

Financial Counselling Grant (3814314.0543): The Funding agreement for this service has been varied by \$36,000. The original budget estimate was \$58,707 but has now been varied to \$95,000. It is recommended the budget be modified to reflect this change.

Fremantle Community Youth Service

Recruitment Advertising (3517310): various vacancies has seen an allocation to Youth Services for recruitment of \$18,000. There was no budget allocation for this and generally any associated costs are offset by vacancy factors in salaries. Whilst there is no direct offset in salaries for youth services, it should be absorbed across organisation salaries in general.

Fremantle Community Care

Salaries Dial a Bus (3657110.526): The actual expenditure to December is \$20,000 under budget estimates for this time of the year. This is offset by an over-expenditure in Agency payments (3656941.0526) of \$36,000. It is anticipated there will be a \$30,000 over-all deficiency in this area at year end.

Salaries – Aged and Disabled (3687110): This account is under estimate for the end of December period by \$18,000. This will be used as part of the general salaries vacancy factor when offsetting agency labour and other general salaries over expenditure like mentioned above.

Freo Star (3686912.7228): The allocation for this budget is \$6,000 over – expended at the end of December. This does not include allocations for fuel as these are going to a vehicle operating account. Fuel is anticipated at \$10,000 per annum. With fuel and the possibility of advertising costs this budget is anticipated to end the year over-expended by around \$30,000.

Agency labour – Dial a Bus (3656941.0526): As mentioned above this account is over-expended by \$36,000 at the end of December. Salaries for this program are under expended but is unlikely to offset all of this account.

Warawee Women's Refuge

Department of Community Development Grant (4124314): The Grant revenue is \$97,000 in excess of estimated revenue for the end of December. Whilst there has been a small increase in this grant the difference is more to do with how the revenue has been scaled within the budget rather than achieving any significant difference by year end.

Agency Labour – Warawee (4126941): This account is already over the annual estimate within the budget. It is anticipated that this account will finish the year \$10,000 over budget but will be offset by savings in salaries.

Recreation Management

Fremantle Festival – Wardanji Grant (4184319.1014): The original budget estimate for this grant was \$15,000. Since the adoption of the budget further approvals have been gained and the grant is now expected to be \$31,000. This extra allocation will be offset by the festival event activities.

Donations – Community Arts (4174440.0): As the sponsor for the Cracker Show withdrew this year new sponsorship for the event has been sought. In previous years the main sponsor provided and paid for the fireworks contractor. Due to the change the Fireworks contractor will be sourced by council and therefore sponsors will pay council directly. This account will therefore receive an income of \$15,000 from two sponsors. A third sponsor is not registered for GST so a separate account is needed to account for no GST.

Donations – Community Arts GST Free (4174440.6): This allocation of \$5,000 required for a sponsor for Cracker Night who is not registered for GST.

Donations – Buskers Festival (4254440.1): No revenue has been received for this account for the past two years. It currently has a budget of \$32,000 but is not expected to realise any funding and therefore is recommended to change to nil.

Salaries – Community Arts (4177110): The estimated budget for the end of December has been exceeded by \$40,000. The total budget is \$98,000 of which \$89,000 has been allocated at end of December. The main reason for this is the employment of the Co-ordinator for the Village Art Market. The agency labour allocation is down by \$28,000 to offset most of this.

Contracted Services – Village Art Market (4176912.94): As mentioned immediately above this allocation is below estimates at the end of December by \$28,000 and will offset the majority of over-expenditure in salaries.

Contracted Services Fremantle Services (4186912): The original budget for this program was \$42,000. The allocation to end of December is \$56,800, an over expenditure of \$14,800.

Contracted Services – Aust Day Fireworks (4176912.19): This year the City undertook the management of all of the activities on Australia Day, as a result of the major sponsor seeking to withdraw as major sponsor. This required the City to manage the management of the on-ground activities and the fireworks consultant. The City was able to achieve new sponsorship of \$20,000 and this should increase next year as the short notice of change left businesses needing to respond quickly to our request. This budget of \$26,250 will require a further allocation of \$35,000 for the fireworks expenses.

Contracted Services – Wardanji (4186912.1014): The original budget for this program was \$35,000. Current allocations to end of December are also \$56,800. As stated above the grant revenue did increase by \$16,000.

Fremantle Arts Centre

Sale of Stock – Craft Shop (4644570): Sales at the Craft shop are down on expectations at the end of December. The shop provides a greater risk as far a business operations are concerned in the current global financial crisis at the Art Centre and it is now estimated that sales here will finish year end some \$40,000 lower than estimated when setting the budget. Stock purchases are also up but not over year budget allocations at this time. It is not anticipated that further stock purchases will exceed budget.

Workshop Fees Terms 1, 3 & 4 (4674512.21 &.23 & .24): Workshop Fees are above expectations of the budget and on current trend should result in year end revenue above original budget estimates by approximately \$70,000. There is some offset in running these programs as a consequence of their popularity but the net effect should see a \$40,000 gain. This gain can be used to offset the lower revenue from the Craft Shop above.

Big Company Sponsorship (4664440.12): The Arts Centre was unable to gain sponsorship from business to cover this allocation of \$20,000. As a result no sponsorship will be received this year.

Australia Council Sponsorship (4664440.13): The Arts Centre was unable to acquire sponsorship of \$20,000 from the Australia Council and no funding will be received this year.

International Artist Sponsorship (4664440.4): The Arts Centre was unable to gain sponsorship for an international artist for \$10,000, no funding will be received this year.

Courtyard Music Sponsorship (4684440.11): The Arts Centre was unable to gain sponsorship for courtyard music for \$25,000, no funding will be received this year.

Sale of Alcohol (4684570.21): The original budget allocation of \$250,000 is expected to be exceeded with the events being held. It is recommended that this budget revenue is increased to \$460,000.

Activities and Events (4684533.2): The original budget for music events over summer is expected to be exceeded by \$35,000 by year end due to additional events being arranged. It is recommended to increase this revenue from \$75,000 to \$110,000.

Art Centre Salaries (various): Salaries for the Art Centre are over budget to the end of December. This has occurred for various reasons such as extra payment for courses due to the high volume of registrations and also due to backpays. As the Arts centre works to a maximum budget from Council it is envisaged that the Centre will account for this over-expenditure within its own budget. These will generally be offset by the extra revenue being generated from the Centre events. It is anticipated that the total extra salaries for the courses will be approximately \$40,000 and for backpay approximately \$28,000.

Contracted Services – Admin Art (4616912.1): The original Budget estimate was \$15,000 although an adjustment error as mentioned above with the Family Services Award should have seen the allocation set at \$25,000. It is recommended that this allocation error be corrected.

Contracted Services – Alcohol Sales (4686912.2): As mentioned above the events sales have seen better than originally estimated results. The costs to operate these events also increase as a result. The original budget estimate of \$50,000 is expected to almost double here to \$90,000.

Trading Stock – Bar (4686926.21): The events sales require an increase in stock. It is recommended that this account be increased from \$98,000 to \$165,000.

Sundry Bar Expenses (4686999.21): Again, as stated previously event sales and more events will require an increase in this budget from \$15,000 to \$30,000.

Leisure Centre

Swim School Fees (6624511.4055): Swim school revenue is up on budget estimates to the end of December by approximately \$20,000. It is anticipated the end of year result will finish above original budget estimates. To offset this Salaries for Swim School program is over by \$12,000 for the December period end.

General Admissions – Leisure Centre (6634511.4055): General admissions are also tracking above original budget estimates for the period ended December. These fees are \$23,000 above expectations.

Sale of Merchandise (6634570.4057): Merchandise sales are above expectations for the year by \$25,000. It is difficult to predict whether this trend will remain for the entire year due to the GFC but reflects well for the year.

Salaries (various): Salaries for the gym, swim school, admin and pool programs are above estimates for the end of December. The total approximates \$70,000 which is also the value of increased revenue. As stated in previous other areas the increased revenue is offset by increased costs and the Leisure Centre is reflecting this at the end of December.

Recreation

Sporting Wall of Fame (4196912.4): No budget was allocated to this program when setting the budget as it was anticipated that this program would not continue. The Sports and Recreation Advisory Committee subsequently recommended to continue the program which Council accepted. As a result funds have been expended that were not originally budgeted. An allocation of \$14,000 will need to be made to this account for this program.

Library

Contribution from East Fremantle (3114410): The City originally budgeted \$158,000 contribution from the Town of East Fremantle as per the shared services agreement. East Fremantle membership is higher than estimated and as a result this contribution has increased to \$176,000 for the year.

Salaries – Library (3117110.01): The actual expenditure in this area is approximately \$28,000 over the December estimate. This is partly due to a long term workers compensation matter where the benefit payments are currently being drawn from this account, although it is covered by insurance. The other issue is backpays. As stated already within this report it is expected the general level of savings across the organisation will result in offsetting this issue.

Capital Furniture and Equipment (3111641): Budget provision of \$52,400 to purchase some miscellaneous furniture and new carpet for library. During the year new floor coverings were replaced in the kitchen due to a staff accident for the amount of \$4,950. It is anticipated that a further \$33,000 will need to be allocated to install the carpets and cover the cost of the lino.

Capital Plant and Equipment (3111631): The purchase of a new vehicle has delivered savings of \$10,000 for this account. The new vehicle was downsized compared to previous vehicles. The original budget for \$30,300 will only require \$20,515.

Planning and Development

Strategic Planning

Consulting Services – Lefroy Rd Structure Plan (1216903.1): This budget is in place for the progression of the structure plan on Lefroy Road Landfill site in partnership with Landcorp. At this time it is not anticipated that all of the estimated budget, \$120,329, will be required and it is recommended to reduce this budget by \$50,000 to \$70,329.

Consulting Services – Elder Place Urban Design (1216903.7232): This budget was allocated to support a specific working group put together by the Chair of the WA Planning Commission. No meetings have been held since the retirement of the previous chair in December and therefore it is not expected that this allocation will be required this financial year.

Contracted Services – East End Planning Project (1216912.7216): This project is progressing well and will require further funding to ensure that sufficient reports and consultation is undertaken. It is recommended that a further \$20,000 is allocated to the \$38,665 already estimated.

Contracted Services – West End Conservation Policy (1216912.7251): This project was originally planned to be contracted out to a third party. A review of this project considers that this work would be better undertaken “in-house”. As a result the consultant budget is no longer required. The original budget of \$35,000 is recommended to for deletion.

Planning Services

Recruitment Expenses (2117310): As with Community Development there are recruitment expenses incurred here of \$23,000 that are not budgeted for. Due to the vacancy of positions there are savings in salaries in this area that more than offset this cost.

Consulting Services – Planning Decisions (2116903): No budget was estimated when the budget was adopted. To date \$73,500 has been expended in this account mainly to deal with McCabe Street planning and appeals. This budget is estimated to require approximately \$100,000 for the year.

Legal Expenses Planning Decisions (2116906): The total year budget for this account is \$225,000. Over the past we have seen this budget requiring a review due to the actual result being greater than anticipated. This year the budget is tracking slightly below expectations and is currently \$30,000 below its anticipated position.

Contracted Services – Building (2126912): The budget allocation of \$10,000 has already been exceeded due to consultants being required to cover leave of the Principal Building Surveyor. Again, salary savings will cover this.

Technical Services Directorate

Technical Services

City Works Maintenance (various): maintenance is currently tracking approximately \$290,000 above the estimate for the period ending in December. Most of this is attributed to larger requirements in footpath maintenance, drainage maintenance, pruning and turf management. The footpath budget was recently adjusted to account for footpath maintenance issues, in particular for the CBD.

Agency labour – Design (5216941): This budget is currently at \$38,000 with a budget allocation of \$10,000. It is anticipated that this account will be managed to ensure that it will be offset by other savings in salaries.

Capital – Street Vision Program (5251751.03): The budget for this program is \$358,000. This program is not expected to be completed this year and as a result it is recommended that this budget be modified and reduced by \$180,000 to \$178,000.

City Works

Contracted Services – Tip Fees (5426912): The Southern Metropolitan Regional Council has notified the City that it has undertaken its own budget review and have been required to re-assess its gate fees to account for significant changes to their revenue as a result of the Global financial Crisis. As a result the SMRC have agreed to increase the tipping fee for general waste by \$44.00 per tonne from 1 April, 2009. It is estimated that the City will tip 1875 tonnes over the remaining three months of the year. This will incur additional expense to this account of \$82,425 for the year. It is therefore recommended that this account allocation be increased to \$1,224,918.

Harvey Bay Jetty Acquisition. At the February 2009 Meeting, Council agreed to take over responsibility for the Harvey Bay Jetty. When this actually occurs it will have to be brought into the financial records as a capital acquisition at fair value with a contra to the non cash capital contribution account.

Contracted Services – Recycling Tip Fees (5436912.1): As per immediately above the SMRC have advised that the GFC will result in the need to increase the recycling tip fee from 1 April, 2009. It is estimated that the City will tip 960 tonnes for the balance of the year and therefore incur additional costs of \$42,200. It is therefore recommended that the budget be increased to \$183,733.

Audited Statements from 30 June, 2008.

The audit of last year's financial statements indicates a carried forward balance of \$3,790,253 as at 30 June, 2008. This year's budget estimated a brought forward balance for the start of the year at \$3,636,059. Whilst the difference, \$154,194, has not been fully analysed as yet but the result ensures that those items carried forward can be backed by cash from last year.

CONCLUSION

This mid year financial report is provided in more detail than previous years. This is for two reasons, the first being the level and detail of information which better informs Council of the current situation but also to provide greater diligence and understanding of the effects of managing the budget in consideration of the current Global Financial Crisis.

The City will need to continue to monitor its financial performance for the remainder of the year and also consider budget implications over the next two years when considering the next budget. Some of the variations being considered here will also carry into the next budget, and whilst issues such as interest earnings should improve on this year, it is not anticipated that it will improve significantly or near past performance. Revenue from planning and building fees will also more than likely be effected in future years and parking revenue, whilst still strong this year, may need careful consideration over the next two years to ensure that any effects of a recession are considered when setting the next budget.

The following adjustments are recommended to the 2008/09 adopted budget;

ACCOUNT No	ACCOUNT DESCRIPTION	BUDGET	VARIATION	PROPOSED BUDGET
	Opening Balance (surplus)/deficit		(97,146)	
	Opening Funds	(3,636,059)	(154,197)	(3,790,256)
	Unexpended Loans	136,059	363,322	499,381
1116903.91	Retail Strategy	50,000	(50,000)	0
5144710	Interest - Investments	(1,200,000)	100,000	(1,100,000)
5145999.5	Market Value Decrement	0	800,000	800,000
5154111.1	Residential - Rates Interim	(104,618)	(200,000)	(304,618)
6414531.031	Properties - Queensgate Lease	(1,270,650)	(100,000)	(1,370,650)
6424511.0364	Properties - Union Stores	(168,000)	(50,000)	(218,000)
6414531.0321	Properties - Fremantle Markets	(537,000)	(20,000)	(557,000)
6724521	Parking Fees - Queensgate	(1,400,000)	(200,000)	(1,600,000)
6734521	Meter Collection	(2,240,000)	(150,000)	(2,390,000)
6744522.7042	Parking Fees - Leased CP42	(800,000)	(50,000)	(850,000)
6754521.7001	Parking Fees - CP1	(345,000)	(40,000)	(385,000)
6754521.7013	Parking Fees - CP13	(310,000)	(20,000)	(330,000)
6764521.7002	Parking Fees - CP2	(200,000)	(20,000)	(220,000)
6764521.7011	Parking Fees - CP11	(435,000)	(40,000)	(475,000)
4166912.1	Contracted Services - Family Awards	10,000	(10,000)	0
3814314.0543	Financial Counselling Grant	(58,707)	(36,293)	(95,000)
4184319.1014	Freo Festival - Wardanji Grant	(15,000)	(16,000)	(31,000)
4174440.00	Donations - Community Arts	0	(15,000)	(15,000)
4174440.6	Donations - Community Arts (GST free)	0	(5,000)	(5,000)
4176912.19	Contracted Services - Cracker Show	26,250	35,000	61,250
4186912.1014	Contracted Services - Wardanji	35,000	21,800	56,800
4644570	Sale of Stock - Craft Shop	(159,000)	40,000	(119,000)
4674512.21	Workshop Fees Term 1	(97,000)	(8,000)	(105,000)
4674512.22	Workshop Fees Term 2	(63,000)	(5,000)	(68,000)
4674512.23	Workshop Fees Term 3	(51,000)	(37,561)	(88,561)
4674512.24	Workshop Fees Term 4	(55,000)	(25,252)	(80,252)
4676912.2	Contractors - Courses	6,000	4,000	10,000
4677110.2	Salaries - Courses General	43,670	4,318	47,988
4677110.21	Salaries - Term 1	47,174	5,000	52,174
4677110.22	Salaries - Term 2	33,124	2,000	35,124
4677110.23	Salaries - Term 3	33,124	9,500	42,624
4677110.24	Salaries - Term 4	31,122	13,950	45,072
4664440.12	Sponsorship - Big Company	(20,000)	20,000	0
4664440.13	Sponsorship - Australia Council	(20,000)	20,000	0
4664440.4	Sponsorship - International Artist	(10,000)	10,000	0
4684440.11	Sponsorship - Courtyard Music	(25,000)	25,000	0
4684570.21	Sale of Alcohol	(250,000)	(210,000)	(460,000)
4684533.2	Activities & Events Sales	(75,000)	(35,000)	(110,000)
4616912.1	Contracted Services - Admin Art	(15,000)	(10,000)	(25,000)
4686912.2	Contracted Services - Alcohol	50,000	40,000	90,000
4686926.21	Trading Stock - Bar	98,000	67,000	165,000
4686999.21	Sundry Bar Expenses	15,000	15,000	30,000
4684580.5	Commissions - Craft Show	(93,000)	10,000	(83,000)
4196912.4000	Sporting wall of Fame	0	14,000	14,000
3114410	Contribution from East Fremantle	(158,000)	(18,000)	(176,000)
3111641	Capital - Furniture & Equipment	52,400	33,000	85,400
3111631	Capital - Plant & Equipment	30,300	(9,800)	20,500
1216903.1	Consulting Services - Lefroy Road SP	120,329	(50,000)	70,329
1216903.7232	Consulting Services - Elder Place	20,000	(20,000)	0
2116903	Consulting Services - Planning	0	100,000	100,000
1216912.7216	Contracted Services - East End	38,665	20,000	58,665
1216912.7251	Contracted Services - West End CP	35,000	(35,000)	0
5251751.03	Capital - Street Vision	358,000	(180,000)	178,000
5426912	Contracted Services - Tip Fees	1,142,493	82,425	1,224,918
5436912.1	Contracted Services - Recycling	141,533	42,200	183,733
New	Harvey Jetty Acquittion	-	-	-
5144499	Non Cash Contribution Harvey Bay	-	-	-
TOTAL	Closing Balance (surplus)/deficit		(19,734)	

STRATEGIC AND POLICY IMPLICATIONS

The budget provides a balance of services and improvement projects in accordance with the City Plan. It demonstrates the allocation of limited resources in an efficient and effective manner to provide the outcomes expected by the community and considers the allocations under a five year budget.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The budget provides well maintained and developed infrastructure and services to support economic growth in the district.

Environmental

The budget strives to ensure sustainable use of natural and other resources and ensures an awareness of the value of the environment.

Social

The budget provides a balance of projects and services to ensure a good quality of life for our community.

BUDGET IMPLICATIONS

As per the commentary of the report.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Regulation 33A of the Local Government (Financial Management) Regulations 2006 provides the following;

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required.

COMMITTEE'S AND OFFICER'S RECOMMENDATION

MOVED: Cr G Adeane

- 1. The City of Fremantle 2008/09 Budget Review for the period ended 31 December, 2008 be adopted, and**
- 2. The following budget amendments to the City of Fremantle 2008/09 Statutory Budget be adopted;**

ACCOUNT No	ACCOUNT DESCRIPTION	BUDGET	VARIATION	OPOSED BUDG
	Opening Balance (surplus)/deficit		(97,146)	
	Opening Funds	(3,636,059)	(154,197)	(3,790,256)
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6424511.0364	Properties - Union Stores	(168,000)	(50,000)	(218,000)
6414531.0321	Properties - Fremantle Markets	(537,000)	(20,000)	(557,000)
6724521	Parking Fees - Queensgate	(1,400,000)	(200,000)	(1,600,000)
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4674512.24	Workshop Fees Term 4	(55,000)	(25,252)	(80,252)
4676912.2	Contractors - Courses	6,000	4,000	10,000
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4677110.22	Salaries - Term 2	33,124	2,000	35,124
4677110.23	Salaries - Term 3	33,124	9,500	42,624
4677110.24	Salaries - Term 4	31,122	13,950	45,072
4664440.12	Sponsorship - Big Company	(20,000)	20,000	0
4664440.13	Sponsorship - Australia Council	(20,000)	20,000	0
4664440.4	Sponsorship - International Artist	(10,000)	10,000	0
4684440.11	Sponsorship - Courtyard Music	(25,000)	25,000	0
4684570.21	Sale of Alcohol	(250,000)	(210,000)	(460,000)
4684533.2	Activities & Events Sales	(75,000)	(35,000)	(110,000)
4616912.1	Contracted Services - Admin Art	(15,000)	(10,000)	(25,000)
4686912.2	Contracted Services - Alcohol	50,000	40,000	90,000
4686926.21	Trading Stock - Bar	98,000	67,000	165,000
4686999.21	Sundry Bar Expenses	15,000	15,000	30,000
4684580.5	Commissions - Craft Show	(93,000)	10,000	(83,000)
4196912.4000	Sporting wall of Fame	0	14,000	14,000
3114410	Contribution from East Fremantle	(158,000)	(18,000)	(176,000)
3111641	Capital - Furniture & Equipment	52,400	33,000	85,400
3111631	Capital - Plant & Equipment	30,300	(9,800)	20,500
1216903.1	Consulting Services - Lefroy Road SP	120,329	(50,000)	70,329
1216903.7232	Consulting Services - Elder Place	20,000	(20,000)	0
2116903	Consulting Services - Planning	0	100,000	100,000
1216912.7216	Contracted Services - East End	38,665	20,000	58,665
1216912.7251	Contracted Services - West End CP	35,000	(35,000)	0
5251751.03	Capital - Street Vision	358,000	(180,000)	178,000
5426912	Contracted Services - Tip Fees	1,142,493	82,425	1,224,918
5436912.1	Contracted Services - Recycling	141,533	42,200	183,733
New	Harvey Jetty Acquittion	-	-	-
5144499	Non Cash Contribution Harvey Bay	-	-	-
TOTAL	Closing Balance (surplus)/deficit		(19,734)	

3. The City of Fremantle 2008/09 Budget allocation for transfers to the Parking Dividend Equalisation Reserve be set at the original budget figure of \$1,309,860 as opposed to policy when calculating the changes made to the budget in part 2 above, and
4. A further report be brought back to the April Strategic and General Services Committee in April, 2009, to consider the Building Maintenance budget over-runs for the organisation with a recommendation on management of these accounts for the remainder of the financial year.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Alice King Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

At 7.22 pm Cr D Thompson declared a impartiality interest in item SGS0903-13 and left the meeting during the voting of this item.

At 7.23 pm Cr B Massie declared a impartiality interest in item SGS0903-13 and left the meeting during the voting of this item.

SGS0903-13 FREMANTLE MARKETS PROJECT URGENT CONSERVATION WORKS - CONSULTANCY TENDER REPORT

DataWorks Reference: 214/025
Disclosure of Interest: Nil
Previous Item: Nil
Responsible Officer: Philip St John, Director Planning and Development Services
Actioning Officer: Agnieszka Kiera, City Heritage Architect
Decision Making Authority: Council
Agenda Attachments: Report on tenders

PURPOSE

Acceptance of the consultancy tender for Fremantle Markets Project – Urgent Conservation Works

EXECUTIVE SUMMARY

This is recommendation that commission is awarded to *Kelsall Binet Architects* for professional consultancy services for stage 1 of Fremantle Markets Conservation Works Project, involving the design development, contract documentation and contract administration for the approved works involving structural stabilisation and environmental upgrade of the Markets' buildings.

In accordance with the Report on Results of Tender *Kelsall Binet Architects'* tender of \$251,000 excl. GST offers the best conforming tender in terms of qualitative criteria and price, and meets the remaining tender requirements.

BACKGROUND

In February 2002 (item SP115 refers) Council adopted the revised Heritage Places Reserve Policy to provide funds and guide the expenditure on capital conservation projects of the City of Fremantle's owned heritage properties.

In November 2003 the former Heritage Advisory Committee had established and recommended to Council the 10 year program for capital conservation projects as part of the Council's 5 year budget 2003/04 to 2007+. The original schedule of the recommended projects had been subsequently adopted by Council and has been since guiding its overall 5 year budget planning in relation to priorities for implementation of the adopted capital conservation projects.

At its 25 June 2008 meeting (item SGS0806-11 refers) Council resolved to receive the Fremantle Markets Conservation and Management Plan, March 2008 together with the

Davson + Ward's cost estimates for the purpose of seeking funding for staged implementation of the recommended conservation/upgrading works and for Council's own budgeting purposes.

Subsequent to this Council has allocated budget to proceed with the first stage of Fremantle Markets Conservation Project, stage one Urgent Works, which require engagement of full services of the team of professionals to prepare the design development and working documentation (architectural, engineering and environmental) and to administer the contract.

COMMENT

The following consultancy tenders were received by the closing date:

Slavin Architects	- 199,682 excl. GST
Kelsall Binet Architects	- 251,000 excl. GST
Hocking Planning & Architecture	- 298,000 excl. GST

The officers have evaluated the tenders and recommend *Kelsall Binet Architects* as head consultant of the professional team, which also includes the services of the structural and environmental engineers and quantity surveyor, for offering the preferred methodology and tender price for professional services. Evaluation of tenders was based on assessment to the Tender Compliance and Qualitative Criteria. The Fremantle Markets Project tender's evaluation criteria place the 'past experience' (30%) and the 'methodology' (20%) at a higher level than 'price' (15%). The evaluation table on results on tender is attached for information.

There are important reasons for recommending the second lowest tender for this stage of the project is based on the qualitative criteria (value for money) as it offers a notably better methodology and more thorough investigation of the existing fabric to inform the design solutions. This should save Council money in a long term, at the staged implementation of all conservation works. Thus in addition to services offered by all tenders, the Kelsall Binet Architects' proposal offers the following services:

- Surveyed drawings of all heritage buildings as identified in the conservation plan, including but not limited to 1898 Market Building.
- Environmental study in addition to the environmental solutions advising on options for improving the passive solar performance of the buildings.
- Commission of Piero Casellati, a building conservationist, to carry on detailed investigation of the conditions of the significant fabric under supervision of the architect, the result of which will inform the recommended structural and conservation solutions.
- The quantity surveyor's costing report for all proposed works.
- Arrangement of all statutory planning and heritage approvals.

In addition *Kelsall Binet Architects'* knowledge and appreciation of the Markets' conditions are superior to the remaining tenders due to their involvement in production of Fremantle Markets Conservation Management Plan. This means that they can allocate all consultancy time to provision of the required services without the need to examine the essential background materials and learning about the buildings.

It is therefore recommended that *Kelsall Binet Architects* of \$251,000 excl GST offers the best conforming tender in terms of qualitative criteria, price and tender requirements specified in the tender documents.

The professional services for Fremantle Markets stage 1, urgent conservation works, include preparation of design development plans for Council's consideration and approval prior to proceeding with contract documentation for implementation of the approved works and the subsequent administration of the builder's contract.

CONCLUSION

Based on the assessment criteria *Kelsall Binet Architects* is ranked highest overall in the tender assessment.

It is recommended to award a commission to *Kelsall Binet Architects* as a head consultant for Fremantle Markets Project, stage one urgent conservation works.

STRATEGIC AND POLICY IMPLICATIONS

The conservation plan for Fremantle Markets has been adopted by Council in 2008 to guide implementation of conservation works.

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

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

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

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

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

In addition to the structural upgrade conservation of Fremantle Markets aims at facilitating more efficient and flexible use of the building thus extending its economic life and viability for the market use. It also aims to provide model for compatible upgrading of the Markets. It is envisaged that when completed the urgent conservation works would increase functionality and attractiveness of the Markets to its users and visitors and this alone should have the spill over effect on the near by businesses thus generating more interactive activities in the southern part of the Cappuccino Strip.

Environmental

This item deals with the protection of heritage as a non-renewable cultural and built resource of the city.

Social

This item deals with recognition by the City of Fremantle of the social capital associated with the Markets' heritage. In particular its commitment to meet the strongly expressed community's aspirations to fully restore the whole complex of buildings as well as improving its site context such as the buildings' exposure to South Terrace, Fairbairn and Parry Streets.

BUDGET IMPLICATIONS

The lowest tender is within the 2008/09 budget allocation for the Fremantle Markets Project, professional services. Acceptance of the *Kelsall Binet Architects* will result in a more informed planning for staged implementation of the approved works including improved access and functionality of the buildings and reducing the need for its ongoing maintenance.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

The Conservation Management Plan adopted in 2008 had undergone public consultation prior to its endorsement by Council.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE'S AND OFFICER'S RECOMMENDATION

MOVED: Cr G Adeane

- a) That the tender from Kelsall Binet Architects for \$251,000 excl. GST be accepted for the Fremantle Markets Project, stage one of conservation works and;
- b) City Of Fremantle enters into contract with Kelsall Binet Architects for professional services as defined by the consultant's brief and tender documents.

CARRIED: 4/0

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Shirley Mackay Cr Brad Pettitt	

CONFIDENTIAL MATTERS

Nil.

CLOSURE OF MEETING

THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 7.25 PM.

SUMMARY GUIDE TO CITIZEN PARTICIPATION AND CONSULTATION

SUMMARY GUIDE TO CITIZEN PARTICIPATION & CONSULTATION

The Council adopted a Participation Policy in August 2001 to give effect to its commitment to involving citizens in its decision-making processes.

The City values citizen participation and recognises the benefits that can flow to the quality of decision-making and the level of community satisfaction.

Effective participation requires total clarity so that Elected Members, Council officers and citizens fully understand their respective rights and responsibilities as well as the limits of their involvement in relation to any decision to be made by the City.

How consultative processes work at the City of Fremantle	
The City's decision makers	1 The Council, comprised of Elected Members, makes policy, budgetary and key strategic decisions while the CEO, sometimes via on-delegation to other City officers, makes operational decisions.
Various participation opportunities	2 The City provides opportunities for participation in the decision-making process by citizens via its Advisory Committees and Task Forces, its Community Precinct System, and targeted consultation processes in relation to specific issues or decisions.
Objective processes also used	3 The City also seeks to understand the needs and views of the community via scientific and objective processes such as its annual Community Survey.
All decisions are made by Council or the CEO	4 These opportunities afforded to citizens to participate in the decision-making process do not include the capacity to make the decision. Decisions are ultimately always made by Council or the CEO (or his/her delegated nominee).
Precinct focus is primarily local, but also city-wide	5 The Community Precinct System establishes units of geographic community of interest, but provides for input in relation to individual geographic areas as well as on city-wide issues.
All input is of equal value	6 No source of advice or input is more valuable or given more weight by the decision-makers than any other. The relevance and rationality of the advice counts in influencing the views of decision-makers.
Decisions will not necessarily reflect the majority view received	7 Local Government in WA is a representative democracy. Elected Members and the CEO are charged under the Local Government Act with the responsibility to make decisions based on fact and the merits of the issue without fear or favour and are accountable for their actions and decisions under law. Elected Members are accountable to the people via periodic elections. As it is a representative democracy, decisions may not be made in favour of the majority view expressed via consultative processes.

How consultative processes work at the City of Fremantle	
	Decisions must also be made in accordance with any statute that applies or within the parameters of budgetary considerations. All consultations will clearly outline from the outset any constraints or limitations associated with the issue.
Decisions made for the overall good of Fremantle	8 The Local Government Act requires decision-makers to make decisions in the interests of "the good Government of the district". This means that decision-makers must exercise their judgment about the best interests of Fremantle as a whole as well as about the interests of the immediately affected neighbourhood. This responsibility from time to time puts decision-makers at odds with the expressed views of citizens from the local neighbourhood who may understandably take a narrower view of considerations at hand.
Diversity of view on most issues	9 The City is wary of claiming to speak for the 'community' and wary of those who claim to do so. The City recognises how difficult it is to understand what such a diverse community with such a variety of stakeholders thinks about an issue. The City recognises that, on most significant issues, diverse views exist that need to be respected and taken into account by the decision-makers.
City officers must be impartial	10 City officers are charged with the responsibility of being objective, non-political and unbiased. It is the responsibility of the management of the City to ensure that this is the case. It is also recognised that City Officers can find themselves unfairly accused of bias or incompetence by protagonists on certain issues and in these cases it is the responsibility of the City's management to defend those City officers.
City officers must follow procedures	11 The City's consultative processes must be clear, transparent, efficient and timely. City officers must ensure that policies and procedures are fully complied with so that citizens are not deprived of their rights to be heard.
Consultation processes have cut-off dates that will be adhered to.	12 As City officers have the responsibility to provide objective, professional advice to decision-makers, they are entitled to an appropriate period of time and resource base to undertake the analysis required and to prepare reports. As a consequence, consultative processes need to have defined and rigorously observed cut-off dates, after which date officers will not include 'late' input in their analysis. In such circumstances, the existence of 'late' input will be made known to decision-makers. In most cases where citizen input is involved, the Council is the decision-maker and this affords citizens the opportunity to make input after the cut-off date via personal representations to individual Elected

How consultative processes work at the City of Fremantle	
	Members and via presentations to Committee and Council Meetings.
Citizens need to check for any changes to decision making arrangements made	1 The City will take initial responsibility, via 3 'Consultation Process notifications', for making citizens aware of expected time-frames and decision making processes, including dates of Standing Committee and Council Meetings if relevant. However, as these details can change, it is the citizens responsibility to check for any changes by visiting www.freofocus.com/projects/html/default.cfm , checking the Port City Column in the Fremantle Herald or inquiring at the Service and Information Desk by phone or in-person.
Citizens are entitled to know how their input has been assessed	1 In reporting to decision-makers, City officers will in 4 all cases produce a Schedule of Input received that summarises comment and recommends whether it should be taken on board, with reasons.
Reasons for decisions must be transparent	1 Decision-makers must provide the reasons for 5 their decisions.
Decisions posted on www.freofocus.com/projects/html/default.cfm	1 Decisions of the City need to be transparent and 6 easily accessed. For reasons of cost, citizens making input on an issue will not be individually notified of the outcome, but can access the decision at www.freofocus.com/projects/html/default.cfm or at the City Library or Service and Information counter.

Issues that Council May Treat as Confidential

Section 5.23 of the new Local Government Act 1995, Meetings generally open to the public, states:

1. Subject to subsection (2), the following are to be open to members of the public -
 - a) all council meetings; and
 - b) all meetings of any committee to which a local government power or duty has been delegated.
2. If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:
 - a) a matter affecting an employee or employees;
 - b) the personal affairs of any person;
 - c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - e) a matter that if disclosed, would reveal –
 - i) a trade secret;
 - ii) information that has a commercial value to a person; or
 - iii) information about the business, professional, commercial or financial affairs of a person.Where the trade secret or information is held by, or is about, a person other than the local government.
 - f) a matter that if disclosed, could be reasonably expected to -
 - i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - ii) endanger the security of the local government's property; or
 - iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.
 - g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
 - h) such other matters as may be prescribed.
3. A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.