



# AGENDA

## Strategic & General Services Committee

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Wednesday, 8 December 2010, 6.00pm

**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, 8 December 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**

3 December 2010

# **STRATEGIC AND GENERAL SERVICES COMMITTEE**

## **AGENDA**

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### **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 10 November 2010 be confirmed as a true and accurate record.

### **TABLED DOCUMENTS**

## TABLE OF CONTENTS

ITEM NO	SUBJECT	PAGE
<b>REPORTS BY OFFICERS (committee delegation)</b>		<b>1</b>
SGS1012-1	CHEMICAL FREE WEED MANAGEMENT TENDER	1
<b>REPORTS BY OFFICERS (council decision)</b>		<b>4</b>
SGS1012-2	DRAFT CITY OF FREMANTLE ACCORD POLICY FOR PARTY BUSES	4
SGS1012-3	NEW "C" CLASS RESERVE (50681) OVER BATHERS BAY IN ASSOCIATION WITH ARTHUR HEAD "A" CLASS RESERVE (21563)	7
SGS1012-4	COMMUNITY ENGAGEMENT POLICY	11
SGS1012-5	INFORMATION ITEM FOR DECEMBER 2010	14
SGS1012-6	NATIONAL BLACKSPOT PROJECT – ELLEN STREET / ORD STREET	16
SGS1012-7	ELECTION OF TWO LIBRARY MEMBERS TO THE LIBRARY ADVISORY COMMITTEE	21
SGS1012-8	WORKING GROUP PROJECT SUBMISSIONS	23
SGS1012-9	SOUTH WEST GROUP COMMITTEE NOMINATIONS FOR 2011	30
SGS1012-10	OFFER TO ACCEPT MANAGEMENT ORDER FOR PRINCESS MAY PARK (RESERVE 594)	34
SGS1012-11	DISABILITY ACCESS AND INCLUSION PLAN	38
SGS1012-12	LOCAL GOVERNMENT ACT AMENDMENTS 2010	41
<b>CONFIDENTIAL MATTERS</b>		<b>48</b>
<b>Summary Guide to Citizen Participation and Consultation</b>		<b>49</b>
<b>CLOSURE OF MEETING</b>		

## **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

### **SGS1012-1 CHEMICAL FREE WEED MANAGEMENT TENDER**

<b>DataWorks Reference:</b>	045/009
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	8 December 2010
<b>Previous Item:</b>	SGS0811-7
<b>Responsible Officer:</b>	Peter Pikor, Director Technical Services
<b>Actioning Officer:</b>	Lionel Nicholson, Manager City Works
<b>Decision Making Authority:</b>	Strategic and General Services Committee
<b>Agenda Attachments:</b>	Annexure 1 Schedule of Rates

## **EXECUTIVE SUMMARY**

**Tenders were invited for the provision of non chemical weed management services for the city on its road infrastructure. As a result of the tender evaluation process it is recommended that the tender submitted by Weedtechnics be accepted.**

## **BACKGROUND**

Weed management forms an essential part of the routine asset maintenance program ensuring a good presentation of the City and a proactive asset management strategy for the road infrastructure.

Tenders have been invited from suitably qualified and experienced contractors to treat all roads including footpaths, right of ways, public access ways and Carparks. The Tender is for a period of one year with an option to extend one year.

The tender was advertised in the West Australian on Wednesday 20 October, 2010 and closed on Friday 5 November, 2010.

## **COMMENT**

Tender documents were received from two tenderers TSG Corporation Pty Ltd and Weedtechnics Pty Ltd. The submissions were considered to be conforming and were evaluated in accordance with the tender criteria.

The specifications and accompanying documents stated the criteria upon which the evaluation of the tenders would be based, namely;

The qualitative criteria

- Methodology
- Resources
- References
- Skills

The weighting criteria

- Price

Assessment of the tenders submitted is included below

TSG Corporation Pty Ltd	\$194,740	exc GST
Weedtechnics	\$250,585.93	exc GST

The tenderers' submitted prices are shown on attachment 1.

Evaluation Summary

<b>Tenderer</b>	<b>Evaluation Score</b>
TSG Corporation	40.0
Weedtechnics	90.1

The tender submission by TSG Corporation Pty Ltd did not adequately address the selection criteria nor included any references to previous experience thus resulting in a low score. Based on the information provided, the evaluation panel have a concern about the contractor's capacity to meet the contract obligations.

The tender submission by Weedtechnics met all the required criteria and achieved a high evaluation. This tenderer has a demonstrated track record with the City and is the current service provider.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

The provision of well maintained streets provides economic benefits and projects a positive image of the City. The budget for contracted services for footpath related operational costs is set at \$224,460 for the current financial year. Averaging the current and future tender prices as submitted for weed control over the entire year's operations can be accommodated within the current budget, although future years' budgeted operations will need to be increased in line with the increases in weed control tender pricing.

## **Legal**

The obligations of Local Governments in regard to tenders for providing goods or services; Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996.

## **Operational**

The service is contracted to external providers.

## **Organisational**

Nil

## **CONCLUSION**

Following an appraisal of the tender submission and schedule of rates, it is recommended the tender submitted by Weedtechnics be accepted. The company has the necessary experience and resources to carry out the works in accordance with the City's environment protection requirements.

## **STRATEGIC AND POLICY IMPLICATIONS**

This item has a connection to the Strategic Plan through Urban Renewal & Integration (providing a great place to live, work and play, through growth and renewal)

## **COMMUNITY ENGAGEMENT**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority required

## **OFFICER'S RECOMMENDATION**

- 1. The Strategic and General Services Committee, acting under delegated authority from Council, accepts the tender for chemical free weed management (FCC359/10) from Weedtechnics for the value of \$250,585.93 (excluding GST) for the first year.**
- 2. The Chief Executive Officer be given delegated authority to approve the option of a one year extension for the tender for chemical free weed management (FCC359/10) from Weedtechnics at their submitted tendered rates, subject to ongoing operational requirements and satisfactory contractor performance.**

## REPORTS BY OFFICERS (COUNCIL DECISION)

### SGS1012-2 DRAFT CITY OF FREMANTLE ACCORD POLICY FOR PARTY BUSES

<b>DataWorks Reference:</b>	039/063, 039/044
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	8 December 2010
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Cameron Bartkowski, Manager Community Safety and Parking
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Draft City of Fremantle Accord Policy for Party Buses

## EXECUTIVE SUMMARY

The objective of the Draft Policy for Party Buses is to identify and promote authorised bus services operating within the City of Fremantle that have agreed to abide by a strict Code of Conduct. Party Buses, adhering to principles outlined in the Code of Conduct and complying with the City's Local Laws and relevant Western Australia State Legislation, will be supported within the City's.

It is believed that the Draft Part Bus Policy will help in reducing concerns of anti social and criminal behaviour and the contravention of Local Laws, occurring within the entertainment precinct.

## BACKGROUND

It appears that the City of Fremantle has become the dropping off point or the end of the line for people using these Party Bus services.

Evidence has shown that Party Buses have a tendency to drop their patrons off leaving the Party Bus patrons to make their own way out of the City. This has placed a burden on services such as licensed venues, Police and taxis. This has also caused problems for the City, people who reside within the CBD and the entertainment precinct itself.

## COMMENT

The Draft City of Fremantle Accord Party Bus Policy is a recommendation of the Community Safety Working Group. This Draft Party Bus Policy will need further consultation with Western Australia Police, licensed venues and the Party Bus industry.

This proposed draft Policy is provided to ensure better management of how party bus patrons are brought into the City and also ensure licensed venues and party bus operators are aware of their obligations.



## **RISK AND OTHER IMPLICATIONS**

### **Financial**

There is minimal financial impact in setting this Policy

### **Legal**

The proposal is to establish a Policy rather than any law. Whilst it is a Policy only, through thorough consultation the City is seeking support from all stakeholders to comply.

### **Operational**

It is felt that if the perception of safety within the City of Fremantle is lifted, that this will have an economic flow-on effect. While there are some budget implications, the benefit will outweigh the cost and return to the City to a place where the perception of safety is a positive one.

### **Organisational**

Community Safety Rangers will work with WA Police to ensure this Policy is adhered to.

## **CONCLUSION**

It is believed that with a City of Fremantle Accord Party Bus Policy and the benefits it offers will help better manage the Party Buses to be more accountable for the actions of their patrons. Forcing the Party Buses take an interest in the City of Fremantle to help curtail concerns of anti social and criminal behaviour and the contravention of Local Laws.

## **STRATEGIC AND POLICY IMPLICATIONS**

Community Safety is one of the seven Strategic Imperatives that Council has identified for the City of Fremantle.

## **COMMUNITY ENGAGEMENT**

This Policy is the recommendation of the Community Safety Working Group, who's membership has been drawn from Police, the Fremantle Chamber of Commerce, Night Time Venues and Community Representatives, however, this Policy will need to be discussed with all stakeholders including;

- WA Police
- Accord Members
- Party Bus Industry and
- Business unities of the City of Fremantle

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

- 1. Council approve undertaking a consultation process to seek feedback on the attached draft City of Fremantle Party Bus Policy and**
- 2. Council review community comments and consider adoption of this Policy in February 2012.**

**SGS1012-3 NEW "C" CLASS RESERVE (50681) OVER BATHERS BAY IN ASSOCIATION WITH ARTHUR HEAD "A" CLASS RESERVE (21563)**

**DataWorks Reference:** 214/003  
**Disclosure of Interest:** NIL  
**Meeting Date:** 8 December 2010  
**Previous Item:** SGS0906-5  
**Responsible Officer:** Phil St John, Director Planning Services  
**Actioning Officer:** Agnieszka Kiera, City Heritage Architect  
**Decision Making Authority:** Council  
**Agenda Attachments:** New Management Order and Crown Land Title  
Aerial view of Bather Bay Reserve no. 50681 lot 8000

**EXECUTIVE SUMMARY**

In order to facilitate ongoing implementation of the Arthur Head Strategy Plan the Council resolved to extend the boundaries of Arthur Head "A" Class Reserve (21563) over a portion of the seabed within Bathers Bay. The ensuing lengthy administrative process has involved Council's active cooperation with the Department of Planning and Infrastructure (DPI) and State Land Services (SLS), including successful resolution of complex issues related to the management responsibility, native title rights and interests, compliance with Section 18 of Indigenous Heritage Act and exclusions related to different vesting orders of the seabed land.

All these issues have gradually been resolved resulting in the formal creation of the "C" Class Reserve No. 50681 being Lot 8000 over the seabed portion of Bathers Bay as shown on the attachments to this item, for the purpose of 'Recreation, Community & Heritage Interpretation' and vested in the City of Fremantle for management with the power to lease.

**BACKGROUND**

Arthur Head "A" Class Reserve has been vested in the City of Fremantle since 1936, but its original boundary was limited at the time to the Round House and its promontory. The current boundary of the Reserve No. 21563, which includes Bathers Beach were negotiated with the then Fremantle Port Authority in 1982 and vested in the City of Fremantle 'in trust for the purpose of preservation and protection of Round House and other buildings'. In 1984 the area was declared an "A" Class Reserve and on 31 March 1987 it was increased with the addition of Lot 1998, for the purpose of 'historical buildings, recreation and community services'.

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

At its 22 April 2009 meeting (item SGS0904-4 refers) Council resolved to defer the item to the May round of meetings for comment from the City's Aboriginal Liaison Officer and legal advisor in relation to the impact of the recommendations in relation to Native Title implications and the City of Fremantle Policy for Respect, Recognition and Conciliation with Aboriginal People (October 2000).

At its 24 June 2009 meeting (item SGS0906-5 refers) Council resolved to agree to accept the management responsibility for the extended A Class reserve as proposed; to indemnify the Minister for Lands and DPI against all costs and claims that may arise from the taking process, and authorised the CEO to:

- Approach the Department for Planning and Infrastructure's Coastal Assets office with the aim to relinquish and include Lot 300 in the land added to adjacent Class A Reserve 21563, and;
- Take all necessary steps to initiate the Parliamentary process of the proposed extension of the current vesting of Class A Reserve.

The Council also resolved to allocate a suitable budget for development of the consultation protocol and to carry on consultation with Nyoongar Elders as required under Section 18 clearances of Aboriginal Heritage Act, 1972.

## **COMMENT**

The planned extension of Arthur Head "A" Class Reserve was prompted by the incremental implementation of the Council's Conservation Plan Strategy for Arthur Head. Staged implementation of some of the projects has involved the works located over the seabed of Bathers Bay, such as the proposed reconstruction of the former long jetty, conservation of the Fort Arthur's gun emplacement or sculptural interpretation of a whale as part of the planned heritage interpretation of the Whaling Station. Each time the City of Fremantle were in a position to deal with the works located in the water, the project had to undergo an extensive planning referral and approval process involving the DPI's investigation of the native title rights and interests and indigenous heritage issues related to the section 18 of the Aboriginal Heritage Act, 1972, making it impossible for the City achieve the implementation of the proposed works within the time frame of a particular stage of a project.

It is therefore a considerable achievement that after three years of cooperating with Department of Planning and Infrastructure and the City of Fremantle Council's and officers' commitment and proactive action in resolving some of the above listed issues, the process of creating a new reserve over the seabed of Bathers Bay has been successfully completed. In fact the City of Fremantle's investigation of the native title rights and interests revealed that these have been extinguished by creation of the outer harbour reserve while the consultation with the group of Elders from Swan River People and Ballaruks People, has revealed that Arthur Head and Bathers Bay are listed with the Department of Indigenous Affairs as the 'stored data', as opposed to a formal registration and therefore neither is considered as a site to be protected under the Aboriginal Heritage Act. Regardless, the proposed works at the Old Port section of Arthur Head have received a unanimous support from the Elders who have taken part in consultation.

In fact the clarification of all outstanding issues described above has resulted in a much simplified process of creating a reserve over the seabed of Bathers Bay. What initially looked like a complex administrative process under the provisions of the Land Administration Act 1997, potentially requiring the compulsory taking and a Parliamentary decision to create extension of the A Class Reserve, has been simplified by establishment of a separate C class reserve over the seabed through the administrative process of State Land Services, which has been less costly and simpler to accomplish. It is worth noting that while the anticipated, complex issues related to native title rights and section 18 have been successfully resolved, the City has encountered considerable difficulty with the planned incorporation of lot 300, a narrow reserve over the seabed along the Challenger Harbour's breakwater and vested in the Coastal Assets Department, into the seabed reserve. The Department of Coastal Assets has declined an agreement to relinquish this portion of the seabed land to the City; therefore Lot 300 is excluded from the seabed reserve vested in the City of Fremantle.

Creation of the Class "C" reserve over 'seabed Lot 8000 for the purpose of "Recreation, Community and Heritage Interpretation' has achieved the City's main objective to be the decision making authority regarding the planned works in Bathers Bay. In addition State Land Services has issued a management order to the City with the power to lease (or license) the seabed reserve not exceeding 21 years, subject to the consent of the Minister for Lands.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

There is no immediate financial cost associated with this item.

### **Legal**

In accepting management responsibility the Fremantle City Council has accepted the public liability for the seabed reserve as is normally applicable to all other public reserves. The City is also responsible for ensuring that any future works and activity in Bathers Bay covered by the reserve complies with its purpose of "Recreation, Community and Heritage Interpretation'.

### **Operational**

The City will be responsible for the ongoing maintenance of the seabed as required.

### **Organisational**

Creation of the Class "C" reserve over 'seabed' lot 8000 on Deposited Plan 67138 establishes the Council as the decision making authority regarding any future works and activities carried on within the reserve.

## **CONCLUSION**

It is a considerable achievement that after three years of cooperating with Department of Planning and Infrastructure and the City of Fremantle Council's and officers' commitment and proactive action in resolving some of the complex issues related to the native title rights and interests, the process of creating a new seabed reserve abutting the Arthur Head A Class Reserve has been successfully completed.

Creation of the Class "C" reserve over 'seabed Lot 8000 for the purpose of "Recreation, Community and Heritage Interpretation' has achieved the City's main objective to be the decision making authority regarding the planned works in Bathers Bay. In addition State Land Services has issued a management order to the City with the power to lease (or license) the seabed reserve not exceeding 21 years, subject to the consent of the Minister for Lands.

## **STRATEGIC AND POLICY IMPLICATIONS**

NIL

## **COMMUNITY ENGAGEMENT**

NIL

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**For Council to receive and note the information of the management order vested in the City of Fremantle being Lot 8000 on Deposited Plan No. 67138 over the seabed of Bathers Bay for the purpose of Recreation, Community and Heritage Interpretation with power to lease (or license) for any term not exceeding 21 years subject to the consent of the Minister of Lands.**

## SGS1012-4 COMMUNITY ENGAGEMENT POLICY

<b>DataWorks Reference:</b>	034/005
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	8 December 2010
<b>Previous Item:</b>	C1005-3 - 26 May 2010
<b>Responsible Officer:</b>	Marisa Spaziani, Director Community Development
<b>Actioning Officer:</b>	Helen Emery, Manager Community Development
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Community Engagement Policy

### EXECUTIVE SUMMARY

**In May 2010 the Council adopted a Community Engagement Framework. As part of implementing the framework, a Community Engagement Policy has been developed that provides a set of principles to guide community engagement.**

### BACKGROUND

The Community Engagement Framework adopted by Council in May 2010, identifies a need for the City to develop a Community Engagement Policy to improve the quality of engagement with the community.

The policy has been developed as a simple and clear policy statement on community engagement that reflects organisational values articulated in the Strategic Plan 2010 -15 and the core values of the International Association for Public Participation (IAP2).

The Department of Local Government released its *Integrated Planning and Reporting Framework and Guidelines* which states "Active engagement with the community is an essential part of the process. Communities demand to be engaged to consider and to state their aspirations." The guidelines have been developed by the Strategic Planning and Community Engagement Working Group of the Local Government Reform Implementation Committee for use within the local government sector. They will be used to inform proposed legislative changes to be introduced in 2011.

### COMMENT

The Community Engagement Policy reflects why the City is committed to engaging with community and the principles it will uphold to ensure that the community engagement it undertakes contributes to better decision-making.

The objectives of the Community Engagement Policy are to:

- affirm the City of Fremantle's commitment to community engagement;
- provide a set of principles to guide community engagement practice;
- assist the City make better decisions which reflect the interests and concerns of potentially affected people and entities.

The policy articulates organisational values to be reflected in all community engagement processes undertaken across the City.

The policy does not prescribe how community engagement will be done in each instance, as that will depend on the decision to be made and the level of community involvement in the decision-making being sought.

Community Engagement procedures are in the process of being developed to complement the Community Engagement Policy. The procedures will be an operational document to guide staff in the application of the policy principles and in undertaking community engagement, including who to engage, when to engage, what to engage on and how to engage. Training programmes for staff and elected members to improve their understanding of community engagement are in the process of being planned for delivery in early 2011.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Nil

### **Legal**

Nil

### **Operational**

The application of the policy should result in positive outcomes for the community and staff in meeting the business objectives of the City. It also demonstrates the City's commitment to community engagement and its strategic priority to implement the Community Engagement Framework.

### **Organisational**

The policy will require Community Engagement procedures to be developed to guide staff in undertaking community engagement along with a training programme and resource guides.

## **CONCLUSION**

The Community Engagement Policy is the first of a number of steps to be taken by the City to implement the Community Engagement Framework, to improve the quality of engagement with the community and realise the benefits to the decision-making process that flows from good engagement processes.

The Community Engagement Policy will provide the City with a number of potential benefits including:

- a clearly articulated commitment to community engagement;
- a set of principles to strengthen community engagement processes across the City;



- the foundation for a suite of other procedural documents to guide staff in undertaking community engagement.

## **STRATEGIC AND POLICY IMPLICATIONS**

### **Strategic Imperative**

Capability

Outcome: Clear understanding of how and when to engage with stakeholders and the community.

Project: Community engagement framework implementation.

## **COMMUNITY ENGAGEMENT**

The development of the Community Engagement Framework involved 200 people in providing feedback on what engagement practices the community want, need and expect from the City and what staff need to be able to confidently implement the community engagement process.

The Community Engagement Policy was developed in response to the City's commitment to implement the Community Engagement Framework, and has been informed by the consultative process undertaken to develop the framework.

An internal engagement process was undertaken to gain feedback from staff on the draft community engagement principles.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**That the Community Engagement Policy be adopted.**

## **SGS1012-5 INFORMATION ITEM FOR DECEMBER 2010**

### **CANTONMENT HILL MASTER PLAN WORKING GROUP MINUTES**

**DataWorks Reference:** 039/068  
**Author:** Peter Pikor, Director Technical Services  
**Agenda Attachments:** Attachment 1 - Minutes - 28 September 2010  
Attachment 2 - Minutes - 5 October 2010  
Attachment 3 - Minutes - 19 October 2010  
Attachment 4 - Minutes - 2 November 2010  
Attachment 5 - Minutes - 16 November 2010

The minutes of the Cantonment Hill Master Plan Working Group for 28 September 2010, 5 October 2010, 19 October 2010, 2 November 2010 and 16 November 2010 are attached

### **SOUTH TERRACE IMPROVEMENTS WORKING GROUP**

**DataWorks Reference:** 039/067  
**Author:** Peter Pikor, Director Technical Services  
**Agenda Attachments:** Attachment 6 - Minutes - 28 September 2010  
Attachment 7 - Minutes - 5 October 2010  
Attachment 8 - Minutes - 18 October 2010

The minutes of the South Terrace Improvements Working Group for 6 September 2010, 5 October 2010 and 18 October 2010 are attached.

### **CITY CENTRE STRATEGIC SITES REVIEW WORKING GROUP**

**DataWorks Reference:** 039/066  
**Author:** Ian James, Strategic Urban Designer  
**Agenda Attachments:** Attachment 9 – minutes 5 October 2010  
Attachment 10 – minutes 2 November 2010

The minutes of the City Centre Strategic Sites Working Group for 5 October and 2 November 2010 are attached.

### **CULTURAL DEVELOPMENT WORKING GROUP**

**DataWorks Reference:** 039/064  
**Author:** Glen Dougall, Director Corporate Services  
**Agenda Attachments:** Attachment 11 - Minutes 2 November 2010

The minutes of the Cultural Development Working Group for 2 November 2010 are attached.

## **BOOYEEMBARA PARK WORKING GROUP MINUTES**

**DataWorks Reference:** 039/071  
**Author:** Peter Pikor, Director Technical Services  
**Agenda Attachments:** Attachment 12 - Minutes – 9 November 2010

The minutes of the Booyeembara Park Working Group for 9 November 2010 are attached.

## **OFFICER'S RECOMMENDATION**

**The information report for December 2010 be received.**

**SGS1012-6 NATIONAL BLACKSPOT PROJECT – ELLEN STREET / ORD STREET**

**DataWorks Reference:** 106/050  
**Disclosure of Interest:** Nil  
**Meeting Date:** 8 December 2010  
**Previous Item:** Nil  
**Responsible Officer:** Peter Pikor, Director Technical Services  
**Actioning Officer:** Philip Gale Manager Infrastructure Services  
**Decision Making Authority:** Council  
**Agenda Attachments:** Original concept plan for Public Consultation  
Amended concept plan for Public Consultation

**EXECUTIVE SUMMARY**

Following a submission to Main Roads Western Australia for consideration of a traffic treatment at the intersection of Ellen Street and Ord Street in the annual Blackspot Program, funding was approved in the 2010-11 National Blackspot Program.

A design has been prepared of the proposed treatment and local public consultation undertaken. In response to adverse public comments received on the proposed design an amended design is now proposed to be installed and Council's approval for this treatment is sought.

**BACKGROUND**

As part of the Annual Accident Blackspot Program, Councils are requested by Main Roads Western Australia (MRWA) to investigate problem areas within their jurisdiction with regard to a high accidents rate compared to the network average.

In July 2009, intersections in Fremantle were investigated which complied with MRWA criteria for submission. The intersection of Ellen Street and Ord Street was one of these complying intersections.

A submission was forwarded to MRWA which was successful in obtaining funding from the National Blackspot Funding allocation for the 2010 -11 financial year. The intersection of Ellen Street and Ord Street is to be funded 100% by the National Blackspot Program.

Design of this project was commenced with relevant input from MRWA.

In June 2010, public consultation was undertaken with residents living within the vicinity of the proposed works, requesting them to comment upon the proposal.

Due to a number of comments being received raising concerns with the design, the design was reviewed and amended. The amended design attempts to accommodate

resident's concerns without compromising the intent of the proposed works which is to reduce accidents and improve safety at the intersection.

As part of this ongoing design and consultation process, the amended plans have been submitted to MRWA for their approval.

MRWA are the authority responsible for the administration of the Blackspot Program and also the authority who approve the necessary white lining and signing approvals for road projects throughout the metropolitan area.

The submitted design drawings have now been approved by MRWA.

The amended design has also been sent out for residents' input and five submissions received.

## **COMMENT**

On an annual basis the City undertakes traffic reviews and studies in an effort to both monitor and improve traffic, pedestrian and cycling safety. As funding for these projects is generally limited they are generally prioritised for inclusion in forward works programs.

Various grants are available to assist Council's in the funding and implementation of these types of projects.

For many years, both Federal and State Government have taken a lead role in assisting with funding recognised accident problem areas via both the National and State Blackspot Program.

These programs are both managed by MRWA. Crash data supplied via the WA Police is compiled by MRWA and provided to Local Authorities to use in preparing annual submissions for Blackspot funding.

The data provided to councils annually covers a preceding 5 year period.

To comply with National Blackspot funding criteria, there must be 3 injury accidents in the preceding 5 year period. Funding provided by the program is 100% for these projects.

To comply with State Blackspot funding criteria, there must be 5 reported accidents in the preceding 5 year period. Funding provided for these projects is 2/3 from the program and 1/3 from Council.

Funding is prioritised for all projects submitted by Councils based on a Benefit Cost Ratio (BCR) System.

On 17 July 2009, the City of Fremantle submitted its Blackspot Application for the 2010-11 Financial Year.

One of the projects included in this submission was for the intersection of Ellen Street and Ord Street. It was submitted for both National and State Blackspot Funding. Funding for this project was approved under the National Blackspot Program.

The 5 year accident data provided to the City indicated 2 hospital, 2 medical and 18 property damage accidents in this period, with the intersection rating at what would be considered a high BCR.

Due to this high rating, the proposed project was approved as a National Blackspot Project with 100% funding and therefore considered by MRWA a high priority for implementation.

The major concern as stated in the submission was 'limited safe gaps in traffic on Ord Street for vehicles to safely cross Ord Street or turn right out of Ellen Street due to high volume of traffic', the problem diagnosis being that 'right angle crashes are significantly over-represented'.

Various options to improve the safety and counteract reoccurring accident types at this intersection were considered with the design being very closely based on the concept proposal submitted for funding.

This proposal provided to:-

1. Install a protected right turn lane for Southbound Traffic on Ord Street.
2. Physically ban right turns for East and West bound vehicles.
3. Physically prevent the crossing of Ord Street by East and Westbound vehicles.

Design of this project commenced with a drawing detailing the proposed works (Attachment 1) being sent to local residents and owners on 25 June 2010 requesting comments by 30 July 2010.

Fourteen responses from residents' were received. There was a number of telephone calls also received objecting to the proposal. The major residents' concern was that the proposal would prevent the traffic movement from the eastern section of Ellen Street from crossing the intersection or turning right at Ord Street.

The proposal was reviewed in an attempt to accommodate (where possible) residents' comments and concerns but without overly affecting the initial intention of the proposal.

In doing so, the main residents' concern was addressed with vehicles now being permitted to cross Ord Street from Ellen Street with all other aspects of the design being retained.

Local residents were then consulted with again and sent the amended design as shown on Attachment 2. This amended design has reduced the treatment in scope and therefore does not address all accident types as previously specified in the Blackspot submission to MRWA.

Five responses were received to the amended proposal with 3 of these being from original complainants.

In summary, the areas of concern are:-

- Alternative suggestion to install a roundabout.
- Alternative suggestion to install Traffic Signals.
- Banning the right turn from Ellen Street East into Ord Street
- Speeding traffic North – South on Ord Street
- Will result in increase of traffic on surrounding roads
- Will result in major congestion

Whilst the suggested alternative treatments are noted there are significant costs and design / layout constraints and these projects are unlikely to attract the Black Spot funding.

The proposed amended design is considered to improve the safety at the intersection.

As there are still some objections to this amended design Council's approval is sought to install the amended treatment.

The residents were informed that a report would be submitted to Council for resolution as to whether to proceed with this project or not due to their concerns.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

There are no direct financial implications as this project cost of \$115,000 is funded 100% by the National Black Spot Program.

### **Legal**

Nil

### **Operational**

Should the decision be made to withdraw the project the intersection remains in its current configuration and from the accident history is less safe than is desirable.

### **Organisational**

Nil

## **CONCLUSION**

The amended design has provided a solution that has taken account of the main concerns of local residents' in retaining access to Ellen Street west of Ord Street. Whilst there are a small number of concerned residents the improvement to this intersection will provide benefit to the wider community.

## **STRATEGIC AND POLICY IMPLICATIONS**

This provides for a safer community.

## **COMMUNITY ENGAGEMENT**

Public consultation has been undertaken on the original and amended designs to ascertain resident comments and concerns with the proposals.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**That the amended traffic modifications to the Ord Street, Ellen Street intersection as shown on plan number O36/1005/CT02/A be approved.**



**SGS1012-7 ELECTION OF TWO LIBRARY MEMBERS TO THE LIBRARY  
ADVISORY COMMITTEE**

**DataWorks Reference:** 039/007  
**Disclosure of Interest:** Nil  
**Meeting Date:** 8 December 2010  
**Previous Item:** Nil  
**Responsible Officer:** Julie Caddy, Manager Library and Information Service  
**Actioning Officer:** Julie Caddy, Manager Library and Information Service  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**EXECUTIVE SUMMARY**

To seek endorsement of the election of two library members to the Library Advisory Committee from 1 December 2010 to 30 November 2012.

**BACKGROUND**

The Library Advisory Committee is established under Local Law and comprises the Mayor plus one Councillor of each Ward of the City of Fremantle, one Council member of the Town of East Fremantle as appointed by that Council, and a maximum of four members of the library not being a Councillor of the City of Fremantle or a representative of the Town of East Fremantle at the time of appointment. Names of library members are submitted for appointment to the Committee at a general meeting of library members each year.

**COMMENT**

Library members Helen Ayers and Gerard MacGill completed their two year terms on 30 November 2010. Mr MacGill has been a Library Advisory Committee member since December 2002, and Mrs Ayers since 2006.

Helen Ayers and Gerard MacGill indicated a willingness to be re-nominated for a further two year term. These nominations were unopposed and endorsed by library members present at the meeting on 16 November 2010

**RISK AND OTHER IMPLICATIONS**

**Financial**

Nil

**Legal**

Nil

**Operational**

Nil

**Organisational**

Nil

**CONCLUSION**

In line with the recommendation of the annual meeting of library members, Mrs Ayers and Mr MacGill are submitted for endorsement as members of the Library Advisory Committee from 1 December 2010 to 30 November 2012.

**STRATEGIC AND POLICY IMPLICATIONS**

Appointments are made in line with the Library Advisory Committee Local Law, amended 2007.

**COMMUNITY ENGAGEMENT**

Recommendation from Annual Meeting of Library Members, 16 November 2010.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**OFFICER'S RECOMMENDATION**

**That Council endorse the recommendation of the Annual Meeting of Library Members and appoint Helen Ayers and Gerard MacGill to the Library Advisory Committee for the two year period ending 30 November 2012.**

## **SGS1012-8 WORKING GROUP PROJECT SUBMISSIONS**

<b>DataWorks Reference:</b>	039/035, 091/012
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	Council
<b>Previous Item:</b>	SGS1010-4
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Glen Dougall, Director Corporate Services
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Working Group Project Submissions

### **EXECUTIVE SUMMARY**

**To consider the approval of projects submitted by several of the Council appointed Working Groups to be undertaken and completed by 30 June, 2011.**

### **BACKGROUND**

Council adopted its Strategic Plan 2010-2015 in June of this year with seven (7) strategic imperatives. To support council in establishing outcomes working groups were appointed by council in July and August based around these imperatives.

In the 2010/11 Budget Council set aside an allocation of \$200,000 for the Working Groups to be able to undertake initiatives this financial year that support achievement of strategic outcomes, rather than waiting for the next round of budgets. This decision was made to support the Working Groups to start making an impact as soon as possible.

### **COMMENT**

Working Groups have been asked to consider any early initiatives and projects that may aid in progressing towards their responsibilities under their project delegation and provide them to council for consideration. Council can then assess and prioritise the submissions and, if supported, can allocate funding to enable these projects to be undertaken and completed prior to the end of this financial year.

At the October Ordinary meeting council adopted the Statement of Works format that Working Groups are to use in submitting their projects for consideration. Only the projects that require budget funding are presented in this item. Other projects which may not require funding will be presented separately as required.

Projects submissions have been received by the following Working Groups;

## **South Terrace Working Group**

1. Traffic Flow and Management Improvements (\$15,000)
2. Lighting Streetscape and Four Buildings (\$30,000)
3. Greening the Streetscape (\$30,000)
4. Wall Restoration (\$42,000)

The projects submitted by the South Terrace Working Group do relate to “on the ground” outcomes. At this time the group is yet to set a vision for South Terrace and has compiled a list of initiatives that relate to South Terrace and an entrance to South Terrace.

### Traffic Flow and Management Improvements

This request seeks to improve the Parry, South Tce and Norfolk intersection. The initiative includes making changes to signal times for the traffic lights to prevent vehicles banking up on the City side of the intersection and allow more time for pedestrians to cross. No funding is required for this as Main Roads WA will be asked to adjust the timing. A request will also be made to decrease speed between Wray Ave and Parry to 40km/h.

The financial request is made to re-align part of Parry Street to implement a longer left turn lane for turning south into South Tce. Whilst the initiative may have merit it is difficult to place the request into context without a fuller vision for South Terrace.

#### *Officers Recommendation*

Defer a decision on this proposal until a vision has been finalised. It may also be better to consider this project as part of the normal budget funding of annual works.

### Lighting Streetscapes and Four Buildings

This initiative is to light trees from Wray Ave to Market St, and the four heritage buildings around the corner of Norfolk St. This would improve the visual appearance and safety of the Terrace.

Lighting of South Tce has come up as part of the discussion in the Community Safety working group.

#### *Officers Recommendation*

There is a current budget for lighting in the CBD and assessments will be undertaken in the near future. This initiative should be considered with that assessment to ensure that any works undertaken are aligned, therefore this project should be deferred.

### Greening the Streetscape

This initiative provides for both trees and shrubs to be placed along the Terrace between Wray Ave and Market Street. The project includes both median strips and the footpath areas to improve the appearance with native and non-native plants.

The City does have a strategic goal in planting trees as part of its Strategic Plan. Some additional funding could be provided for specific works along South Terrace.

#### *Officer Recommendation*

Approval of this project as it fits directly with a strategic goal. This project should also be considered as part of the current strategic initiative for tree planting in the current budget.

### Wall Restoration

This project seeks to undertake repairs to the heritage wall adjacent the hospital and Stan Reilly lodge. The information provided in support is a quote from a Stonemason to undertake the work for the amount of \$42,000.

#### *Officer Recommendation*

Defer approval of this project until a vision for South Tce is finalised. Currently the City is seeking interest for future uses of the Stan Reilly Lodge and this may also involve restorative works to the wall.

### **Community Safety Working Group**

#### 1. Temporary Street Lighting (\$20,000)

The Safety working group has identified lighting along the South Tce strip as an area where perception of safety and actual safety concerns exist. Like the South Tce working group, the safety working group see an improvement to lighting being beneficial to the outcomes of improving safety. The group have sought the City's Technical Services officers to consider this issue when assessing the lighting program in this year's budget.

A trial for a four week period was undertaken in October with support received from Police, Taxi rank security and some of the South Tce venues.

The concern for the safety working group is that up until the program can be assessed and implemented there is a current need for the area surrounding where the taxi rank and corner of Essex St, Henderson St Mall.

The financial request is for the hire of the equipment for this time, however since these discussions officers will also look into purchasing the plant as an option also, as the cost to purchase may not be different to the cost to hire for a long period.

*Officer Recommendation*

This project, whilst not an end result, could be supported. Officers to also look at purchase options rather than just the hire option.

**Strategic City Sites Working Group**

1. Development Principles Consultant (\$10,000)
2. 3D Modelling and Visualisation (\$20,000)

Development Principles

Now that the working group have selected their strategic sites they are looking for some consultant assistance to aid in building some development principles for the site. This group will not be able to demonstrate any “on ground” results in their deliberations as this is clearly a longer term outcome.

There are some discretionary consulting budgets within planning that may be used to support initiatives from this group, although there is a need to ensure that there are sufficient funds for other planning needs.

*Officer Recommendation*

Support a budget of \$10,000 to undertake consultant work in drafting development principles.

3D Modelling

The 3D modelling will be used to illustrate the outcomes of the development principles. Again this does not work towards an actual outcome but does fit within the context of this group.

*Officer Recommendation*

Support an allocation of \$10,000 for 3D modelling.

**Cantonment Hill Working Group**

1. Cantonment Hill Master Plan (\$70,000)

Part of the brief for this working group is to develop a plan for the site. The request from the group is to seek the services of a consultant to draft this plan. Whilst support for developing this plan is accepted, the basis for establishing the group was to allow the group to develop the plan itself.

Also, rather than looking at the whole site officers accept that a staged approach may allow the group to deal with a plan in more moderate size portions. For example it may be of benefit to look at a plan for the oval to achieve some quick outcomes rather than the more complicated task of how to deal with the signal tower and remnant bush. There has been a conservation plan already developed for the site which would dictate a lot of the considerations for much of the site as well.

#### *Officers Recommendation*

The request for funding of consultant be supported, but for \$30,000 rather than \$70,000.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

The budget allocation for working group requests is \$200,000. The total value of requests placed forward is \$237,000. Of the requests put forward approximately \$100,000 is required for consultancy work. The intention of the funding was to provide for actual works to achieve strategic outcomes rather than planning works and officers have taken this into consideration when prioritising the projects being requested.

### **Legal**

Funding of these projects were not directly provided for in the budget, therefore under the Local Government Act 1995 Council will need to approve these projects for them to be included into the budget, by re-distributing the \$200,000 general allocation into specific projects.

The South Terrace project for restoration of the heritage wall in front of Stan Reilly and the Hospital will require a planning application to be lodged and assessed before works, if supported and approved, may commence.

### **Operational**

Through the Statement of Works presented by the Working Groups it would seem that most of the projects submitted can be completed within the financial year, many will be completed within a few months. The main consideration is whether these projects met a strategic outcome.

The projects themselves will be undertaken by City officers, although the Master Plan project for Cantonment Hill will have input from the Working Group.

### **Organisational**

The projects to be undertaken will need to be scheduled with other priority works already provided for in the 2010/11 adopted budget.

## **CONCLUSION**

The requests for funding are to be considered in light of the commentary within this report. As it is recommended not all projects be supported at this time, a second round of funding requests be sought in February of 2011.

The projects that are recommended for funding now are;

1. Greening of South Terrace - \$30,000
2. Temporary Lighting of South Tce/Essex St - \$20,000
3. Strategic Sites Consultants - \$20,000
4. Cantonment Hill Consultant - \$30,000.

This accounts for \$100,000 of the \$200,000 funding available and allows for a second round of funding to be sought in February, 2011.

## **STRATEGIC AND POLICY IMPLICATIONS**

Working Groups have been appointed to support individual imperatives from the Strategic Plan 2010-2015.

## **COMMUNITY ENGAGEMENT**

Nil.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required



## OFFICER'S RECOMMENDATION

Council approves the following project submissions from the Working Groups

1. Greening Streetscape \$30,000 – South Terrace Working Group
2. Temporary Lighting \$20,000 – Community Safety Working Group
3. Development Principle Consultant \$10,000 – City Strategic Sites Working Group
4. 3d Modelling Consultant \$10,000 – City Strategic Sites Working Group
5. Master Plan Consultant \$30,000 – Cantonment Hill Working Group.

Budget Category/Sub Category	Existing Budget Expenditure /(Revenue)	Variation to Budget Expenditure /(Revenue)	Revised Budget Expenditure /(Revenue)	Account String (Budget amount refers to this account))
<b>Revenue</b>				
Operating Revenue	0	0	0	
<b>Total Funding</b>	0	0	0	
<b>Expenditure</b>				
Operating Expenditure (Contracted Services)	\$200,000	(\$100,000)	\$100,000	11.11800.6823.00.00.00000
Consulting Services	\$25,000	\$20,000	\$45,000	21.21100.6824.00.00.00000
Contracted Services	\$135,000	\$20,000	\$155,000	53.53100.6823.00.00.00000
Contracted Services	\$0	\$30,000	\$30,000	63.66200.6823.00.97.12009
Contracted Services (Works & assets)	\$120,000	\$30,000	\$150,000	RCR000209
<b>Total Expenditure</b>	\$480,000	\$0	\$480,000	
<b>Net Variation to Budget – Deficit/(Surplus)</b>		0		

## **SGS1012-9 SOUTH WEST GROUP COMMITTEE NOMINATIONS FOR 2011**

<b>DataWorks Reference:</b>	103/009
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	Council
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Glen Dougall, Director Corporate Services
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Letter and attachments from South West Group seeking Nominations

### **EXECUTIVE SUMMARY**

**To nominate City of Fremantle representatives for South West Group committees for 2011.**

### **BACKGROUND**

The City of Fremantle renewed its membership of the South West Group since 2006. The South West Group comprises the local governments of Melville, East Fremantle, Cockburn, Kwinana, Rockingham and Fremantle. As a group it is able to lobby both state and commonwealth governments on key issues affecting the regional and allows the region to present a strong voice of support to the local governments.

### **COMMENT**

The South West Group has forwarded a request for the City to provide its membership to committees for the 2011 year. These committees comprise of officers and elected members and there is no change being proposed for a change to this representation make up for next year.

The committees seeking representation are;

#### South West Corridor Development Foundation Inc

One nominee and one deputy from elected members or staff. Currently Mayor Pettitt is the nominee and Cr Thompson is the deputy.

The role of the Foundation is to;

- promote development of the south metropolitan region;
- carry out projects to promote regional development and skills development;
- manage the industry direct web portal.

### South West Corridor Planning and Infrastructure Committee

One nominee from elected members and two staff nominees. Current members are Cr Sullivan, Mr Paul Garbett and Mr Peter Pikor.

The role of the committee is to;

- consider transport, land release and regional planning issues and provide advice to SWG;
- improve the understanding of transport, land release and planning issues amongst member LGA's;
- provide a forum to develop transport, land release and regional planning policy and projects;
- implement the recommendations of Travelling Together.

### South West Corridor and Environmental Services Committee

Two nominees form elected members or staff. Current members are Cr Sullivan and Cr Fittock.

The role of the committee is to;

- consider environment, recreation and community service issues;
- improve the understanding of environment, recreation and community services;
- provide a forum to develop environment, recreation and community services policies and projects;
- implement the recommendations of the Beeliar Park Management Plan.

Copies of the Role Statements are provided as an attachment to this agenda. It also includes the roles of the Board and CEO's Forum for information.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Whilst there is a membership fee for the South West Group of approximately \$55,000 per year for the City of Fremantle, no direct financial implication exists for nomination of membership to committees.

### **Legal**

Appointment of membership in accordance with the Local Government Act 1995.

### **Operational**

These committee's already exist and it is not anticipated that any change to current operational requirements is needed.

## **Organisational**

Representation on these regional committees provides the City with a voice on regional transport, planning and infrastructure needs to ensure that Fremantle issues are considered in regional considerations.

## **CONCLUSION**

It is proposed that nominations be provided for these South West Group committees with the same basis of elected member and staff nominations as per previous year.

## **STRATEGIC AND POLICY IMPLICATIONS**

Representation on the South West Group Committees support the following Strategic Imperatives;

1. Urban Renewal and Integration;
2. Climate Change and Environmental Protection;
3. Transport.

## **COMMUNITY ENGAGEMENT**

Nil.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

## **OFFICER'S RECOMMENDATION**

**Council adopt the following appointments to the South West Group committees for 2011 as below;**

- 1. South West Corridor Development Foundation Inc**
  - a) Mayor/Cr \_\_\_\_\_
  - b) Cr \_\_\_\_\_ as deputy.
- 2. South West Corridor Planning and Infrastructure Committee**
  - a) Cr
  - b) **Manager of Planning Projects, Mr Paul Garbett.**
  - c) **Director Technical Services, Mr Peter Pikor.**
- 3. South West Corridor Environment and Services Committee**
  - a) Mayor/Cr \_\_\_\_\_
  - b) Cr \_\_\_\_\_



**SGS1012-10 OFFER TO ACCEPT MANAGEMENT ORDER FOR PRINCESS MAY PARK (RESERVE 594)**

**DataWorks Reference:** 049/008, 13810  
**Disclosure of Interest:** Nil  
**Meeting Date:** Council  
**Previous Item:** SGS 0711-22, C0806-9  
**Responsible Officer:** Glen Dougall, Director Corporate Services  
**Actioning Officer:** Glen Dougall, Director Corporate Services  
**Decision Making Authority:** Council  
**Agenda Attachments:** Letter of offer from Minister  
Letter from National Trust (June 2008)  
Princess May Park Master Plan (2004)

**EXECUTIVE SUMMARY**

Correspondence has been received from the Minister for Commerce, Science and Innovation, Housing and Minister Assisting the Treasurer, the Hon Bill Marmion MLA, offering future management and control of Princess May Park (Reserve 594) to the City of Fremantle.

This offer is made on the condition of the City accepting the maintenance, conservation and preservation of this site. It is proposed that the City accepts this offer.

**BACKGROUND**

In August, 2007, the Chief Executive Officer received correspondence from the Chief Executive Officer of the National Trust of Australia advising that the Trust and Department of Planning and Infrastructure had identified Princess May Park as a precinct that could be handed over to the Trust to develop as a "premier heritage place". The Trust was seeking council support for the proposal.

In November, 2007, Council considered this request and deferred its decision until the then Mayor Tagliaferri and CEO, Mr Mackenzie, could discuss the issue with the Trust.

In June, 2008, council resolved the following;

*“That Council support the proposal to transfer Princess May Park to the National Trust under the following conditions:*

- 1. The National Trust enter into a new 10 year lease with the City of Fremantle under the same terms and conditions as the current lease at the same time as the surrender of the existing lease; and*
- 2. The National Trust agree that the City enter into a new sub lease with Film and Television Institute for a period expiring on the same date as the City’s head lease and under the previous terms and conditions including peppercorn rental;*
- 3. All other existing lease arrangements be honoured by the National Trust;*
- 4. The CEO secure a lease for Harbour Theatre under the same terms and conditions as FTI.”*

As can be seen from this resolution the Council were (basically) concerned that such a transfer would jeopardise the long term futures for the Film and Television Institute (currently housed in the old boys school) and Harbour Theatre (who were housed within the Education Centre inside the girls school building).

Correspondence received from the Trust in July, 2008, advised these terms were unacceptable to the Trust.

Previous to the discussion on the transfer of the management of this reserve to the Trust the City had adopted a Master Plan for the open spaces of this Reserve. The Master Plan was adopted by Council in October, 2004, and besides some expenditure on playground equipment and clearing works for the carpark, works on the Plan had not been substantially commenced due to incomplete finalisation of funding arrangements. The Plan was seeking to improve the open spaces of the park with contributions from state government, a tenant on the site and the City.

## **COMMENT**

This recent offer has come after conversations between the City and Minister’s office. The City currently has control of the site through a lease arrangement with the state government which expires in September, 2014. Sub-lease arrangements are in place for the Film and Television Institute, The Fremantle Education Centre and Clancy’s.

As mentioned above the City adopted a Master Plan for this site in 2004. The Plan related mainly to the open spaces of the Park. A copy of this Plan is attached with this agenda. Estimated expenditure for this Plan was provided in 2008 at just over \$1 million. The only part of the works to be commenced was the site works for the parking area between the Education Centre and Clancy’s. It is estimated that the Plan would cost in the range of \$1.3 to \$1.5 million today. In considering the future development of the east end the improvements to Princess May Park open space could be considered important.

The City has also undertaken a review of the condition of the buildings in the last year. Whilst the Education Centre has been successful in attaining \$1.5 million recently and previous funding in previous years for the conservation of the Old Girls School building, the Old Boys School building where FTI is housed requires significant roofing and flooring repairs which would require approximately \$1 million to correct. The City was unsuccessful last year in attaining grant funding to support repairing the roof for FTI.

One of the concerns the City had in the past, with any change to management of the Park, was whether the cultural objectives of the City could be maintained if control of this site was not in the hands of the City. FTI is a unique industry that should be retained in Fremantle. They currently enjoy terms of a peppercorn rental and this is considered appropriate in terms of the funding needs of this organisation.

The National Trust has stated that they would invest \$1 million over a four year period towards maintenance and conservation works. These funds would be appreciated, but may come at the cost of market rents being required from tenants into the future to fund ongoing maintenance. FTI have stated they would most likely not be able to sustain market rents.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

As stated in the commentary above there are considerable funding needs with this reserve. A Master Plan developed in 2004 for the open spaces of this reserve would require funding of between \$1.3 and \$1.5 million. The current commercial tenant on the site has previously offered a contribution towards these works in return for a new long term lease.

Recent building audits have identified that conservation and maintenance works are required for the old boys school building where FTI is housed. Roof and floor repairs would require approximately \$1 million in funding.

### **Legal**

The Ministers offer is that the management order for this reserve be removed from the Minister for Works and placed with the City of Fremantle. This would mean that the City would gain direct management control over the site, rather than leasing it from the Minister for Works as is the case now. It is anticipated that the management order would allow the City to lease for site for periods up to 21 years.

### **Operational**

The City currently holds the head lease over this reserve. It currently maintains the open spaces and sub-leases all buildings to third parties. The Commercial tenant and tenant of the old girls school currently maintain the buildings, however the tenant of the old boys school is unable to provide funding and relies on Council for building maintenance.

It is not anticipated that these operational circumstances would change if management responsibility was handed directly to the City.



## **Organisational**

Receiving direct management responsibility will not affect any council policy. However, there is a previously adopted Master Plan for the open spaces which the City will need to re-consider. When talk of this reserve being handed over to the Trust first started, Council placed on hold any works from this Plan and as such the Plan has barely been commenced let alone implemented.

The City will also need to consider how it funds building works to the old boys school.

## **CONCLUSION**

Princess May Park is considered a valuable heritage site within the east end of Fremantle CBD. In past resolutions council has considered that the cultural and heritage values of the site are an important part of the diverse mix of the Fremantle community and has sought to ensure that this diversity is maintained. Maintaining this outcome to achieve councils goals is better managed with the City having direct management responsibility over this reserve.

It is recommended council accept the offer from the Minister.

## **STRATEGIC AND POLICY IMPLICATIONS**

Character.

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

## **COMMUNITY ENGAGEMENT**

Nil.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority required

## **OFFICER'S RECOMMENDATION**

**Council accepts the offer from the Minister for Commerce, Science and Innovation, Housing; Minister Assisting the Treasurer, Hon Bill Marmion MLA, for the City of Fremantle to receive management and control of Reserve 594, Princess May Park, and accepts the conditions outlined in his letter dated 30 October, 2010.**

## **SGS1012-11 DISABILITY ACCESS AND INCLUSION PLAN**

<b>DataWorks Reference:</b>	023/003
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	8 December, 2010
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	Peter Pikor, Director Technical Services
<b>Actioning Officer:</b>	Philip Gale, Manager Infrastructure Services
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Disability Access and Inclusion Plan

### **EXECUTIVE SUMMARY**

**The City commissioned Equal Consultants in February 2010 to undertake a review of the City's current Disability Access and Inclusion Plan (DAIP) to develop a new Plan and ensure compliance with the legislative requirements of the Disability Services Act (1993) as amended in 2004.**

**The final plan is attached for Council's endorsement.**

### **BACKGROUND**

The aim of the DAIP is to guide the City of Fremantle's work to ensure equitable access to its buildings, facilities, information, services and events for people with disabilities and their carers, over the next five years.

It is a requirement of the Disability Services Act (1993) amended in 2004, that all public authorities develop and implement a Disability Access and Inclusion Plan that outlines the ways in which the authority will ensure that people with disabilities have equal access to its facilities and services.

### **COMMENT**

The City has had a DAIP (formerly Disability Services Plan) since 1995 and has made significant improvements since this time. The methodology for the review included examination of the City of Fremantle's current DAIP, progress reports and other relevant council documents, plans and strategies. The consultants also reviewed other relevant literature on the changes to disability legislation and on contemporary and developing trends and best practice in access and inclusion.

A consultation program was undertaken with key stakeholders including City of Fremantle Senior Managers, Managers and Councillors.

The review and consultation showed that the City of Fremantle already has some strategies in place that have improved access for people with disabilities to the City of Fremantle's facilities and services, but that there are still some barriers to full access and

inclusion. These barriers along with detailed strategies and actions are included in the DAIP, as per Attachment 1.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Once the DAIP is endorsed by Council, the Business Units will be required to identify and budget for projects on an ongoing basis.

### **Legal**

In endorsing the DAIP Council is meeting its legislative obligations under the Disability legislation.

### **Operational**

Each area of Council is responsible for planning, implementation, ongoing monitoring and reporting within its own area. The Disability Access Project Officer has an advisory, support and coordination role and is responsible for ensuring statutory reporting is carried out.

The City's implementation plan contains key strategies to address each outcome and some of the tasks required. Each Business Unit is required to implement the relevant strategies and tasks. These will be included in its Business Plan each year. Additional tasks may also be added. Reporting on DAIP Implementation Plan tasks is to be incorporated into Business Plan reporting.

### **Organisational**

Business unit managers are responsible for ensuring that current and new policies are updated to reflect the DAIP where appropriate.

## **CONCLUSION**

The City has achieved significant outcomes in improving access and inclusion which will continue with the implementation of the revised DAIP 2011 – 2015.

## **STRATEGIC AND POLICY IMPLICATIONS**

The DAIP closely aligns with and is linked to most of the strategic imperatives identified in the City's current Strategic Plan. Accessibility is a central and fundamental requirement of a liveable, vibrant and economically viable City.

## **COMMUNITY ENGAGEMENT**

As part of the development of the City of Fremantle's DAIP, consultation was carried out to identify potential strategies to be incorporated into the Plan.

The consultation, held from 28 April to 25 May 2010, was advertised or promoted:

- In the local newspaper
- On the City of Fremantle website
- Directly to key disability organisations
- Through City of Fremantle services ie Library
- Directly to Disability Services Commission Local Area Coordinators and
- Through the City of Fremantle intranet

The consultation included:

A briefing for Managers;

- Meetings with individual managers and other key staff;
- A briefing and consultation with the Disability Access Consultative Committee;
- A web-based staff survey with hard copies also available for staff - 14 completed surveys were received from staff and one from an elected member;
- A web-based community survey – five completed surveys were received;
- Hard copy surveys available at key community locations – four completed surveys were received from people with disabilities;
- The opportunity for staff or community members to phone, fax or email E-QUAL directly should they wish to provide their feedback in that way - no responses were received; and
- Close consultation with the City's Disability Access Project Officer.

The draft DAIP was put out for consultation to allow for final feedback before the plan is endorsed by Council.

The staff on-line survey sought staff input on access issues and also included questions relating to their awareness of disability and access and their training needs in this area. Their feedback also informs the recommendations in this report.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**That Council adopts the attached final draft Disability Access and Inclusion Plan 2011 – 2015.**

## **SGS1012-12 LOCAL GOVERNMENT ACT AMENDMENTS 2010**

<b>DataWorks Reference:</b>	035/004
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	15 December 2010
<b>Previous Item:</b>	N/A
<b>Responsible Officer:</b>	Graeme Mackenzie, Chief Executive Officer
<b>Actioning Officer:</b>	Graeme Mackenzie, Chief Executive Officer
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	WALGA Infopage - November 2010 Explanatory Notes on amendments from WALGA

### **EXECUTIVE SUMMARY**

The government is proposing seven amendments to the Local Government Act and the Minister for Local Government has sought comment on the proposals from WALGA. WALGA, in turn is seeking comment on the proposals from local governments. Comments are requested by 7 January 2011. The pros and cons of each proposed amendment is discussed in this report.

### **BACKGROUND**

Attached is an information sheet from WALGA providing background to these proposed amendments to the Act. Also attached are explanatory notes to provide further information and outlining any predetermined industry position.

### **COMMENT**

Whilst some of the proposed amendments are easily supportable, others require a more considered response from council. The proposed amendments with officer comments follow.

#### **1. Reducing the number of elected members to between six and nine.**

WALGA's State council has resolved on 12<sup>th</sup> October 2010 to not support this amendment. The amendment would allow local governments with more than nine elected members to retain their current numbers until 2019, at which time if voluntary changes had not been made the Local Government Advisory Board would implement changes in accordance with the powers provided under this amendment.

This is a matter of principal around the level of representation. It could be easily argued that the City of Fremantle could operate quite effectively with nine elected members, which would equate to approximately 3,000 residents per member. However, at the City of Stirling for example each elected member would represent approximately 20,000 residents per member if restricted to nine members.

The question for council to consider in responding to this matter is – what is an appropriate representation level and how effective would a council be with a smaller representation base?

Officers suggest that an argument could be sustained for the number of members to be based on residential population with a minimum number of elected members for each council.

However, an alternative approach to explore that has likely not been considered is to base the number of elected members not only on the population size of the municipality, but also on the complexity of the matters a council has to deal with.

This is actually easily implemented because such a measurement already exists. The WA State Salaries and Allowances Tribunal sets a recommended range for local government CEO salaries depending on which band a local government is assessed. That band has been determined by a range of factors including complexity of matters dealt with by the local government. The City of Fremantle is a band 8 local government on a scale of 1 – 9.

If council is inclined to explore this approach to setting elected member numbers officers will prepare recommendations for full council.

## **2. Salaries and allowances tribunal to set fees for Elected Members and salaries for CEOs.**

Local government has supported this approach for elected member fees since at least 2004. This is a welcome amendment that may finally see elected member fees become a little more representative of the amount of work required and the complexity of work undertaken. Officers would expect the banding mentioned above to be the base for assessing elected member fees.

On the matter of CEO salaries however, this is a new addition by the Minister - this suggestion has never been raised before. Currently, the Salaries and Allowances Tribunal establishes bands for local governments as outlined above and then sets a range for the CEO salary within each band. There is no requirement for a local government to pay within their band although most probably do. Officers believe the concern is based on the few local governments that pay their CEO's above the maximum level suggested by the Tribunal.

This proposal has a number of problems that would need to be resolved before it could be effectively implemented. At a principle level, local governments currently have the power and autonomy to set the terms and conditions of employment for their CEO's. Should that be delegated to a third party?

At a practical level, questions arise as to ongoing performance based increases. Is it intended that they be mandated as well? There is no detail on how this is intended to work and without that knowledge it is difficult to support.

However, this could be supported if local governments were required to pay salaries within the band range, given that the range of each band is currently very broad, however any narrowing of the bands is likely to create issues for individual councils.

### **3. New mechanism for the temporary suspension of a Council**

WALGA's explanatory notes provide good background information; however provide little guidance on an appropriate response.

This proposed amendment is a matter of principle and runs to the core of local democracy. As WALGA rightly point out, there are occasions where it would be a good outcome for a temporary suspension of a dysfunctional council. However, officers would suggest that in a very significant majority of cases differences are sorted out without the need for this type of action. It is probably relatively rare that a situation is reached where it would be necessary to suspend a council.

Interestingly, the Rules of Conduct legislation introduced a power to suspend or dismiss individual elected members who breached behaviours expected of an elected official. The circumstances described by WALGA in the explanatory notes could (or should) be dealt with through this legislation, however it is generally felt within the industry that the processes established for reviewing complaints against individuals are so cumbersome that they are ineffective. Perhaps this is an attempt to rectify that situation?

From a local government perspective, the suspicion is that this power is abused by a Minister, and erodes the general competency principles upon which the Local Government Act was established in 1995.

### **4. Require elected members to resign when they are elected to State or Commonwealth Parliament.**

This amendment is logical and is supported.

### **5. Restricting the types of local government investments to low risk products such as those with the WA Treasury Corporation, major banks and government bonds.**

This is a reactionary change due to the problems some local governments face due to their failed investments in Collateralised Debt Obligations (CDO's) with Lehman Brothers (formerly Grange Securities).

The proposal does not take account of the differences between short term and long term investments. Whilst the proposal may be supported for short term investment of surplus cash, it should not be supported for long term investments.

The City of Fremantle has what the CEO considers to be a best practice investment policy for its long term investments. That policy provides very clear

guidance on how investment decisions are made – in our case on the advice of an Actuary.



The City's investment portfolio and its policy are unique in local government and this amendment would not allow long term investments in stocks and securities. Officers are of the view that the current "Prudent Persons" rules under the Trustees Act are appropriate for local government. Individuals can be personally liable for making investments that a "prudent person" would not make and therefore the Trustees Act offers sufficient direction to officers to invest public funds in a prudent manner.

**6. Align criminal conviction criteria for Elected Members with that of Western Australian Members of Parliament**

This proposal is consistent with WALGA's position, and whilst WALGA suggest broadening the alignment, which is logical, it is not a critical issue.

**7. To limit employee termination payments to one year's salary**

WALGA does not have a position on this matter. This amendment would bring local government provision into line with WA State and Commonwealth public sector arrangements and would not affect the two year guarantee of employment provided for in the event of an amalgamation.

This amendment would impact on the City's existing provision for employees which is capped at 65 weeks. However, this amendment is logical and supportable due to its alignment with State and Commonwealth provisions.

**RISK AND OTHER IMPLICATIONS**

**Financial**

Nil

**Legal**

There is no legal requirement for council to provide feedback on these legislative proposals.

**Operational**

There is limited operational impact.

**Organisational**

See strategic implications

**CONCLUSION**

Council is asked to consider these important amendments and provide comment to WALGA by the due date. On the matter of investments, officers have sought a meeting with the Department of Local Government to ensure the Department is aware of our investment policy.

## **STRATEGIC AND POLICY IMPLICATIONS**

There are some very important strategic implications in these proposed amendments to the Act.

Amendment 1 will have a significant impact on how a councillor operates, both in terms of representing constituents and the workloads in decision making - the smaller the number of elected members, the greater the responsibility to be always present to progress the business of the council.

Amendment 2 is long overdue for elected member fees, but raises questions of autonomy for local governments in relation to CEO salaries.

Amendment 3 also, whilst well intentioned, could be seen to be undermining the autonomy of local governments.

Amendment 5 is another reactive response to a situation that takes no account of the very sound practices of many local governments in managing their finances and investments and the proposed amendment again undermines the general competency principles of the Local Government Act.

## **COMMUNITY ENGAGEMENT**

Nil – very short time frame for response

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**That council provides the following response to the Western Australian Local Government Association (WALGA) in relation to the proposed legislative amendments outlined in this report:**

**The City of Fremantle:**

- 1. Opposes the change to mandate the number of elected members to a local government to between six and nine. In doing so suggests that consideration be given to a system that determines the number of elected members based on the bands established for local governments by the State Salaries and Allowances Tribunal in setting ranges for CEO remuneration packages;**
- 2. Supports the proposed amendment to have the State Salaries and Allowances Tribunal determine elected member fees, but does NOT support the proposal to have CEO salaries mandated by that Tribunal until further information is provided on how that is proposed to operate;**
- 3. Opposes the temporary suspension of a council proposal, commenting that the "Rules of Conduct" provisions are an appropriate mechanism to deal with the issues outlined;**
- 4. Supports the requirement for an elected member to resign when elected to either State or Commonwealth Parliament;**
- 5. Opposes the restrictions on the types of investments for local governments, noting that the Trustees Act is considered an appropriate legislative framework for the proper management of public funds;**
- 6. Supports the alignment of criminal conviction provisions for elected members to that of Western Australian Members of Parliament; and**
- 7. Supports limiting an employee termination payment to one year's salary.**

**CONFIDENTIAL MATTERS**

Nil

## **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.

<b>How consultative processes work at the City of Fremantle</b>	
<b>The City's decision makers</b>	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.
<b>Various participation opportunities</b>	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.
<b>Objective processes also used</b>	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.
<b>All decisions are made by Council or the CEO</b>	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).
<b>Precinct focus is primarily local, but also city-wide</b>	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.
<b>All input is of equal value</b>	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.
<b>Decisions will not necessarily reflect the majority view received</b>	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.
<b>Decisions made for the overall good of Fremantle</b>	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.
<b>Diversity of view on most issues</b>	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.
<b>City officers must be impartial</b>	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.
<b>City officers must follow procedures</b>	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.
<b>Consultation processes have cut-off dates that will be adhered to.</b>	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	
	<p>personal representations to individual Elected Members and via presentations to Committee and Council Meetings.</p>
<p><b>Citizens need to check for any changes to decision making arrangements made</b></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 <b><a href="http://www.freofocus.com/projects/html/default.cfm">www.freofocus.com/projects/html/default.cfm</a></b>, checking the Port City Column in the Fremantle Herald or inquiring at the Service and Information Desk by phone or in-person.</p>
<p><b>Citizens are entitled to know how their input has been assessed</b></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><b>Reasons for decisions must be transparent</b></p>	<p>1 Decision-makers must provide the reasons for 5 their decisions. .</p>
<p><b>Decisions posted on <a href="http://www.freofocus.com/projects/html/default.cfm">www.freofocus.com/projects/html/default.cfm</a></b></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 <b><a href="http://www.freofocus.com/projects/html/default.cfm">www.freofocus.com/projects/html/default.cfm</a></b> 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.