



MINUTES

Strategic & General Services Committee

Wednesday, 8 September 2010, 6.00 pm

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CLOSURE OF MEETING

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Summary of Comment by Rod Murray

Spoke in relation to item SGS1009-12 in support of the Officer's Recommendation.

DEPUTATIONS / PRESENTATIONS

Nil

DISCLOSURES OF INTEREST BY MEMBERS

Nil

LATE ITEMS NOTED

Nil

CONFIRMATION OF MINUTES

MOVED: Cr D Coggin

That the Minutes of the Strategic and General Services Committee dated 11 August 2010 as listed in the Council Agenda dated 25 August 2010 be confirmed.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

TABLED DOCUMENTS

Nil

REPORTS BY OFFICERS (COMMITTEE DELEGATION)

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

Nil

REPORTS BY OFFICERS (COUNCIL DECISION)

Cr D Coggin moved en bloc recommendations numbered SGS1009-3, SGS1009-6, SGS1009-7, SGS1009-10, SGS1009-11 and SGS1009-12.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

The following item number SGS1009-3 was moved and carried en bloc earlier in the meeting.

SGS1009-3 AMENDMENT OF INSTRUMENT OF APPOINTMENT FOR CLIMATE CHANGE WORKING GROUP

DataWorks Reference: 039/069
Disclosure of Interest: Nil
Meeting Date: 8 September, 2010
Previous Item: C1008-4, C1004-2
Responsible Officer: Glen Dougall, Director Corporate Services
Actioning Officer: Glen Dougall, Director Corporate Services
Decision Making Authority: Council
Agenda Attachments: Amended Instrument of Appointment for Climate Change Adaptation Working Group
 Confidential Attachment - CV of Hana Jestribek

EXECUTIVE SUMMARY

The Instrument of Appointment for the Climate Change Adaptation and Mitigation Working Group was adopted in August. At the meeting members raised that the Appointment document did not exactly meet the resolution from April, 2010, and it was also mentioned that the time lines for outcomes may be misinterpreted to read a period of two years.

A note was made on the minutes of the August Council meeting to bring the Appointment back for consideration to re-consider these points. Amendments have now been made to the document to ensure that the Working Group;

**“explore practical options for the City of Fremantle and the Fremantle community to shift towards producing and using renewable energy” and
“the reporting of outcomes occurs over the next twelve months.”**

One member of this committee has also tendered her resignation and therefore a new member is also be recommended.

BACKGROUND

Working Groups have been established by Council to assist in driving outcomes based on the 2010-2015 Strategic Plan.

COMMENT

The Instrument of Appointment for this Working Group was not drafted prior to calling for community members to nominate for membership. When appointing the membership Council had not adopted the Instrument and once this oversight was discovered the draft was provided to council for consideration. As Council had already appointed the membership the Instrument was accepted at the August Council meeting but a note was made by Council to bring it back for consideration of amendments on one part of the original intent of council which was omitted from the draft.

The attached amended Instrument now includes this intent to explore practical options for the City of Fremantle and the Fremantle community to shift towards producing and using renewable energy.

The time period described in the Instrument may also have misled the intention to provide outcomes in a timely manner, so this has also been amended to ensure that outcomes are reported back to council over the next twelve months.

One of the five members (Wendy Yorke) originally endorsed for this committee has withdrawn their nomination due to personal reasons and another nomination is recommended to replace this community member. Hana Jestribek did not originally nominate for the group, but has indicated a strong desire to be part of the group. She also brings a set of skills comparable to those that Ms Yorke brought to the team.

RISK AND OTHER IMPLICATIONS

Financial

There are no financial or budgetary changes in adopting the proposed amendments.

Legal

The Local Government Act requires council to appoint committees through absolute majority. Any amendment to the Instrument should be made by absolute majority. As these amendments are considered minor they do not require any formal proposal under the Local Government Act.

Operational

The proposed amendments will not change the operation of the Working Group or the City. The effect will be to ensure the Working Group considers actions as well as strategies in its deliberation.

Organisational

As per the report the City is seeking for council endorsement to amend the Instrument of Appointment.

CONCLUSION

Council adopt the proposed amendments to the Climate Change Adaptation and Mitigation Working Group Instrument of Appointment.

STRATEGIC AND POLICY IMPLICATIONS

The Climate Change Adaptation and Mitigation Working Group was established to support Council in delivering outcomes directly related to the strategic imperatives adopted in the Strategic Plan 2010-15

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr D Coggin

1. Council adopt the amended Instrument of Appointment for the Climate Change Adaptation and Mitigation Working Group as attached to the Strategic and General Services Agenda of 8 September 2010.
2. The resignation of Ms Wendy Yorke be accepted and Ms Hana Jestribek be appointed as her replacement.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

The following item number **SGS1009-6** was moved and carried en bloc earlier in the meeting.

SGS1009-6 INFORMATION REPORT FOR SEPTEMBER 2010

CANTONMENT HILL MASTER PLAN WORKING GROUP MINUTES

DataWorks Reference: 039/068
Author: Lionel Nicholson, Manager City Works
Agenda Attachments: Attachment Minutes - Cantonment Hill Working Group
3 August 2010, 10 August 2010 and 17 August 2010

The Cantonment Hill Master Plan Working Group has commenced weekly meetings. The minutes of this Working Group will be provided through an information report each month. If consideration of an action is required by Council, a specific item will be forwarded to council for consideration.

SOUTH TERRACE IMPROVEMENTS WORKING GROUP MINUTES

DataWorks Reference: 039/067
Author: Philip Gale, Manager Infrastructure Services
Agenda Attachments: Attachment Minutes - South Terrace Improvements
Working Group - 9 August 2010

The South Terrace Improvements Working Group has commenced fortnightly meetings. The minutes of this Working Group will be provided through an information report each month. If consideration of an action is required by Council, a specific item will be forwarded to council for consideration.

YOUTH STRATEGY WORKING GROUP

DataWorks Reference: 039/065
Author: Marisa Spaziani, Director Community Development
Agenda Attachments: Nil

Staff have not been able to attract sufficient young people to set up this working group despite advertising, direct contact with agencies, schools and young people. It is not attracting interest from young people. We may need to undertake a consultation process with young people about their needs and from this process, we may be better placed to attract interest to a working group process or an alternative that works for young people. It was envisaged that we would have a working group up and running by September 2010, however, this may take until the end of the year.

CITY CENTRE STRATEGIC SITES REVIEW WORKING GROUP

DataWorks Reference: 039/066
Author: Ian James, Strategic Urban Designer
Agenda Attachments: Attachment - Minutes of working group meetings held 13 July 2010 and 3 August 2010

The City Centre Strategic Sites Review Working Group has commenced regular meetings. The minutes of this Working Group will be provided through an information report each month. If consideration of an action is required by Council, a specific item will be forwarded to council for consideration.

FREMANTLE MARKETS WORKING GROUP MINUTES

DataWorks Reference: 039/053
Author: Glen Dougall, Director Corporate Services
Agenda Attachments: Minutes of Working Group meetings held June 2010 and July 2010

Attached are the minutes for June and July meetings. These minutes contain updates of KPI's and attendance figures. Since the adoption of the budget officers have been engaged with undertaking conservation works to the façade of the Markets. A new tenant has signed to begin trading on the corner site of the markets and the City is working with this tenant to arrange construction times as they undertake some internal work.

A fence will be erected at the front of the Markets to secure the building and keep pedestrians away from the works being undertaken. The works undertaken are in accordance with the Conservation Plan and include re-establishing the arches to the door ways, chipping away the render and re-pointing the brickwork. New hand made bricks will need to be specially ordered which may mean the façade project may not be finished for several months. All endeavours are being made to complete the works as soon as possible.

COMMUNITY SAFETY WORKING GROUP MINUTES

DataWorks Reference: 039/063
Author: Glen Dougall, Director Corporate Services
Agenda Attachments: Minutes of Working Group meetings held 17 August 2010 and 31 August 2010

This Working Group held its first meeting on 17 August, 2010. The group elected Cr Bill Massie as Chair and Mr Peter Nolin as Deputy Chair.

The second meeting of this group focussed on building a “matrix” of the issues with reference to possible solutions and prevention opportunities and what the City is currently doing. Once this list is finalised the Group will start reviewing possible actions for recommendation to the City.

The Group has agreed to meet fortnightly for the interim period to support the goal of delivering the first set of recommendations by the end of October.

COMMUNITY SAFETY WORKING GROUP MINUTES

DataWorks Reference: 049/008
Author: Glen Dougall, Director Corporate Services
Agenda Attachments: Summary of Commercial Tenancies as at 31 August, 2010 (Confidential).

Attached is a list of the commercial tenancy leases and their current rental terms and payment position.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr D Coggin

The information report for September 2010 be received.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

The following item number **SGS1009-7** was moved and carried en bloc earlier in the meeting.

**SGS1009-7 WORKING GROUP NOMINATIONS - BOOYEEMBARA PARK
WORKING GROUP**

DataWorks Reference: 039/035.
Disclosure of Interest: Nil
Meeting Date: 8 September, 2010
Previous Item: SGS1007-2
Responsible Officer: Peter Pikor, Director Technical Services
Actioning Officer: Lionel Nicholson, Manager City Works
Decision Making Authority: Council
Agenda Attachments: Nil

EXECUTIVE SUMMARY

To appoint the external and elected member representatives to the Booyeembara Park Working Group for the City of Fremantle.

BACKGROUND

In March 2010 Council approved the formation of Working Groups, which have replaced the previous Advisory Committees, to support in providing advice and information to Council in relation to strategic matters. The Working Groups generally have a specified brief and a term of appointment to enable fulfilment of this brief through an Instrument of Appointment.

At the Ordinary meeting in July 2010 Council adopted the Instrument of Appointment and Project Delegation for the Booyeembara Park working group. It was resolved that the working group would consist of

- One community representative with an aboriginal interest
- One member of FERN
- One member of the White Gum Valley Precinct
- Two community representatives.

Advertisements were placed in August 2010 in the Fremantle Gazette and on the City's website seeking external nominations for this Working Group.

COMMENT

Nominations received during the advertising period have been collated and a copy of the nomination forms received from the community have been placed in a file in the Councillor's Lounge to view if they wish to ascertain further information on the applicants.

Six nominations were received for the positions on the Working Group.

As there is no nomination from the community with an Aboriginal interest the City's Officers intend to approach a community member who has had a close involvement in this Park to seek their involvement in the Working Group. The nomination for this position is hoped to be confirmed prior to the Council meeting.

There were two applications for the one FERN position and it is therefore proposed that FERN be requested to nominate their representative.

There were three nominations for the community representative's membership. Two of the recommended applicants for membership have both been previously involved with the Booyeembara taskforce. It is proposed that the other applicant also be appointed as a community representative.

It is therefore recommended to appoint a total of five nominations in their respective memberships.

RISK AND OTHER IMPLICATIONS

Financial

There are no additional financial consequences from the appointment of the Working Group itself. There may be recommendations from Working Groups in the future which may have financial impacts; these will be assessed as they are raised.

Legal

Working Groups are appointed under the Local Government Act 1995 and have been established under the terms of the approved Instrument of Appointment by the City of Fremantle. The Working Group being appointed under this report does not have the powers of delegation.

Operational

The Working Group will assist the City in formulating recommendations for Booyeembara Park and forwarding information to Council in relation to matters specified under its individual Terms of Reference.

Organisational

Administrative arrangements are being arranged "in-house" to support the Working Groups in their deliberations. Meeting schedules have been tentatively outlined in the Instrument of Appointment for the Group.

CONCLUSION

The Working Group has received sufficient nominations to be appointed. It is recommended that Council appoint members to this Group in accordance with the Local Government Act 1995.

The Instrument of Appointment requires the appointment of two elected members. As with previous committee appointments, a white board will be placed in the Chamber just prior to the meeting and elected members can nominate for this Working Group. If more than two nominations are received then a ballot will be conducted to determine the two representatives.

STRATEGIC AND POLICY IMPLICATIONS

The Working Groups have been established in line with the imperatives of the City of Fremantle Strategic Plan 2010 - 15.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr D Coggin

- 1. Council appoints the following members to the Booyeembara Park Working Group until the project brief is concluded or the Ordinary Election held in October 2011 (whichever occurs first);**
 - a) **The Mayor, Brad Pettitt and two elected member representatives are Cr _____ and Cr _____.**
 - b) **The Chief Executive Officer of the City of Fremantle or his nominated representative.**
 - c) **The representative for the White Gum Valley Precinct is Roy Lewisson.**
 - d) **The three community representatives are Stephanie Jennings, Robert Dobson and Ned Stokes .**
 - e) **The one representative for FERN is to be confirmed .**
 - f) **The community representative with an aboriginal interest is _____**

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

REASON FOR CHANGE TO OFFICER'S RECOMMENDATION

The Committee recommended the item to Council on the understanding that the nominations for parts (a) to (f) will be provided at Council.

The following item number **SGS1009-10** was moved and carried en bloc earlier in the meeting.

SGS1009-10 APPOINTMENT OF AUTHORISED OFFICERS - TECHNICAL SERVICES

DataWorks Reference: 035/005
Disclosure of Interest: Nil
Meeting Date: 8 September 2010
Previous Item: SGS0908-8
Responsible Officer: Peter Pikor, Director Technical Services
Actioning Officer: Mia Zaknich, Administration Officer Technical Services
Decision Making Authority: Council
Agenda Attachments: Nil

EXECUTIVE SUMMARY

The **Activities in Thoroughfares and Public Places and Trading Local Law** was gazetted in 2005 and a number of new staff appointments have subsequently been made. It is therefore necessary for Council to make new appointments in order that the provisions of the Local Law can be enforced.

BACKGROUND

The **Activities in Thoroughfares and Public Places and Trading Local Law** was gazetted in 2005 and regulates the conduct of activities on road reserves and on public places under the care and control of the City of Fremantle.

COMMENT

From time to time new local laws are gazetted, officers change duties or new appointments are made and it therefore becomes necessary to review the authorisations under a range of different legislation.

RISK AND OTHER IMPLICATIONS

Financial

There could be an adverse impact if legal action is compromised due to appropriate staff not being authorised by Council.

Legal

There is a legislative requirement under the Local Government Act and the **Activities in Thoroughfares and Public Places and Trading Local Law** for Council Officers to be authorised to perform certain duties.

Operational

Nil

Organisational

Nil

CONCLUSION

The recommended appointments should be confirmed to enable enforcement to be carried out when necessary by the specified officers.

STRATEGIC AND POLICY IMPLICATIONS

The authorisations are required in accordance with the City of Fremantle's Activities in Thoroughfares and Public Places and Trading Local Law.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr D Coggin

That Council confirm the following persons are authorised by the City of Fremantle, pursuant to section 3.39 and section 9.10 of the Local Government Act 1995 to perform the functions of an authorised person under the City of Fremantle Activities in Thoroughfares and Public Places and Trading Local Law:

- **Mr Peter Pikor – Director Technical Services**
- **Mr Philip Gale – Manager Infrastructure Services**
- **Mr Lionel Nicholson – Manager City Works**
- **Mrs Lisa Broadbridge – Compliance Officer**
- **Mr Trevor Quinn – Coordinator Traffic and Civic Design**
- **Mr Michael Leers - Coordinator Parks and Landscape**
- **Mr Trevis Lawton - Coordinator City Works**

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright	

Cr Dave Coggin Cr Doug Thompson	
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The following item number **SGS1009-11** was moved and carried en bloc earlier in the meeting.

SGS1009-11 ACCEPTANCE OF TENDER FOR KEY LOCK AND SECURITY SYSTEM (FCC 347/10)

DataWorks Reference: 135/001
Disclosure of Interest: Nil
Meeting Date: 8 September 2010
Previous Item: Nil
Responsible Officer: Peter Pikor, Director Technical Services
Actioning Officer: Philip Gale, Manager Infrastructure Services
Decision Making Authority: Council
Agenda Attachments: Procurement Plan - Key and Lock System
 Recommendation Report

EXECUTIVE SUMMARY

This item reports on a procurement process undertaken to appoint a suitably qualified security company to provide a new lock and key system for all council facilities. The appointment will see a new generation of security systems introduced to the City of Fremantle providing secure and flexible access arrangements.

The preferred contractor will partner with the City in providing a long term solution to securing our facilities.

BACKGROUND

The City of Fremantle has in excess of 200 building facilities and a large number of assets that need to be locked and secured for safety and loss prevention reasons.

Like all large organisations with multiple and geographically widespread assets the security of these facilities deteriorates over time. In most instances for a variety of reasons, control over key ownership and issuance becomes diluted, with typically more than one area within and organisation managing their own security arrangements.

Without a clear and concise strategy and strict management controls access to the organisations facilities becomes free and unsupervised. With this also comes the concept of localised ownership with small groups ultimately claiming quasi ownership of a community asset.

The approach to redress these issues has traditionally been one of using current security contractors to recommend upgrades for keys and locks which they then manage. The system for issuing keys and access thus still resides outside the council.

To advance the procurement of a new system an Expression of Interest (EOI), FCC339/09, was developed and advertised on 9 December 2009. From this process a number of applications were selected to provide a formal tender and one contractor has now been selected and is recommended to undertake these works

COMMENT

The procurement process has been exhaustive in determining the selection of the final preferred contractor. Following the Eoi process seven contractors registered their interest to partake in the project. All seven companies were then interviewed to determine their ability to provide an appropriate level of service with a product or products that would take the City of Fremantle into the future.

From the original seven companies three applicants were asked to provide a formal proposal with details of their resources, experience, products and pricing.

The three companies were;

- BullAnt Security
- Security and Key Services
- Gronbeck

To ensure absolute probity and due diligence in our procurement processes the Tender and Contracts services provided by the West Australian Local Government Association (WALGA) were utilised. WALGA ran this phase of the process providing tender specifications, assessment tools and a final report. The request for proposal FCC347/10 was issued to the contractors on 26 June 2010. This third party involvement has proved to be advantageous in that it provides up to date tendering and procurement processes as well as third party oversight of the purchasing arrangements.

The final report from WALGA forms part of the attachments

As for the three companies selected to make the final bids all three provided solutions that could be used into the future. Submissions differed mainly in their approach to business and arrangements with their clients. This is most important as the relationships being entered into are long term, and important for continued business excellence and safety of council assets.

All three companies also were asked to submit prices for selected components of the security system. In addition a sample project was provided to the companies to test their response and aptitude in dealing with real project.

From these examples a matrix of qualitative and quantitative assessments has been developed to provide a profile of the preferred tenderer. The most consistent scores came from Security and key tender proposal.

To further check this companies credentials officers reinterviewed the company directors to clarify particular issues and visited one of their reference sites. Both of these exercises

confirmed the high assessment scores and the preference to recommend Security and Key as the successful tenderer.

RISK AND OTHER IMPLICATIONS

Financial

There is always some degree of risk in taking on new companies under long term business relationships. However with the due diligence of the tender process and referral checking on the preferred company these risks are mitigated to a low level.

The 2010/11 budget has an allocation of \$50,000 to commence conversion of current systems. This funding thus funds under capital projects, will advance the key changeover process. Funding in future forward works programmes will need to be considered to continue the security upgrade process.

Legal

Normal legal relationships developed through business contracts will be developed and processed as would be the case with any other tender arrangement

Operational

This contract will radically change the City of Fremantle's security arrangements as we roll out new systems throughout the many council facilities. There will be a request for continued funding to upgrade these facilities security systems in forward works budgets.

Organisational

Nil

CONCLUSION

The tender to contract with a security company to provide security and locking goods and services for the City of Fremantle has been run in an open and competitive fashion. Starting with the development of the Procurement Plan through to partnering with WALGA to provide purchasing advice and probity the process has been very thorough.

The three companies that made it to the request for proposal provided good submissions and the recommended company will provide good products and security solutions for the City.

Following the tendering process the assessors believe that one company provided superior submission, products and services.

Therefore it will be recommended that Driving Creek Pty Ltd, ABN 25 103 398 429, Trading as Security Key Services Pty Ltd has provided the most advantageous Tender and best value for money to the City of Fremantle based on the assessment of the compliance criteria, qualitative criteria and pricing structures offered under FCC347-10 – Security Key lock Systems.

The Evaluation Panel recommends the appointment of Driving Creek Pty Ltd, ABN 25 103 398 429, Trading as Security Key Services Pty Ltd to the City of Fremantle.

STRATEGIC AND POLICY IMPLICATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr D Coggin

That the Council accept the tender from Driving Creek Pty Ltd, T/A Security and Key Services Pty Ltd for the supply of services and goods for the provision of a key lock and security system.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

The following item number **SGS1009-12** was moved and carried en bloc earlier in the meeting.

SGS1009-12 REQUEST TO NAME - SOUTH BEACH PONTOON

DataWorks Reference: 164/001
Disclosure of Interest: Nil
Meeting Date: 8 September 2010
Previous Item: Nil
Responsible Officer: Peter Pikor, Director Technical Services
Actioning Officer: Philip Gale, Manager Infrastructure Services
Decision Making Authority: Council
Agenda Attachments: Nil

EXECUTIVE SUMMARY

The City is in receipt of a request to name the new Pontoon which will be seasonally placed off South Beach, South Fremantle from November to May. The proposed name of 'Bryn Davis Pontoon' has been requested by the South Fremantle Precinct Group in honour of Mr Davis.

BACKGROUND

Landgate regards the Pontoon as a movable object and although there is no approval requirements for such an object (likened to the naming of a ship), the Geographic Names Committee (GNC) has a 'Points of Interest' database which is available to the tourist industry. The GNC will include the Pontoon on its database.

COMMENT

The newly constructed Pontoon will be seasonally deployed approximately 50 metres off the South Beach shoreline during the Summer months of December to May annually. The South Fremantle Precinct Group and in particular, Mr Bryn Davis have supported and pushed for the Pontoon Project to be commissioned by the City for nearly 10 years. The project had reached preliminary stages some years back but for various reasons, wasn't developed further. Mr Davis and the South Fremantle Precinct Group continued their support for the project and it is very probable that without this, the project would not have happened.

Historical Information - Mr Bryn Davis

Mr Davis was the Fremantle Citizen of the Year in 1998 for 'Outstanding and tireless contribution to the community, particularly those relating to the environment and heritage of Fremantle, re-vegetation of parks and gardens and helping to organise art exhibitions'. (Source - Fremantle Herald 31 October 1998) and conservation.

RISK AND OTHER IMPLICATIONS

Financial

Nil

Legal

Nil

Operational

Nil

Organisational

Nil

CONCLUSION

It is appropriate that Council consider naming the Pontoon 'Bryn Davis Pontoon' in recognition of his community involvement and also for the GNC tourism database purposes.

STRATEGIC AND POLICY IMPLICATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

The original request for the pontoon and the naming came from the South Fremantle Precinct Group.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr D Coggin

That Council advise the Geographic Names Committee that 'Bryn Davis Pontoon' has been selected as the name to be applied to the new pontoon for South Beach.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

**SGS1009-1 SOUTH BEACH KIOSK. MARINE TERRACE, SOUTH FREMANTLE -
APPLICATION FOR A NEW AND EXTENDED LEASE IN RETURN
FOR LESSEE FUNDED EXTENSIONS AND IMPROVEMENTS**

DataWorks Reference: LO29
Disclosure of Interest: Nil
Meeting Date: 8th September 2010
Previous Item: Nil
Responsible Officer: Glen Dougall, Director Corporate Services
Actioning Officer: John Amor, Property Coordinator
Decision Making Authority: Council
Agenda Attachments: Nil

EXECUTIVE SUMMARY

Via a Deed of Assignment, effective from the 19th December 2007, Mr Ismet Aslan has been the City's tenant of the premises known as the South Beach Kiosk which is located on Land Administration Reserve Plan 411 at The South Beach locality in South Fremantle.

The Lease is due to expire on the 31st December 2013 without any options being available for extension beyond that date.

The tenant has proposed to the City a plan to both internally refurbish the kiosk and extend the kiosk foot print by approximately two (2) metres out into the park.

In return for his capital outlay the tenant has sought a new twenty one year lease.

BACKGROUND

The existing kiosk premises are now very dated and in need of an upgrade.

The tenant's plans address the present issues that currently plague the site ie;

1. Improved security (surveillance cameras and more and stronger roller shutters)
2. Enhanced waste storage (currently subject to occasional vandalism)
3. Poor presentation
4. Improved facilities for patrons and tourists
5. Water conservation with the installation of a water harvest storage tank
6. Reduced maintenance costs by the use of better weather resistant building materials (galvanised cladding and colour bond roofing).

The plans have been drawn up by Fremantle Design and Construct.

These premises, which sit on Crown Reserve, Class C, R263/124771, are under the control of the City of Fremantle which has power to lease for a term of twenty one years, subject to the Minister's prior consent.

Enquiries with State Land Services have revealed that as long as the facility remains a kiosk, there would not be any objection to either the refurbishment or the proposed extension of the kiosk foot print. State Land Services also advised its consent to a twenty one year lease term.

An added impetus from the upgrade is the expected International Sailing Championships to be held in Fremantle in 2011, which event will attract international competitors and visitors not only to Fremantle itself but also to such venues as South Beach.

Even without the Sailing Championships these premises will, without an upgrade, suffer from, and compare unfavourably with, the residential development and related service facilities, immediately to the south of the Reserve.

The current tenant has proven to be a reliable Lessee and conducts the kiosk business efficiently without any drain on the City's resources.

Any new lease would carry a Redevelopment Clause which would enable the City to resume the premises should the City decide upon a future redevelopment of this Reserve.

COMMENT

The existing premises are old and are in need of renovation and refurbishment. In their present state, whilst the building is functional, they do not present a favourable public image. Therefore an upgrade will address that issue as well as provide a long term improved service to the local community and wider public.

In the short term, an upgrade in time for the International Sailing Championships would enhance the area's promotion and presentation.

RISK AND OTHER IMPLICATIONS

Financial

As the tenant is to pay for the refurbishment (estimated cost \$94,500.00) there would not be any financial risk for the City.

Legal

The tenants plans would need to be approved by the City; and any new lease would need to be in accordance with Local Government Regulations.

Operational

Any improvements to this facility can be expected to add to both the tourist and service facilities within the City of Fremantle.

Organisational

A refurbishment and enlarged kiosk at this locality would contribute to the City's economic capacity and provide longer employment prospects for staff.

CONCLUSION

As the premises are in need of an upgrade, any such development as that proposed by the tenant, would improve the City's beach infrastructure any, by extension, service to the community.

STRATEGIC AND POLICY IMPLICATIONS

The proposed development has connection with the City's 2010 – 2015 Strategic Plan a the points of Social and Economic Capacity; and Renewal and Integration.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

1. That the tenant's redevelopment plans be submitted for reconsideration to the City.
2. If the plans are approved that the City agree to enter into negotiations for a new twenty one year lease.
3. the lease be brought back to Council for consideration for approval of Council.

Cr D Coggin moved the following alternative recommendation:

COMMITTEE RECOMMENDATION

- 1. Receive and note the request for new plans and lease proposal for the South Beach Kiosk by current the tenant, Mr Ismet Aslan.**
- 2. Defer any response until Council has determined its future needs for the South Beach Kiosk and associated facilities.**

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

To allow Council to determine the future needs of facilities at South Beach.

SGS1009-2 DECKCHAIR THEATRE INCORPORATED - SUBMISSION TO WRITE OFF TENANCY ARREARS

DataWorks Reference: LO72
Disclosure of Interest: Nil
Meeting Date: 8 September 2010
Previous Item: SGS 0901-8; SGS 0907-10
Responsible Officer: Glen Dougall, Director Corporate Services
Actioning Officer: John Amor, Property Coordinator
Decision Making Authority: Council
Agenda Attachments: Nil

EXECUTIVE SUMMARY

In keeping with current Lease terms and conditions Deckchair Theatre Incorporated has, since 1st January 2006, been the City of Fremantle's tenant at the Victoria Hall premises at 179 High Street, Fremantle. This Lease is scheduled to expire on the 31st December 2010, without any options available for extension beyond that date. The commencing annual rental was \$20,000 plus GST gross without any rent reviews for the entire term.

Over the period of this Lease Deckchair has built up a tenancy arrears to the sum of \$37,533.62 as at the 1st September 2010.

This situation has come about due to a combination of cumulative and ongoing factors which include, but are not limited too:

- **Withdrawal/reduction of funding from both State and Federal Theatre or Arts Councils.**
- **Low Theatre attendance.**
- **Failing sponsorship.**
- **Severely contracting alternative funding sources.**

This deteriorating situation climaxed in the later half of 2010 when the Theatre closed its doors and ceased productions.

Given the serious doubts surrounding the future of Deckchair Theatre Incorporated and its parlous financial state Council is requested to consider writing off the tenancy arrears and waiving the rental charges that would apply until the 31st December 2010.

BACKGROUND

Deckchair Theatre Incorporated has been located in Fremantle for approximately 26 years. Its lease of 179 High Street, Fremantle with the City has a history of rental abatements or rental waivers because of its problematic financial resources.

With respect to the current Lease the \$20,000 gross annual rental figure was the result of Theatre submissions that it could not afford to pay anything more than that figure.

This reduced rental needs to be considered against the rental valuation advice dated May 2009 from McGees Property that the market based rental applicable as at January 2009 for these premises was \$50,700 plus GST, plus variable outgoings and statutory charges. The McGees report did make allowance for the fact that the building is “purpose specific” with limited alternate use options. So, even with the concessional rental of \$20,000 all up it is readily apparent that the Theatre is in dire financial straits.

This is supported by the review of the media coverage during 2010 and Officer discussions with Theatre Management and personal approaches from Theatre Management to the City all of which paints a grim picture for Deckchair Theatre thus far.

COMMENT

The persistent track record of “financial crisis” which permeates the history of this tenancy is there for all to see – not only in the City’s own records but also out in the public domain.

But this needs to be weighed against the perception that Deckchair Theatre is an important part of the Fremantle culture, by allowing local talent to develop and by presenting quality and original theatre.

RISK AND OTHER IMPLICATIONS

Financial

The seemingly enduring financial crisis for Deckchair Theatre has had and will continue to exert an unavoidable adverse impact on the reasonable rental expectations from this City asset.

Just how long this situation can be allowed to continue is the perplexing issue for the City.

Legal

Because of the Lease contract the City could pursue its legal remedies for recovery of the arrears, but other influences probably preclude this course of action.

Operational

The existence or otherwise of Deckchair Theatre is an important part of the cultural fabric of Fremantle.

Whilst a write off of the current lease rental obligations will have a band aid effect it will not solve the Theatre's long term financial prospects or the question of its continued existence as a tenant at 179 High Street, Fremantle.

Organisational

If approved the "write off" of the arrears and future rental obligations until lease end will not have any affect upon the City's organisational resources.

CONCLUSION

In consultation with Deckchair Theatre what is required is a review of the Theatre's financial prospects; an assessment of its future theatre role; and a survey of the options of how it may continue to operate at 179 High Street, Fremantle.

STRATEGIC AND POLICY IMPLICATIONS

The future of Deckchair Theatre has implications for the City's imperative to "sustain and promote strategic initiatives that will grow our diverse arts culture".

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

None conducted at this stage.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr D Coggin

- 1. That the existing Lease rental arrears of \$37,533.62 be written off.**
- 2. That the rental Lease obligations remaining until 31st December 2010 be waived.**

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

SGS1009-4 FUTURE USE OF VICTORIA HALL AS A PERFORMING ARTS VENUE

DataWorks Reference: 046/007
Disclosure of Interest: Nil
Meeting Date: 08 Sept 2010
Previous Item: Nil
Responsible Officer: Marisa Spaziani, Director Community Development
Actioning Officer: Marisa Spaziani, Director Community Development
Decision Making Authority: Council
Agenda Attachments:

EXECUTIVE SUMMARY

Victoria Hall is currently home to Deckchair Theatre, a nationally recognised arts organisation. The City has leased Victoria Hall to Deckchair Theatre since 2001 for use as a performing arts venue as well as offices for their administration. It has recently been identified by the current tenant Deckchair that Victoria Hall is ill equipped as a performance venue causing operational difficulties. Substantial changes are required to be made to the venue to bring it to a standard expected of the theatre going public.

BACKGROUND

Deckchair Theatre established in 1983, is a nationally recognised arts organisation funded by State and Federal Government. Its mission is to develop, create and present high quality contemporary, innovative, Australian text-based theatre and to support the West Australian Theatre industry through the development of emerging theatre artists and independent companies.

Victoria Hall has been the home of Deckchair Theatre since 2001. Recently, Deckchair Theatre has experienced operational issues that has compromised its financial viability and has needed to examine what steps it needs to take, to ensure ongoing viability as a performing arts organisation based in Fremantle.

As part of this review, it has been identified that there are a number of issues in the use of Victoria Hall as a performing arts venue, including its ability to meet the needs of the organisation (Deckchair Theatre) as a performance space as well as the needs of the theatre going public.

COMMENT

Victoria Hall has seen a series of heritage upgrades and renovations over the past 10 years. However, these upgrades and renovations have not enabled the use of Victoria Hall as a contemporary performing arts space. To fulfil the primary functional requirements that is expected of a performing arts venue, both from the organisation's

perspective as a tenant and from that of the public that attend performances at the venue, some changes are required.

The Department of Culture and the Arts and Lotterywest are keen to work positively with the City and Deckchair Theatre, to address issues in relation to the changes required to the venue, to enable Deckchair to fulfil its function of presenting theatre in a comfortable, welcoming and accessible environment, without the obstacles it has been having to face in the constrictions of the current venue. These obstacles include:

- The lack of a purpose built seating unit – currently Deckchair have to hire a unit every time it mounts a production, which is expensive and labour intensive.
- Lack of curtaining (and railings) to allow for blackening out the entire venue from external natural light as well as effecting the acoustics.
- Lack of appropriate lighting requirements and cable system.
- No air conditioning, making performances uncomfortable for performers and audience, especially, in the Summer months.
- Lack of adequate signage.
- No double glazing on windows, increasing noise transference from street to performance space.
- Lack of appropriate lighting grid to enable rigging lights.

For Victoria Hall to be a successful performing arts venue, a number of changes need to be made. Given that the building is a heritage building, it is important that these changes are made in line with proper heritage advice and process. It is equally important that the functionality of the building for the proposed purpose is addressed. If the issues that will make the venue a viable performance space for Deckchair Theatre to continue to be based at Victoria Hall cannot be accommodated, then there is doubt about Deckchairs' future at the venue.

Victoria Hall is also used when available for other functions other than performing arts activities and should continue to be accessible to other forms of community activity.

RISK AND OTHER IMPLICATIONS

Financial

A number of the changes required by Deckchair are capital items that can be funded by Lotterywest. A number of the changes do also involve changes to the building structurally. The total amount Deckchair believes it requires, to bring the venue to an acceptable standard, is approximately \$400,000 most of which would require an application to Lotterywest.

Operational

Nil

Organisational

Fremantle does not have many venues that are suitable for contemporary performing arts and risks losing this space for this purpose, if it cannot provide suitable operating requirements.

CONCLUSION

Victoria Hall is a significant heritage building for the City of Fremantle and should be enjoyed by as many people as possible. Deckchair Theatre is a Fremantle based arts organisation that is a part of the arts fabric of Fremantle. It is important for the City to work with key stakeholders, to enable the building to fulfil its role as a performing arts venue and ensure that these venues are comfortable and accessible for the purposes that they are being used, so that the viewing public have an enjoyable experience.

Victoria Hall is in need of works to ensure that it is able to operate as a professional contemporary venue into the future and to ensure the current tenant, Deckchair Theatre, is able to efficiently and sustainably present high quality professional theatre in an accessible and comfortable venue.

STRATEGIC AND POLICY IMPLICATIONS

Strategic Imperative

Character: Sustain and grow arts and culture and preserve the importance of our social capital, built heritage and history.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

1. The City works in consultation with Deckchair Theatre, Department of Culture and Arts, Lotterywest to investigate the changes to the building to enable the sustained future use of Victoria Hall as a well equipped performing arts space for Fremantle.
2. Undertake assessment of potential heritage impacts of these works on the heritage values of the building.
3. Investigate funding options to document required works with the view to seeking appropriate planning approvals.

Cr Dave Coggin moved an amendment to part 1 of the Officer's Recommendation and include an additional part 4 (as shown in italics) to read as follows;

COMMITTEE RECOMMENDATION

1. The City works in consultation with Deckchair Theatre, Department of Culture and Arts, Lotterywest *and other interested parties* to investigate the changes to the building to enable the sustained future use of Victoria Hall as a well equipped performing arts space for Fremantle.
2. Undertake assessment of potential heritage impacts of these works on the heritage values of the building.
3. Investigate funding options to document required works with the view to seeking appropriate planning approvals.
4. *That the City examines implications for progressing development of Victoria Hall as an accessible contemporary performance/entertainment venue for the wider Fremantle community.*

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

REASON FOR CHANGE TO OFFICER'S RECOMMENDATION

Committee considered that Victoria Hall could be used by more than one cultural group in the future.

SGS1009-5 MEWS ROAD RAIL CROSSING

DataWorks Reference:	161/004
Disclosure of Interest:	Nil
Meeting Date:	8 September 2010
Previous Item:	Nil
Responsible Officer:	Peter Pikor, Director Technical Services
Actioning Officer:	Philip Gale, Manager Infrastructure Services
Decision Making Authority:	Council
Agenda Attachments:	Drawing number 370-1008-R01 - Mews Road Rail Crossing Fremantle Calibration and Option Model Report

EXECUTIVE SUMMARY

This report seeks to gain approval for the proposed new pedestrian/vehicle rail crossing from Marine Terrace into the fishing boat harbour at Mews Road.

BACKGROUND

The concept of opening a new road access point into fishing boat harbour in the vicinity of the western end of Marine Terrace has been around for many years. Indeed the Department for Planning report, Asset Development and Management Plan for Fishing Boat Harbour 2003, made such a suggestion. At that time the City of Fremantle was supportive of such a proposal and provided the following comment in response;

'Previous studies have identified the potential for a second entry point to Mews Road, near the Maritime Museum. The City has not formally assessed the proposal and it would require a comprehensive study of the physical impacts on the Esplanade Reserve as well as any likely impacts on traffic movements in the vicinity involving the City, DPI and other stakeholders'.

COMMENT

With the impending ISAF World Sailing Championships, much time and planning is focusing on providing legacy facilities for the event. The Department of Transport has developed the concept of the rail crossing west of the Esplanade Park as one such asset that will both benefit the sailing event and the harbour community into the future. The new connection provides an alternative exit point from the Fishing Boat Harbour and in so doing, reduces risk to patrons of the area and reduces potential traffic congestion at the one point of entry/exit currently available at Arundel Street.

Initial concept designs have been completed by a consulting engineering company which has since handed the design to the City of Fremantle for more detailed design work should the project be approved.

In determining the effects of the new road out of the harbour, it is proposed that travel is one way out of Mews Road only. The Public Transport Authority, City of Fremantle and the Department of Transport all contributed to funding a traffic modelling exercise.

This project was undertaken by Aurecon Pty Ltd using the modelling tool Paramics. This tool is extensively used around the world and with the appropriate inputs can give very reliable approximations of traffic flows for specifically designated scenarios.

To complete the modelling, Aurecon made a number of onsite traffic observations, as well as using traffic count data supplied by the City of Fremantle and Main Roads WA forward traffic projections.

In all developed scenarios, the level of service of the new rail crossing remained at Level 'A', that being the least disruption to traffic flow. The full report forms part of the attachments.

In predicting traffic flow into local streets the modelling shows only minor changes to vehicle numbers per day above current vehicle numbers, for example, it is predicted that Cliff Street will take approximately 12 vehicles per day more than current numbers.

The modelling and predictions were presented to an informal meeting of Elected Members on the 3rd of August 2010.

The Department of Transport are keen to pursue this project and have now identified funds in their budget to proceed to the next level of design and finalisation of costings. Should the estimates be within the current budgets then the project will proceed. The city of Fremantle has maintained that there are no funds to contribute to the project apart from minor road reinstatements and path realignments and the design and construct services of our Technical Services team. However the Council does have the role of approving the new road and supporting the Department of Transport in their endeavours to provide this new egress point from the Fishing Boat Harbour.

RISK AND OTHER IMPLICATIONS

Financial

There are minimal financial risks to the project providing the scoping is detailed and accurate. The City of Fremantle will not however be exposed to any specific financial risk.

Legal

The City of Fremantle will be responsible for ensuring that the road is gazetted as a formal road and will be in care and control of the road once constructed. This is a normal practice for road construction and management for Local Authorities.

Operational

Maintenance and asset management responsibilities will apply to the City of Fremantle once the road is completed, however the infrastructure in place will differ little to that proposed so this is not anticipated to be a significant impost.

Organisational

Nil

CONCLUSION

The proposal to construct a new vehicle/pedestrian crossing with exit only vehicle movements from Mews road into Marine Terrace offers improved traffic conditions and potentially safer operations for visitors and businesses in the Fishing Boat Harbour marine complex. The proposal has been tested for traffic impacts on the City of Fremantle road network and this has been found to be negligible.

The road construction will be funded by the Department of Transport. Approval for the project is supported.

STRATEGIC AND POLICY IMPLICATIONS

This project supports Economic Development and Transport strategic outcomes

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Consultation is in the process of occurring with the relevant authorities and ISAF management. Informal discussions with representatives of FICRA have also been held, with all contacts providing positive feed back.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

That the proposal to construct a new vehicle and pedestrian rail crossing to the west of the Esplanade Park through car park number 2 to accommodate exit only vehicles from Mews Road as shown on concept plan number 370-1008-R01 be adopted.

Cr Dave Coggin moved an amendment to the Officer's Recommendation (as shown in italics) to read as follows;

COMMITTEE RECOMMENDATION

That the proposal to construct a new vehicle and pedestrian rail crossing to the west of the Esplanade Park through car park number 2 to accommodate exit only vehicles from Mews Road as shown on concept plan number 370-1008-R01 *be received with additional examination of options for two way traffic.*

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

REASON FOR CHANGE TO OFFICERS RECOMMENDATION

The Committee wish to consider the cost implications of a two-way traffic outcome.

SGS1009-9 LOCAL LAW REVIEW

DataWorks Reference:	035/001
Disclosure of Interest:	Nil
Meeting Date:	8 September 2010
Previous Item:	Nil
Responsible Officer:	Glen Dougall, Director Corporate Services
Actioning Officer:	Cameron Bartkowski, Manager Community Safety and Parking
Decision Making Authority:	Council
Agenda Attachments:	Nil

EXECUTIVE SUMMARY

As per Section 3.16 of the Local Government Act, a review of all City of Fremantle Local Laws has been conducted and it is recommended that Council accept this review report.

BACKGROUND

Section 3.16 of the Local Government Act 1995 (the Act) requires that all of the local laws of local government must be reviewed at least every eight years to determine if they should remain unchanged, be repealed or amended.

The eight-year period is taken to be from either when the local law commenced or when the last review of the local law (using s3.16 of the Act) was completed.

Section 3.16 of the Act provides for reviewing the currency and suitability of gazetted local laws - this section cannot be used for amending or repealing legislation. When the outcome of the review finds that it is necessary to change an outdated aspect of the law or that the subsidiary legislation has become defunct or obsolete, the local government must then commence the process outlined in s3.12 of the Act to implement any changes.

COMMENT

A working group of all officers charged with the responsibility of the Local Laws was put together to discuss the Local Law and if there was a need to repeal or amend any of the Local Laws. A number of the officers felt that some of the Local Laws they are responsible for will require amendments, another one may even be repealed. The Officer/s responsible for that particular Local Law will advise Council at a later date.

As per the Act, an advertisement, advertising and calling for public submission/s was placed in local and state papers with a copy of the ad placed on the public noticeboard. The timeframe for these submissions was as per the Act. No submissions from the public were received.

RISK AND OTHER IMPLICATIONS

Financial

Nil

Legal

Is a requirement of the Local Government Act. This review does not seek to recommend any changes to individual laws per se, but seeks to review all laws and identify any that could be considered for review.

Operational

This review considers the operational purpose of each local law as part of the review. The Laws that have been identified for possible amendment or repeal is only a list for consideration as part of this review. As the working group has identified there may be possible areas that can be reviewed it is now the responsibility of the officers to undertake a formal review of each of the individual laws identified and if considered necessary, bring back to council for further consideration separately. Whilst some of the laws have been identified for possible review it does not necessarily translate to a formal recommendation for review coming back to council in the future.

Organisational

Nil

CONCLUSION

Council accept the below schedule as the outcome of the 2010 review of the Local Laws for the City of Fremantle.

Local Law	Functional in current format	Consider Amendments	Consider Repeal	Possible Review Reason
Health Local Law	X	X		Contains 199 individual Local Laws. Some may no longer be relevant and these should be looked into further.
Activities in Thoroughfares and Public Places and Trading	X			
Building Lines			X	Not considered a useful Head

				of Power. Other possibilities should be explored.
Outdoor Eating Areas	X	X		Amendments could be considered to streamline this law.
Prevention and Abatement of Sand Drift	X			
Short Stay Accommodation	X			
Signs, Hoardings and Bill Posting	X	X		Consider review to keep aligned to Planning Scheme and Planning Policies.
Property	X			
Library Advisory Committee	X			
Street Lawns & Gardens			X	This Law may now be redundant since the Trading in Public Places Law.
Regulating and Controlling Stormwater Drainage Affecting the City's Street Systems	X		X	This Law has never been used and is most likely covered by Local Govt Regulations
Relating to Dogs	X			
Parking Local Law	X	X		Penalties currently under review process.

STRATEGIC AND POLICY IMPLICATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

Cr D Coggin moved an amendment to the Officer's Recommendation to include an additional part 2, to read as follows;

COMMITTEE RECOMMENDATION

That Council accepts and adopts the City of Fremantle Local Law Review 2010 in accordance with section 3.16 of the Local Government Act 1995 and the below schedule. The Local Laws identified in the schedule as requiring consideration for amendment or repeal be brought back for consideration at the appropriate time.

Local Law	Functional in current format	Consider Amendments	Consider Repeal	Possible Review Reason
Health Local Law	X	X		Contains 199 individual Local Laws. Some may no longer be relevant and these should be looked into further.
Activities in Thoroughfares and Public Places and Trading	X			
Building Lines			X	Not considered a useful Head of Power. Other possibilities should be explored.
Outdoor Eating Areas	X	X		Amendments could be considered to streamline this law.
Prevention and Abatement of Sand Drift	X			
Short Stay Accommodation	X			
Signs, Hoardings and Bill Posting	X	X		Consider review to keep aligned to Planning

				Scheme and Planning Policies.
Property	X			
Library Advisory Committee	X			
Street Lawns & Gardens			X	This Law may now be redundant since the Trading in Public Places Law.
Regulating and Controlling Stormwater Drainage Affecting the City's Street Systems	X		X	This Law has never been used and is most likely covered by Local Govt Regulations
Relating to Dogs	X			
Parking Local Law	X	X		Penalties currently under review process.

2. That the Activities in Thoroughfares and Public Places and Trading and Outdoor eating areas Local Laws be brought back to Council before the end of 2010.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

REASON FOR CHANGE TO OFFICERS RECOMMENDATION

The Committee have nominated two Local Laws they consider priority for any review.

SGS1009-8 FREMANTLE BIKE PLAN 2011-2016 - FREMANTLE - TECHNICAL SERVICES BUSINESS UNIT

DataWorks Reference: 165/008
Disclosure of Interest: Nil
Meeting Date: 8 September 2010
Previous Item: Nil
Responsible Officer: Philip Gale, Manager Infrastructure Services
Actioning Officer: Dwight Kostusik, Traffic & Design Officer
Decision Making Authority: Council
Agenda Attachments: Executive Summary - Fremantle Bike Plan 2011-2016

EXECUTIVE SUMMARY

Following the expiry of the previous Bike Plan for Fremantle in 2007, a new plan was developed for the coming 5 years from 2011-2016 to enable Fremantle to increase the services available to cyclists. The Bike Plan reflects current best engineering practice as well as focusing on increasing integration of bicycle facilities within the City's transport structure to promote cycling as an alternative form of transport.

The 2011-2016 Bike Plan details existing deficiencies in the current network with strategies to improve the network as well as specific projects to increase the connectivity with existing routes as well as new routes and pathways. The Plan also outlines the need for more cyclist facilities at destinations to promote the use of the bicycle within Fremantle.

BACKGROUND

Bike Plans are strategic documents which give Local Governments a clear action plan to improve their cycling infrastructure. The staging for Fremantle's Bike Plan will be over the next five years and show a commitment from Fremantle to pursue excellence in alternative transport options for both commuters and recreational users.

The previous Bike Plan had completed its life cycle and was used to help audit existing facilities throughout the municipality of Fremantle. As a commitment to promoting cycling the state government, through the Department of Transport, Bikewest, helped fund the development of the Fremantle Bike Plan for 2011-2016.

COMMENT

A detailed survey was conducted to gather information from riders about gaps and opportunities within the cycling network. This information was used in the 2011-2016 Bike Plan as well as providing an excellent snap shot of riders in Fremantle in terms of age, location and destination, level of experience and confidence in negotiating road layouts such as roundabouts and traffic lights.

In conjunction with council budgets for cycling improvements, the City will pursue additional funding from State Government such as the Perth Bicycle Network funding program organised through Bikewest. The excellent relationship between project officers at Bikewest and Fremantle has added to the success of acquisition of these funds by highlighting opportunities for improvement and flexibility in project deliverables.

RISK AND OTHER IMPLICATIONS

Financial

No risk in adoption of the Bike Plan however, there will need to be additional funding allocated to the Bike Plan projects annually. This funding will be allocated as per usual Council budgeting process.

Legal

Some routes require minimum path widths to be signed as designated cycle routes. These will need to be addressed however there is no legal implication for Council in the adoption of the Bike Plan.

Operational

Additional capital works projects will be included annually as part of the Bike Plan which in turn will require further budgeting for maintenance.

Organisational

Promoting the benefits of cycling in the community will benefit the organisation as a whole and increasing the cycling infrastructure will benefit the community in terms of sustainable transport options as well as the health and well being benefits that come from cycling as a transport option.

CONCLUSION

The Fremantle Bike Plan 2011-2016 includes an audit of existing infrastructure and designated cycle routes with a detailed costing for the suggested improvements, highlights gaps and opportunities in the existing network as well as suggested new routes. The community survey results as well as the cyclist survey count create an excellent base on which to improve the bicycle network with infrastructure and facilities that are in high demand by the end users.

STRATEGIC AND POLICY IMPLICATIONS

- Climate Change & Environmental Protection
- Transport
- Community Safety

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

The Community Survey revealed a desire to deliver more end of trip facilities at activity nodes and to provide better facilities at intersection for cyclists.

The Draft report underwent a peer group review which expanded on the specific projects to be included as well as additional invaluable local knowledge which was used to expand on the deficiencies along popular routes within Fremantle.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr D Coggin

That Council adopts the Fremantle Bike Plan 2011-2016

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

**SGS1009-13 COUNCIL SUBMISSION INTEREST WAIVER - 3 TIPUANA GREEN
O'CONNOR - RETIREES WA**

DataWorks Reference: Rates Exemptions & Concessions – 3 Tipuana Green
O'Connor
Disclosure of Interest: Nil
Meeting Date: 22 September 2010
Previous Item: Nil
Responsible Officer: Alan Carmichael, Manager Finance
Actioning Officer: David Nicholson, Rates Coordinator
Decision Making Authority: Council
Agenda Attachments: Proposal Agreed at SAT Mediation of 14/07/2010

EXECUTIVE SUMMARY

Retirees WA (Inc) (RWA), the managers of a Housing Authority (HA) unit complex at 3 Tipuana Green O'Connor accumulated outstanding rates and penalty interest as they considered the complex was rate exempt. The issue of exemption status went to the State Administrative Tribunal (SAT) but was delayed as RWA had a similar case at SAT with the City of Belmont and it was being used as a test case. However prior to SAT determining if RWA was liable to pay rates in the Belmont case, RWA elected to proceed to SAT with the Fremantle property. At a compulsory SAT conference, RWA did not deny liability to the outstanding rating balance but instead sought to settle the debt by having the penalty interest waived by the City and retrospective pensioner/senior concessions paid by the Office of State Revenue (OSR). This item is to consider the request for waiver of penalty interest accrued.

BACKGROUND

Property situated at 3 Tipuana Green O'Connor is a 7 unit aged complex owned by the HA and managed by RWA; previously know as Australia Pensioner League.

Rates have been charged on this property since the 1st July 1997 and have been subject to pensioner/senior concessions up until the 30th June 2006 when they ceased due to non payment of rates.

Rates ceased to be paid as in July 2006 as RWA applied to the City for rate exemption under section 6.26(2)(g) of the Local Government Act (Charitable Organisation), which after provision of required documents and acquisition of a legal opinion, was declined.

An appeal against this decision was not lodged at this time as RWA already had an appeal before SAT on a decision by the City of Belmont to rate a property very similar in improvements and purpose as 3 Tipuana Green O'Connor.

Whilst clearance of the unpaid rates was requested on a number of occasions, it was not pursued via legal proceedings due to the Belmont appeal, until February 2010 when a Final Notice was issued.

This notice resulted in RWA again requesting that the property be treated as non rateable, which was subsequently declined with advice that the decision to continue to rate the property could be appealed.

An appeal against this decision was lodged by RWA at SAT in March 2010 with McLeod's Solicitors being engaged by the City to manage the process, respond to the appeal and attend any SAT meetings or direction hearings.

In April 2010 SAT dismissed the RWA appeal and affirmed the City of Belmont's decision to rate the property as it was concluded that due to the RWA constitution, the land was not for a public benefit.

Despite this decision and the property in Belmont being very similar to that of 3 Tipuana Green O'Connor, RWA continued with the appeal resulting in SAT ordering a compulsory conference between all parties, including inviting the Department of Housing.

At this conference RWA tabled a proposal (Refer Attachment 1) to pay the outstanding rating balance subject to the Office of State Revenue, approving \$12,346.87 in retrospective pensioner/senior concessions and the City waiving \$5412.01, as at 26th August 2010, in penalty interest.

An application for retrospective concessions has been made to the Office of State Revenue by the City with rate exemption being applied to 3 Tipuana Green O'Connor, effective 1st July 2010, as according to legal advice a change to the RWA constitution following the SAT decision was sufficient for such exemption. The Office of State Revenue have accepted the request.

COMMENT

Despite having rate exemption applications declined and repeated request for clearance of the outstanding rating balance as any appeal did not alleviate the liability or responsibility to pay, RWA ceased paying rates from the 1st July 2006.

The City has incurred in excess of \$9,000.00 in legal costs in defending its decision to rate this property, which was subsequently proven to be a correct one, and having the matter resolved by SAT.

As at 26th August 2010 there was \$23,462.71 in rating arrears and interest accruals owing which given that the retrospective concession claims and interest waiver are declined, would be RWA and/or the unit occupants liability and responsibility to pay.

RISK AND OTHER IMPLICATIONS

Financial

Should waiver be approved then the overall cost to the City would be in excess of \$14,400

Legal

If waiver of the interest is declined then RWA may withdraw its proposal requiring the City to undertake legal recovery proceedings in recovery of the outstanding rating balance.

Operational

Nil

Organisational

Nil

CONCLUSION

The waiver of interest and legal fees incurred by the City would mean that RWA has avoided its responsibilities and liabilities since the 1st July 2006 without any ramifications.

STRATEGIC AND POLICY IMPLICATIONS

Waiver of interest in this case could set a precedent that may need to be applied on other properties that fail to pay outstanding rating balances because of an appeal to SAT.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

It is recommended that:

1. Penalty interest of \$5,412.01 for 3 Tipuana Green, O'Connor is approved for waiver, subject to Part 2 of the recommendation.
2. The outstanding rate balance is paid in full, less pension rate by 31 October 2010.

Cr D Coggin moved an amendment to part 1 of the Officer's Recommendation to include the following wording as shown in *italics*:

1. ***That 50% of the penalty interest of \$5,412.01 for 3 Tipuana Green, O'Connor is approved for waiver, subject to Part 2 of the recommendation.***

CARRIED: 4/2

For	Against
Cr Georgie Adeane Cr Donna Haney Cr Dave Coggin Cr Doug Thompson	Cr John Alberti Cr Sam Wainwright

COMMITTEE RECOMMENDATION

MOVED: Cr D Coggin

1. That 50% of the penalty interest of \$5,412.01 for 3 Tipuana Green, O'Connor is approved for waiver, subject to Part 2 of the recommendation.
2. The outstanding rating balance is paid in full, less pension rate by 31 October 2010.

CARRIED: 6/0

For	Against
Cr Georgie Adeane Cr John Alberti Cr Donna Haney Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

REASON FOR CHANGE TO OFFICERS RECOMMENDATION

The Committee propose that 50% write off of interest is more equitable in that the City incurred considerable expense in legal fees in dealing with this matter.

CONFIDENTIAL MATTERS

Nil

CLOSURE OF MEETING

THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 7.13 PM.

SUMMARY GUIDE TO CITIZEN PARTICIPATION AND 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. Decisions must also be made in accordance with any statute that applies or within the parameters

How consultative processes work at the City of Fremantle	
	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

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

Issues that Council May Treat as Confidential

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

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