

City of Fremantle

MINUTES

Strategic and General Services Committee

Wednesday, 10 June 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

TABLE OF CONTENTS

ITEM NO	SUBJECT	PAGE
	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
	NYOONGAR ACKNOWLEDGEMENT STATEMENT	3
	IN ATTENDANCE	3
	APOLOGIES	3
	LEAVE OF ABSENCE	4
	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
	PUBLIC QUESTION TIME	4
	DEPUTATIONS / PRESENTATIONS	4
	DISCLOSURES OF INTEREST BY MEMBERS	4
	LATE ITEMS NOTED	4
	CONFIRMATION OF MINUTES	5
	TABLED DOCUMENTS	5
	REPORTS BY OFFICERS (committee delegation)	6
SGS0906-1	DRAFT TOURISM STRATEGY RELEASE FOR PUBLIC COMMENT - <i>THIS ITEM HAS BEEN REFERRED TO COUNCIL FOR A DECISION IN ACCORDANCE WITH THE CITY OF FREMANTLE STANDING ORDERS</i>	6
SGS0906-2	ACCEPTANCE OF GRANT FROM HEALTHWAY FOR FREMANTLE MASTERS GAMES	11
	REPORTS BY OFFICERS (council decision)	14
SGS0906-3	KULCHA REQUEST FOR SUBSIDY	14
SGS0906-4	QUEEN STREET IMPROVEMENT OPPORTUNITIES	18

SGS0906-5	ARTHUR HEAD A CLASS RESERVE (21563) - PROPOSAL TO EXTEND THE BOUNDARIES OVER SEABED LAND OF BATHERS BAY	26
SGS0906-6	DELEGATED AUTHORITY REVIEW 2009	35
SGS0906-7	FRIDAY NIGHT TRADING	40
SGS0906-8	INFORMATION REPORT FOR JUNE 2009	44
SGS0906-9	SUBSIDISED RENTAL OF CITY OWNED PROPERTIES THAT DO NOT FORM PART OF THE INVESTMENT PORTFOLIO	46
SGS0906-10	TENDER FOR PREMIXED CONCRETE - TENDER NUMBER FCC332-09	50
SGS0906-11	ECONOMIC DEVELOPMENT STRATEGY - ANNUAL REPORT	53
SGS0906-12	REPORT ON 2009 FREMANTLE BOATING FESTIVAL	56
SGS0906-13	POLICY - COMMUNITY DEVELOPMENT FUNDING	61
SGS0906-14	REQUEST FOR CARPARK CLOSURE FOR AN EVENT BY IMAGINATION AUSTRALIA	65
SGS0906-15	CONSIDERATION FOR PERMISSION FOR EXCLUSIVE USE OF PORTION OF NO. 20 (ESSEX STREET) PARKING STATION	68
	CONFIDENTIAL MATTERS	73
	CONFIDENTIAL MATTERS	73
SGS0906-16	1 O'HARA STREET BEACONSFIELD - FORMER SUMP SITE	73
	REASON FOR CONFIDENTIALITY	73
	CLOSURE OF MEETING	74
	Summary Guide to Citizen Participation and Consultation	75
	CLOSURE OF MEETING	

STRATEGIC AND GENERAL SERVICES COMMITTEE

Minutes of the Strategic and General Services Committee
held in the Council Chambers, Fremantle City Council
on 10 June 2009 at 6.00 pm.

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.01pm.

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 Shirley Mackay	Deputy Presiding Member / Beaconsfield Ward
Cr Doug Thompson	North Ward
Cr Donna Haney	City Ward
Cr Brad Pettitt	East Ward
Cr Alice King	Hilton Ward
Mr Graeme Mackenzie	Chief Executive Officer
Mr Glen Dougall	Director Corporate Services
Ms Marisa Spaziani	Director Cultural and Community Services
Mr David Duncanson	Economic Development Officer
Mr Ian James	Strategic Urban Designer
Ms Agnieszka Kiera	City Heritage Architect
Mrs Mia Zaknich	Minute Secretary

There was 1 member of the public and 1 member of the press in attendance.

APOLOGIES

Cr Georgie Adeane	Presiding Member / South Ward
Peter Tagliaferri	Mayor

LEAVE OF ABSENCE

Cr Doug Thompson wishes to apply for a leave of absence from 18 June 2009 to 18 July 2009.

MOVED: Cr S Mackay

CARRIED: 5/0

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

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Mr Jon Cope, General Manager from Kulcha spoke to Item SGS0906-3, Kulcha Request for Subsidy. Mr Cope asked Committee to consider a \$20,000 subsidy rather than the \$15,000 subsidy that was recommended in the Officer's Recommendation of the item in the agenda.

DEPUTATIONS / PRESENTATIONS

Nil

DISCLOSURES OF INTEREST BY MEMBERS

Nil

LATE ITEMS NOTED

SGS0906-8 Information Report for June 2009
SGS0906-16 1 O'Hara Street Beaconsfield - Former Sump Site - *Confidential*

CONFIRMATION OF MINUTES

MOVED: Cr S Mackay

That the Minutes of the Strategic and General Services Committee dated 13 May 2009 as listed in the Council Agenda dated 27 May 2009 be confirmed.

CARRIED: 5/0

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

TABLED DOCUMENTS

Nil

Cr S Mackay moved en bloc recommendations numbered SGS0906-2, SGS0906-6, SGS0906-7, SGS0906-8, SGS0906-10, SGS0906-13, SGS0906-14, SGS0906-15.

MOVED: Cr S Mackay

CARRIED: 5/0

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

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

SGS0906-1 DRAFT TOURISM STRATEGY RELEASE FOR PUBLIC COMMENT - THIS ITEM HAS BEEN REFERRED TO COUNCIL FOR A DECISION IN ACCORDANCE WITH THE CITY OF FREMANTLE STANDING ORDERS

DataWorks Reference: 071/001
Disclosure of Interest: Nil
Previous Item: Nil
Responsible Officer: David Duncanson, Manager City Marketing
Actioning Officer: David Duncanson, Manager City Marketing
Decision Making Authority: Committee
Agenda Attachments: Draft Tourism Strategy

PURPOSE

To obtain Council approval to release the draft Tourism Strategy for public comment.

EXECUTIVE SUMMARY

A draft Tourism Strategy has been developed which focuses on the five A's of tourism being accommodation, amenities, activities, attractions and access. Key stakeholders have been consulted in the development of the draft strategy which is now ready for wider community comment.

BACKGROUND

During budget deliberations in June 2008, Council identified the need to allocate funds to undertake the development of a Tourism Strategy for Fremantle to act as a guiding document for this important sector. Following an approach to Tourism Western Australia

additional funding was obtained and consultants instructed in December 2008. Officers developed a consultant's brief obtaining input from Fremantle Chamber of Commerce and the Economic Development & Marketing Advisory Committee's tourism representative.

Evolve Solutions, a tourism consultancy company based in North Fremantle, was appointed as consultants to undertake the project. As part of the consultation process key stakeholders were invited to have input. These key stakeholders included Fremantle Chamber of Commerce, Fremantle Visitor Centre, Esplanade Hotel and tourism operators.

COMMENT

The development of a draft Tourism Strategy is a major step forward in having a cohesive plan for the development of this important sector. Tourism effects a vast range of individuals and businesses throughout Fremantle and it is important to have a strategy which maximises potential for this sector.

The strategy is a framework for future action. This framework will support and have an impact on Fremantle's future economic prosperity and long term competitiveness. It proposes strategic direction and actions to focus the attention and energies of all stakeholders in a common direction.

Some of the proposed smaller actions can be undertaken immediately while others will require budget allocations in future years if they are to be brought to fruition.

CONCLUSION

It is important to obtain wide community comment on the draft strategy in order to move forward with actions to address the main issues, therefore a public comment period of eight weeks is being proposed with the draft strategy being circulated to key stakeholders, precincts and advertised to the general public.

STRATEGIC AND POLICY IMPLICATIONS

The development of a Tourism Strategy is identified in Council's Economic Development Strategy as an action.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

This item is requesting permission to advertise for public comment. There are no economic implications related to this request.

Environmental

This item is requesting permission to advertise for public comment. There are no environmental implications related to this request.

Social

This item is requesting permission to advertise for public comment. There are no social implications related to this request.

BUDGET IMPLICATIONS

There are no direct implications in releasing the draft strategy of community comment. Actions contained within the draft strategy that require funding in future will be referred through the appropriate budget process.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Key stakeholders have been consulted in the preparation of the draft strategy. The draft strategy will be sent to Precincts as part of the community comment process.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

1. That the Draft Tourism Strategy be released for community comment for a period of eight weeks
2. That a further report be brought back to Council detailing community comments received.

Cr S Mackay moved the following amendment to the recommendation:

3. That the draft tourism strategy considers the resolution from the Heritage and Special Places Committee meeting of 9 June 2009 when bringing public comments back to Council for consideration.

MOVED: Cr S Mackay

CARRIED: 5/0

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

COMMITTEE RECOMMENDATION

- 1. That the Draft Tourism Strategy be released for community comment for a period of eight weeks**
- 2. That a further report be brought back to Council detailing community comments received.**
- 3. That the draft tourism strategy considers the resolution from the Heritage and Special Places Committee meeting of 9 June 2009 when bringing public comments back to Council for consideration.**

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

Cr Haney and Cr Pettitt requested that this item be referred to Council for consideration in accordance with Standing Orders clause 141.

The following item number **SGS0906-2** was moved and carried en bloc earlier in the meeting.

SGS0906-2 ACCEPTANCE OF GRANT FROM HEALTHWAY FOR FREMANTLE MASTERS GAMES

DataWorks Reference: 106/025
Disclosure of Interest: Nil
Previous Item: Nil
Responsible Officer: Marisa Spaziani, Director Community Development
Actioning Officer: Vikki Barlow, Recreation Development Coordinator
Decision Making Authority: Committee
Agenda Attachments: Nil

PURPOSE

To accept a one-off funding grant of \$4,000.00 (GST exclusive) from Healthway and amend the Recreation Services budget to allow for additional income for the Fremantle Masters Games 2009.

EXECUTIVE SUMMARY

A one-off grant of \$4,000.00 (GST exclusive) has been offered to the City of Fremantle from Healthway. This grant would be received in the 2008/09 year and carried forward to be expended in the 2009/10 financial year. The funding is to be directed towards the delivery of the Fremantle Masters Games Event to be held in September 2009.

BACKGROUND

Healthway has provided a once off grant to the Fremantle Masters Games since its inception in 1999.

COMMENT

The one off payment of \$4,000.00 (GST exclusive) will assist in meeting expenses associated with the delivery of the Fremantle Masters Games Event.

CONCLUSION

That Council accepts the one-off funding of \$4,000.00 (GST exclusive) from Healthway.

STRATEGIC AND POLICY IMPLICATIONS

Nil

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Nil

Environmental

Nil

Social

Nil

BUDGET IMPLICATIONS

The proposal does not seek any additional funding from the municipal fund. Additional funding of \$4,000.00 (GST exclusive) requires the amendment of the Recreation Services budget in the 2009/2010 financial year and consideration by SMG to be carried forward to the 2009/10 financial year.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

1. That Council accept the one-off funding of \$4,000.00 (exclusive of GST) from Healthway. The funding is to be directed towards the delivery of the Fremantle Masters Games event in the 2009/10 financial year.
2. That the City of Fremantle 2008-2009 revenue and associated expenditure budgets be amended to reflect the funding of \$4,000 (GST exclusive) from Healthway as follows:-

Account Number	Description	(Revenue)/Expenditure
4194999.3000	Sundry Income-Fremantle Masters Games-Sponsorship	(\$4,000.00)
4196912.5000	Contracted Services-Recreation-Masters Games	\$4,000.00
	Net Budget Variation	Nil

COMMITTEE DECISION

MOVED: Cr S Mackay

1. That Council accept the one-off funding of \$4,000.00 (exclusive of GST) from Healthway. The funding is to be directed towards the delivery of the Fremantle Masters Games event in the 2009/10 financial year.
2. That the City of Fremantle 2008-2009 revenue and associated expenditure budgets be amended to reflect the funding of \$4,000 (GST exclusive) from Healthway as follows:-

Account Number	Description	(Revenue)/Expenditure
4194999.3000	Sundry Income-Fremantle Masters Games-Sponsorship	(\$4,000.00)
4196912.5000	Contracted Services-Recreation-Masters Games	\$4,000.00
	Net Budget Variation	Nil

CARRIED: 5/0

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

REPORTS BY OFFICERS (COUNCIL DECISION)**SGS0906-3 KULCHA REQUEST FOR SUBSIDY**

DataWorks Reference:	149/008 & L076
Disclosure of Interest:	Nil
Previous Item:	Nil
Responsible Officer:	Glen Dougall, Director Corporate Services
Actioning Officer:	John Amor, Property Coordinator
Decision Making Authority:	Council
Agenda Attachments:	Attachment 1 - Kulcha Annual Report – December 2008. Attachment 2 - Policy SG14 – Investments, Property and Other Non-Current Assets.

PURPOSE

To consider providing Kulcha with a subsidy to support their operations.

EXECUTIVE SUMMARY

The City of Fremantle has been working with Kulcha over the past year to secure a lease directly between the City and Kulcha to secure their tenure at 13 South Terrace, Fremantle. Currently Kulcha lease the first floor of this premise from Dome.

These negotiations include a new lease proposal with Dome which Dome are yet to accept, therefore no direct lease with Kulcha has been achieved.

Kulcha are seeking that the lease provide some form of relief in regard to rent so as to buffer them from recent rent increases.

As no agreement has been achieved with Dome to date Kulcha are seeking a subsidy from Council to support their operations.

It is recommended that Council support this request with a subsidy of \$15,000 to come from the rent achieved from 13 South Terrace.

BACKGROUND

The City recently provided terms to re-negotiate the lease with Dome at 13 South Terrace, Fremantle to allow the ground floor to be leased with Dome and the first floor to be leased separately to Kulcha.

At the time the City approved a new lease for Dome for a period of 17 years (7 years remaining on their current lease plus 10 years) with the rental consideration set at market value. To date Dome have yet to formally agree to the proposed new lease.

The purpose of these negotiations was to allow Kulcha to lease directly from the City and provide greater security for their tenure. Kulcha were also seeking a consideration of a subsidy for the rent consideration to protect them from rent increases.

COMMENT

Kulcha have recently met with the City to discuss the rent issue. Their rent has increased from \$18,000 per annum to \$32,000 per annum (as presented by Kulcha) over the past two years. The current Annual report highlights that rent and rate charges for 2008 were \$31,201. Kulcha have advised that the rent cost is causing stress to their operations in that this takes funds away from providing events and are seeking the City to provide a subsidy to support this community oriented organisation operating within the City of Fremantle.

The 2008 Annual report for Kulcha provides total income of \$789,000 made up with costs of \$759,000. Whilst this provides a small surplus the surplus related to an unexpended grant received from the previous year and when written back leaves a smaller surplus of \$4,000. The prior year provided a small loss of approximately \$3,000.

The intent of setting up a new lease with Kulcha was to ensure tenure could be secured directly with the City and for the City to pass on rent at the market rate, but then allow a subsidy to Kulcha. This ensured the commercial aspect of the property achieved a market rental as required by policy and also ensured that the City could negotiate a subsidy that maintained a reasonable affordability for Kulcha. This subsidy would be provided through the commercial property income so as the building is identified as being an investment property for the City.

To this end it the initial discussion was to hold the rental for Kulcha at the rate paid two years ago. City of Fremantle records show that the City was charging \$26,000 for the first floor to Dome. Kulcha advise they were paying Dome approximately \$18,000 plus variable outgoings.

Kulcha are seeking a subsidy of \$20,000 per annum from the City. There is no specific case made as to the reasoning for the size of this request, although if the rent is used as the basis it would seem more aligned to provide a subsidy of \$15,000. This would allow Kulcha relief from recent rent increases and the City to show support for the community based organisation within Fremantle.

CONCLUSION

It is recommended that the City of Fremantle provide a subsidy of \$15,000 to Kulcha for 2009/10 and that this be reviewed if a lease agreement is made in relation to a direct lease between the City and Kulcha. This subsidy is based on pegging the cost implications of rent to that paid by Kulcha in 2007.

STRATEGIC AND POLICY IMPLICATIONS

Policy SG14 – Investments, Property and Other Non-Current Assets lists 13 South Terrace Fremantle as an Investment Property with an objective to maximise the return on investment.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Nil.

Environmental

Nil.

Social

Kulcha are a locally based not for profit organisation. This subsidy will support their continuation within Fremantle.

BUDGET IMPLICATIONS

The subsidy will be borne from the gross earnings made from the commercial property portfolio.

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

OFFICER'S RECOMMENDATION

Council to consider an allocation in the draft 2009/10 Budget to provide Kulcha with a subsidy of \$15,000 to be provided from gross income from the commercial property portfolio.

Cr B Pettitt moved the following amended recommendation:

That the proposed subsidy of \$15,000 be increased to \$18,000.

MOVED: Cr S Mackay

CARRIED: 3/2

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

COMMITTEE RECOMMENDATION

MOVED: Cr S Mackay

That Council consider an allocation in the draft 2009/10 Budget to provide Kulcha with a subsidy of \$18,000 to be provided from gross income from the commercial property portfolio.

CARRIED: 5/0

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

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

To make the subsidy offered to Kulcha \$18,000 instead of \$15,000 as proposed in the Officer's Recommendation. This is based on 50% of the current lease paid per annum by Kulcha.

SGS0906-4 QUEEN STREET IMPROVEMENT OPPORTUNITIES

DataWorks Reference:	039/006
Disclosure of Interest:	Nil
Previous Item:	Nil
Responsible Officer:	Paul Garbett, Manager Planning Projects and Policies
Actioning Officer:	Ian James, Strategic Urban Designer
Decision Making Authority:	Council
Agenda Attachments:	ATTACHMENT 1 - Minutes of Urban Development Advisory Committee meeting held 12 May 2009 ATTACHMENT 2 - Phillimore Street Masterplan – Railway Station Forecourt and Victoria Gardens area, Sept 2006

PURPOSE

To consider opportunities to reinforce Queen St as a key part of the city's retail core.

EXECUTIVE SUMMARY

This report addresses a recommendation from the Council's Urban Development Advisory Committee that the Council undertake a project to improve and reinforce Queen St as a 'grand shopping street' and an important part of the city's retail core. The committee considers that it is one of the most significant opportunities to revitalise the city centre and to enhance its retail viability.

Queen Street is considered to be one of the most critical urban design issues in the city centre that isn't already being addressed. The adopted Phillimore St Masterplan proposes a significant improvement in pedestrian access between the rail and bus stations and Queen St. This report recommends that the Council actively pursue appropriate redevelopment of key sites along Queen St that will lead to an upgrading of the streetscape and pedestrian environment along the street and so take advantage of the improved access proposed from the rail station.

While there are issues and opportunities along the full length of Queen St, including at Kings Square, achieving many of them is considered dependent on resolving the northern end and its link to the rail station and it is therefore recommended that this section should be given priority.

BACKGROUND

Over a number of meetings and site visits since October 2008 the Council's Urban Development Advisory Committee has been considering opportunities to improve and reinforce Queen St as an important part of the city's retail core. Queen St contains a number of key strategic city centre development sites and the committee considers that they provide one of the most significant opportunities to revitalise the city centre and to enhance its retail viability.

Minutes of the committee's meetings of 14 October 2008 and 14 April 2009 provide various comments from committee members on the issues and opportunities to enhance the role of Queen St, including the following:

The city's retail core should be more contained and in the area focussed on Queen St, Market St, High St and Kings Sq as defined in the adopted City Centre Urban Design Strategy.

Queen St has a potential key role in this developed retail core as part of a major pedestrian loop linking the rail station with Queen St, Kings Square, High St and Market St.

Weekday pedestrian numbers in Queen St between Cantonment and Adelaide Streets are currently higher than in Market St, although these numbers drop off significantly in Queen St north and south of this block. Weekend numbers in Market St increase considerably while those in Queen St stay similar to weekday flows.

There is the opportunity for Queen St to be developed as a 'grand shopping street' with wider footpaths and appropriate character and quality.

Current problems include the narrow footpaths and uninteresting and inactive facades between Elder Place and Cantonment St, the Elder Place / Queen St intersection is very unfriendly for pedestrians, and the barriers of the bus station in front of the rail station stop pedestrian access to Queen St.

It is most important that there be clear and attractive pedestrian access from the station exit to Queen St and Cantonment St. People need frequent points of activity to attract them along a route and the western end of Queen St between the station and Cantonment St is a major gap in the potential pedestrian circuit incorporating Market St and Kings Square.

The PTA and FPA have key roles in achieving this connection and it is important to get their support and involvement. The adopted Phillimore St Masterplan partly addresses this issue.

Queen St could provide a covered pedestrian route from the railway station as a more comfortable alternative to Market St which is unprotected for the first 100 metres. This could be enhanced by a new building at the north eastern end of the station forecourt that provides pedestrian cover and activity.

There are a number of key development opportunity sites along Queen St, including the former Gas & Coke site, the Woolstores Shopping Centre, the properties opposite Kings Sq, and the Myer site. The future of the City's Administration Building in Kings Square would also have an impact on the vitality of the area.

The City should engage with the owners of these properties to determine their aspirations and then to pursue and incorporate development opportunities into a plan to promote a long-term vision for the area.

Increased upper level commercial and residential floorspace is also required in the general area to increase people numbers.

Appropriate development of the former Gas & Coke Co site is vital to reinforce a connection between the proposed ING development and the city's retail core. The development should provide cover and interest along the Queen St pedestrian route from the railway station.

Queen St needs to go somewhere at each end, like Market St does.

This could be achieved by improved connection to the rail station and waterfront, possibly at an upper level via future redevelopment of the Woolstores Shopping Centre, above Elder Place and the rail lines and connect into the ING development.

If the police relocate then the current police building and Fly-By-Night Club provide opportunities for an enhanced music / arts focus at the street's eastern end.

If the City developed a vision for the Queen St area it would provide confidence to owners and retailers to develop their own futures in the area. The City should take a more pro-active approach, particularly to these key sites.

The committee finalised its considerations at its meeting on 12 May 2009 and resolved unanimously to recommend to the Council that:

The Urban Development Advisory Committee consider that the improvement and reinforcement of Queen Street as an important part of the city's retail core and as a 'grand shopping street' linking the city centre with the public transport node and Victoria Quay is one of the most important opportunities to revitalise the city centre and to enhance its retail viability.

Accordingly the committee recommends that the Council undertake a project to pursue this opportunity and in particular to:

Actively engage with property owners along Queen St to determine their aspirations for the area and to encourage appropriate redevelopment, particularly the owners of the former Gas & Coke site and the Myer Site.

Negotiate with the Public Transport Authority to significantly improve pedestrian access between the rail station and the western end of Queen St.

Discuss with the WA Police the future of the police complex and opportunities to accommodate new uses to add vibrancy to the street's eastern end if and when the police may relocate.

Prepare an attractive plan to communicate a vision for the street that identifies land use and development opportunities, streetscape improvements and effective pedestrian linkages.

Review the City's Queen St Development Policy DE5 accordingly.

The minutes of the meeting are provided as an attachment to this report.

The Urban Development Advisory Committee was established by the Council to "provide a forum for the discussion and resolution of future development opportunities" throughout the city. The committee comprises a number of community members who are experienced professionals in the areas of architecture, planning, property development, sustainable design and project management. They are joined on the committee by Councillors Pettitt, Strachan, Fittock and Massie.

In accordance with the committee's Instrument of Appointment and Delegation the recommendation is forwarded to the Strategic and General Services Committee and the Council for consideration.

COMMENT

Queen St could provide a direct and attractive link between the city's major retail area and the city's rail and bus stations Victoria Quay, however there a number of major issues as identified by the advisory committee that have to be resolved before this opportunity can be realised.

These issues divide into two major areas:

Improved pedestrian access and amenity, particularly between the rail station and Cantonment St. The adopted Phillimore St Masterplan incorporates significantly improved pedestrian access from the rail station and across its forecourt to Elder Place and Queen St (see Attachment). The State Government needs to be encouraged to implement the plan as proposed. For Queen Street to realize its full potential, it must function as a grand urban link across the city centre to the rail station and Victoria Quay. The narrow and unaligned footpaths and the uninteresting and inactive frontages between Elder Place and Cantonment St are very unfriendly for pedestrians and create a major gap in the potential pedestrian circuit incorporating Market St and Kings Square.

Development of key properties along Queen St, in particular the two critical development sites of the Woolstores Shopping Centre & the Gas & Coke carpark. There is the opportunity for the City to influence the outcome of development of these sites in a way that could reinforce Queen Street as a major shopping spine between Kings Square and the rail station/Victoria Quay precinct. These sites could frame the true retail gateway to the City from the rail station and the way in which they are planned should be influenced by a vision for the street. Illustrating the potential for Queen St generally and these sites in particular would reinforce to the State Government the importance of implementing the Phillimore St Masterplan as proposed.

Preparation of a land use and urban design vision for Queen Street is therefore strongly supported. It is considered however that priority should be given to the rail station to Cantonment St section of Queen St as achieving much of the potential along the street is dependent on successfully improving this section and linking it to the rail station.

The exercise should commence with consultation with the owners of the Woolstores Shopping Centre and the former Gas & Coke site to talk about the opportunities of a more strategic and integrated planning approach. This would include the need to widen this section of Queen St to ensure active and comfortable street frontages and pedestrian spaces and to maintain views to the railway station building along Queen St. These two sites also offer significant potential for accommodating an increased business and resident population immediately adjacent to public transport access and major pedestrian routes through the city.

Undertaking the project in 2009/10 would enable it to be integrated with the current Phillimore St Masterplan project. The timing would also enable the Council to be proactive with the owners of the key development sites who are considering future opportunities for those properties.

CONCLUSION

It is concluded that the project is worthy of implementation by the Council, however due to resources available, priority should be given to the section between the rail station and Cantonment St.

STRATEGIC AND POLICY IMPLICATIONS

This item has connection to the City's Strategic Plan through a number of strategies, including:

- Develop strong retail core / better retailing opportunities.
- Promote the diverse use of potential development sites to ensure adequate services and facilities that support population growth and associated residential development.
- Attract and/or deliver high quality commercial developments / office space.
- Develop, review and implement the Local Planning Strategy, City Planning Scheme No. 4 and the City's development and land use policies to facilitate high quality development in Fremantle.
- Co-ordinate and integrate public and private development opportunities throughout the city centre.
- Develop greater linkages between the city centre and Victoria Quay.
- Encourage greater use of public transport.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The project may result in an increase in the available retail and commercial space in the area and should attract a number of new businesses to the city.

There will be an increase in the area's business and residential population which will assist the viability of existing city and local businesses.

Redevelopment along the street will act as a catalyst to stimulate development and further investment in regeneration of the east end of the city centre.

Environmental

Redevelopment should incorporate and demonstrate a high standard of sustainable design.

Social

Improved pedestrian access and property redevelopment would increase the number of people in the area leading to improved public safety through surveillance and activity.

Development of the properties will aim to protect and enhance the qualities and character of the area's built form and places as identified by the Local Identity Code.

BUDGET IMPLICATIONS

Nil at this stage

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

This report presents a recommendation from one of the Council's advisory committees.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

That the Council:

1. Note the view of the Urban Development Advisory Committee that the improvement and reinforcement of Queen Street as an important part of the city's retail core and as a 'grand shopping street' linking the city centre with the public transport node and Victoria Quay is one of the most important opportunities to revitalise the city centre and to enhance its retail viability.
2. Agree to pursue opportunities to enhance Queen St and to maximise the benefits of the improved pedestrian access between the rail station and Queen Street proposed in the adopted Phillimore Street Masterplan.
3. Give priority to the rail station to Cantonment St section of Queen St, commencing with consultation with the owners of the Woolstores Shopping Centre and the former Gas & Coke site to talk about the opportunities of a more strategic and integrated planning approach, including the need to widen this section of Queen St to ensure active and comfortable street frontages and pedestrian spaces and to maintain views to the railway station building, and opportunities to increase the business and resident population close to the public transport node.
4. The outcome and implications of the investigations in 3 above be reported back to the Council for further consideration.

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

3. Give priority to the section of Queen Street from the rail station to Cantonment St by consulting with the owners of the Woolstores Shopping Centre and the former Gas & Coke site, to achieve a strategic and integrated planning approach. This approach to include;

- The widening of Queen Street to improve street frontage and pedestrian access,
- Maintaining views of the railway station and
- Increasing residential and business populations.

MOVED: Cr S Mackay

CARRIED: 5/0

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

COMMITTEE RECOMMENDATION

MOVED: Cr S Mackay

1. Note the view of the Urban Development Advisory Committee that the improvement and reinforcement of Queen Street as an important part of the city’s retail core and as a ‘grand shopping street’ linking the city centre with the public transport node and Victoria Quay is one of the most important opportunities to revitalise the city centre and to enhance its retail viability.
2. Agree to pursue opportunities to enhance Queen St and to maximise the benefits of the improved pedestrian access between the rail station and Queen Street proposed in the adopted Phillimore Street Masterplan.
3. Give priority to the section of Queen Street from the rail station to Cantonment St by consulting with the owners of the Woolstores Shopping Centre and the former Gas & Coke site, to achieve a strategic and integrated planning approach. This approach to include;
 - The widening of Queen Street to improve street frontage and pedestrian access
 - Maintaining views of the railway station
 - Increasing residential and business populations.
4. The outcome and implications of the investigations in 3 above be reported back to the Council for further consideration.

CARRIED: 4/1

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

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

To simplify the wording of part 3 of the Officer's Recommendation.

**SGS0906-5 ARTHUR HEAD A CLASS RESERVE (21563) - PROPOSAL TO
EXTEND THE BOUNDARIES OVER SEABED LAND OF BATHERS
BAY**

DataWorks Reference: 214/003
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: Attachment 1 - Arthur Head, survey feature plan
Attachment 2 - Arthur Head, Whaling Station Project, tryworks detailed plan
Attachment 3 - Arthur Head, Old Port Upgrade/Heritage Interpretation Plan
Attachment 4 - DPI/State Land Services advice regarding proposed extension to Arthur Head Reserve (Class A Reserve 21563) for Whaling Station Project, Fremantle
Attachment 5 - McLeods – Native Title Advice: Arthur Head A-Class Reserve – Extension of Reserve into Seabed.

PURPOSE

For Council to receive and note implications for the City of Fremantle for the proposed extension of Arthur Head A Class Reserve (reserve 21563) boundaries over the seabed land and to recommend way forward.

EXECUTIVE SUMMARY

The ongoing implementation of the Arthur Head Strategy Plan has reached the point when it can not fully proceed until the City of Fremantle resolves the issues of Bathers Bay, mainly the boundaries of Arthur Head A Class Reserve (the reserve) and management responsibility over the seabed land, which contains the historic structures. The Council's adopted strategic plan for the reserve in addition to the general upgrade involves installation of Heritage Maritime Trail and its 12 markers, in particular the partially completed Whaling Station Project, which incorporates the water structures i.e. the gun emplacements and the proposed whale sculpture, and the Old Port Project which, among other things involves part reconstruction of the Long Jetty and the underwater shipwreck sites.

Department of Planning and Infrastructure (DPI) responsible for planning approval of all works on Arthur Head as a regional reserve has approved the land component of the adopted works and deferred approval for implementation of the works in the water until Council resolves the boundary/vesting order issues of the seabed land of Bathers Bay.

This process has been initiated in 2007 by Council resolution to serve the Department a “Notice of Intention to Take for a ‘Public Work’ under section 24G of the Native Title Act. The Council also arranged the feature survey showing the proposed extended boundaries, which has been accepted by State Land Services (SLS) as sufficient to continue the process of resolving issues concerning native title rights and interests which may exist in the seabed land. However in order to continue completion of the process DPI requests that City of Fremantle accepts the management responsibility for the extended seabed land, bears the costs associated with the preparation of a deposited plan and indemnifies the Minister for Lands and SLS against all costs and claims which may arise from the taking of any native title rights in future.

At the same time Council requested further legal advice and comment from the City’s Aboriginal Liaison Officer in relation to the impact of the recommendations in relation to Native Title implications. The subsequently received legal advice concludes that native title has been extinguished over the proposed seabed land of Bathers Bay by the past *vestings* under the Marine and Harbours Act and the Port Authority Act 1902. At the same time the area is registered as the Aboriginal site under Section 18 of the Aboriginal Heritage Act and negotiations with the Nyoongar elders are required to gain clearance for the proposed works.

BACKGROUND

Arthur Head A Class Reserve has been vested in the City of Fremantle since 1936, but its original boundary at the time was limited to the Round House and its promontory. The current boundary of the reserve no. 21563 which includes Bathers Beach and the area of the Old Port were negotiated with the then Fremantle Port Authority in 1982 when Council vested the reserve in the City of Fremantle “in trust for the purpose of preservation and protection of Round House and other buildings”. In 1984 the area was declared an A Class Reserve and on 31 March 1987 it was increased with the addition of Lot 1998. The purpose of the current reserve was altered to “Historical Buildings, Recreation and Community Services”. (*Arthur Head Reserve Fremantle Conservation Plan*)

The vesting order was formally signed off by the Governor on 18 September 1991 leasing it to City of Fremantle for 21 years subject to the condition that “all income derived from the management of the reserve including but not limited to car park fees, tenancies, licences, leases, rentals, hire of hall, building or grounds shall be separately recorded and used solely for the purpose of the care maintenance and development to the reserve”. (*Vesting Order DOLA File 198/888 V4*)

Since 1984, the year that established Arthur Head Bicentennial Project, the City of Fremantle has been managing the area as the significant heritage place by researching, investigating, planning and implementing the complex conservation works program established through the adopted studies, strategies, conservation plans and detailed plans for individual areas of the reserve. The program ranges from archaeological investigations, reconstruction of the 1880s beach, dunes and coastal vegetation (the only reconstructed beach in Australia) to adaptation of J-shed, stabilisation of the cliffs, restoration and structural stabilisation of the Whalers Tunnel, conservation of the Round House, former Kerosene Store and Fort Arthur’s buildings, upgrading and adaptation of the pilots’ cottages and construction of public amenities, to the establishment of Fremantle Heritage Guides to serve and manage the visitations to the area.

These projects have been incrementally implemented over the last 20 years with the financial assistance of State and Commonwealth Governments, Heritage Council of WA and Lotterywest.

At its 27 June 2007 meeting (item SGS0706-11 refers) Council resolved, among other things, to complete the land component of the Whaling Station Project, to give consent to DPI to proceed with the "Notice of Intention to 'take for a public work' over the seabed of Bathers Bay, and to agree for the officers to investigate potential implication for the City of Fremantle to assume the proposed management responsibility over the extended Arthur Head A Class Reserve and report back to Council.

At its 22 April meeting (item SGS0904-4 refers) Council resolved to defer the item to the May round of meetings for comment from the City's Aboriginal Liaison Officer and legal advisor in relation to the impact of the recommendations in relation to Native Title implications and the City of Fremantle Policy for Respect, Recognition and Conciliation with Aboriginal People (October 2000).

COMMENT

Arthur Head A Class Reserve (the reserve) is a significant heritage place, the landing place of the first settlement of the Swan River Colony. The reserve is listed on the State Heritage Register. The masterplan for Arthur Head includes among other things installation of the Maritime Heritage Trail (which runs from Fishermen Harbour to Victoria Quay) involving heritage interpretation of the layers of the area's history, the evolving maritime landscape and its incremental reclamation as part of the development of the port city. The individual projects on the stations also involve general upgrading of Arthur Head Reserve and Bathers Beach in particular, as a public reserve for passive recreational use.

The most recent projects involve heritage interpretation and upgrade of the former Whaling Station and the Old Port - two of the 12 proposed markers (stations) of the trail. The partially completed Whaling Station Project and the Old Port Project have proceeded in stages in accordance with the design development plans adopted by Council in 2005 and 2004 respectively with the financial assistance of the Lotterywest. The progress completed to date on the Whaling Station include restoration of the whaling jetty wall, heritage interpretation of the former tryworks, upgrading and interpretation of the former whales' processing area, shore steps, extension of the dunes, planting of coastal vegetation and upgrade of landscaping.

Department of Planning and Infrastructure

Due to the regional status of the reserve the projects require the DPI approval. Due to the State Heritage status of the reserve as a significant heritage site approval is also required from Heritage Council of WA (HCWA). While HCWA approved both projects unconditionally, the approval by DPI has been received for the land component only while the proposed works in the sea have been conditional on resolving any outstanding issues of native title rights and interest which may exist in the seabed land. The works that have been deferred because of their location in the water include the proposed whale sculpture, heritage interpretation of the gun emplacement, underwater trail of shipwreck sites and part reconstruction and interpretation of the Long Jetty of the Old Port Station.

This means that Council has an option of either abandoning the water components of the projects or make an attempt to resolve the outstanding issues as per the DPI's requirement and advice. In this respect it is important to acknowledge the City's current commitments to implementation of the approved works: the Lotterywest has allocated a grant of \$42,240 to Arthur Head, Old Port Project. In addition the City has applied for additional funding for the restoration/heritage interpretation and upgrade of the Old Port area under the recently announced \$60 Million for Heritage Projects Initiative under the Job Creation Program. While the potential funding could be spent on the approved works on the land, the projects would remain unfinished by exclusion of the proposed works over the seabed.

The DPI (State Land Services-SLS) advises that in order to proceed with all proposed works over the seabed of Bathers Bay the following action will be required:

1. Negotiations and agreement with DPI (Coastal Assets Department) to relinquish lot 300 covering the southern part of Bathers Bay, currently vested in the Minister for Transport and to add it into the proposed extension of the A Class Reserve. Native Title is not an issue with lot 300, due to the past *vesting* of the land;
2. State Land Services (SLS) would need to undertake the compulsory taking process with respect to native title rights and interest existing over the 'seabed' land (lot 8000 on the plan prepared for the City by McMullen Nolan Surveyors.
3. SLS would then need to proceed with a submission to the Minister for Lands and undergo the parliamentary and advertising process in accordance with Sections 42(3)(a) and 42(5) of the LAA before proceeding to add the subject land to Class "A" Reserve 21563. This process can proceed concurrently with the process outlined above.
4. To trigger SLS's action as defined in 1 – 3, the Council is required to:
 - o Accept responsibility for management of the extended reserve
 - o Indemnify the Minister for Lands and DPI against all costs and claims that may arise from the taking process.
 - o Meet all the costs involved in this process, the main of which would be survey and preparation of the final, deposited plan.

Native Title Legal Advice

In addition to the DPI's advice the officers sought and obtained legal advice regarding clarification if there are any native title issues over seabed of Bathers Bay. The McLeods advice (attached) can be summarised as follows:

- o Native title would be extinguished over reserves which were vested in the City under the Land Act 1933;
- o Lot 300 (the southern portion of Bathers Bay) is 'vested under statute' in the Minister for Transport pursuant to section 9 of the Marine and Harbours Act 1981 and due to this past '*vesting*' native title has been totally extinguished over lot 300.

- In respect to the remaining extension area (i.e. the balance of the sea area apart from Lot 300), the Schedule to the Port Authority Act 1902 shows the whole of Bathers Bay (from Fishing Boat Harbour Mole; thence due Westerly to the Southern extremity of the said Mole; thence Northerly along the Western side of the Fishing boat Harbour Mole, thence Northerly and Westerly along the sea coast of the mainland and the Southern side of the South Mole to the latter's Western extremity;) forming part of the 'Outer Harbour'. The Schedule further states: "the said Port shall comprise the areas included in the said Inner and Outer Harbours", thus also having native title totally extinguished over such area.

City of Fremantle Policy for Respect, Recognition and Conciliation with Aboriginal People (October 200) and Aboriginal Heritage Act

The legal advice means that the proposed extension of the boundaries are consistent with the City's Reconciliation Policy by not opposing any native title claims as native title has been totally extinguished over the seabed of Bathers Bay. This assertion defers from the advice received from the City's Aboriginal Liaison Officer, who asserts that native title remain an issue and in order to comply with the policy and prior to implementation of the projects, the City of Fremantle will need to:

- Develop a protocol agreement with Aboriginal Stakeholders for consultation regarding land and water planning, management and use.
- Understand and use correct protocol that acknowledges Nyoongars as the first people of Fremantle.

The recommended way forward would be further clarification of all issues with DPI and resolution of the Lot 300 as defined above.

While further clarification and potential reconciliation of both opinions may bring the native title issues to satisfactory conclusion, there remains an issue of Aboriginal significance of the seabed. Department of Indigenous Affairs (DIA) Site Register shows Arthur Head as a registered Aboriginal site. Section 18 (S18) of the Aboriginal Heritage Act (AHA) of 1972 defines the process by which Council can gain clearance to implement the works that impact on Aboriginal site. This process involves ethnographic and heritage survey as well as consultation with the appropriate Aboriginal elders. While such clearance for the land component of the works has been gained through the previously conducted heritage studies and surveys, the consultation with Aboriginal elders will still need to be performed. The City's Aboriginal Liaison Officer recommends that the City commission a consultant that holds the appropriate qualifications and has had previous experience dealing with the particular elders appropriate for the area to carry on this task.

The requirement for consultation would not need to interfere with the continuing process of the proposed extension and re-vesting of the Reserve as, based on the legal advice; it would restrict the consultation to consideration of any potential impact of the proposed works on Aboriginal site as opposed to native title issues. This hopefully, can be resolved prior to Council being in a position to consider implementation of the proposed works.

To ensure that the Aboriginal significance issues are done in accordance with the legislative process and in compliance with the Council's Reconciliation Policy the Council can allocate the necessary budget to commission a consultant who would prepare both: develop the protocol as recommended by the policy and conduct the subsequent consultation required by Section 18 of the AHA on the City's behalf.

Once accomplished the extended Arthur Head A Class Reserve will allow the City to seek funds and, over a period of time, realise its full potential as a heritage site and public reserve in accordance with the adopted plans. The satisfactory resolution of the outstanding issues will widen City's opportunities to seek funds from a greater range of funding sources, for example from Perth 2011 ISAF SAILING World Championships event or from WA Museum for the underwater component of the trail along the identified shipwreck sites. The planned reconstruction of the Long Jetty, construction of the boardwalks, upgrading of the dunes and the former Old Port area and restoration of the former Kerosene store, when done, would greatly improve the use and appreciation of this area by the community and visitors.

CONCLUSION

The implementation of the Arthur Head Reserve Masterplan involving implementation of the Maritime Heritage Trail and completion of the Whaling Station and Old Port Projects as two of its planned 12 station. This involves proposed works in the water and requires acceptance by the City of Fremantle of management responsibility over the seabed portion of Bathers Bay, which contains the historic structures such as the gun emplacement, shipwreck sites and remains of the Long Jetty. The structure under which such responsibility can be exercised in accordance with the DPI's requirements is to extend the current boundary of the Arthur Head A Class Reserve, thus its vesting order, to include the seabed land over a portion of Bathers Bay. In order to proceed with the process DPI requires the Council to also indemnify the Minister for Lands and DPI against all costs and claims that may arise in the future and to meet all costs involved in this process, the main of which would be the survey and preparation of the final, deposited plan.

Legal advice received by Council to date concludes that native issues and interests over the seabed land have been totally extinguished under the past 'vesting' orders. However Arthur Head is also a registered Aboriginal site and Section 18 (S18) of the Aboriginal Heritage Act (AHA) of 1972 requires Council to gain clearance to implement works that impact on the water component of the site. Such clearance for the land component has been gained through the previously conducted heritage studies and surveys; however it is recommended that Council appoints a suitable consultant to develop the protocol and to carry on consultation with Aboriginal elders in order to gain clearance for the proposed works over the seabed.

It is considered that both, Parliamentary process of the boundaries extension and re-vesting of lot 300 and consultation with Aboriginal community, can run concurrently.

Once accomplished the extended Arthur Head A Class Reserve will allow the City to seek funds and, over a period of time, realise its full potential as a heritage site and public reserve in accordance with the adopted plans. The satisfactory resolution of the outstanding issues will widen City's opportunities to seek funds from a greater range of funding sources, for example from Perth 20011 ISAF SAILING World Championships event or from WA Museum for the underwater component of the trail along the identified shipwreck sites. The planned reconstruction of the Long Jetty, construction of the boardwalks, upgrading of the dunes and the former Old Port area and restoration of the former Kerosene store, when done, would greatly improve the use and appreciation of this area by the community and visitors.

STRATEGIC AND POLICY IMPLICATIONS

The item and its recommendations are consistent with the City Plan and the relevant policies and strategy plan for Arthur Head A Class Reserve.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The ongoing conservation and upgrading of Arthur Head A Class Reserve would ensure that this most significant heritage place of Western Australia with a rich pre-settlement history and representing the beginnings of the Swan River Colony, one of the most frequently visited sites of Fremantle, brings economic benefits to all businesses in the city centre. The ongoing program of conservation and enhancement of this area ensures that the market advantage represented by the city's heritage, which has been proven to be a prudent economic strategy for a long term viability of Fremantle, will continue to bring ever an increasing spill over effects to the local economy.

Environmental

This item deals with protection of the area's heritage as a non-renewable natural, cultural and built resource and a sustainable survival of the only survivor of the natural coastal land and vegetation along the city's foreshore.

Social

The Arthur Head A Class Reserve social value is represented by the multiplicity of historical associations with the events and people from long before the settlement. The site is significant to Nyoongars as the first people of Fremantle. The reserve's post settlement history also demonstrates strong community attachment to the area represented by such events as the demonstrated community opposition to the demolition of the Round House and the community's assumed ownership of the reserve represented by the ongoing interest and volunteer care of the dunes' vegetation by Friends of Bathers Beach. Arthur Head Reserve is also a well established local landmark defining the identity of both, city and the local community. This item represents enhancement of all aspects of the social capital associated with the reserve.

BUDGET IMPLICATIONS

There are no immediate budget implications associated with this item. Should the Council adopt the recommendations a budget will be required for appointment of a

consultant to develop the protocol for consultation and to consult with Aboriginal elders. Any future contribution from the City that might be required by the external funding bodies to match any potential grants allocated to the project will be subject of standard budgetary process.

At the same time any prolonged delay in implementation of the approved grant and matching budget may result in escalation of costs of the approved works.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The legislative process associated with this item involves compliance with the Native Title Act. Should the Council assume management responsibility for the proposed extended area of Arthur Head Reserve, this would require legislative amendment to the current vesting order.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Department of Planning and Infrastructure will be responsible for the community consultation related to the Parliamentary process and to re-vesting of lot 300. Should the Council support the recommendations a consultant will carry on consultation with Aboriginal elders as required under the Aboriginal Heritage Act and Council's policy.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICERS RECOMMENDATION

That Council:

1. Agrees to accept the management responsibility for the extended A class reserve as proposed; to indemnify the Minister for Lands and DPI against all costs and claims that may arise from the taking process, and; to meet all the costs involved in this process, the main of which would be survey and preparation of the final, deposited plan.
2. Authorises CEO to:
 - a. approach the Department for Planning and Infrastructure's Coastal Assets office with the aim to relinquish and include Lot 300 in the land added to adjacent Class A Reserve 21563;
 - b. to take all necessary steps to initiate the Parliamentary process of the proposed extension of the current vesting of Class A Reserve.
3. Gives consideration to allocating a suitable budget for development of the consultation protocol and to carry on consultation with Nyoongars elders as required under Section 18 clearances of Aboriginal Heritage Act.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr S Mackay

That Council:

1. **Agrees to accept the management responsibility for the extended A class reserve as proposed; to indemnify the Minister for Lands and DPI against all costs and claims that may arise from the taking process, and; to meet all the costs involved in this process, the main of which would be survey and preparation of the final, deposited plan.**
2. **Authorises CEO to:**
 - a. **approach the Department for Planning and Infrastructure’s Coastal Assets office with the aim to relinquish and include Lot 300 in the land added to adjacent Class A Reserve 21563;**
 - b. **to take all necessary steps to initiate the Parliamentary process of the proposed extension of the current vesting of Class A Reserve.**
3. **Gives consideration to allocating a suitable budget for development of the consultation protocol and to carry on consultation with Nyoongars elders as required under Section 18 clearances of Aboriginal Heritage Act.**

CARRIED: 4/1

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

The following item number **SGS0906-6** was moved and carried en bloc earlier in the meeting.

SGS0906-6 DELEGATED AUTHORITY REVIEW 2009

DataWorks Reference: 100/003
Disclosure of Interest: Nil.
Previous Item: Nil.
Responsible Officer: Graeme Mackenzie, Chief Executive Officer
Actioning Officer: Glen Dougall, Director Corporate Services
Decision Making Authority: Council
Agenda Attachments: Draft Updated Delegated Authority Register (*under separate cover*)

PURPOSE

To approve the 2009 review of the Delegated Authority Register and the recommended changes to the Register.

EXECUTIVE SUMMARY

A review of the Delegated Authority Register has been undertaken in accordance with the Local Government Act requirement, to ensure that it contains the requirements for the City of Fremantle to function efficiently and to ensure that good governance is provided.

A significant review occurred two years ago. The review is provided for Council to consider.

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 Chief Executive Officer (CEO) except those powers specifically identified under the Act. The CEO may then delegate these powers to other officers but only in accordance with the delegation set by Council.

The last review was undertaken in May 2008. The Act requires that a review of delegations to committees and the CEO are to be undertaken at least once every financial year. Annual review of delegations ensure that they remain up to date with Council expectations and current to policy.

COMMENT

The Senior Management Group has undertaken a review of all delegations in accordance with the Act requirements. The delegation to committee's were modified two years ago and became a general delegation that is clear for the committee, officers and the community.

Provided below is a schedule of the changes and reason for the recommendation for change. Included in the attachment document for this agenda is a copy of the Delegations Register with tracked changes highlighted to assist in following the recommendations;

Section Number	Title	Page	Recommendation Summary
3.2	Accounts for Payment – Authorisation of	7	Changes to allow for web based and electronic authorisations as cheque payments becoming less common.
3.8	Expenditure – Authorisation of	15	Changes to officer delegations. List has been reduced and fewer ranges.
3.17	Legal Proceedings – Authority to initiate proceedings or prosecutions	30	Change to delegation heading to improve the intent of the delegation.
3.18	Building Licences – Extension of	31	Delete policy reference as policy DA9 no longer exists.
3.19	Development Applications Relating to Property	32	Delete policy reference as policy DA1 no longer exists.
3.20	Stop Work Orders and Seek Injunctions – Issue of	33	Delete policy reference for DA12 and add policy LPP1.5.
3.21	Swimming Pools – Private	34	Delete policy reference as policy DA11 no longer exists.
3.22	Permits – Annual	35	Delete policy reference as policy DBU2 no longer exists.
3.27	Assign Classifications and Issue a Certificate of Classification	40	Delete reference to policy DA10 as no longer exists.
3.29	Certain Provisions about Land – Persons with Express Authority	42	Additional officers to be provided with delegation.
3.37	Annual Meeting with the Auditor	54	Change of committee to current name.
3.41	Trading in Public Places – Authority to Determine and Approve Applications	58	Additional officers to be provided with delegation.
3.43 (New)	Street Numbering	61	Delegation to allocate new street numbers.
4.1	Health Act – Orders, Notices, Directions and Offences	63	Inclusion of a limit to the delegation for the additional officers to be provided with delegation.
4.2	EPA Legal Proceedings – Initiate	64	Change of name for better reference.

4.4	Liquor Act	66	Inclusion of a limit to the delegation for the additional officers to be provided with delegation.
4.9	Buildings and Land – Authority to Enter	73	Inclusion of Policy LPP1.5 into reference and additional officers included in delegation.
4.11	Caravan Parks and Camping Grounds – Delegated Authority under the provisions of	75	Additional officers included in delegation.
4.14	Fireworks – Approval for display of	78	Correction to delegated officer title.
4.16	Building Licences – Issuing of	80	Addition to delegation for the issuing of building approval certificates and deletion of policy DA9 as no longer exists.

This year the major change has been to significantly change the authority of officers in their authority to expend municipal funds and amendments to comply with the changes in planning policy references.

Many of the other changes provided in the document relate to how the Chief Executive Officer on-delegates.

CONCLUSION

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

STRATEGIC AND POLICY IMPLICATIONS

The requested ongoing delegations assist in administering the strategic direction of Council.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Nil, governance issue.

Environmental

Nil, governance issue.

Social

Nil, governance issue.

BUDGET IMPLICATIONS

Nil.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Section 5.16 of the Local Government Act 1995 makes provision for local government to delegate some of the powers and duties under the Act to committees, except for 5.17 which precludes some of these powers.

Section 5.42 of the Act 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.

All delegations need to be in writing and this will occur by way of letter signed by the Mayor to the CEO, and by the CEO to officers where delegation has been passed on.

Section 5.18 and section 5.46 (2) of the Act requires that annual an annual review of delegations to committees and the CEO be undertaken. This report complies with this requirement.

Council is also requested to review the appointments of the Chief Executive Officer and other nominated officers under the provisions of the Local Government (Miscellaneous Provisions) Act 1960, Health Act 1911, Strata Titles Act 1985 and the City Planning Scheme 2005. The delegation will enable the officers to attend to specific matters for which delegation is possible in those Acts and City Planning Scheme.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

That Council adopts the delegations as provided in the attached City of Fremantle Delegations Register under the Local Government Act 1995, Local Government (Miscellaneous Provisions) Act 1960, Health Act 1911, Strata Titles Act 1985 and the Local Planning Scheme as attached with this Strategic and General Services Committee agenda for June 2009.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr S Mackay

That Council adopts the delegations as provided in the attached City of Fremantle Delegations Register under the Local Government Act 1995, Local Government (Miscellaneous Provisions) Act 1960, Health Act 1911, Strata Titles Act 1985 and the Local Planning Scheme as attached with this Strategic and General Services Committee agenda for June 2009.

CARRIED: 5/0

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

The following item number **SGS0906-7** was moved and carried en bloc earlier in the meeting.

SGS0906-7 FRIDAY NIGHT TRADING

DataWorks Reference: 069/002
Disclosure of Interest: Nil
Previous Item: SGS0611-3
Responsible Officer: David Duncanson, Manager City Marketing
Actioning Officer: David Duncanson, Manager City Marketing
Decision Making Authority: Council
Agenda Attachments: Nil

PURPOSE

To respond to a motion from Cr Dowson requesting an investigation of the success or otherwise of the change from Thursday night late trading to Friday night late trading.

EXECUTIVE SUMMARY

Late night trading on a Friday was introduced in September 2007 and while the initial response was positive the number of smaller retailers opening on a Friday night has declined.

The state government is currently undertaking a review of weekday trading hours and legislation is anticipated to be introduced into Parliament in the next few months and promulgated later in the year.

Given the State Government's position it may be prudent to await the outcome of that review prior to Council making a decision on the future of Friday night trading. Consultations have been arranged with anchor tenants, small retailers and the Chamber of Commerce.

BACKGROUND

Under the current trading laws small retailers can open when the like and the bigger retailers such as Myer and Coles have restricted trading, which in Fremantle means that they can open to 7pm Monday to Friday. Friday is currently designated as the official late night shopping night where all retailers can open till 9pm. The reality is that Coles trades to 7pm every night, however Myer mainly closes at 6pm apart from Friday nights. Any change to late night trading hours needs to be approved by the Minister for Commerce.

There has been much debate over the past few years (with retailers and customers) about whether late night trading in Fremantle should take place on a Thursday or a Friday night.

In 2002 the Fremantle Chamber of Commerce wrote to the City advising that their membership supported the change (to late night shopping on Friday) and requesting that the City survey retailers to gauge support. The City then undertook a survey which showed that 53% of retailers supported the change. At the time, it was considered that further proof of support would be required by the department. Shortly after this, the state government announced a review of retail trading hours which brought an end to the push for a change. The review was followed by the referendum which resulted in no change. Therefore the push for a change lost impetus due to external factors outside Fremantle.

A petition, supporting the change from Thursday to Friday night, containing signatures from 100 businesses located at Fremantle Markets, was presented to the Council meeting on 23 September 2006. The City conducted a survey of retailers in the Central Business District which resulted in support for the change from 50% of those surveyed with 6% being undecided. These results were in line with the results of the survey the City undertook in 2002.

The Fremantle Chamber of Commerce ran a poll of its members during September and October of 2006 which resulted in support for the change from 69% of those who responded. Subsequent to the Chambers' poll of members, the Chamber Board voted not to support the change to late night trading on Friday.

In November 2006, Council considered an item put forward by the Mayor seeking support for changing the official late night shopping night from Thursday nights to Friday nights. This motion was passed by Council ten votes to two. An application was then submitted to the Department for Consumer & Employment Protection for an official change from Thursday night to Friday night. The Department responded on the 21st December 2006 advising that there was not sufficient evidence of support for the change to warrant it being granted but that should further evidence become available then the Department could reconsider the matter. The Chamber's Board subsequently changed its mind and a letter of support was sent to the Minister. The Minister approved that change in February 2007.

In order to plan and promote the change, it was decided to postpone the implementation date until the 28th September 2007.

Current situation

The recently elected State Liberal Government announced that it would be reviewing the current law in regard to weekday trading hours. The Department of Commerce expect that new legislation will be in place by the end of 2009. It has not yet been decided whether there will be 7pm or 9pm closing. The major retailers such as Coles and Myer have not committed to opening all available hours and should 9pm closing be adopted by the state government this does not guarantee that the major retailers will open until that time every day of the week. Newspaper reports (quoting Myer representatives) suggest that Myer would only trade to 7pm on weeknights and their main focus is actually Sunday trading.

COMMENT

It should be noted that Thursday late night trading did not work as only a small amount of retailers actually opening past 5.30pm. While the initial number of retailers opening late on a Friday after September 2007 was encouraging, this quickly dissipated and is now at a level which is probably comparable to Thursday late night trading pre the change. Feedback from small retailers indicates that they are not experiencing a demand to open past 7pm any night of the week.

CONCLUSION

In considering the success or otherwise of Friday night trading it should be remembered that the reason for changing from Thursday night was because Thursday was not successful as very few small retailers opened. A change back to Thursday nights would not in itself guarantee success.

Experience has shown that change to trading hours has to be driven by a desire from the majority of retailers (and customers) for change. There is little point in local government trying to impose new hours on retailers as they will simply not open when there is perceived to be no demand.

It may be prudent to wait until the State Government decide overall weekday trading hours before taking any action in relation to Friday night trading. Even if the outcome of the State Government review is to recommend 9pm Monday to Friday trading the reality is that trading hours will be driven by Myer, Target and other major retailers.

Therefore any review of Friday night trading should be postponed until after the outcome of the state government's review is known. Consultation with major retailers, smaller retailers and the Chamber of Commerce is arranged to understand the thoughts and processes that are to be put in place to determine the best policy for Fremantle.

STRATEGIC AND POLICY IMPLICATIONS

Nil

TRIPLE BOTTOM LINE IMPLICATIONS**Economic**

Nil

Environmental

Nil

Social

Nil

BUDGET IMPLICATIONS

Nil

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

General input has been received from large and small retailers prior to compiling this item.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council postpone any decision on a change to Friday night trading hours until after the outcome of the State Government's review of weekday trading hours is announced.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr S Mackay

That Council postpone any decision on a change to Friday night trading hours until after the outcome of the State Government's review of weekday trading hours is announced.

CARRIED: 5/0

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

The following item number **SGS0906-8** was moved and carried en bloc earlier in the meeting.

SGS0906-8 INFORMATION REPORT FOR JUNE 2009

URBAN DEVELOPMENT ADVISORY COMMITTEE MEETING HELD 14 APRIL 2009

DataWorks Reference: 039/006
Author: Strategic Urban Designer,
Agenda Attachments: Attachment 1 UDAC Minutes 14 April 2009

At its April 2009 meeting the advisory committee's main topic for discussion was the opportunity to enhance Queen St as a key street leading from the rail and bus stations across the city centre.

The committee also inspected the Westgate Mall and concluded that to properly resolve the problems with the mall would involve major redevelopment of adjoining properties and that short-term upgrading is unlikely to significantly increase pedestrian use of the walkway.

Minutes of the meeting are attached.

COMMERCIAL PROPERTIES MONTHLY REPORT – MAY 2009

Dataworks Reference: 049/008
Author: John Amor, Property Co-ordinator
Agenda Attachments: Commercial Properties Monthly Report – May 2009
(Confidential)

The overview of the City's commercial properties is attached for information and to keep elected members informed as to current issues within this portfolio. As some of the information refers to specific issues with some tenants which may be of a sensitive nature the report is attached as a confidential document.

OFFICER'S RECOMMENDATION

That the information report for May 2009 be received.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr S Mackay

That the information report for May 2009 be received.

CARRIED: 5/0

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

SGS0906-9 SUBSIDISED RENTAL OF CITY OWNED PROPERTIES THAT DO NOT FORM PART OF THE INVESTMENT PORTFOLIO

DataWorks Reference:	049/008; 013/001
Disclosure of Interest:	Nil
Previous Item:	Nil
Responsible Officer:	Marisa Spaziani, Director Community Development
Actioning Officer:	John Amor, Property Coordinator
Decision Making Authority:	Council
Agenda Attachments:	Attach 1. Policy –Subsidised Rental of City Properties that do not form part of the investment portfolio. Attach 2. Current City owned properties that do not form part of the investment portfolio.

PURPOSE

To recommend adoption of the Policy – Subsidised Rental of City Properties that do not form part of the investment portfolio.

EXECUTIVE SUMMARY

The City of Fremantle receives requests from not-for-profit organisations for subsidised rental assistance to lease City owned properties that do not form part of the investment property portfolio. This policy will introduce a consistent approach to allocating a subsidised rental to lease these City owned properties. It will also introduce accountability to the process of dealing with these requests and enable clear decisions about the amount of subsidisation being applied.

BACKGROUND

Council has a number of properties that it leases to not-for-profit organisations. What this Policy strives 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 properties can generate revenue. The policy only deals with properties that are not contained within the investment portfolio and where Council can decide on the level of subsidy to apply. Properties that form part of the investment portfolio will be dealt with separately.

COMMENT

How the Policy will operate is that a market rental valuation will be undertaken for each property and the rental subsidy will be based on a percentage of that valuation. The percentage of the subsidisation will be applied at lease negotiation and/or when the lease is up for renegotiation. The City must maintain its buildings and the revenue from the lease assists the City to keep these buildings to an appropriate standard. The Lessee is usually responsible for routine maintenance and the City for repairs of a structural nature.

CONCLUSION

The rental subsidy enables not for profit organisations to continue to provide services to Fremantle residents via more affordable lease conditions. The City will have a transparent way of applying the subsidy. The rental income from these properties can be used to maintain the premises.

STRATEGIC AND POLICY IMPLICATIONS

This policy supports the effective distribution of funds to non for profit community based organisations for projects and activities that enhance community wellbeing. As such, this relates to the following areas of the Strategic Plan 2006-2010.

A Great Place for People

1.1 Diversity of People and Lifestyles

1.4 Sense of Community

1.5 Community Participation & Knowledge

1.6 Healthy and Active Community (Community Wellbeing)

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The provision of the amount of funding is to be determined annually through the budget process. This amount would need to be afforded within the budget.

Environmental

Nil

Social

Positive community relations with the City through support provision.

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

OFFICER'S RECOMMENDATION

That Council adopts the Policy – Subsidised Rental of City Properties that do not form part of the investment portfolio.

Cr B Pettitt moved an amendment to the Officer's Recommendation to include the following wording:

The policy is to include the following words:

There may be a case that the City wishes to offer greater than 50% subsidisation. The criteria for 75% - 100% of market rate lease subsidy consideration are:

- **The organisation is a not for profit organisation.**
- **The organisation does not own or manage commercial property in Fremantle.**
- **The services or activities provide direct benefit to the local community and are not already available in the community.**
- **The organisation provides free or low cost services to the community.**
- **The services or activities do not duplicate services already available in the community.**
- **The service is operated either wholly or mainly by volunteers.**
- **The building is purpose built and the City requires the use of the building for that specific purpose.**

MOVED: Cr S Mackay

CARRIED: 5/0

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

COMMITTEE RECOMMENDATION

MOVED: Cr S Mackay

That Council adopts the Policy – Subsidised Rental of City Properties that do not form part of the investment portfolio, with the policy is to include the following words:

There may be a case that the City wishes to offer greater than 50% subsidisation. The criteria for 75% - 100% of market rate lease subsidy consideration are:

- **The organisation is a not for profit organisation.**
- **The organisation does not own or manage commercial property in Fremantle.**
- **The services or activities provide direct benefit to the local community and are not already available in the community.**
- **The organisation provides free or low cost services to the community.**
- **The services or activities do not duplicate services already available in the community.**
- **The service is operated either wholly or mainly by volunteers.**
- **The building is purpose built and the City requires the use of the building for that specific purpose.**

CARRIED: 5/0

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

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

To make some wording changes to the policy regarding criteria for 50% and 75% - 100% rental subsidies.

The following item number **SGS0906-10** was moved and carried en bloc earlier in the meeting.

SGS0906-10 TENDER FOR PREMIXED CONCRETE - TENDER NUMBER FCC332-09

DataWorks Reference: 135/001
Disclosure of Interest: Nil
Previous Item: Nil
Responsible Officer: Philip Gale, Acting Director Technical Services
Actioning Officer: Jim Pyper, Depot Administration Officer
Decision Making Authority: Council
Agenda Attachments: Nil

PURPOSE

To accept a tender for the provision of Premix Concrete for a two year period concluding on 30 June, 2011.

EXECUTIVE SUMMARY

Recommend acceptance of the tender submitted by Boral Concrete.

BACKGROUND

The contract for this service requires renewal and forms an essential part for the successful completion of the City's annual construction program. Tenders were invited in the West Australian on Wednesday 6 May 2009 and closed on Friday 22 May 2009.

Tender documents were received from two (2) tenderers;

- Boral Concrete
- WA Premix

COMMENT

Evaluation of the tenders was required to be based on compliance on criteria, 60% qualitative criteria and 40% on price. All tenders were conforming and met the city's requirements.

The selection criteria were;

- (a) Demonstrated experience in completing, similar projects/supply similar goods.
- (b) Skills and experience of key personnel.
- (c) A demonstrated understanding of the required tasks.
- (d) Price.

The submission from Boral Concrete was determined to offer the best value services for the City.

CONCLUSION

Boral Concrete were ranked highest in the overall assessment and their tender indicates the ability to provide the services required by the City of Fremantle.

STRATEGIC AND POLICY IMPLICATIONS

This item has a general connection to the City Plan in that most construction works and some maintenance works involving infrastructure assets on road reserves require premix concrete.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Nil

Environmental

Nil

Social

Pre-mixed concrete is used in the construction and replacement of footpaths and dual use paths. It removes the hazards associated with slab paths and enables installation of tactile pavers and pram ramps which improve social amenity.

BUDGET IMPLICATIONS

There is no specific budget implication with the award of the tender with budgets for maintenance and construction works to be managed within the program using tendered rates.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Under the Local Government Act, completion of formal agreements is a requirement for contract documents.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

That the tender FCC 332/09 be awarded to Boral Concrete for the provision of premix concrete for a period of two years, concluding 30 June 2011 as it meets the required conditions and offer best value service.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr S Mackay

That the tender FCC 332/09 be awarded to Boral Concrete for the provision of premix concrete for a period of two years, concluding 30 June 2011 as it meets the required conditions and offer best value service.

CARRIED: 5/0

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

SGS0906-11 ECONOMIC DEVELOPMENT STRATEGY - ANNUAL REPORT

DataWorks Reference:	069/003
Disclosure of Interest:	Nil
Previous Item:	SGS0701-2 31 st January 2007
Responsible Officer:	David Duncanson, Manager City Marketing
Actioning Officer:	David Duncanson, Manager City Marketing
Decision Making Authority:	Council
Agenda Attachments:	Economic Development Strategy – Actioned Items

PURPOSE

To provide Council with an annual report on the implementation of the Economic Development Strategy and to request permission to review the strategy.

EXECUTIVE SUMMARY

Approximately 70% of the actions contained in the current Economic Development Strategy have been completed or are considered work in progress. This is at the halfway point in the life of the strategy. It is considered that now would be an appropriate time to undertake a review of the strategy to remove completed items that are no longer relevant and to adopt new actions where appropriate.

BACKGROUND

Council adopted the current Economic Development Strategy at its meeting on 31st January 2007. The strategy had been developed following consultation with the business community and built upon the fundamental contribution of business to the prosperity, sustainability and liveability of Fremantle.

COMMENT

Attachment 1 is a table containing information on what has been achieved against each action in the strategy. The actions have been sorted into having been either completed, being a current project or not started. It is estimated that approximately 70% of actions have either been completed or are work in progress. The reasons for projects not starting is either that there is currently no budget for the project, there are no human resources to undertake the project or that it is not considered that the project is a priority at this point in time.

CONCLUSION

Having undertaken or being in the process of undertaking approximately 70% of the actions contained within the strategy half way through the life of the strategy would indicate a commitment to implementation. As with all strategies there will always be some actions which over a period of time become less important or just not relevant. Much has changed in the world economy in the past year, with the global financial crisis having an impact at a local level as well as a national and international level. These changes mean that some aspects of the current Economic Development Strategy may no longer be relevant and that there are areas which now require attention that are not included in the strategy. In addition the strategy is also approximately half way through its lifespan and therefore it would be appropriate to review the current document. The review will involve extensive consultation with key stakeholders.

STRATEGIC AND POLICY IMPLICATIONS

The City's Strategic Plan identifies the Economic Development Strategy as being a significant document in the overall planning for Fremantle.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Nil

Environmental

Nil

Social

Nil

BUDGET IMPLICATIONS

Nil

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

1. Council note the annual report on the implementation of the Economic Development Strategy
2. That officers review the current Economic Development Strategy and bring back a report to Council by November 2009 detailing any proposed changes.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr S Mackay

1. Council note the annual report on the implementation of the Economic Development Strategy
2. That officers review the current Economic Development Strategy and bring back a report to Council by November 2009 detailing any proposed changes.

CARRIED: 5/0

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

SGS0906-12 REPORT ON 2009 FREMANTLE BOATING FESTIVAL

DataWorks Reference:	068/024
Disclosure of Interest:	Nil
Previous Item:	SGS 0811-14 (26 November 2008)
Responsible Officer:	David Duncanson, Manager City Marketing
Actioning Officer:	David Duncanson, Manager City Marketing
Decision Making Authority:	Council
Agenda Attachments:	Boat Show Survey Report 2009

PURPOSE

To provide Council with an annual report on the economic impact of the 2009 Fremantle Boating Festival which was held on the Esplanade Reserve from 27 to 29 March 2009.

EXECUTIVE SUMMARY

While the number of exhibitors and visitors to the 2009 Fremantle Boating Festival was down on previous years, the event still brings significant economic benefit to the City over the three days of the festival. Of concern in previous years was damage to the reserve by the increase in activity however there has been no damage this year. This is the first year of a three year agreement that the City has with the organisers to provide free use of the Esplanade for the festival.

BACKGROUND

The first Fremantle Boat Show was first held in August 2004 and was organised by the Boating Industry Association of WA. In May 2005, following an approach from the City of Fremantle and the Fremantle Chamber of Commerce, Exhibit Exhibitions organised the Boating Festival and have done so annually ever since. The Boating Festival is physically in two parts with the land based exhibitions on the Esplanade Reserve and the larger boats in a designated area of Fishing Boat Harbour. In November 2008 (Refer to Item number SGS08011-14) Council gave a three year commitment to providing free use of the Esplanade Reserve and at that time attached the following conditions to that agreement.

1. That there is no charge for entry to the event;
2. That should there be an entry fee to the event on the Esplanade then a hire charge of \$15,000 will apply for use of the Esplanade Reserve
3. That a bond of \$20,000 be paid to cover the cost of repair of damage to the Esplanade occurring as a result of the event
4. That an economic impact assessment be undertaken and that the results be reported back to Council;
5. That where possible local food providers be asked to provide catering at the event;
6. That Exhibit Exhibitions enter into a management agreement for the period of the event; The management agreement to include a binding legal agreement not to fence any part of the Esplanade for the duration of the event.

The event grew steadily until this year when there was a decline in number of visitors and exhibitors. This year saw the introduction of the Classic Wooden Boat display in conjunction with the main event.

Exhibitors

	No of exhibitors	No of Boats in Harbour	Area of stand on Esplanade (squ m)
2006	70	43	2,900
2007	66	66	4,100
2008	79	73	4,500
2009	68	46	5,800

Visitor numbers

2006	Date	Daily total	Event total
Friday	28/04/2006	1,306	
Saturday	29/04/2006	3,542	
Sunday	30/04/2006	6,170	11,018
2007			
Friday	13/04/2007	2,168	
Saturday	14/04/2007	4,952	
Sunday	15/04/2007	4,058	11,178
2008			
Friday	18/04/2008	2,501	
Saturday	19/04/2008	4,861	
Sunday	20/04/2008	6,368	13,730
2009			
Friday	27/03/2009	1,268	7,772
Saturday	28/03/2009	2,675	
Sunday	29/03/2009	3,829	

An independent market research company was contracted by City Marketing to undertake an intercept survey within the Boating Festival exhibition areas.

COMMENT

The Fremantle Boating Festival has grown in stature over the past four years to be regarded as one of the three major boating shows in Western Australia. A major selling point for the show is that it is a combination of land and water based exhibits which have proved to be successful with visitors.

The events have been well organised with considerable consultation between the event organisers and various City of Fremantle departments.

The 2009 show has seen a decline in the number of exhibitors and in visitors. The organisers have put this down to the effects of the global financial crisis where luxury items such as boats are one of the first areas to be effected. However in the current financial climate the organisers are pleased with this years results and are confident that the 2010 show will attract greater numbers.

An inspection of the Esplanade Reserve was undertaken by the City's Parks Department to ascertain if any damage to the reserve had occurred. It was established that there was no damage and the bond paid by the organisers was returned in full.

In order to evaluate the impact of the boat show an independent survey was undertaken, the full report being an attachment to this report. Some interesting results are as follows:

- 71.3% arrived by car
- 14.6% by bus
- 9.6% by train
- 1.9% by boat
- 1.3% by bike

- 93% lived in Metropolitan Perth

- Far northern suburbs 21.6%
- Eastern suburbs 15.3%
- Southern suburbs 28.9%
- Western suburbs 16%
- Fremantle & environs 19.3%

- 30.9% would not do anything else apart from visit the show
- 23.7% eat/go to café
- 20.6% shop
- 12.4% pub
- 8.2% sightsee
- 83% indicated they were satisfied with the show

Areas for improvement

- | | |
|------------------------------------|-------|
| • No improvement necessary | 44.3% |
| • Larger Boat show | 18.6% |
| • More boats on display | 15.5% |
| • Parking – closer/more accessible | 9.3% |
| • More food available | 7.2% |
| • Parking – more | 6.2% |
| • Have it on in the evening | 5.2% |
| • Have boat rides available | 4.1% |
| • Parking – free | 4.1% |
| • More activities | 3.1% |
| • Map of stallholders | 3.1% |
| • Other | 10.3% |
| • Unsure | 7.2% |

Dollar spend in Fremantle \$38.64 per person = \$300,310 total spend

- 65.6% male – 34.4% female

- 18 - 24 age group 8.9%
- 25 – 34 age group 31.2%
- 35 – 44 age group 23.6%
- 45 – 54 age group 18.5%
- 55 – 64 age group 13.4%
- Over 65 4.5%

CONCLUSION

The results of the survey indicate that while the numbers were down there was general satisfaction with the festival and that nearly 70% of people indicated that they would participate in other activities while in Fremantle thus spreading the economic impact throughout the city. While the City waives the hire fee of the Esplanade Reserve, this is more than offset by the positive economic impact.

STRATEGIC AND POLICY IMPLICATIONS

The attraction and retention of events is a key area in the Strategic Plan

- Contribute to the local economy by encouraging major events that are in harmony with the City's character
- Work to secure the continuation of a Fremantle Boating Festival

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The economic implications from staging the Boat Show are considerable with over \$300,000 being spent in the local economy over the three days of the event.

Environmental

While, in previous years, the festival has resulted in some damage to the Esplanade Reserve, particularly in areas of heavy traffic, this year there has been no damage to the park.

Social

The Fremantle Boating Festival adds to the vibrant mix of events and attractions in Fremantle.

BUDGET IMPLICATIONS

In giving free use of the Esplanade Reserve Council is giving up potential income of \$65,660 for the period of the festival, however this is an opportunity cost in that it would only be achieved if another organisation was wanting to hire the whole of the Esplanade at the same time.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority required.

OFFICER'S RECOMMENDATION

That Council receive and note the report on the 2009 Fremantle Boating Festival.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr S Mackay

That Council receive and note the report on the 2009 Fremantle Boating Festival.

CARRIED: 5/0

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

The following item number **SGS0906-13** was moved and carried en bloc earlier in the meeting.

SGS0906-13 POLICY - COMMUNITY DEVELOPMENT FUNDING

DataWorks Reference: 013/001 and 035/005
Disclosure of Interest: Nil
Previous Item: SGS-050528 (Council Meeting of 8 June 2005)
Responsible Officer: Marisa Spaziani, Director Community Development
Actioning Officer: Marisa Spaziani, Director Community Development
Decision Making Authority: Council
Agenda Attachments: Attachment 1 SG22 Donations and Sponsorship Policy
Attachment 2 Community Development Funding Policy
Attachment 3 Summary of Recent Projects Supported by Council

PURPOSE

Proposal to adopt a Community Development Funding policy to replace the existing SG22 Donations and Sponsorships policy.

EXECUTIVE SUMMARY

In June 2005, the existing SG22 Donations and Sponsorship policy was revised and was due for review in June 2008. This report outlines a proposal to replace the Donation and Sponsorships policy that was implemented in 1998 with a Community Development funding programme that clarifies the differences between provision of funds as donations, subsidies and sponsorship to that of a partnership funding approach.

BACKGROUND

The existing SG22 Donations and Sponsorships policy was revised in June 2005 and was due for review in June 2008. In reviewing the current policy and implementation, it is considered that it would be useful to define the terms involved in the provision of funds to community groups by the City. There is also the opportunity to improve the timely and efficient administration of the community development funding process. The outcomes of the funding programme also needs to be evaluated to ensure that the community is receiving best value for the expenditure of City funds.

The proposed new policy is considered necessary to effectively and efficiently manage the community development funding function. The new policy would seek to achieve the objectives of:

- A clear policy position for all community development funding.
- Provision of funding linked to the strategic direction of community development.
- Administrative processes that are effective and transparent.
- Clear financial accountability processes for all recipients of funding.
- Clearly defined funding definitions and levels of funding.

Fundamental to the funding programme are concepts of community wellbeing, community connectedness and cohesiveness, community engagement, community participation and access and equity. Therefore, the City would provide financial assistance to organisations to promote the wellbeing and sense of belonging to the community.

The financial support offered by the City of Fremantle via the Community Development function is appreciated by recipients and has the potential to benefit the community of Fremantle.

COMMENT

In reviewing the policy and policy implementation, it has been identified that there is opportunity to improve both clarity of the funding programme and administrative procedure. The capacity to be responsive to community needs whilst achieving value for dollar and appropriate accountability for the expending of funds is paramount in the administration of this programme.

The 2008/09 Donations and Sponsorship budgets that reside across the Community Development Directorate included the following:

Community Development Grants	\$ 46,000
Recreation (Youth Sports Grants)	\$ 20,750
Cultural Development (awaiting subsidised rental review)	\$ 70,000
Padre/Chaplaincy grants to John Curtin Senior High School and South Fremantle Senior High School	<u>\$ 10,000</u>
Total for 2008/09	<u>\$146,750</u>

This total does not recognise any dollar amount due to the subsidisation of rental that is currently occurring in a number of City properties within the property portfolio.

It is recommended that through the annual budget process a community development funding amount is determined to be allocated for applications.

For the purpose of this policy Community Development Funding is a sum of money that is provided by the City to an organisation for a specific purpose (project, activity or event).

This funding policy does not cover:

- Donations which are defined as the provision of money with no benefits required or
- Corporate sponsorship agreements which involves the provision of money for a return of agreed sponsorship benefits to the City often in the form of tickets, advertising and promotion. This most commonly occurs with large corporate events and is covered through other City processes.

CONCLUSION

The Community Development Funding Policy will provide clarity for the community in the City's funding processes as well as providing administrative efficiencies in policy implementation.

STRATEGIC AND POLICY IMPLICATIONS

This policy supports the effective distribution of funds to not for profit community based organisations and individuals for projects and activities that enhance community wellbeing. As such, this relates to the following area of the Strategic Plan:

A Great Place for People

1.1 Diversity of People and Lifestyles

1.4 Sense of Community

1.5 Community Participation & Knowledge

1.6 Healthy and Active Community (Community Well-Being)

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The provision of the amount of funding is to be determined annually through the budget process.

Environmental

Nil

Social

Nil

BUDGET IMPLICATIONS

To be determined annually through normal budget process.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

That the Council adopts the Community Development Funding Policy to replace the existing SG22 Donations and Sponsorship Policy.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr S Mackay

That the Council adopts the Community Development Funding Policy to replace the existing SG22 Donations and Sponsorship Policy.

CARRIED: 5/0

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

The following item number **SGS0906-14** was moved and carried en bloc earlier in the meeting.

**SGS0906-14 REQUEST FOR CARPARK CLOSURE FOR AN EVENT BY
IMAGINATION AUSTRALIA**

DataWorks Reference: 154/016; 042/011; 2-108 Beach Street
Disclosure of Interest: Nil
Previous Item: Nil
Responsible Officer: Cameron Bartkowski, Coordinator Community Safety & Rangers
Actioning Officer: Doreen Johnson, Events Operations & Logistics Officer
Decision Making Authority: Council
Agenda Attachments: Nil

PURPOSE

To obtain council approval for the allocation of 78 bays in car park 12b situated at 2-108 Beach Street, Fremantle, over three weekends in September 2009 to conduct a motor cycle test area.

EXECUTIVE SUMMARY

Council approve the request from Imagination Australia for the allocation of 78 bays in car park 12b situated at 2 -108 Beach Street, Fremantle, over three weekends in September 2009 to conduct a motor cycle test area. The event organisers have agreed to pay the necessary fee of \$280 per day for the use of these bays.

BACKGROUND

An event application was received from Imagination Australia to hold a motor cycle training program, whereby a testing area will be set up for registered participants to be given training sessions by accredited motor cycle trainers before completing a 30 minute road event. The dates requested are:

- Bump in 3 September out on 6 September 09
- Bump in 10 September out on 13 September 09
- Bump in 17 September out on 20 September 09

In discussion with Imagination, they have indicated that if three weekends are not acceptable to Council, they would be happy to accept one or two weekends.

A Risk Management Plan and Public Liability Insurance have been provided by the organiser with their event application form.

COMMENT

The area sought amounts to being about 30% of the parking capacity. The remaining bays will be available to the general public, thereby minimising disruption to the City's

regular customers of this parking station. The fee of \$280 is based on the daily parking fee of \$3.60 per bay per day for 78 bays which is the approved fee in the fees and charges schedule.

CONCLUSION

During this time of the year, Carpark 12b is not fully utilised and patrons using this Carpark will not be disadvantaged as there are sufficient remaining bays available. It provides an opportunity to the city for increased earnings from bays that would not normally be utilised. Therefore, it is recommended that Council approves this request.

STRATEGIC AND POLICY IMPLICATIONS

Strategic Plan

Outcome 1.1 Diversity of People and Lifestyles

Port City of Fremantle is a place which attracts, accommodates and serves a diverse local and regional community, with a mix of age, income and cultural groups. The City continues to meet the needs and expectations of a changing population.

1.1.3 Support and encourage community and cultural events.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Nil

Environmental

Nil

Social

Builds on Fremantle's reputation as a venue for events.

BUDGET IMPLICATIONS

There will be no cost to council as the organisers have agreed to pay the necessary fees for the 78 bays requested.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

N/A

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council grants permission to Imagination Australia for the exclusive use of 78 bays in car park 12b situated at 2-108 Beach Street, Fremantle, over the three periods 3 to 6 September 2009, 10 to 13 September 2009 and 17 to 20 September 2009 to conduct a motor cycle test area.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr S Mackay

Council grants permission to Imagination Australia for the exclusive use of 78 bays in car park 12b situated at 2-108 Beach Street, Fremantle, over the three periods 3 to 6 September 2009, 10 to 13 September 2009 and 17 to 20 September 2009 to conduct a motor cycle test area.

CARRIED: 5/0

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

The following item number **SGS0906-15** was moved and carried en bloc earlier in the meeting.

SGS0906-15 CONSIDERATION FOR PERMISSION FOR EXCLUSIVE USE OF PORTION OF NO. 20 (ESSEX STREET) PARKING STATION

DataWorks Reference: 091/008
Disclosure of Interest: Nil
Previous Item: Nil
Responsible Officer: Peter Wood, Coordinator Parking Services
Actioning Officer: John Flindell, Supervisor, Commercial Parking
Decision Making Authority: Council
Agenda Attachments: Nil

PURPOSE

To grant or decline permission to Australian Fodder Industry Association (AFIA) to use portion of the No. 20 (Essex Street) Parking Station to accommodate an exhibition of industry-related machinery, from Monday 27 July 2009 to Wednesday 29 July 2009, inclusive.

EXECUTIVE SUMMARY

The City of Fremantle has the management of a parcel of land which is portion of privately owned land known as 1 Essex Street, Fremantle. The area forms part of the No. 20 (Essex Street) Parking Station. The Australian Fodder Industry Association (AFIA) is seeking permission for the exclusive use of this portion of the parking station from Monday 27 July 2009 to Wednesday 29 July 2009, inclusive, for the purpose of exhibiting industry-related equipment in conjunction with a conference which AFIA is hosting on the subject. The exclusive use of the land gives rise to the need for Council to grant or decline permission for that use. It is intended to invoice fees at the rate of \$11.00 (inclusive of GST) per parking bay per day on the basis the organisation is a non-profit entity. Nineteen parking bays comprise the area sought. The daily average income calculated on a 'per bay' basis for that parking station, is \$9.90.

BACKGROUND

Australian Fodder Industry Association (AFIA) is a national non-profit organisation recognised by State and Federal governments, and which lobbies in that arena on behalf of its members on industry and member-related issues. AFIA holds this kind of conference annually, inviting guest speakers from interstate and overseas, thus providing members with an important opportunity to exchange ideas and conduct networking. Attendance is in the vicinity of 180 to 350 persons. The industry has wide-ranging scope connected to sustainability of environment and food sources, as well as commercial viability for members.

AFIA intends to fence portion of the City's No. 20 (Essex Street) Parking Station, consisting of 19 parking bays adjacent premises known as 1 Essex Street, Fremantle, using temporary fencing so as to restrict access for industry members and to secure the exhibited equipment. The exhibit will be in conjunction with a conference relating to the fodder industry.

COMMENT

The exhibition and conference provides a tangible means for AFIA members to exchange ideas and network with interstate and overseas industry members. The area sought amounts to being about 60 per cent of the parking station capacity. The remaining bays will be available to the general public, thereby minimising disruption to the City's regular customers of this parking station. The fee sought per bay of \$11.00 is above the daily average income calculated on a 'per bay' basis for that parking station, which is \$9.90.

CONCLUSION

This request provides an opportunity for the City to be the host city for this event. The fact that the remaining 40 per cent (approximately) of the parking station will be available for other customers minimises disadvantage to regular customers. An opportunity exists for the City to increase earnings by greater utilisation of other nearby parking facilities patronised by AFIA members attending the exhibition and the associated conference. The proposed fee creates a balance between protection of the City's income and financial viability, and the cost:benefit ratio to AFIA.

STRATEGIC AND POLICY IMPLICATIONS

Strategic Plan

Outcome 1.1 Diversity of People and Lifestyles

Port City of Fremantle is a place which attracts, accommodates and serves a diverse local and regional community, with a mix of age, income and cultural groups. The City continues to meet the needs and expectations of a changing population.

1.1.3 Support and encourage community and cultural events.

Environmental Policy OP14 adopted 6 June 2000 records Council's commitment, amongst other undertakings, to implementation of best practice environmental management; towards a higher order plan contained in the Fremantle City Plan identified in the year 2003 to that achievement through "...promotion of community participation in environmental assessment...".

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The fee sought protects the City's financial viability, yet also provides an efficient cost:benefit ratio to the client.

Environmental

The conference and associated exhibition promotes efficiency within the fodder industry which will provide benefit for the environment at a national level.

Social

The conference and associated display provides diversity and colour to our City.

BUDGET IMPLICATIONS

The fee sought will maintain a seamless revenue stream for the parking station concerned for the days involved.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required.

OFFICER'S RECOMMENDATION

That the Council grant permission to the Australian Fodder Industry Association for the exclusive use of portion of the City's No. 20 (Essex Street) Parking Station, being 19 parking bays adjacent premises known as 1 Essex Street, Fremantle, from Monday 27 July 2009 to Wednesday 29 July 2009, inclusive, to be invoiced at a cost of \$11.00 (including GST) per parking bay per day, applied upon the basis the organisation is a non-profit entity.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr S Mackay

That the Council grant permission to the Australian Fodder Industry Association for the exclusive use of portion of the City's No. 20 (Essex Street) Parking Station, being 19 parking bays adjacent premises known as 1 Essex Street, Fremantle, from Monday 27 July 2009 to Wednesday 29 July 2009, inclusive, to be invoiced at a cost of \$11.00 (including GST) per parking bay per day, applied upon the basis the organisation is a non-profit entity.

CARRIED: 5/0

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

At 7.18pm, Cr Shirley Mackay moved that item number SGS0906-16 be closed to members of the public in accordance with Section 5.23(2) of the Local Government Act.

RESOLUTION FOR CONFIDENTIALITY

MOVED: Cr S Mackay

That item SGS0906-16 be closed to members of the public in accordance with Section 5.23(2) of the Local Government Act.1995.

CARRIED: 5/0

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

At 7.19pm Cr S Mackay requested the public to vacate the chamber to allow discussion on item SGS0906-16, which was deemed to be confidential.

CONFIDENTIAL MATTERS

CONFIDENTIAL MATTERS

SGS0906-16 1 O'HARA STREET BEACONSFIELD - FORMER SUMP SITE

DataWorks Reference: 091/001+003; 106/012
Disclosure of Interest: Nil
Previous Item: SGS 0712 - 6
Responsible Officer: Glen Dougall , Director Corporate Services
Actioning Officer: John Amor , Property Coordinator
Decision Making Authority: Council
Agenda Attachments: Offer and Acceptance Contract for Sale of Land.
Confidential

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the Local Government Act 1995 which permits the meeting to be closed to the public for business relating to the following:

- (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

This resolution will remain confidential until after the Ordinary Council Meeting on 24 June 2009

CLOSURE OF MEETING

THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 7.21PM.

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	<p>1 The City will take initial responsibility, via</p> <p>3 'Consultation Process notifications', for making</p> <p>. 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.</p>
Citizens are entitled to know how their input has been assessed	<p>1 In reporting to decision-makers, City officers will in</p> <p>4 all cases produce a Schedule of Input received</p> <p>. that summarises comment and recommends whether it should be taken on board, with reasons.</p>
Reasons for decisions must be transparent	<p>1 Decision-makers must provide the reasons for</p> <p>5 their decisions.</p> <p>.</p>
Decisions posted on www.freofocus.com/projects/html/default.cfm	<p>1 Decisions of the City need to be transparent and</p> <p>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.</p> <p>.</p>

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.