



AGENDA

Strategic & General Services Committee

Wednesday, 19 January 2011, 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, 19 January 2011 in the Council Chamber, Town Hall Centre, 8 William Street, Fremantle (access via stairs, opposite Myer) commencing at 6.00 pm.

Graeme Mackenzie
CHIEF EXECUTIVE OFFICER

14 January 2011

STRATEGIC AND GENERAL SERVICES COMMITTEE

AGENDA

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

NYOONGAR ACKNOWLEDGEMENT STATEMENT

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

ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

PUBLIC QUESTION TIME

DEPUTATIONS / PRESENTATIONS

DISCLOSURES OF INTEREST BY MEMBERS

LATE ITEMS NOTED

CONFIRMATION OF MINUTES

That the Minutes of the Strategic and General Services Committee dated 8 December 2011 be confirmed as a true and accurate record.

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CLOSURE OF MEETING		

REPORTS BY OFFICERS (COMMITTEE DELEGATION)

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

Nil

REPORTS BY OFFICERS (COUNCIL DECISION)**SGS1101-1 INSTALLATION OF ROUNDABOUT - WRAY AVENUE / SOUTH TERRACE / HOWARD STREET / LITTLE HOWARD STREET**

DataWorks Reference: 161/010
Disclosure of Interest: Nil
Meeting Date: 19 January 2011
Previous Item: Nil
Responsible Officer: Philip Gale, Acting Director Technical Services
Actioning Officer: Philip Gale, Acting Director Technical Services
Decision Making Authority: Council
Agenda Attachments: Howard Street traffic data analysis
 Design Plan number 007-1010-RO1 REV B
 Traffic data - Wray Avenue and South Terrace

EXECUTIVE SUMMARY

This item seeks to obtain approval to progress the design of the roundabout and associated road works for the traffic treatment proposed at the intersection of Wray Avenue and South Terrace. It should be noted that the main purpose of this project (the construction of a roundabout) and provision of funding is to address major safety issues and reduce accidents at this recognised Accident Blackspot.

At the same time it is hoped to be able incorporate all resident concerns and issues raised during the Public Consultation Process into the final design and project works.

BACKGROUND

The intersection of Wray Avenue and South Terrace is a difficult location for traffic to negotiate to the extent that there are a significant number of accidents in this area and many more near misses that are not recorded. In the past 5 years there have been 101 crashes with 69 of these being right angle crashes. This number of right angle crashes is considered by Main Road Western Australia Crashtools Software to be overly representative for this type of intersection. The widely recommended traffic treatment to address and reduce right angle crashes at intersections is the installation of a roundabout.

In 2009 a submission was developed to obtain funding for a roundabout at this location to reduce accidents and improve the safety level of the intersection. This submission was successful and Black Spot funding was then approved for construction in the 2010/2011 financial year. The submission qualified under the National Blackspot Program and was therefore funded to 100% of the estimated construction cost.

Due to the central location of this project council staff anticipated that there would be significant public interest in the proposal. To appropriately cater for public involvement a comprehensive communication plan was developed. This plan commenced in July 2010 with a public meeting to describe the proposed works and explain why the roundabout was the preferred traffic management treatment solution. The meeting was well attended by members of the community, council officers and elected members.

Whilst the purpose of the meeting was primarily to provide information to the public many issues relating to traffic issues in the general area were also identified.

The final outcome of the meeting was an extended project scope which included a number of design issues in the close vicinity raised as concerns by meeting participants. These included:-

1. The concept of a roundabout or similar traffic control at the intersection of South Street and Marine Terrace
2. Speed control issues in South Terrace
3. Pedestrian safety in and around the intersection
4. Urban design and streetscape concepts
5. Alternative designs for the current roundabout option for discussion with Main Roads WA
6. Access into and out of Howard Street and the effect of the roundabout option on this local access street and
7. Construction plans that can accommodate businesses with least disruption

Over the intervening 6 months much design and consultative work has occurred resulting in a number of very positive outcomes. For example, the South Street/Marine Terrace intersection has been analysed for a future roundabout configuration and will be progressed as a major new traffic management initiative in future years.

The traffic speed issue and resident concerns in South Terrace have been addressed through the request submitted to Main Roads Western Australia to extend the existing 40kph speed zone to the southern side of the Wray Avenue intersection.

Pedestrian safety on South Terrace and at Fremantle Hospital has been addressed through an application to Main Roads Western Australia to install two new zebra crossings near the Alma Street intersection.

The community concern regarding loss of amenity and local landmarks has been addressed via a community/officer working group that has redesigned the roundabout to make it as efficient as possible for traffic management whilst reducing its impact on the local streetscape; and the current design proposal meets with approval from this community/officer working group.

The access connection to Howard Street remains a point of contention with the residents of Howard Street who remain concerned that the new road layout will adversely affect their street through increased traffic flow. Throughout the entire consultative and design modification process the residents have consistently maintained that they would only be happy with the closure of Howard Street at the Wray Avenue end.

There a number of reasons why closing roads is not considered good practice, not the least of which, is that it has negative impacts on other roads and disrupts the neighbourhood connectivity. The currently accepted design has moved the entrance to Howard Street to the north, that is offsetting the connection to South Terrace to ensure that there is not a straight through and easily viewed route from Wray Avenue into Howard Street. In addition the design has the entrance reduced in width to a 3.5 metre carriageway with a raised plateau to slow traffic, right angle parking bays on either side of the carriageway and clearly marked one way and Local Traffic only entrance signs. Appropriate landscaping has also been added to clearly show that this road is a minor access road within the network.

Current traffic volumes (690) in Howard Street are well within the recognised range for local access streets (being up to 3000 vehicles per day). Other streets in the area also currently cater for less than this volume. Attachment 1 represents the current traffic count data for the area including turning movement diagrams showing the detail of how the intersection is used.

The argument put forward by the Howard Street residents is that at under the present traffic conditions the movement from Wray Avenue, carrying 4200 vehicles per day, into Howard Street is illegal. However, as this is a staggered intersection the right and then left turn would be considered an acceptable traffic movement. Under the new design concept this movement continues to be an acceptable action and thus it is possible that the proposed design will encourage drivers wishing to avoid any traffic congestion on South Terrace north of the intersection to use Howard Street as an alternate route. This idea is further promoted by the full turning movements at the western end of Howard Street allowing vehicles to freely move into Marine Terrace in all directions.

Howard Street has 32 residential properties and at its eastern end services business in the vicinity of South Terrace. Trip generation from residents is estimated using the guidelines from the Road Transit Authority of New South Wales. This guideline estimates on average 9 trips per day per household which equates to about 290 trips per day in Howard Street. In addition there are a number of trips being made by motorists that use Howard Street to access South Terrace via the Tyre Shop car park heading in a southerly direction. This movement will not be possible with the new road layout as a new median in South Terrace prevents this action.

In discussions with the Howard Street residents they have put forward the idea of retaining all the design features described above and providing a road closure at the point to the west of the business crossovers on Howard Street. At the present time this work does not form part of the scope of the original project and there are no funds allocated to undertake these works.

Whilst the comments above do reflect the reality of the design, that is that Howard Street is connected to Wray Avenue, the driving practices of the past do not necessarily reflect the proposition that there will be a significant increase in traffic volumes in the street. Although the connection to Howard Street from Wray Avenue was a difficult movement it did not stop traffic undertaking this route. However more traffic turned right and left off South Terrace, movements that will still be available under the changed road design.

As there is a possibility that either scenario could eventuate, that is no or little traffic volume changes, or the road is used as a connector to Marine Terrace, it is recommended that the current design be implemented and once complete traffic volumes be monitored. The fall back position may well be that the Western end of Howard Street becomes a left out only option. This could be trialled with temporary installations, once monitoring has established a traffic movement pattern.

One of the main problems associated with closing streets is that the traffic flows into other nearby streets and then residents in those streets have a legitimate complaint about changes they have to live with. As so often happens the problem snowballs across the community. In addition closing streets does have a defined process that must be followed

The process is outlined below:

Statutory requirements for consultation and review to effect a road closure.

There are two options available for road closures under the Land Administration Act 1997 ("LAA 1997") or the Local Government Act 1995 ("LGA 1995").

The LAA 1997 (section 58) allows for a road in the district to be closed permanently, while the LGA 1995 (section 3.50) allows a thoroughfare to be closed to the passage of vehicles. The LGA 1995 gives added flexibility for the thoroughfare to be reopened in the future if required.

Section 3.50 of the LGA 1995 requires local public notice of the proposed order for closure; giving details of the proposal and inviting submissions from any person, as well as written notice to prescribed persons (under the Local Government (Functions and General) Regulations 1996); followed by a reasonable time for submissions to be made; and then consideration of those submissions. A reasonable time for submissions is not defined within the LGA 1995, however, it was previously determined to be a period not less than 35 days under prior local government legislation, and this has also been adopted in the LAA 1997 as a minimum submission period.

The LAA 1997 requires similar consultation requirements; and effectively both acts will require an extension of at least two months to be added onto the existing consultation period if the option of road closure is to be considered as an integral part of the project.

As can be seen from the above regulations the process is not one to be taken lightly and may well result in a divided community once the consultation process is underway. This would also delay the construction process for the works in South Terrace, a situation all are keen to avoid as the capital works program is planned to be finished within the next six months.

COMMENT

The committed process of community consultation, an open and reasoned debate has for the most part produced a result for the Wray Avenue, South Terrace intersection works that will achieve the desired outcome of making the road network safer. The one sticking point at this stage is the request from the residents of Howard Street to close their street to reduce any traffic flow at all from coming from Wray Avenue or South Terrace. This is a difficult proposition when living in the middle of a highly urbanised area that attracts significant traffic flows on the distributor roads. However if after construction of the roundabout there is increased local traffic impacts there is an option to go part way towards ameliorating and mitigating these effects by dealing with the western end of Howard Street. It would be prudent at that time if such action were being considered that a full local area traffic impact study be undertaken to fully understand any cause and effect implications.

RISK AND OTHER IMPLICATIONS

Financial

The current budget of \$305 000 is considered adequate to construct the roundabout but any ancillary works such as road closures or significant streetscape upgrades can not be accommodated in the current funding

Legal

Any works on the public road system under the care and control of the Local Authority is at the discretion of that Local Authority providing designs meet current standards. Road closures are governed by the Acts of Parliament and there are statutory processes that must be adhered to if this is a preferred option.

Operational

This project will ultimately make the road network safer

Organisational

Nil

CONCLUSION

Over the past six months the community participating in the South Terrace Wray Avenue traffic treatment debate and design have achieved an outcome that is workable for all parties. There is still one point of difference with a section of the community and this needs to be continually assessed, monitored and managed into the future.

At the present time the plan developed as shown on plan 007-1010-RO1 REVB is a buildable and effective solution to a significant traffic blackspot.

STRATEGIC AND POLICY IMPLICATIONS

This project fits within the strategic imperative of safer communities and improved transport networks.

COMMUNITY ENGAGEMENT

There has been extensive community engagement on this project, both with the wider community and with specific interest groups such as the local precinct and Howard Street residents.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

- 1. That design plan for the roundabout at South Terrace and Wray Avenue being plan number 007-1010-RO1 REVB be adopted.**
- 2. That traffic volumes in Howard Street be monitored for three months following completion of construction.**
- 3. That a further report be presented to Council reviewing the functionality of the roundabout and the local road network operations upon the completion of the monitoring period.**

SGS1101-2 DINGHY MANAGEMENT ALONG THE SWAN RIVER FORESHORE

DataWorks Reference:	146/015
Disclosure of Interest:	Nil
Meeting Date:	19 January 2011
Previous Item:	Nil
Responsible Officer:	Philip Gale, Acting Director of Technical Services
Actioning Officer:	Lionel Nicholson, Manager of City Works
Decision Making Authority:	Council
Agenda Attachments:	Swan River Trust Policy SRT/D26 Dinghy Management along the Swan and Canning River Park Shoreline. Dinghy Storage Draft Policy and Discussion Paper. Dinghy images

EXECUTIVE SUMMARY

The Swan River Trust has recently adopted a policy for dinghy management along the Swan Canning Riverpark shoreline. This policy identifies the foreshore land managers as the responsible agency to develop and manage such systems along their foreshore. Proposed facilities are to be in accordance with the policy guidelines and be approved by the Swan River Trust.

The City of Fremantle will need to determine a suitable system for managing dinghies along its foreshore area. The North Fremantle Foreshore of Prawn Bay (Reserve 36420) whilst under threat from informal dinghy storage is also considered the most suitable area for any future dinghy management strategies.

This report outlines the various issues relating to the management of dinghies on foreshore reserves and seeks Council endorsement for a appropriate dinghy management strategy for the North Fremantle Foreshore to provide clear direction to the Swan River Trust on this matter.

BACKGROUND

Although there is no established right for private citizens to store dinghies on public shoreline reserves in the Swan Canning Riverpark, it has been tolerated in the past for accessing the mooring of larger boats. The growth in boat ownership has increased and highlighted the need for greater control and protection of the shoreline ecology.

The informal approach to date has resulted in damage to shoreline vegetation and increased risk of riverbank erosion, restricted public access and use of the shoreline, created public safety risk and duty of care issues, difficulties in carrying out routine shoreline maintenance operations or restoration works and detrimental impacts on the general amenity of the shoreline.

The Swan River Trust has recently adopted a policy for dinghy management along the Swan Canning Riverpark shoreline. This policy identifies the foreshore land managers as the responsible agency to manage approved dinghy management systems. The policy outlines that the all foreshore land managers must have an approved dinghy management system along their foreshore.

The objectives of the policy are to;

- prevent alienation of public open space and foreshore reserve areas,
- mitigate environmental impacts on the Riverpark,
- improve the integrity of environmentally sensitive areas of river shoreline,
- maintain and improve public safety and access to the river shoreline,
- provide support for local government to implement local responses consistent with a river-wide approach, and
- support the establishment of orderly management systems in appropriate locations.

Dinghy storage in the Swan Canning Riverpark may be considered in circumstances where;

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

In addition to the SRT/D26 Policy the SRT has indicated that a new regulation under the Swan and Canning Rivers Management Regulations is expected to be enacted by February 2011. This regulation will allow simple enforcement within the SRT Development and Control Area by allowing authorities to remove illegally placed dinghies.

COMMENT

Options of Dinghy Management Systems

Options consisting of current metro area dingy management strategies that should be considered for inclusion in the development of a City dinghy storage policy include:

(a) No dinghy storage on foreshore

This option will negate the necessity for hardstand storage infrastructure and the associated costs of maintaining such infrastructure. However it will require the implementation of a new Local Law prohibiting the storage of dinghies on the foreshore.

Additional resources would include the following;

- Enforcement resources capable of patrolling the foreshore, removing and storing illegal dinghies.
- The implementation of signage and By Laws.
- An update of the existing North Fremantle Foreshore Management Plan to accommodate the recent legislation and dinghy management option.

(b) River access suitable for launching dinghies

This option may include a pedestrian access only launching ramp and would require minimal infrastructure leading from the car park area to the river, allowing suitable pedestrian access for launching a dinghy or other small watercraft into the river. Providing a formal access route will reduce the amount of damage to the green infrastructure, assisting in the stabilization of the foreshore. Additionally, this option will require an expansion of the existing car parking infrastructure to accommodate peak river usage times. The closest boat launching facility to this location is Leeuwin Boat Ramp in East Fremantle. Whilst the East Fremantle Boat Launching facility is outfitted for vehicular access, the associated 101 bay fee for service car park (Leeuwin Car Park No. 1) reaches capacity by morning during long weekends and other peak river usage times. However, this option will require the implementation of Option a. Additional resources would include the following;

- Enforcement resources capable of patrolling the foreshore, removing and storing illegal dinghies and car parking enforcement.
- The implementation of Local Laws
- Budgetary requirements for design and implementation of access infrastructure (eg, launching ramp, expansion of existing parking facilities) and routine maintenance.
- An update of the existing North Fremantle Foreshore Management Plan to accommodate the recent legislation and dinghy management option
- Implementation of any required ancillary infrastructure, signage, By Laws or policies that will reduce public liability.

(c) Shared dinghy storage

This option will include the implementation of parts of option (a) with the addition of a shared dinghy system for licensed mooring owners. This will mean dinghies must be registered and only those registered dinghies will be allowed on the foreshore. This option will reduce the number of dinghies on the foreshore and will require storage infrastructure. The City would be responsible for the provision and maintenance of the storage infrastructure. Additional resources would include the following:

- Creation of a dinghy registration system
- Enforcement resources capable of patrolling the foreshore, removing and storing illegal dinghies.
- The provision a formal access route will be required to reduce the amount of damage to the green infrastructure, assisting in the stabilization of the foreshore.
- An update of the existing North Fremantle Foreshore Management Plan to accommodate the recent legislation and dinghy management option
- Facilitation of stakeholder consultation and conflict resolution
- The implementation of signage
- Budgetary requirements for design and implementation of dinghy storage infrastructure and routine maintenance.
- Implementation of any required ancillary infrastructure, signage, By Laws or policies that will reduce public liability.
- An update of the existing North Fremantle Foreshore Management Plan to accommodate the recent legislation and dinghy management option.

(d) Storage area for set number of dinghies

This option will include the implementation of parts of Option 1 with the addition of a shared dinghy system with capacity and usage requirements set out by the Council after public consultation. This will mean dinghies must be registered and only those registered dinghies will be allowed on the foreshore. The City would be responsible for the provision and maintenance of the storage infrastructure. Additional resources would include the following:

- Creation of a dinghy registration system
- The provision a formal access route will be required to reduce the amount of damage to the green infrastructure, assisting in the stabilization of the foreshore.
- Enforcement resources capable of patrolling the foreshore, removing and storing illegal dinghies.
- The implementation of signage
- Budgetary requirements for design and implementation of infrastructure and routine maintenance.
- Implementation of any required ancillary infrastructure, signage, By Laws or policies that will reduce public liability.
- An update of the existing North Fremantle Foreshore Management Plan to accommodate the recent legislation and dinghy management option.

(e) Off-shore based dinghy storage facility

This option would include the implementation of option (a) with the addition of a dinghy storage area with capacity and usage requirements set out by the Council after public consultation. This facility could be based off shore, connected to an existing jetty near Pier 21 or alternatively a new jetty that is centrally located. An offshore based storage system would relieve the pressure currently being put on the reserve. Additional resources would include the following:

- Creation of a dinghy registration system
- Enforcement resources capable of patrolling the foreshore, removing and storing illegal dinghies.
- The implementation of signage
- Budgetary requirements for design and implementation of infrastructure and routine maintenance.
- Implementation of any required ancillary infrastructure, signage or policies that will reduce public liability
- Engagement with DoT and SRT for planning approvals and any required permits.
- An update of the existing North Fremantle Foreshore Management Plan to accommodate the recent legislation and dinghy management option.

Advice from the SRT discussion letter associated with the implementation of the Dinghy Management Policy is that;

- Implementation of the Dinghy Management Policy will be accompanied by the SRT Riverpark Management Branch developing and implementing a plan in conjunction with affected local governments once the policy is finalised and endorsed.
- The SRT discussion paper recommends that the initial allocation of spaces in managed systems be carried out through an open ballot process and the establishment of a waitlist system to manage ongoing demand.

Preferred Area for Dinghy Storage

After a comprehensive review the North Fremantle Foreshore, Prawn Bay (Reserve 36420) has the only site that meets the Trust's criteria due to the limited open areas void of significant vegetation. This site is currently under pressure from reserve users utilising the space for passive and active recreation including dog exercise.

Council and SRT have over the past decade undertaken revegetation to increase biodiversity of the reserve to provide stability to an eroding shoreline, and provide the reserve users with a natural area to recreate.

Other constraints on the selection of desirable storage areas include the high tide mark and high water levels resulting from storm events. It is not recommended to place storage systems in areas prone to high tides or that frequently become inundated during storm events. This will result in the potential for damaged water craft and additional liability and management for the City.

The number of dinghies along the foreshore ranges between approximately 40 to 60 dinghies within an approximate 150 metre span of the foreshore. Recent data from the Department of Transport, the government agency that regulates the river moorings, indicated that there are 47 licensed moorings adjacent Reserve 36420 and of these mooring licensees 20 are residents of Fremantle. Additionally, of the 40 water craft currently on the North Fremantle Foreshore 35 are dinghies and the remaining five are either sailing vessels or surfskis. Only 9 of the 35 dinghies currently on the foreshore are owned by residents of Fremantle. However, nine of the 35 dinghies are unmarked making them unidentifiable. (See attachment 3 for images of dinghies currently on the foreshore at Prawn Bay)

The identified area may meet some of the desirable criteria for a preferable cost effective site for dinghy storage (see Attachment 3). The open area directly east of the Johannah Street car park in Reserve 36420 is void of significant vegetation, above the high tide level, centrally located in respect to the location of moorings. However, this area also provides open space for other reserve users.

This site is centrally located, which is not as beneficial for mooring holders at either end of the reserve, but would most likely be desirable to mooring holders directly adjacent to the area. However, though this site will be able to accommodate the storage of up to an estimated 40 dinghies, the placement of the site has some open space and foreshore access issues. These issues need to be addressed by eliminating dinghy storage or severely restricting the number of dinghies stored in the area. By limiting the number of dinghies stored, equitable access issues are created and must be managed through the City's Dinghy Management Policy.

The associated investigation and consultation with SRT revealed that desirable cost effective areas for dinghy storage should be in compliance with relevant legislation, void of any significant vegetation, in areas adjacent to moorings, have a minimal impact on reserve users and have a low visual impact on the natural amenity of the foreshore reserve. Furthermore, the size of the preferred areas would have to facilitate a range of storage and access options if the provision of an approved dinghy storage or access system is commissioned. The number of dinghies to be accommodated by a storage system would require further regulation and management. The storage area would have to provide some sort of equity, either by providing storage for mooring license holders only or providing storage for boats on some other selection criteria which would be managed and enforced via an approved management system (see Attachment 3 for an aerial photo showing potential storage areas within Reserve 36420).

Due to the increasing pressures and uses that are being put on to the foreshore reserve a revised North Fremantle Foreshore Management Plan that encompasses dinghy storage and access is necessary to offer guidance in the management of dinghy storage and new adopted regulations. Additional issues, other than dinghy management, that are not covered under the existing but out of date Foreshore Management Plan include:

- Sea level rise mitigation measures that are applicable to the reserve
- Bush fire management
- Increased shoreline erosion resulting from an increase in boat traffic
- Improvements to existing infrastructure
- Feral animal control
- Foreshore access

Public consultation is recommended for any option that is to be implemented. This will allow for the assessment of dinghy usage by licensed mooring owners and an indication of what system ratepayers would find as acceptable in managing the dinghy storage issue. Furthermore, public consultation will assist in the development of a system that offers equal opportunity for dinghy storage and access.

Additional questions that may be perused through public consultation include:

- How many dinghies should the proposed storage system accommodate? As of 20 October 2010, there were 45 dinghies along the foreshore.
- What would be the aim of the proposed storage system, i.e. to accommodate an equal amount of dinghies to legal moorings, to accommodate the number of dinghies currently on the foreshore, to reduce the number of dinghies on the foreshore, to protect environmentally sensitive areas along the foreshore, etc?
- How to ensure equity of access to a dinghy storage system?

Existing Dinghy Management Facilities in the Metro Area

Some examples of existing dinghy management strategies in the metro area are:

Hard infrastructure stack system - Matilda Bay managed by DEC (see image on Attachment 3)

- The DEC manage a hard infrastructure stacking system at Matilda Bay It is approximately 2.0 metres in height and can accommodate a large number of dinghies with a chain-link containment fence around the storage area. The SRT has indicated that a stacked storage system would not be supported.
- Equity of access is ensured through a waiting list system however some users chain their dinghies to the outside of the perimeter fence.

Minimal infrastructure supported by local law enforcement

- The Shire of Peppermint Grove has minimal infrastructure and local laws are utilised to manage the storage of dinghies on the foreshore. Bollards have been installed with I-bolts for registered dinghy users to secure their dinghies (see image on Attachment 3).
- The registration system for dinghies is identical to the Shire's Dog Registration System, utilising dog tags for identification of dinghies.
- Storage area is discrete and holds approximately 20 dinghies.
- Equity of access is ensured through a waiting list system and the Shire has had this system in place for several years.
- Swan River Trust has indicated approval for this low impact approach.

User-pays shared dinghy management

- The City of Melville and Department of Transport are currently investigating the feasibility of trialling a "User-pays shared dinghy management" on the Bicton foreshore. The Bicton foreshore currently contains approximately 160 dinghies illegally stored on the foreshore.
- The system will give preference to mooring licensees sharing one dinghy with four other license holders. Approximately 1 dinghy to four moorings.

No storage allowed on foreshore

- The City of Canning existing local laws manage dinghies on the foreshore by not allowing any storage of dinghies and boats on the foreshore. However, the City of Canning does provide a pedestrian access launching facility for small watercraft.

RISK AND OTHER IMPLICATIONS

Financial

Outside Funding Opportunities

The Department of Transport (DoT) offers the Recreational Boating Facilities Scheme, which is an annual grant for Local Governments to enhance or provide facilities for recreational boaters. The only option that would be funded by this grant is the facilitation of a dinghy launching ramp. As outlines in the grant guidelines, the project must be available for all public recreational boaters. Option 2 fits into this category. Furthermore, it is assumed that prior to applying for any grant, public consultation will be conducted and a proper scope for the project be completed. The City however, will need to build its own budget for matched funding.

Legal

An approved dinghy management plan will decrease the City's exposure to potential public liability issues and be in compliance with relevant state legislation

Operational

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

Organisational

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

CONCLUSION

The recently adopted Swan River Trust policy for dinghy management along the Swan Canning Riverpark shoreline identifies the foreshore land managers as the responsible agency to develop and manage such systems along their foreshore. The North Fremantle Foreshore of Prawn Bay (Reserve 36420) is considered the most suitable area for any future storage facilities.

It is essential the City formalises a system in consultation with the community that benefits the local economy, all users and ecology of the foreshore. Furthermore the system should be in compliance with relevant legislation, void of any significant vegetation, in areas adjacent to moorings, have a minimal impact on reserve users and have a low visual impact on the natural amenity of the foreshore reserve.

Therefore after a thorough and balanced review of the available options and associated regulations the preferred option is that no dinghies are allowed on the foreshore and pedestrian access suitable for launching dinghies is implemented. .

STRATEGIC AND POLICY IMPLICATIONS

Provide a great place to live, work and play through growth and renewal.

COMMUNITY ENGAGEMENT

On October 13th and 14th 2010 the City conducted formal consultation as per Section 18 of the Aboriginal Heritage Act of 1972. As the majority of Reserve 36420 (Prawn Bay) lies within DIA Registered Site ID 3536 (Swan River) the Traditional Owners of the Site were consulted on various issues and projects. One of the projects being dinghy storage and management. The Traditional Owners indicated the foreshore is not a place for dinghy storage.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

- 1. That no dinghies or water craft be allowed on the North Fremantle foreshore in compliance with the Swan River Trust Regulations.**
- 2. That funding be sought for a 'pedestrian access only' launching ramp, requiring minimal infrastructure leading from the car park area to the river. Additionally, this option may require an expansion of the existing car parking infrastructure to accommodate peak river usage times.**

SGS1101-3 ROCKY BAY ROCKSLIP EVENT

DataWorks Reference:	146/011
Disclosure of Interest:	Nil
Meeting Date:	19 January 2011
Previous Item:	Nil
Responsible Officer:	Phillip Gale, Acting Director Technical Services
Actioning Officer:	Lionel Nicholson, Manager City Works
Decision Making Authority:	Council
Agenda Attachments:	Policy - North Fremantle Foreshore Plan Policy – Foreshores within the City of Fremantle Rock Slip Report – Rocky Bay

EXECUTIVE SUMMARY

A rock slip event occurred on the 14th July 2010 in the Rocky Bay area surrounding the Wagyl Cave and the Rule Street stormwater outfall. Council officers initiated a geological assessment outlining the cause of the rock slip and ongoing geological risks; however, the event does raise concerns regarding the City's position on allowing and managing public access to the cliff face and the long term management of issues related to rock slips. Portions of the cliff face are currently restricted from public access due to the inherent risks associated with the cliff face landscape. The restriction of public access should be extended along the remaining portion of the reserve encompassing the unstable cliff face.

There is no evidence that a specific policy addressing rock slips has been adopted by Council. However, existing Council policies that are associated with the North Fremantle Foreshore include North Fremantle Foreshore Plan DGN7 Manager Planing Projects and Policy 006/171 and DGF9 Manager Planning and Foreshores within the City of Fremantle Policy 006/160. These policies are attached.

BACKGROUND

Rocky Bay Reserve (Reserve 7077-crown land vested to the City of Fremantle for the purpose of recreation) spans the northern side of Swan River foreshore from Harvey Beach to Minum Cove and incorporates several natural features that bring character to the landscape. One feature of concern is the unstable limestone cliff face forming Rocky Bay. The cliff face has undergone several assessments over the years outlining the geological make-up and associated risks for individuals that utilise the cliff face area.

A rock slip event occurred on the 14th July 2010 in the area surrounding the Wagyl Cave and Rule Street stormwater outfall. The rock slip damaged a small timber foot bridge, remnant industrial brick-concrete foundation and vegetation in its path before coming to rest at the high water mark. The geological report commissioned by council officers indicated that the rock slip originated from the rim of the cliff. This area had been under geological surveillance for the last 25 years.

There is no evidence that a specific policy addressing rock slips has been adopted by Council however, the City has existing policies associated with the North Fremantle Foreshore including the North Fremantle Foreshore Plan DGN7 and Foreshores within the City of Fremantle DGF9.

As a result of the recent rock slip concerns have been raised regarding the City's position on allowing and managing physical public access to the cliff face and the long term management of issues related to rock slips.

COMMENT

It is considered that the remaining unfenced portions of the cliff face be restricted from public access due to the inherent risks associated with the landscape. This would include the extension of the existing cliff top fencing along the remaining unfenced portions of the cliff top. Whilst public access is limited in this area of the North Fremantle Foreshore; more appropriate access is offered at Harvey Beach.

Other considerations are the cultural significance of the area to Noongars. Rocky Bay Reserve contains two registered Aboriginal Sites the Swan River (Site ID 3536) and the Wagyl Cave (Site ID 3596). The associated Rocky Bay Rock Slip Report indicated that the integrity of the Wagyl Cave pillars is being undermined by pedestrian traffic.

As part of the project to develop a coherent approach to development along the river there has been significant discussion with traditional Noongar elders to produce a plan for development works to be approved under the Section 18 of the Aboriginal Heritage Act. Consultation on the 13th and 14th of October 2010 with the designated Traditional Owners of the Swan River and Wagyl Cave sites (as part of a wider review of consultation requirements under Section 18 of the Aboriginal Heritage Act) indicated that they preferred that the Wagyl Cave be completely restricted from public access.

In the interim, additional signage has been installed in the area, warning reserve users of the associated risks involved with the cliff face and prohibiting public access until further notice. In addition, the affected area has been restricted from physical public access via danger tape and pedestrian barriers.

RISK AND OTHER IMPLICATIONS

Financial

The development and implementation of an updated North Fremantle Foreshore Policy, which would be reflected in an update of the North Fremantle Foreshore Management Plan that would include an access management plan, would require an allocated budget. It is proposed that funding would be nominated for inclusion in the 2011/12 budget.

Legal

Addressing the risks associated with public access will mitigate the City's exposure to potential public liability issues.

Operational

The restriction of access to the cliff face landscape will require capital expenditure for both signage and infrastructure.

Organisational

Nil

CONCLUSION

The management of physical public access and risks associated with the landscape of Rocky bay Reserve 7077 is considered the City's responsibility under both State Legislation and the Reserves Vesting. The remaining unfenced portions of the cliff face should be restricted from public access due to the inherent risks associated with the landscape. This would include the extension of the existing cliff top fencing along the remaining unfenced portions of the cliff top; this would help to mitigate the City's exposure to public liability. Additionally, in keeping good faith with the Traditional Owners of the Registered Sites it is recommended to restrict physical access to the cliff face for the preservation of the integrity of the Wagyl Cave.

STRATEGIC AND POLICY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

- 1. The remaining unfenced portions of the cliff face are restricted from public access; this would include the extension of the existing cliff top fencing along the remaining unfenced portions of the cliff top.**
- 2. Incorporate appropriate budgetary requirements for implementing research, signage and infrastructure**
- 3. Carry out further research on the stability of the cliff face and the associated mitigation for risks to the City.**

SGS1101-4 INFORMATION REPORT FOR JANUARY 2011

SOUTH TERRACE IMPROVEMENTS WORKING GROUP

DataWorks Reference: 039/067
Author: Philip Gale, Acting Director Technical Services
Agenda Attachments: Attachment 1 - Minutes - South Terrace Improvements Working Group - 22 November 2010

The minutes of the South Terrace Improvements Working Group for 22 November 2010 are attached.

OFFICER'S RECOMMENDATION

The information report for January 2011 be received.

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.

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

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

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

Issues that Council May Treat as Confidential

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

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

