



AGENDA

Strategic & General Services Committee

Wednesday, 9 June 2010, 6.00 pm

CITY OF FREMANTLE
NOTICE OF A STRATEGIC AND GENERAL SERVICES
COMMITTEE MEETING

Elected Members

A Strategic and General Services Committee Meeting of the City of Fremantle will be held on Wednesday, 9 June 2010 in the Council Chamber, Town Hall Centre, 8 William Street, Fremantle (access via stairs, opposite Myer) commencing at 6.00 pm.

Glen Dougall
DIRECTOR CORPORATE SERVICES

4 June 2010

STRATEGIC AND GENERAL SERVICES COMMITTEE

AGENDA

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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."

ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

PUBLIC QUESTION TIME

DEPUTATIONS / PRESENTATIONS

DISCLOSURES OF INTEREST BY MEMBERS

LATE ITEMS NOTED

CONFIRMATION OF MINUTES

That the Minutes of the Strategic and General Services Committee dated 12 May 2010 be confirmed as a true and accurate record.

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REPORTS BY OFFICERS (COMMITTEE DELEGATION)

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

Nil

REPORTS BY OFFICERS (COUNCIL DECISION)

SGS1006-1 PROPOSED MODIFICATION TO PARKING PENALTIES

DataWorks Reference: 122/003, 035/001
Disclosure of Interest: Nil
Meeting Date: 9 June 2010
Previous Item: Nil
Responsible Officer: Cameron Bartkowski, Manager Community Safety and Rangers
Actioning Officer: Peter Wood, Coordinator Parking Services
Decision Making Authority: Council
Agenda Attachments: Nil

EXECUTIVE SUMMARY

This item proposes to increase all penalties for parking infringements by \$10.00 (except that for clause 54(1) which must be consistent with State legislation). This increase will help to ensure effective deterrence and to maintain parity with infringement trends.

There are signs of some diminishing in effective deterrence as evidenced by an increase in the number of repeat offenders, often for the same alleged offence, and, significantly, those who have commented that the inconvenience associated with compliance outweighed the deterrent effect of the penalty. The most commonly issued notices (88 per cent of the total issued) is the \$30 penalty. Under the proposed amendment, this penalty would increase to \$40.

BACKGROUND

It is observable that the parking penalties in this District are lower than most other local government authorities in this State. The proposed increase in penalties will not change this fact. In this regard the advantage of the deterrent effect of the current penalties needs to be maintained. This is the second occasion since 2001 when a formal proposal has been made for an adjustment to the value of parking penalties. In relation to this current request, two years has elapsed since the previous formal proposal. On that occasion, the increase adopted was of 25%, and restricted to the most commonly reported offences. The current proposal is a general one, so as to maintain the hierarchy of perceived seriousness between certain classes of offences. Whilst the proposed increases are unlikely to produce undue hardship, procedures exist to assist persons who claim to be so affected.

COMMENT

The deterrent effect of the current parking penalties needs to be maintained. This is evidenced by an increasing number of repeat offenders, and commonly heard comments from alleged offenders or other persons making enquiries concerning parking availability, that the inconvenience associated with 'doing the right thing' outweighs the penalties which may arise from non-compliance.

The below table highlights a comparison of parking penalties compared to other local government authorities as at March 2010 (note – not all council's have full parking penalties due to their individual circumstances). Comparison are provided for the most common offence types;

| Clause | Nature of Offence | Subiaco | City of Joonadalup | City of Stirling | Town of Nedlands | Victoria Park | City of Perth | City of Fremantle Current fines | City of Fremantle proposed fines |
|---------------|--|---------|--------------------|------------------|------------------|---------------|---------------|---------------------------------|----------------------------------|
| | | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| 10(1)(b) | Stop/park at expired meter | | | | | | | 30 | 40 |
| 12 | Stop/park adjacent hooded meter | | | | | | | 35 | 45 |
| 14 | Exceed time limit (meter) | 55 | 60 | 80 | 60 | 60 | 50 | 30 | 40 |
| 15(1) | Fail display valid ticket (ticket zone) | | | | | | | 30 | 40 |
| 16(1) | Exceed time limit (ticket zone) | | | | | | | 30 | 40 |
| 21(1)(a) | Fee not paid on demand (parkg stn) | | | | | | | 30 | 40 |
| 21(1)(d) (i) | Not display valid monthly ticket (p stn) | | | | | | | 30 | 40 |
| 21(1)(d) (ii) | Not wholly in parking stall (parkg stn) | | | | | | | 30 | 40 |
| 23(1) | Fail display valid ticket (parkg stn) | | | | | | | 30 | 40 |
| 25(1) | Remove vehicle without fee paid (pk stn) | | | | | | | 60 | 70 |
| 26 | Cause obstruction (parking station) | | | | | | | 60 | 70 |
| 27 | Stop/park footpath/refuge (parking stn) | | | | | | | 60 | 70 |
| 28(1)(a) | Stop in No Stopping area (parking stn) | 90 | 80 | 80 | 80 | 120 | 120 | 60 | 70 |
| 28(2)(a) | Park in No Parking area (parking stn) | 75 | 60 | 60 | 60 | 120 | 75 | 35 | 45 |
| 28(2)(c) | Park vehicle | | | | | | | 35 | 45 |

| | | | | | | | | | |
|---------------|---|----------------|---------------------------|-------------------------|-------------------------|----------------------|----------------------|--|---|
| | different class (parkg stn) | | | | | | | | |
| 28(3) | Exceed time limit (parking station) | | | | | | | 30 | 40 |
| 28(4) | Stop/Park again within 2 hrs (pkg stn) | | | | | | | 30 | 40 |
| 30(1) | Remain after directed to leave (pkg stn) | | | | | | | 60 | 70 |
| 30(3) | Drive contrary to sign (parking stn) | | | | | | | 60 | 70 |
| <i>Clause</i> | <i>Nature of Offence</i> | <i>Subiaco</i> | <i>City of Joonadalup</i> | <i>City of Stirling</i> | <i>Town of Nedlands</i> | <i>Victoria Park</i> | <i>City of Perth</i> | <i>City of Fremantle Current fines</i> | <i>City of Fremantle proposed fines</i> |
| 30(4) | Exceed speed limit (parking station) | | | | | | | 100 | 110 |
| 30(5) | Ride/Drive unlawful conveyance (pkg stn) | | | | | | | 35 | 45 |
| 32 | Expose goods/services for sale (pkg stn) | | | | | | | 35 | 45 |
| 37(1)(a) | Stop/Park vehicle different class (road) | | | | | | | 35 | 45 |
| 37(1)(b) | Stop/Park in No Stopping area (road) | | | | | | | 60 | 70 |
| 37(1)(c) | Park in No Parking area (road) | | | | | | | 35 | 45 |
| 37(1)(d) | Stop/Park prohibited period (Clearway) | | | | | | | 60 | 70 |
| 37(2) | Exceed time limit (road) | 55 | 60 | 80 | 80 | 60 | 50 | 30 | 40 |
| 38 | Stop/Park in occupied stall (road) | | | | | | | 30 | 40 |
| 39(a) | Vehicle not solo motorcycle in M/C stall | | | | | | | 30 | 40 |
| 39(c) | Not wholly in parking stall M/C | | | | | | | 30 | 40 |
| 40(a) | Exceed time limit (M/C stall) | | | | | | | 30 | 40 |
| 41 | Stop/Park on median strip /traffic island | | | | | | | 35 | 40 |
| 42(1)(a) | Not close and parallel to kerb(road) | | | | | | | 35 | 45 |
| 42(1)(b) | Not headed in direction of traffic | | | | | | | 35 | 45 |
| 42(1)(c) | Not wholly in parking stall (parallel-rd) | | | | | | | 35 | 45 |
| 42(2) | Not wholly in parking stall (angle-road) | | | | | | | 35 | 45 |

| | | | | | | | | | |
|---------------|--|----------------|---------------------------|-------------------------|-------------------------|----------------------|----------------------|--|---|
| 43(a) | Cause obstruction (ROW/private drive) | | | | | | | 60 | 70 |
| 43(b) | Cause obstruction (intersection) | | | | | | | 60 | 70 |
| 43(c) | Stop/Park within 3m of unbroken line | | | | | | | 60 | 70 |
| 43(d) | Stop/park at continuous yellow line | | | | | | | 60 | 70 |
| <i>Clause</i> | <i>Nature of Offence</i> | <i>Subiaco</i> | <i>City of Joonadalup</i> | <i>City of Stirling</i> | <i>Town of Nedlands</i> | <i>Victoria Park</i> | <i>City of Perth</i> | <i>City of Fremantle Current fines</i> | <i>City of Fremantle proposed fines</i> |
| 44(1) | Stop/Park within 1m of fire hydrant/plug | | | | | | | 35 | 45 |
| 44(d) | Stop/Park within 3m of public pillar box | | | | | | | 35 | 45 |
| 45(a) | Stop/park with 10m of intersection | | | | | | | 35 | 45 |
| 45(c) | Stop/park footpath/refuge (road) | | | | | | | 60 | 70 |
| 46 | Double Parking | | | | | | | 60 | 70 |
| 47(1)(a) | Stop/Park in No Stopping area (verge) | | | | | | | 60 | 70 |
| 47(1)(b) | Park in No Parking area (verge) | | | | | | | 35 | 45 |
| 47(1)(c) | No stopping prohibited period (verge) | | | | | | | 60 | 70 |
| 47(1)(d) | No parking prohibited period (verge) | | | | | | | 35 | 45 |
| 47(2) | Exceed time limit (verge) | | | | | | | 30 | 40 |
| 48(1)(a) | Within 10m approach ped/child Xing | | | | | | | 35 | 40 |
| 48(1)(b) | Within 20m approach/depart rail Xing | | | | | | | 35 | 45 |
| 48(2)(a) | Within 20m approach side bus stop | | | | | | | 35 | 45 |
| 48(2)(b) | Within 20m approach ped/child Xing | | | | | | | 35 | 45 |
| 48(2)(c) | Within 20m approach/depart rail Xing | | | | | | | 35 | 45 |
| 48(3) | Stop in bus zone | 60 | 60 | 80 | 60 | 60 | 120 | 35 | 45 |
| 49 | Stop/Park again within 2 hrs (road) | | | | | | | 30 | 40 |
| 50(1)(a) | No activity in | | | | | | | 35 | 45 |

| | | | | | | | | | |
|---------------|---|----------------|---------------------------|-------------------------|-------------------------|----------------------|----------------------|--|---|
| | loading zone (road) | | | | | | | | |
| 50(1)(b) | Exceed time limit (loading zone-road) | | | | | | | 35 | 45 |
| 51(a) | Park vehicle repair/maintain (road) | | | | | | | 35 | 45 |
| 51(b) | Park vehicle for sale (road) | | | | | | | 35 | 45 |
| <i>Clause</i> | <i>Nature of Offence</i> | <i>Subiaco</i> | <i>City of Joonadalup</i> | <i>City of Stirling</i> | <i>Town of Nedlands</i> | <i>Victoria Park</i> | <i>City of Perth</i> | <i>City of Fremantle Current fines</i> | <i>City of Fremantle proposed fines</i> |
| 52 | Stop/park bicycle in parking stall | | | | | | | 35 | 45 |
| 53 | "Authorised vehicles only" no permission | | | | | | | 35 | 45 |
| 54(1) | ACROD bay without current ACROD sticker | 120 | 60 | 80 | 60 | 120 | 200 | 120 | 120 |
| 55(1) | Fail display current permit Permit Zone | | | | | | | 35 | 45 |
| 56 | Private property without consent | | | | | | | 35 | 45 |
| 57(a) | Goods vehicle exceed 4 hrs (verge) | | | | | | | 30 | 40 |
| 57(b) | Service/clean goods vehicle (verge) | | | | | | | 30 | 40 |
| 58 | Defeat chalk mark/wheel position | | | | | | | 60 | 70 |
| 67(1) | Non-legal tender meter/tkt mach/pay stn | | | | | | | 60 | 70 |
| 67(2) | Use non-permitted payment device | | | | | | | 60 | 70 |
| 71(1)(a) | Display altered/defaced/il legible ticket | | | | | | | 60 | 70 |
| 71(1)(b) | Display altered/defaced/illegible permit | | | | | | | 60 | 70 |
| 74(a) | Obstruct/hinder authorised person | | | | | | | 150 | 160 |
| 74(b) | Obstruct/hinder Local Government Employee | | | | | | | 450 | 160 |
| 80 | Interfere with sign | | | | | | | 100 | 110 |
| 82(1) | Disobey direction (auth person/Police) | | | | | | | 200 | 120 |
| 82(2) | Return within 2 hrs direction to leave | | | | | | | 150 | 160 |
| 83 | Supply | | | | | | | 200 | 210 |

| | | | | | | | | | |
|---------------|---|----------------|---------------------------|-------------------------|-------------------------|----------------------|----------------------|--|---|
| | false/misleading information | | | | | | | | |
| 87/86(1)(a) | Cause obstruction (24 hrs no consent) | | | | | | | 35 | 45 |
| 87/86(1)(b) | Cause obstruction (prohibited period) | | | | | | | 35 | 45 |
| <i>Clause</i> | <i>Nature of Offence</i> | <i>Subiaco</i> | <i>City of Joonadalup</i> | <i>City of Stirling</i> | <i>Town of Nedlands</i> | <i>Victoria Park</i> | <i>City of Perth</i> | <i>City of Fremantle Current fines</i> | <i>City of Fremantle proposed fines</i> |
| 87/86(2) | Cause obstruction (unlawfully parked) | | | | | | | 60 | 70 |
| 87 | Cause obstruction (public place) | | | | | | | 60 | 70 |
| 88(a) | Oversize vehicle on carriageway over 1 hr | | | | | | | 60 | 70 |
| 88(c) | Oversize vehicle on parking stn/reserve | | | | | | | 60 | 70 |
| 93(1) | Stop/Park vehicle on Reserve | | | | | | | 60 | 70 |
| 93(2)(a) | Conduct business from vehicle (reserve) | | | | | | | 60 | 70 |
| 93(2)(b) | Stop/Park on footpath (reserve) | | | | | | | 60 | 70 |
| | All other offences not classifies in which the use of a vehicle is an element | | | | | | | 35 | 45 |

RISK AND OTHER IMPLICATIONS

Financial

The City currently budgets for costs associated with parking enforcement. It is anticipated that increasing the infringement penalty by \$10.00 will assist in covering the costs of enforcement and ensure compliance with parking laws within the City is maintained.

The City currently receives revenue of \$1.2 million in parking infringements.

Legal

Parking penalties are provided under a local law and therefore require the City to follow the requirements of the Local Government Act 1995 in modifying these penalties. The below process summary provides a guide as to the requirements that the City needs to comply with prior to implementing any changes to the penalties;

The following action needs to be implemented in order to do so:

- *Notice of the Summary of purpose and effect of Local Law to be provided to the Council meeting.*

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

- *Local Government gives Statewide notice of proposed Local Law.*
- *Local Government gives Local Law and notice to Minister(s).*
- *Local Government receives and considers public submissions.*
- *If significant amendments are necessary, the procedure must be recommenced.*
- *Local Government makes Local Law.*
- *Local Government prepares Explanatory Memorandum for Parliamentary Committee.*
- *Local Government publishes Local Law in Gazette and gives a copy of Local Law to Minister(s).*
- *Local Government gives State wide notice of Local Law and publicises Local Law in district.*
- *Parliamentary Counsel tables Local Law in both Houses of Parliament within 6 signing days of Gazettal.*
- *Local Government sends 10 copies of Local Law and Explanatory Memorandum to the Joint Standing Committee on Delegated Legislation.*

PURPOSE AND EFFECT OF THE PROPOSED AMENDMENTS:

The purpose of the proposed amendments to the *City of Fremantle Parking Local Law 2006* is, firstly, to provide for the orderly parking of vehicles by the adjustment of applicable modified penalties for alleged offences

Operational

Generally, no changes to operations are required to implement these new penalties, once approved under the process stated above. There are no new penalties being suggested. The City will need to amend our infringement software with the new penalty. This includes the hand held devices the officers use to issue tickets and the software used to register unpaid fines with the Fines Enforcement Registry. These changes are considered minor changes to the software and can be undertaken in-house.

Organisational

No policy or procedure will need to be changed as a result of these amendments to penalties.

CONCLUSION

The proposed increase in parking penalties will provide necessary enhancement of waning deterrence, particularly with repeat offenders. The proposed amendments to the several clauses clarify existing practices without changing the intent of the legislation.

Assuming that the proposed amendments are supported, their formal adoption is required once the proper process required under the Local Government Act 1995 is complied with.

STRATEGIC AND POLICY IMPLICATIONS

Nil, operational.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil at this time, although process requires State public notice.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

That Council:

1. Provides notice to the Minister for Local Government and Regional Development of the intention to amend the *City of Fremantle Parking Local Law 2006* in accordance with the following table;

| Clause | Nature of Offence | City of Fremantle Current fines | City of Fremantle proposed fines |
|---------------|--|---------------------------------|----------------------------------|
| | | \$ | \$ |
| 10(1)(b) | Stop/park at expired meter | 30 | 40 |
| 12 | Stop/park adjacent hooded meter | 35 | 45 |
| 14 | Exceed time limit (meter) | 30 | 40 |
| 15(1) | Fail display valid ticket (ticket zone) | 30 | 40 |
| 16(1) | Exceed time limit (ticket zone) | 30 | 40 |
| 21(1)(a) | Fee not paid on demand (parkg stn) | 30 | 40 |
| 21(1)(d) (i) | Not display valid monthly ticket (p stn) | 30 | 40 |
| 21(1)(d) (ii) | Not wholly in parking stall (parkg stn) | 30 | 40 |
| 23(1) | Fail display valid ticket (parkg stn) | 30 | 40 |
| 25(1) | Remove vehicle without fee paid (pk stn) | 60 | 70 |
| 26 | Cause obstruction (parking station) | 60 | 70 |
| 27 | Stop/park footpath/refuge (parking stn) | 60 | 70 |
| 28(1)(a) | Stop in No Stopping area (parking stn) | 60 | 70 |
| 28(2)(a) | Park in No Parking area (parking stn) | 35 | 45 |
| 28(2)(c) | Park vehicle different class (parkg stn) | 35 | 45 |
| 28(3) | Exceed time limit (parking station) | 30 | 40 |
| 28(4) | Stop/Park again within 2 hrs (pkg stn) | 30 | 40 |
| 30(1) | Remain after directed to leave (pkg stn) | 60 | 70 |
| Clause | Nature of Offence | City of Fremantle Current fines | City of Fremantle proposed fines |
| | | \$ | \$ |
| 30(3) | Drive contrary to sign (parking stn) | 60 | 70 |
| 30(4) | Exceed speed limit (parking station) | 100 | 110 |
| 30(5) | Ride/Drive unlawful conveyance (pkg stn) | 35 | 45 |

| | | | |
|----------|---|---------------------------------|----------------------------------|
| 32 | Expose goods/services for sale (pkg stn) | 35 | 45 |
| 37(1)(a) | Stop/Park vehicle different class (road) | 35 | 45 |
| 37(1)(b) | Stop/Park in No Stopping area (road) | 60 | 70 |
| 37(1)(c) | Park in No Parking area (road) | 35 | 45 |
| 37(1)(d) | Stop/Park prohibited period (Clearway) | 60 | 70 |
| 37(2) | Exceed time limit (road) | 30 | 40 |
| 38 | Stop/Park in occupied stall (road) | 30 | 40 |
| 39(a) | Vehicle not solo motorcycle in M/C stall | 30 | 40 |
| 39(c) | Not wholly in parking stall M/C | 30 | 40 |
| 40(a) | Exceed time limit (M/C stall) | 30 | 40 |
| 41 | Stop/Park on median strip /traffic island | 35 | 40 |
| 42(1)(a) | Not close and parallel to kerb(road) | 35 | 45 |
| 42(1)(b) | Not headed in direction of traffic | 35 | 45 |
| 42(1)(c) | Not wholly in parking stall (parallel-rd) | 35 | 45 |
| 42(2) | Not wholly in parking stall (angle-road) | 35 | 45 |
| 43(a) | Cause obstruction (ROW/private drive) | 60 | 70 |
| 43(b) | Cause obstruction (intersection) | 60 | 70 |
| 43(c) | Stop/Park within 3m of unbroken line | 60 | 70 |
| 43(d) | Stop/park at continuous yellow line | 60 | 70 |
| 44(1) | Stop/Park within 1m of fire hydrant/plug | 35 | 45 |
| 44(d) | Stop/Park within 3m of public pillar box | 35 | 45 |
| 45(a) | Stop/park with 10m of intersection | 35 | 45 |
| 45(c) | Stop/park footpath/refuge (road) | 60 | 70 |
| 46 | Double Parking | 60 | 70 |
| 47(1)(a) | Stop/Park in No Stopping area (verge) | 60 | 70 |
| 47(1)(b) | Park in No Parking area (verge) | 35 | 45 |
| 47(1)(c) | No stopping prohibited period (verge) | 60 | 70 |
| Clause | Nature of Offence | City of Fremantle Current fines | City of Fremantle proposed fines |
| | | \$ | \$ |
| 47(1)(d) | No parking prohibited period (verge) | 35 | 45 |
| 47(2) | Exceed time limit v(erge) | 30 | 40 |
| 48(1)(a) | Within 10m approach ped/child Xing | 35 | 40 |

| | | | |
|-------------|---|---------------------------------|----------------------------------|
| 48(1)(b) | Within 20m approach/depart rail Xing | 35 | 45 |
| 48(2)(a) | Within 20m approach side bus stop | 35 | 45 |
| 48(2)(b) | Within 20m approach ped/child Xing | 35 | 45 |
| 48(2)(c) | Within 20m approach/depart rail Xing | 35 | 45 |
| 48(3) | Stop in bus zone | 35 | 45 |
| 49 | Stop/Park again within 2 hrs (road) | 30 | 40 |
| 50(1)(a) | No activity in loading zone (road) | 35 | 45 |
| 50(1)(b) | Exceed time limit (loading zone-road) | 35 | 45 |
| 51(a) | Park vehicle repair/maintain (road) | 35 | 45 |
| 51(b) | Park vehicle for sale (road) | 35 | 45 |
| 52 | Stop/park bicycle in parking stall | 35 | 45 |
| 53 | "Authorised vehicles only" no permission | 35 | 45 |
| 54(1) | ACROD bay without current ACROD sticker | 120 | 120 |
| 55(1) | Fail display current permit Permit Zone | 35 | 45 |
| 56 | Private property without consent | 35 | 45 |
| 57(a) | Goods vehicle exceed 4 hrs (verge) | 30 | 40 |
| 57(b) | Service/clean goods vehicle (verge) | 30 | 40 |
| 58 | Defeat chalk mark/wheel position | 60 | 70 |
| 67(1) | Non-legal tender meter/tkt mach/pay stn | 60 | 70 |
| 67(2) | Use non-permitted payment device | 60 | 70 |
| 71(1)(a) | Display altered/defaced/illegible ticket | 60 | 70 |
| 71(1)(b) | Display altered/defaced/illegible permit | 60 | 70 |
| 74(a) | Obstruct/hinder authorised person | 150 | 160 |
| 74(b) | Obstruct/hinder Local Government Employee | 450 | 160 |
| 80 | Interfere with sign | 100 | 110 |
| 82(1) | Disobey direction (auth person/Police) | 200 | 120 |
| 82(2) | Return within 2 hrs direction to leave | 150 | 160 |
| 83 | Supply false/misleading information | 200 | 210 |
| Clause | Nature of Offence | City of Fremantle Current fines | City of Fremantle proposed fines |
| | | \$ | \$ |
| 87/86(1)(a) | Cause obstruction (24 hrs no consent) | 35 | 45 |

| | | | |
|-------------|---|----|----|
| 87/86(1)(b) | Cause obstruction (prohibited period) | 35 | 45 |
| 87/86(2) | Cause obstruction (unlawfully parked) | 60 | 70 |
| 87 | Cause obstruction (public place) | 60 | 70 |
| 88(a) | Oversize vehicle on carriageway over 1 hr | 60 | 70 |
| 88(c) | Oversize vehicle on parking stn/reserve | 60 | 70 |
| 93(1) | Stop/Park vehicle on Reserve | 60 | 70 |
| 93(2)(a) | Conduct business from vehicle (reserve) | 60 | 70 |
| 93(2)(b) | Stop/Park on footpath (reserve) | 60 | 70 |
| | All other offences not classifies in which the use of a vehicle is an element | 35 | 45 |

SGS1006-2 DINGHY MANAGEMENT ALONG THE SWAN CANNING RIVERPARK SHORELINE

DataWorks Reference: 148/019
Disclosure of Interest: Nil
Meeting Date: 23 June 2010
Previous Item: Nil
Responsible Officer: Peter Pikor, Director, Technical Services
Actioning Officer: Lionel Nicholson, Manager City Works
Decision Making Authority: Council
Agenda Attachments: Dinghy Storage Draft policy and Discussion Paper

EXECUTIVE SUMMARY

The Swan River Trust has released a draft policy for dinghy management along the Swan Canning Riverpark shoreline. Public comment on the draft policy closes at 5 pm on 12 July 2010.

As a stakeholder the City of Fremantle will be affected by the implementation of this proposed policy.

In regard to this draft policy the main issue that the City needs to consider will be the proposed management approach towards the existing situation with dinghies along its foreshore and in particular the North Fremantle Foreshore. As outlined in the draft policy Local Government's will be responsible for the management of the dinghies within their management areas; either through an approved dinghy management storage system or through enforcing no dinghies being stored on the foreshore.

The draft policy will require the City to accommodate the management of dinghies along the North Fremantle Foreshore within reserve 36420 (Prawn Bay). Currently the number of dinghies along the foreshore ranges between approximately 40 to 60 dinghies within an approximate 150 metre span of the foreshore. It is recognised that dinghies can impact on the vegetation and revegetation efforts within the reserve as well present a risk liability for the City.

The draft policy appears to be silent on any funding arrangements and financial implications for affected stakeholders that will aid the delivery of infrastructure and resources to meet the objectives of the policy.

The complete version of the draft policy and associated discussion paper are attached for ease of reference.

BACKGROUND

Although there is no established right for private citizens to store dinghies on public shoreline reserves in the Swan Canning Riverpark, it has been tolerated in the past as a practice primarily associated with the mooring of larger boats. In low numbers and in particular areas it could be argued that the storage of dinghies on the shoreline does not have a significant detrimental impact. Recently the rapid growth in boat ownership, increased pressure on shorelines through recreational use, and the need for increased protection of the ecological value of shoreline vegetation, has made it necessary to control the practice. Some of the problems associated with the storage of dinghies on shoreline reserves include:

- Damage to shoreline vegetation and increased risk of riverbank erosion;
- Restricted public access and use of the shoreline;
- Creation of a public safety risk and associated duty of care issues;
- Difficulties in carrying out routine shoreline maintenance operations or restoration works by foreshore land managers, and other authorities; and
- Detrimental impacts on the general amenity of the shoreline.

The *Boating Management Strategy for the Swan Canning Riverpark* (BMS) was released in February 2009 as a guiding document to manage boating on the Swan and Canning rivers. The BMS made a number of recommendations on the issue of storage of dinghies on the shoreline, including recommendation 2.8 which states 'once management plans are implemented, no dinghy is to be left on the shoreline unless in an applicable local government management system'.

This draft policy for dinghy management along the Swan Canning Riverpark shoreline formalises this Boating Management Strategy recommendation.

The objectives of this draft policy on Dinghy management are to:

- Prevent alienation of public open space and foreshore reserve areas;
- Mitigate environmental impacts on the Riverpark;
- Improve the integrity of environmentally sensitive areas of river shoreline;
- Maintain and improve public safety and access to the river shoreline;
- Provide support for local government to implement local responses consistent with a river-wide approach; and
- Support the establishment of orderly management systems in appropriate locations.

The draft policy outlines that Dinghy storage in the Swan Canning Riverpark may be considered in circumstances where:

- There are limited opportunities to provide alternate systems such as dinghy launching facilities;
- They are in an approved storage system managed by land owners;
- They are identified in a manner consistent with the Navigable Waters Regulations Part VA;
- They do not cause environmental damage;
- They are not the predominant use on the shoreline; and
- They do not limit access between the river reserve and public open space.

COMMENT

It is considered that the adoption of a policy and management of the dinghies along the Swan River Foreshore will reduce the associated public liability for Local Governments, increase the accessibility for the public and assist in the revegetation and stabilization efforts along the foreshore.

However the development of suitable infrastructure to accommodate the storage management option in the draft policy and also the enforcement aspects will have significant financial implications for the stakeholders. Accordingly it is considered that this issue needs to be addressed by the Swan River Trust as part of the proposed draft policy considerations prior to final adoption.

RISK AND OTHER IMPLICATIONS

Financial

Significant financial resources will be required for the implementation and ongoing operations of the proposed dingy management policy.

Legal

An approved dinghy management plan will decrease the City's exposure to potential public liability issues.

It is to be noted that the Swan River Trust is the vested authority responsible for the removal of dinghies which do not comply with the adopted policy.

Operational

The implantation of the draft dinghy management policy will require both capital expenditure for signage and infrastructure. Additionally enforcement of the policy will require additional resources for both patrols and managing infringements.

Organisational

The City's North Fremantle Foreshore Management plan will be required to be revised to reflect the implementation of an adopted dinghy management policy.

CONCLUSION

The draft Policy on Dinghy management is considered to minimise environmental degradation caused by the unregulated storage of dinghies along the river shoreline together with improving access and public safety for all users. The draft policy provides for Local Governments to either construct dinghy storage facilities or choose to not allow dinghies on the foreshore.

The Local Government will be responsible for the management of any storage facility. The draft policy appears to require the Local Government's to provide the necessary funding for the dinghy management. It is considered that the issue of developing appropriate funding options including a user paying fee model to implement the management aspects of the proposed policy needs to be fully addressed by the Swan River Trust prior to formal adoption.

STRATEGIC AND POLICY IMPLICATIONS

- Create a community where people feel safe in both private and public spaces
- Lead in the provision of environmentally sustainable solutions for the benefit of future generations.
- Providing a great vibrant City in which to live work and play, through growth and renewal.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

At this stage no consultation has been undertaken by the City on the draft Policy. It has been indicated that a survey conducted by the Swan River Trust as part of the process found that the public has varying views on whether dinghies should be permitted on the shoreline.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

That the Swan River Trust be advised that the City supports the Draft Swan River Trust Dinghy Storage Policy in principle subject to an appropriate financial funding model being approved for the installation of required storage infrastructure and management aspects of the policy.

SGS1006-3 ACCEPTANCE OF VERGE MOWING TENDER

| | |
|-----------------------------------|--|
| DataWorks Reference: | 135/001 |
| Disclosure of Interest: | Nil |
| Meeting Date: | 9 June 2010 |
| Previous Item: | Nil |
| Responsible Officer: | Peter Pikor, Director Technical Services |
| Actioning Officer: | Lionel Nicholson, Manager City Works |
| Decision Making Authority: | Council |
| Agenda Attachments: | Nil |

EXECUTIVE SUMMARY

Following an evaluation of the tenders submitted for Tender FCC348-10, it is recommended that the tender submitted by Gecko Contracting Pty Ltd be accepted by Council. The complying tender is within the current budget allowed for verge mowing activities and it is considered that the contractor will be able to complete the works satisfactorily

BACKGROUND

As part of the review of maintenance activities it was decided to tender out the verge mowing activities. Tenders were subsequently invited from suitably qualified and experienced contractors to provide the verge mowing activities at the same level of service currently being completed within the City of Fremantle (five times per year for arterial roads and twice a year for suburban roads). Tenders were advertised in the West Australian on Wednesday 12 May 2010 and closed on Friday 28 May 2010 requesting the completion of verge mowing maintenance for a one year period finishing 30 June 2011 with the option to extend for a further 12 months.

COMMENT

Evaluation

Only two tenders were received when the invitation period closed. The specifications and accompanying documents stated the criteria upon which the evaluation of the tenders would be based, namely;

1. Tendered price
2. Demonstrated ability to perform to time and budget
3. Skills and experience of key personnel
4. A demonstrated understanding of the required task

Tenderers were asked to submit written details of how they would achieve the requirements of the selection criteria.

Tenders were received from the following contractors:

- Gecko Contracting P/L
- Perth Prestige P/L

The evaluation was conducted Tuesday 1 June 2010. The results of this evaluation are provided in the table below.

| | Methodology | Skills | Resources | References | Price | Total score |
|----------------|-------------|--------|-----------|------------|-------|-------------|
| Gecko | 12/15 | 14/15 | 15/15 | 15/15 | 40/40 | 96 |
| Perth Prestige | 7/15 | 8/15 | 6/15 | 8/15 | 16/40 | 45 |

Results of the evaluation revealed that Gecko Contracting P/L is the favoured Tenderer to complete the City's Verge Mowing Program.

Gecko Contracting has submitted a conforming tender and it is considered that this contractor can complete the works satisfactorily based on its previous experience as the current contractor and history with related works.

RISK AND OTHER IMPLICATIONS

Financial

There is no specific budget implication as the tendered lump sum is within the current budget for verge mowing activity.

Legal

Nil

Operational

The tendered works will ensure verges are mowed to specification in line with City of Fremantle's ongoing maintenance of infrastructure.

Organisational

Nil.

CONCLUSION

Gecko Contracting 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 directly relates to the Strategic Plan through Strategy 3.6 (A Beautiful and Accessible Place - Facilities and Infrastructure

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

That Council accepts the tender FCC348-10 submitted from Gecko Contracting Pty Ltd for the provision of a verge mowing maintenance activity within the municipality for the lump sum of \$339, 994 inc. GST for a one period with the option to extend for another year.

SGS1006-4 URGENT DRAINAGE WORKS - AMHERST STREET

DataWorks Reference: 161/006
Disclosure of Interest: Nil
Meeting Date: 9 June 2010
Previous Item: Nil
Responsible Officer: Peter Pikor, Director Technical Services
Actioning Officer: Philip Gale, Manager Infrastructure Services
Decision Making Authority: Council
Agenda Attachments: Edmund Street Sump Catchment Area Map

EXECUTIVE SUMMARY

This report seeks approval to commence works on a project listed in the 2010/2011 draft budget prior to the financial year budget being adopted. The works consist of urgent drainage works in Amherst Street and surrounding areas. The detail below outlines the urgency of this project.

BACKGROUND

The catchment feeding into the Edmund Street sump, White Gum Valley, is approximately 10.80 hectares and consists of a typical urban subdivision. The housing lots are mostly zoned R 25 with a considerable building program evident throughout the locality.

The catchment area is heavily undulating and like much of the older areas of Perth and Fremantle the road infrastructure is designed to carry the majority of the drainage water flow. In this particular catchment area there are significant low areas where housing development has been allowed to occur below the road level. When this coincides with the low areas of the catchment the risk of flooding is significantly increased.

As a result frequent flooding has occurred to properties on the western side of Amherst Street. Numerous attempts have been made by the City and the landowners to eliminate the problem, however, these have ultimately been unsuccessful.

COMMENT

The low points of the catchment have been prone to flooding over the past number of years. During this time there have been a number of attempts to resolve these occurrences.

Upon assessing the latest flooding incidents following the March 2010 storms, a project was initiated to address the issues. The Statement of Work from the project planning process is to develop a project plan for the drainage upgrade required for the portion of the drainage catchment flooding houses 33-37 Amherst St and 33 and 35 Stevens Street.

The project has progressed to the stage of finalising the design option with the aid of engineering consultants. The local knowledge of water flow and drainage patterns from the residents has also been invaluable in reaching a preferred solution. At this stage, accurate costings are not available; however, the preliminary works would indicate a budget of approximately \$350,000 will be required to undertake these works. This amount has been included in the 2010/2011 draft budget for consideration.

The risks associated with flooding in this area are now assessed as being so great that it is considered imperative that works commence as soon as possible. Final plans are now being completed and with most of the construction work anticipated to be undertaken by City of Fremantle crews it would be possible to be on site by the end of June. Whilst the work is subject to the weather and rainfall events it is considered important to start as soon as possible on this project to at least provide relief to the residents who have suffered numerous flooding incidences.

RISK AND OTHER IMPLICATIONS

Financial

There is significant financial risk to all parties, the loss of property has occurred on a number of occasions at a considerable cost. Future insurance claims may be jeopardised should this situation continue.

Legal

The Local Government is charged with providing safe and secure environs for the residents. Without taking decisive action to solve the flooding issues there is the potential that the council would be failing in its duty to provide these safe living conditions.

Section 6.8(1) (b) of the Local Government Act 1995 states that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –

(b) is authorised in advance by resolution*

**Absolute majority required*

Operational

The ongoing drainage maintenance and rework is occurring frequently due to flooding.

Organisational

Nil

CONCLUSION

Nil

STRATEGIC AND POLICY IMPLICATIONS

Safe community and infrastructure

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

There has been significant contact and communication with local residents which will be ongoing through the process.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority required

OFFICER'S RECOMMENDATION

Council approves the construction of the Amherst Street drainage upgrade project under section 6.8(1) (b) of the Local Government Act 1995, prior to adoption of the 2010/11 financial year budget.

SGS1006-5 FREQ STAR FUNDING ALTERNATIVES

| | |
|-----------------------------------|--|
| DataWorks Reference: | 165/031,106/005 |
| Disclosure of Interest: | Nil |
| Meeting Date: | 9 June 2010 |
| Previous Item: | SGS1004-7 |
| Responsible Officer: | Peter Pikor, Director Technical Services |
| Actioning Officer: | Philip Gale, Manager Infrastructure Services |
| Decision Making Authority: | Council |
| Agenda Attachments: | Nil |

EXECUTIVE SUMMARY

The purpose of this report is to update and report back regarding information obtained from Transperth relating to the provision of a Transit Free Zones within the City of Fremantle.

BACKGROUND

The Freq Star Bus service was terminated in July 2009. At the time of deliberating about the worthiness of this service, a Notice of Motion was adopted which reads;

“A report to be brought back to the July Strategic and General Services Committee meeting analysing the best ways to improve sustainable transport initiatives in Fremantle using the budget intended for Freq Star, including;

- a) joint projects with Transperth*
- b) employment of a Travelsmart officer*
- c) Further Subsidizing of Fremantle residents travel”*

Following the request for in-depth investigation into travel options for City of Fremantle residents, more clarity was sought as to the requirements of this request at an informal meeting of Elected Members on the 15th March 2010.

This information was relayed to the Public Transport Authority (PTA) for consideration. Now after some months of deliberation, Transperth have replied to the effect that whilst they support efforts to improve public transport use and applaud the City for the progressive approach, the reality of a custom made ticketing arrangement for one City is difficult to achieve.

Some of the reasoning behind this is as follows;

With the current financial constraints of the PTA, any additional costs associated with this proposal would need to be funded entirely by the City of Fremantle – there is no discretionary funding set aside for this type of project in the current forward estimates period (to 2013-14).

Besides the important matter of funding, there is also concern about the proposed parameters of the scheme.

Due to the high potential for increased fare evasion under such a scheme, Transperth would have to insist that it operate through their SmartRider system, however, the proposed parameters and therefore the required business rules for the SmartRider system will be relatively complicated (only Fremantle residents in a defined zone) and at a complete tangent to their existing business rules. Considerably less complex changes to the SmartRider system cost the PTA hundreds of thousands of dollars to undertake due to the specialised skills required and the integrated nature of Transperth systems. There is even a thought that the City of Fremantle's request might not be achievable without considerably more expenditure which would most likely make this proposal extremely unviable.

At this stage, there has been no request for a quotation from the ticketing system provider based on this first request from City of Fremantle, however, if required, Transperth could pursue this matter further; but with the understanding that this will be an expensive exercise and that the delivery timeframes may be considerable (experienced SmartCard system programmers are currently at a premium due to the high number of significant projects being delivered across Australia at the moment).

COMMENT

The proposal to reinstate the Transit Free Zone into the City of Fremantle is potentially a very expensive exercise to set up. It must be noted in the comments from Transperth (above) that the costs referred to only relate to setting the system up. No consideration has been given to paying for the service if and when it came into operation.

Given the time and potential cost of setting up a new Transit Free Zone system, it is recommended that other proposals be considered to enhance public transport availability for Fremantle residents.

Transperth have suggested a collaborative effort to look at enhancing the CAT bus service as a starting point for this project. Officers of both organisations are currently meeting to actively pursue this and any other alternatives that might be available.

RISK AND OTHER IMPLICATIONS

Financial

Introducing a Transit Free Zone for the City of Fremantle is potentially a very costly exercise with no guarantee on exact costs or timing for the project

Legal

Nil

Operational

If the scheme was developed using the SmartRider card operational issues would be taken care of through programming

Organisational

Nil

CONCLUSION

The risk, cost and unknown benefit appear to be too high to continue scoping this project. It is therefore suggested that further dialogue occur between Transperth and the City to determine whether there are other options to providing enhanced public transport opportunities for the residents of the city.

STRATEGIC AND POLICY IMPLICATIONS

This item has a connection to the Strategic Plan through Strategy 3 (A Beautiful and Accessible Place), Key Result Area 3 (Sustainable Transport)

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

1. **That the status report regarding the allocation of funds from the former Freo Star program to a Transit Free Zone program be noted and;**
2. **Further discussion between Transperth and the City of Fremantle continues to establish appropriate and cost effective strategies to deliver improved public transport options for the City of Fremantle residents.**

**SGS1006-6 REQUEST FOR USE OF ESPLANADE RESERVE - SUPERSONIC
EVENT 24 JULY 2010**

DataWorks Reference: 154/021;Supersonic Enterprisers
Disclosure of Interest: Nil
Meeting Date: 9 June 2010
Previous Item: Nil
Responsible Officer: Wendy Filsell, Acting Manager Marketing & Economic & Development
Actioning Officer: Doreen Johnson, Operations & Logistics Officer
Decision Making Authority: Council
Agenda Attachments: Nil

EXECUTIVE SUMMARY

To seek Council approval for the free use of Esplanade Reserve as well as fencing off this area for 11 days from Sunday 18 July to Thursday 29 July to stage a proposed Concert, which will become an annual event which showcases a mix of eight to ten popular and emerging Australian and international contemporary artists in a high quality concert.

BACKGROUND

An approach was first made by Paul Sloan to hold this event at Fremantle Park and to which a reply was made that this was primarily a sporting reserve and as such could not be used for concerts and the only reason Blues & Roots were allowed to use it was because of a clash of dates with the Boat Show. A precedent was first set in 2009 by allowing the Survival Concert to take place at Fremantle Park.

COMMENT

A request has been received from Paul Sloan from Supersonic Events to use Fremantle Esplanade Reserve for an annual music event in the winter period, with expected number of attendances to be in the region of 20,000. A name for the event is yet to be decided, but which will ensure that major talent performing at major Japanese Festivals (Fuji Rock/Summersonic) and Splendour in the Grass will include Western Australian performances as part of their touring schedule. He has requested that fees associated with the hire of the Esplanade Reserve be waived, but is willing to pay all other associated costs, the hire fee amounts to approximately \$24,080, and he would like to enter into an Agreement with the City the same as Sunset Events for the West Coast Blues & Roots Festival.

The organiser has provided a detailed application taking into account all aspects of staging an event and is more than willing to work with council officers to fulfil all their obligations. He has agreed to pay all costs associated with putting on an event of this type and will seek all the necessary approvals concerning the sale of alcohol, food permits, regulation 18 noise exemption etc.

The format for the concert will be as follows:-

Bump In will commence Sunday 18 July with the event taking place on Saturday 24 July and Bump Out will be Thursday 29 July 2010. The organiser requires that the Esplanade be fenced off for this period of time as it is a ticketed event. The event will be held on a single stage with a central main scaffold stage structure housed under a large circus style big top with open sides for maximum flow and visibility. A number of professional marquee structures will house additional services such as first aid, stalls, bar, merchandise around the site. Temporary fences, portable toilet units, temporary power supply (generators), lighting towers, temporary signage, temporary, lighting, audio system and site huts will be supplied to meet or exceed all requirements and expectations.

Considering the time of year, the short lead time and the extended period that the Esplanade Reserve will be unavailable for public use, this event is considered to be an inappropriate use of public land.

Following discussion with the Parks and Landscape team, they advise that such an event has a potential to be extremely detrimental to the surface of the park which could flow on to future use over the summer period. If this eventuated, restoration efforts would be extensive, costly and of a long term nature.

RISK AND OTHER IMPLICATIONS

Financial

The waiving of the fees amount to approximately \$24,080 but do not take into account the new Fees & Charges for 2010/2011.

Legal

Nil

Operational

The closure of the Esplanade Reserve and it being fenced off, will again impact on the traders in Fishing Boat Harbour and a path would have to be left through the park until the day before the event takes place the same as happens with the Blues & Roots Festival.

Organisational

Esplanade Policy which requires Council approval to fence off the reserve.

CONCLUSION

Supersonic Events has provided a detailed history of past events which appears on paper to be quite extensive, however, given the time of year the event is going to be held which is in the middle of winter and the weather could be very wet, the Esplanade with over 20,000 people attending this event has the potential of becoming a quagmire, as it did one year for the Blues & Roots Festival, when they had a downpour a couple of days before the event.

This would be a second major concert event taking place within three months of each other on possibly the same reserve and there are concerns about the impact on the reserve given the time of year and weather conditions.

STRATEGIC AND POLICY IMPLICATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

That the application for the Supersonic Event on the Esplanade Reserve proposed for 24 July 2010 not be supported.

SGS1006-7 REPORT ON 2010 ARALUEN'S FREMANTLE CHILLI FESTIVAL

| | |
|-----------------------------------|--|
| DataWorks Reference: | 154/021;Araluen Bontanic Park |
| Disclosure of Interest: | Nil |
| Meeting Date: | 9 June 2010 |
| Previous Item: | SGS0907-4 |
| Responsible Officer: | Wendy Filsell, Acting Manager Marketing & Economic & Development |
| Actioning Officer: | Doreen Johnson, Operations & Logistics Officer |
| Decision Making Authority: | Council |
| Agenda Attachments: | Nil |

EXECUTIVE SUMMARY

This report provides detailed feedback on the 2010 Araluen's Fremantle Chilli Festival

BACKGROUND

Council approved the free use of the Esplanade Reserve and Car Park 2 as well as fencing off the sectors for the inaugural Araluen's Fremantle Chilli Festival which was held on the 13 & 14 March 2010 and which was a huge success. Araluen Botanic Park Foundation Inc have requested that the Chilli Festival continues to be held in Fremantle and that they would like to enter into a Three Year Agreement with the City.

COMMENT

The Esplanade Reserve was transformed by Araluen and became a very welcoming and vibrant site over the two days the festival was held. Over 76 stallholders, a number of whom were local, participated, offering a range of foods including pickles, chutneys, olives etc with Celebrity Chef demonstrations throughout the day. A vibrant entertainment program featured roving African Drumming and Percussion, whilst on the stage artists performed a variety of music from Latin, Reggae and Senegal Afro-Jazz. A focal point of the festival were specially designed pallet gardens and pots displaying a huge variety of fruiting chillies and included a display of four of the world's hottest chillies that were locked up in a miniature Fremantle Prison for their and the patron's protection.

Taking into account stallholders, entertainers, staff, members, complimentary passes and invited guests total attendance was estimated to be in excess of 20,000, this compares to the 11,548 visitors recorded for the 2009 Festival held at Araluen Botanic Park, which makes an increase of 73%.

RISK AND OTHER IMPLICATIONS

Financial

If full commercial charges were made for the Esplanade this would amount to \$3,437.50 and to waive the free use of 52 bays for three days in a car park the cost would be \$3,432. These figures do not take into account new Fees & Charges for 2010/2011, but the additional cost would be marginal. These figures are far out weighed by the significant number of people attending the event.

Legal

Nil

Operational

The possibility of Car Park 2 being closed to make way for a new road for the ISAF World Sailing Championship, would mean that Car Park 2 (52 bays) would no longer be available for free use for various events. As an alternative the same number of bays in Car Park 11 could be offered providing the event organizer blocked these off.

Organisational

Esplanade Policy which requires Council approval to fence off the reserve.

CONCLUSION

Araluen's Fremantle Chilli Festival can become a significant attraction on the city's Events Calendar and is of great benefit and boost to the local economy and a Three Year Agreement would be beneficial to the city.

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 charter.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority required

OFFICER'S RECOMMENDATION

- 1. That Council enter into a Three Year Agreement with Araluen Botanic Park Inc commencing in 2011.**
- 2. All hire charges associated with the hire of sectors B, C, D, E & F on the Esplanade to be waived.**
- 3. A refundable bond of \$20,000 be paid prior to the event**
- 4. A post site inspection to be carried out after the event and any work required to be either taken out of the Bond or an invoice issued. Also a figure of \$5,000 to be charged which will cover a Fertiliser and Soil Compaction Relief Program;**
- 5. That the organisers acknowledge the City of Fremantle as a major sponsor of the event in all promotional activities;**
- 6. That they continue to give local businesses the opportunity to participate in the event;**
- 7. That a report on Araluen's Fremantle Chilli Festival be submitted to council after each event for the three years of the Agreement.**

SGS1006-8 HINES ROAD CONSTRUCTION WORKS

| | |
|-----------------------------------|--|
| DataWorks Reference: | 091/011 |
| Disclosure of Interest: | Nil |
| Meeting Date: | 9 June 2010 |
| Previous Item: | Nil |
| Responsible Officer: | Peter Pikor, Director Technical Services |
| Actioning Officer: | Phil Gale, Manager Infrastructure Services |
| Decision Making Authority: | Council |
| Agenda Attachments: | Nil |

EXECUTIVE SUMMARY

Hines Road residents experience persistent and ongoing drainage and flooding problems due to the relative ground height of private property compared to the road pavement level, which cannot be corrected through normal drainage measures. It is proposed to effectively alleviate the situation by lowering the level of the road pavement so that storm water can be diverted through the existing road drainage system prior to impacting on the private property dwelling.

The cost for construction works is estimated to be in the order of \$50,000. It is recommended that surplus funds identified in the existing road program (Henry St, High Street to Phillimore Street; and High St / Parry St intersection) be used to complete the proposed improvement works in Hines Road.

BACKGROUND

For a number of years, flooding problems have occurred at 46 Hines Road due to the relative height of the property compared to the road pavement levels. This property is situated at the low point of the overall road section. Normal road drainage measures to prevent flooding (such as the installation of extra gullies or soak wells etc) are not considered to be suitable to effectively alleviate the large volume of water being generated from the surrounding road surface areas at this low point of the road.

It is proposed to lower the level of the road pavement by around 350mm in the relevant section of road pavement (a 50m section of road from the property to the Harwood St / Hines Road junction), with appropriate adjustment to storm water drainage and other kerbing etc infrastructure to accommodate the changed level. Stormwater will then be able to sheet flow on the road to the sump in Harwood St, with no effect expected on any properties along this section of the road.

COMMENT

The estimated cost to mill down the level of the road pavement and associated works is around \$50,000. While such works are designed to correct the drainage problem they essentially represent road construction works, and the annual road rehabilitation program has therefore been reviewed for suitable funding opportunity to complete the works. Surplus budget funds of around \$22,000 exist for the recently completed Henry St (High Street to Phillimore St) road works; and the High St / Parry St intersection project cannot be completed within the 2009/10 financial year, effectively providing potential funding for the balance of \$28,000.

It is therefore proposed to use these funds to correct the current situation (noting that the funds freed up from the Parry St / High St intersection works will need to be re-budgeted in future years).

RISK AND OTHER IMPLICATIONS

Financial

There are no specific implications involved with the proposed changes in allocation of funds within the road works program, and such funding reallocation can be approved by Council.

Legal

Nil

Operational

Nil

Organisational

Current planning policies for Hilton results in residence construction below the crown of the road pavement, even though the property location may be at a low point in the road. This does create the potential for drainage problems at such locations, depending on the severity of the adjoining slopes, which may not easily be managed through road drainage systems without significant expense.

It is also recommended that this aspect of the planning policy be reviewed to examine if exceptions can be granted to overcome difficulties associated with low points in the road.

CONCLUSION

Nil

STRATEGIC AND POLICY IMPLICATIONS

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

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

That Council, approve the allocation of \$50,000 for the Hines Road construction works, to be funded from the surplus budget of \$22,000 available from road works in Henry St (High St to Phillimore St) and \$28,000 from the Parry St / High St intersection project.

SGS1006-9 WINTERFOLD PRIMARY - ADDITIONAL PARKING

DataWorks Reference: 165/010
Disclosure of Interest: Nil
Meeting Date: 09/06/2010
Previous Item: Nil
Responsible Officer: Peter Pikor, Director Technical Services
Actioning Officer: Phil Gale, Manager Infrastructure Services
Decision Making Authority: Council
Agenda Attachments: Layout Option 1
Costing Estimation
Letter from Winterfold Primary School

EXECUTIVE SUMMARY

It is proposed to alleviate peak traffic congestion associated with Winterfold Primary School through the construction of additional embayed parking along the southern verge of Annie Street.

The total estimated cost for the work is \$39,500 and the Department of Education and Training (DET) has committed \$20,000 towards the project (in addition to fully funding the upgrade of the Schools existing onsite facilities). Endorsement for inclusion of the project as a high priority in the 2010/11 draft budget is sought.

BACKGROUND

Winterfold Primary School is located on Annie Street with access restricted exclusively to this Street. Sharing Annie Street is another School, Christ the King, which is directly adjacent to Winterfold Primary School. Due to the limited width of Annie Street, on street parking is restricted to one side of the street to allow the safe movement of vehicles along the street. At peak times, the congestion in Annie Street is intensified by; the close proximity of the two Schools and limited on street and on site parking facilities at Winterfold Primary School.

A letter of concern was received regarding the congestion at peak times on Annie Street from parents dropping off and picking up their children to Winterfold Primary School. The Principal at the time had also raised the issue in the school bulletin distributed to parents, expressing concern over driver behaviour and the need to take care when dropping off or picking up children at the school.

Further communication between City of Fremantle and the School Principal resulted in preliminary plans being produced for on street parking on Annie Street. The design plan adds an additional fourteen bays at an estimated cost of \$39,500.

The Department of Education and Training (DET) approached the City of Fremantle to contribute 50% of costs towards the works and has committed \$20,000 towards the project.

In addition to this, DET is funding the upgrade of existing on site parking facilities to further alleviate the congestion in Annie Street by providing suitable parking for staff and users of the kindergarten facility.

COMMENT

The Winterfold Primary School and Department of Education and Training have requested for regular patrolling of Annie Street; however this has limited effect as resources prevent constant attendance by the City's Integrated Patrol officers.

The additional parking should assist in reducing the congestion and associated risk to vulnerable road users.

An option for the establishment of a School Roadwise committee involving Officers from the City of Fremantle, committee members from Winterfold Primary School and a Road Safety Officer will also be considered.

RISK AND OTHER IMPLICATIONS

Financial

The estimated cost of the project is \$39,500 and is to be funded with a \$20,000 contribution from DET and the remaining \$19,500 to be funded from municipal sources. The item has been listed for consideration in the 2010/11 draft budget.

Legal

Nil

Operational

Nil

Organisational

Nil

CONCLUSION

The additional embayed parking along the southern verge of Annie Street will alleviate the drop off and pick up at peak congestion times. It is also proposed to include installation of 15 minute parking restrictions during these peak periods.

The current parking restrictions on the northern side of Annie Street will remain in place to discourage the illegal parking of vehicles. This in turn should provide for an environment where adequate sight distances for motorists are maintained to view children crossing the road .

STRATEGIC AND POLICY IMPLICATIONS

City of Fremantle OP3 *on-street school parking facilities*.

Winterfold Primary schools proposal satisfies the guidelines for the provision of on-street parking facilities for schools in the Fremantle municipality.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council lists for consideration as a high priority in the 2010/11 draft budget the installation of embayed parking facilities along the southern verge of Annie Street at an estimated cost of \$39,500 with a \$20,000 contribution from Department of Education and Training and \$19,500 from municipal sources.

CONFIDENTIAL MATTERS

Nil

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 | |
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| 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. Decisions must also be made in accordance with any statute that applies or within the parameters of budgetary considerations. All consultations will |

| How consultative processes work at the City of Fremantle | |
|---|---|
| | 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 |

How consultative processes work at the City of Fremantle

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