MINUTES

Strategic & General Services Committee

Wednesday, 12 September 2012, 6.00 pm
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DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.01pm.

NYOONGAR ACKNOWLEDGEMENT STATEMENT

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

IN ATTENDANCE

Cr Jon Strachan               Presiding Member / South Ward
Cr Doug Thompson             North Ward
Cr Tim Grey-Smith           Deputy Presiding Member / City Ward
Cr Dave Coggin              East Ward
Cr Sam Wainwright           Hilton Ward
Cr Josh Wilson              Deputy Mayor / Beaconsfield Ward

Cr Andrew Sullivan          Observing only

Mr Glen Dougall            Director Corporate Services
Ms Marisa Spaziani         Director Community Development
Mr Peter Pikor             Director Technical Services
Mr Alan Carmichael       Manager Finance and Administration
Mr Michael Leers           Coordinator Parks and Landscape
Mrs Mia Zaknich           Minute Secretary

There were 7 members of the public and no members of the press in attendance.

APOLOGIES

Mr Graeme Mackenzie        Chief Executive Officer
LEAVE OF ABSENCE

Brad Pettitt  Mayor  
Cr David Hume  Beaconsfield Ward

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Ms Georgie Adeane spoke in support of item SGS1209-5, Proposal for Saturday Multicultural Food Markets – Bathers Beach, Arthur Head Reserve, Fremantle.

Mr Phil Douglas on behalf of the Fremantle Workers and Leisure Club spoke in support of Item SGS1209-7, Request for self supporting loan – Fremantle Workers and Leisure Club.

DEPUTATIONS / PRESENTATIONS

Nil

DISCLOSURES OF INTEREST BY MEMBERS

Cr J Wilson declared an impartiality interest in item number SGS1209-5. Due to the applicant being a former City of Fremantle Councillor and friend.

LATE ITEMS NOTED

Nil
CONFIRMATION OF MINUTES

MOVED: Cr J Strachan

That the Minutes of the Strategic and General Services Committee dated 8 August 2012 as listed in the Council Agenda dated 22 August 2012 be confirmed as a true and accurate record.

CARRIED: 6/0

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TABLED DOCUMENTS

Nil
REPORTS BY OFFICERS (COUNCIL DECISION)

At 6.19pm Cr J Wilson declared an impartiality interest in item number SGS1209-5 and was absent during discussion and voting of this item.

SGS1209-5 PROPOSAL FOR SATURDAY MULTICULTURAL FOOD MARKETS - BATHERS BEACH, ARTHUR HEAD RESERVE, FREMANTLE

DataWorks Reference: 049/008
Disclosure of Interest: Nil
Meeting Date: 12 September 2012
Previous Item: Nil
Responsible Officer: Glen Dougall, Director Corporate Services
Actioning Officer: Nadine Weller, Acting Property Coordinator
Decision Making Authority: Council
Agenda Attachments: Map of proposed affected area.
Confidential Attachment - Proposal for multicultural food market (under separate cover)

EXECUTIVE SUMMARY

The City has received a proposal from the Coordinator of the Growers Greens Farmers Markets for a Saturday market to be held on the concrete area between the Shipwright Building (Kidogo Art House) and the Fishermans Co-op building on Saturdays between the hours of 11am and 6pm.

The market would consist of a range of produce and food products of different ethnic varieties in addition to clothing and furniture stalls and the promise of discounted rental to encourage local artists. The focus being on social activity with food, arts and culture to cater for families and tourists to Bathers Beach.

BACKGROUND

The proposal looks to utilise the newly revitalised Bathers Beach area in a positive way to encourage tourist and local participation by creating a draw card. Initially there will be approximately 20 stalls with the objective for growth to a sustainable number on this site.

The aim is to provide a large range of international food including but not limited to; Korean, Moroccan, Argentinean, German, Spanish, Japanese and French.

Further to the food stalls, encouragement will be given for local artists to join the markets at a discounted stall rental. Furniture and clothing stalls will also be included, selling selected products from overseas countries.

Children’s entertainment will also be provided to create a family friendly environment and fun atmosphere.
The applicant has taken local businesses into account with no products sold by nearby businesses to be replicated in the markets. The goal is to achieve a benefit and not a hindrance to surrounding enterprises by creating increased traffic flow and activating the Arthur Head precinct.

Professional advertising in the form of flyers and local paper advertisements will be sourced to publicise and promote the Saturday markets.

**COMMENT**

The location for this enterprise could be of a great benefit to the Bathers Beach area, encouraging the positive use of the public space whilst adding a multicultural aspect to the area on a weekly basis. The application requests for a trial period to occur first for a period of three months, if successful and both the applicant and City support a continuation then the applicant is prepared to enter into a commercial based lease.

The applicant has advised they will provide power to the site whilst the use of the nearby Esplanade Reserve toilets will be available for the public’s use.

The markets will be subject to regulatory approvals such as environmental health and the necessary arrangement of rubbish removal needs to be negotiated with the City. Water is available on site but will need to be approved before use is made available to the applicant.

Discussions with local businesses and stakeholders will need to be entered into prior to this trial taking place and their feedback will also need to be appraised before a further term is offered to the applicant. Although this project may have a positive impact on surrounding businesses, lack of communication prior to its commencement could sour the effect and their relationship with market management. It is considered appropriate that the applicant approach other local businesses to discuss the proposal prior to commencement of the trial period, if supported by Council.

A copy of the proposal is attached under separate confidential cover.

**RISK AND OTHER IMPLICATIONS**

**Financial**

Nil

**Legal**

All stall holders will be required to provide certification of public liability insurance no less than $10 million. The applicant, as market manager, will also be required to provide same.
Operational

As food is the prime market product available and this will most likely be sold in a 'fast food' fashion, rubbish collection and removal from the site will need to be managed and closely monitored to ensure no negative affects to the reserve, especially considering the markets close proximity to Bathers Beach and ocean.

Organisational

Any agreement with the applicant will be subject to City of Fremantle Environmental Health Regulations.

CONCLUSION

The applicants aim to provide a collection of multicultural tastes, focus on family and social interaction could potentially provide a further tourist location within the City of Fremantle and would fall in line with the City’s plan for the Arthur Head precinct.

Initially, the applicant would like to run the markets between the hours of 11.00am until 6.00pm every Saturday, with the hope that should they continue beyond a three (3) month trial, to extend hours during summer months to make use of extended daylight hours. The applicant hopes the option of a sunset market on Friday evenings may also be a possibility if the enterprise becomes fruitful.

STRATEGIC AND POLICY IMPLICATIONS

- Create a great place to live, work and place through growth and renewal.
- Strengthen Fremantle’s economic capacity.
- Sustain and promote strategic initiatives that will grow our diverse arts culture.

COMMUNITY ENGAGEMENT

Feedback from local stakeholders will need to be accessed.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER’S RECOMMENDATION

Council support the proposal from Georgie Adeane to trial a multicultural food market between the Shipswright building (Kidogo Art House) and the Fishermans Co-op building at Bathers Bay on Saturdays between the hours of 11am and 6pm for a period of three months.
Cr J Strachan moved the following alternative recommendation:

Council support the proposal from Georgie Adeane to trial a multicultural food market between the Shipwrights building (Kidogo Arthouse) and the Fishermans Co-op building at Bathers Bay on Saturdays between the hours of 11am and 6pm for a period of three months subject to the applicant first engaging with the local stakeholders to advise of the proposal.

Cr D Thompson MOVED to defer the item to the October Strategic and General Services Committee so that City officers may engage with local stakeholders in regards to the request prior to Council consideration.

CARRIED: 5/0

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REASON/S FOR CHANGE TO OFFICER’S RECOMMENDATION

Deferral is recommended so that City officers may engage with local stakeholders therefore the alternative recommendation put by Cr Jon Strachan was not voted on.
Cr J Wilson returned to the meeting at 6.31pm.

SGS1209-7 REQUEST FOR SELF SUPPORTING LOAN - FREMANTLE WORKERS AND LEISURE CLUB

DataWorks Reference: 090/001
Disclosure of Interest: Nil
Meeting Date: SGS 13 September 2012
Previous Item: Nil
Responsible Officer: Glen Dougall, Director Corporate Services
Actioning Officer: Alan Carmichael, Manager Finance & Administration
Decision Making Authority: Council
Agenda Attachments: Policy SG23 - Loans to Clubs & Associations
Request from Fremantle Workers Club & Budget

EXECUTIVE SUMMARY

The Fremantle Workers Social and Leisure Club Inc (trading name Fremantle Workers Club) have requested Council to provide them with a $330,000.00 self supporting loan and indicated they are agreeable to provide a first mortgage over their freehold property at 7-9 Henry Street Fremantle as security against the self supporting loan.

BACKGROUND

Council has a policy (SG23) on Loans to Clubs and Associations.

If the self supporting loan is approved by Council, the City would raise a loan debenture for the approved amount and enter into an agreement with the Fremantle Workers Club whereby they would be required to repay the City on the same cycle and for the same amount that the city would repay the lender it borrowed the funds from.

COMMENT

The most recent example of a self supporting loan approved by Council was the 2006 loan to Silver Chain Nursing associated with the closure and transfer of aged care bed licenses from Stan Reilly.
Policy SG23 requires certain information to be provided by the applicant and comment on that is as follows:-

a) Names of guarantors. The club is willing to provide a first mortgage over their unencumbered freehold property at 7 9 Henry Street Fremantle which adequately covers the requirement for the provision of security to cover any potential default.

b) Provision of Budgets. The club has provided a budget for 2012/2013 indicating a net profit of $31,380.00.

c) Brief details of history, etc. The letter requesting the loan and which is attached to this report outlines the applicable information.

d) Existing loan advances. Not applicable.

e) Approval of any resulting development. The club are aware of requirement, but proposed kitchen improvements and other repairs and maintenance are unlikely to require planning/building approval.

With the self supporting loan to Silver Chain clauses were inserted to clarify that they were required to make the repayments without any reminder notice being issued by the City, plus penalty interest being applicable for any late payments. The clubs submission noted they had no objection to those requirements along with their agreement to reimburse the City's costs incurred in preparing the contractual agreement and registering the first mortgage.

The budget submitted by the club is what they call a trading budget and does not include what they refer to as the debts of the previous regime. Those debts of the previous are estimated at $260,000 and include approximately $8,900 of the 2011/12 Council rates, where the club have a current arrangement with the City to pay at $1000 per month. In addition, there is now a further $9,616.20 for the 2012/13 rates that are due on 2 October 2012. The club has clarified that upon receipt of the loan they would clear their rates debt to the City of Fremantle and to keep its rates current at all times i.e. any overdue rates would be a breach of the agreement. It is being recommended that any proposed agreement between the City and the club provides for the rates on the first mortgaged property be keep current at all time, ie - any overdue rates would be a breach of the agreement.

Given the requirement for public advertising, it would be towards the end of November 2012 before a loan could be drawn down and on that basis the first repayment would not be due until 1 July 2013 which falls outside of the timeline for the budget submitted, however from 2013/2014, there would be interest only repayments per year of approximately $13,200 and $48,700 per year from 2015/2016 for 8 years. Therefore based on the budget submitted the club would need to be looking at doubling their net profit within 2 years or servicing the loan could become a problem.

It is noted that there has been recent media interest regarding the Swan Yacht Club, including their links to the Fremantle Workers Club. From those articles and the Fremantle Workers Club submission it could be inferred that some of the money raised from the loan will be used to repay monies to the Swan Yacht Club.
The letter from the club also makes reference that they intend to engage in talks with the Fremantle Park Tennis and Bowling Clubs about the possibility of combining with them to build a new sporting and community facility on Fremantle Park in the future. This report has not sought to address the issue of social clubs within Fremantle and their viability and/or amalgamation / consolidation issues.

RISK AND OTHER IMPLICATIONS

Financial

With a first mortgage over unencumbered freehold property there is excellent security provided against the loan, however that security is only good if Council is prepared to address promptly any default on the loan repayments if they were to occur in the future.

Debt service ratios are reported to two decimal places in the financial statements and at that level of sensitivity a $330,000 self supporting loan is unlikely to change the percentage reported.

Legal

Section 6.20 of the Local Government Act 1995 refers. As the proposed loan was not included in the 2012/2013 budget, the City must give one month's local public notice before it could action a decision of Council. The Council decision must also be made by an Absolute Majority.

Operational

The raising of a self supporting loan and managing it over its term is an administrative task that is currently performed for other loans.

Organisational

The issue of rationalisation or amalgamation of social clubs in Fremantle has not been addressed in this item, but the issue has been raised by the Fremantle Workers Club in their submission therefore it is anticipated that the city will need to give consideration and attention to the matter sometime in the future.

CONCLUSION

The Fremantle Workers Club are providing adequate security for the proposed loan, therefore it remains for elected members to be satisfied that making the loan under the arrangements proposed are in the best interests of the City.

STRATEGIC AND POLICY IMPLICATIONS

The linkage from Strategic Plan is the ‘Character’ strategic imperative that is to sustain and grow arts and culture and preserve the importance of our social capital, built heritage and history.

The City has an existing policy on Loans to Clubs and Associations which has been addressed in the item.
COMMUNITY ENGAGEMENT
Nil

VOTING AND OTHER SPECIAL REQUIREMENTS
Absolute Majority Required

COMMITTEE AND OFFICER’S RECOMMENDATION

MOVED: Cr J Strachan

That the City of Fremantle provides a self supporting loan of $330,000 to the Fremantle Workers Social & Leisure Club Inc (club) on the following basis:-

a) The city complies with all statutory advertising requirements before raising the loan.
b) The club provide first mortgage security over its unencumbered premises at 7 - 9 Henry Street Fremantle.
c) The club reimburse the city for the full cost of preparing a contractual agreement and registering the first mortgage.
d) The loan is for a 10 year period with:
   i. Interest only repayments for the first two years of the loan.
   ii. Repayments on January 1st and July 1st each year.
   iii. The city is not required to provide the club with reminder notices of when repayments are due'
   iv. Penalty interest will apply on any overdue repayments
e) That a requirement be incorporated into the agreement requiring the Council rates on the mortgaged property to be current at all times during the term of the loan otherwise the loan will be deemed to be in default.

CARRIED: 6/0

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REPORTS BY OFFICERS (COMMITTEE DELEGATION)

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

SGS1209-1 QUARANTINED BUDGETS BUILDING WORKS PROGRAMS

DataWorks Reference: 091/014
Disclosure of Interest: Nil
Meeting Date: 12 September 2012
Previous Item: Nil
Responsible Officer: Peter Pikor, Director Technical Services
Actioning Officer: Philip Gale, Manager Infrastructure Services
Decision Making Authority: Committee
Agenda Attachments: Nil

EXECUTIVE SUMMARY

As part of the Council budget process, budgeted programs relating to building capital works for disability access upgrades, residual current device (RCD) compliance and upgrades, fire detection and equipment, and safety tie off points have been placed in a quarantine status. This item seeks to remove the quarantine status attached to the safety tie off program by assigning it to the City's Administration facility, allowing the photovoltaic (PV) panel project to be completed on a timely basis in the 2012/13 financial year.

BACKGROUND

Four generic building programs have been approved by Council for the 2012/13 financial year as part of the capital works budget; however the priority of work programming based on such factors as the condition of specific assets was not able to be finalised prior to budget adoption. Consequently, the budgets were placed in a quarantine status pending approval of individual project works at the committee level.

Budgets approved on a quarantine basis relate to disability access upgrades ($35,000), RCD compliance and upgrades ($10,000), fire detection and equipment ($25,000), and safety tie off points ($10,000).

Based on a renewed assessment of the priority of works to be undertaken in these overall programs, it is proposed to provide details (at the October Strategic and General Services Committee meeting) of the facilities which are proposed to be completed for the three quarantined programs, outside of the safety tie off points work.
COMMENT

The quarantine status for the safety tie off work budget is proposed to be removed at this stage to allocate it against the City’s Administration building roof. This will allow the installation of the PV panel project to proceed on a timely basis.

The cost of these extra works associated with the PV project was not specifically budgeted for within its costs because the extent of safety work was not specifically anticipated.

The PV cell installation project in the Town Hall and City Administration building roof space requires tie-off points for the City’s occupational health and safety requirements.

Consideration has been given to potential changes to the City Administration building and these works will render some of the tie-off points redundant. However, these tie-off points will be used elsewhere as required if the potential refurbishment project is undertaken.

RISK AND OTHER IMPLICATIONS

Financial

There are no specific budget implications as the work programs have been already approved through Council and this item only seeks to remove the quarantine status through allocation of the budget to a specific building facility.

Legal

Nil

Operational

Nil

Organisational

Nil

CONCLUSION

Nil

STRATEGIC AND POLICY IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil
VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE DECISION

MOVED: Cr J Strachan

The Strategic and General Services Committee, acting under delegated authority from Council, approves the removal of the quarantine status from the $10,000 budget related to the building safety tie off points program with the allocation of funding to the City's Administration building.

CARRIED: 6/0

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For: Cr Jon Strachan, Cr Tim Grey-Smith, Cr Sam Wainwright, Cr Dave Coggin, Cr Doug Thompson, Cr Josh Wilson

Against: None
REPORTS BY OFFICERS (COUNCIL DECISION)

SGS1209-2  SOUTH BEACH UNIVERSAL ACCESS PROPOSAL

DataWorks Reference: 035/010; 023/002
Disclosure of Interest: Nil
Meeting Date: 12 September 2012
Previous Item: Nil
Responsible Officer: Peter Pikor, Director Technical Services
Actioning Officer: Peter Pikor, Director Technical Services
Decision Making Authority: Council
Agenda Attachments: Attachment 1 - images of location and proposal
Attachment 2 - superimposed image

EXECUTIVE SUMMARY

The Fremantle Sailing Club (through a club member) has submitted a proposal to build a universal access ramp from the existing seawall near the Fremantle Sailing Club off South Beach.

It has been indicated that the construction of an access ramp from seawall between South Beach and the Fremantle Sailing Club would make it easier for young sailors to access the ocean.

There are two access ramps incorporated in the project. One ramp is for dinghy sailors and kayakers and the other for wheelchair users. The wheelchair ramp will enable swimmers with disabilities to gain direct wheelchair access to the waters off South Beach across a paved surface and along a purpose built disability ramp.

The boat ramp will enable dinghy sailors to hand launch their boats directly into the ocean. This ramp will also enable kayakers to wheel across the paved surface to the ocean.

There will be no vehicular access permitted to this universal access ramp.

It has been indicated that the construction of the Universal Access ramp will not require funding from the City and will be funded through the Sailing Club and from other sources.

The Fremantle Sailing Club is seeking Council’s in principle support for this proposal and also for the City to undertake the community engagement process.
BACKGROUND

The Fremantle Sailing Club (through a club member) is leading a proposal to build a universal access for dinghy sailors, disabled swimmers and kayakers from the seawall that borders the Sailing Club and South Beach.

The objectives of the universal access are to:
1. Provide direct access into south Beach for young dinghy sailors, swimmers with disabilities and kayakers
2. Build a structure that is minimal in size and bulk whilst integrating with the surrounding built environment both functionally and aesthetically
3. Avoid interference with the communities current use and enjoyment of South Beach
4. Facilitate the accretion of sand against the rocks in the northern corner of South Beach, thereby effectively increasing the size of the beach.

There are two ramps incorporated in the project, one for dinghy sailors and kayakers and one for wheelchair users.

Currently, swimmers with disabilities using wheelchair have no direct access to the ocean along this section of coast. The wheelchair ramp will enable swimmers with disabilities to gain direct wheelchair access to the waters off South Beach across a paved surface and along a purpose built ramp.

Young dinghy sailors wishing to sail in the waters off Fremantle must currently navigate a narrow, one kilometre channel shared with powerboats to access the ocean. The boat ramp will enable dinghy sailors to hand launch their boats directly into the ocean. It has been indicated that the dinghy sailors will prepare their boats on the grounds of the sailing club and will return their boat trolleys to the club after launching their boats.

This ramp will also enable kayakers to wheel across a paved surface to the ocean. There will be no vehicular access permitted to the universal access.

The proposed structure will extend approximately 76 metres long and be 35 metres wide. The seawalls of the ramps will be constructed of limestone rock and the ramps of concrete with a non-slip surface.

This concept has been prepared by two engineers with expertise in marine based engineering and coastal morphology.

The proposed layout is shown on the attachments, including a three dimensional superimposed view.
COMMENT

The proposal provides for safe immediate access to the ocean for young dinghy sailors together with convenient launching of kayaks and a universal access to the ocean off South Beach for people with disabilities. The proposed concept structure provides the minimum requirements in order to provide safe universal access with sufficient protection from wave action.

It is considered that the universal access will not impact on users of South Beach as it will be located off the beach by a sufficient distance to have minimal impact on the users of the beach.

RISK AND OTHER IMPLICATIONS

Financial

It is intended that the cost of the construction will be funded through the Fremantle Sailing Club and other sources and therefore this will not require a funding allocation from the City.

Legal

The seabed on which the proposed universal access will be built on is controlled by the Department of Transport. On the basis that the proposal proceeds, the area of seabed required for the universal access will be vested in the City.

Operational

If the proposal is constructed and vested in the City, then it will be responsible for the ongoing maintenance and upkeep.

Organisational

Nil

CONCLUSION

Whilst this project is in its early stage there is merit in the Council having a position on whether it supports in principle the universal access concept so that consultation can be undertaken to determine the views of the community.

Whilst providing in principle support to the universal access concept, it does not commit the City to provide funding for the construction of the proposal.

It is considered that the proposal as submitted has benefits for young dinghy users and provides universal access for people with disabilities. It is recommended that Council gives in principle support to the proposal and undertakes the community engagement.

STRATEGIC AND POLICY IMPLICATIONS

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

It has been requested that the City provide the resources and undertakes the community engagement process on the proposed. It is estimated that the cost to undertake this community engagement is in the order of $7500.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE AND OFFICER'S RECOMMENDATION

That Council;

1. Gives in principle support for the proposed universal access concept from the seawall at the Fremantle Sailing Club as shown on Attachment 1.

2. Authorises for the City to provide the resources and undertake the community engagement process to determine the extent of support for the proposed universal access concept from the seawall at South Beach.

MOVED: Cr J Strachan

CARRIED: 6/0

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SGS1209-3 NORFOLK ISLAND PINE TREE AND DAMAGE TO RESIDENTS WALL - 8 LOUISA STREET

DataWorks Reference: Nil
Disclosure of Interest: Nil
Meeting Date: 12 September 2012
Previous Item:
Responsible Officer: Peter Pikor, Director Technical Services
Actioning Officer: Lionel Nicholson, Manager City Works
Decision Making Authority: Council
Agenda Attachments: Paperbark Technologies Arboricultural report

EXECUTIVE SUMMARY

At the rear of the property at 8 Louisa Street, South Fremantle (in Silver Street), a verge tree, *Araucaria heterophylla* (Norfolk Island Pine), has a number of large roots extending beneath the property’s rear boundary limestone wall. These roots are the direct cause of vertical staggered fractures extending completely through the wall, which is less than 1 metre from the tree. There is anecdotal evidence the wall was built sometime during the 1980’s and the tree appears to have been planted about 30 years ago and is now some 20 metres tall with a canopy spread of 6 - 8 metres and appears healthy and structurally sound. There are two Norfolk Island Pines on this side of the street, both of similar age and dimensions, with more than six London Plane Trees being the dominant theme on the north side of Silver Street. City officers were approached by the property owner to repair the wall as well as put in place measures that will prevent further damage. After seeking advice from an arboricultural consultant, it was advised that proposed treatments excluded the possibility of root pruning. Several other options were explored which included to remove the tree completely and repair those cracks in the wall for which the tree is directly responsible, repair the wall and install bridging to minimise further damage while retaining the tree or repair the wall and transplant the tree.

After considering the costs and other long term implications, it is recommended to remove the tree and repair the wall. The City’s current Tree Planting and Preservation Policy (2005) states;

*8.2 Tree root damage to buildings, walls and other structures allows for the tree to be removed.*

In practice, trees have generally been removed when dead, dying, diseased or considered an inappropriate species. There is the potential for further requests for other trees in Silver Street to be removed due to their observed damage to private property. As a result, Council approval is requested to remove the tree at rear of 8 Louisa Street.
BACKGROUND

Trees and their damaging interaction with adjacent infrastructure is a problem shared with most Council’s. Inherent problems exist when designing an environment where the built form and static structures are to coexist with trees. For City officers, two assets must be considered; the tree and the surrounding infrastructure. Where the desired outcome of a streetscape is for large canopy trees with potentially vigorous root systems, the responsibility is put on either the engineer to design a solution, or the arborist to remove the tree.

An exploratory excavation carried out parallel to the fractured wall revealed that a number of roots have extended beneath the boundary wall, resulting in its movement and subsequent fracture. The roots of most concern are 300mm in diameter and 150mm in diameter, of which extends directly under the wall. The consultant advises the larger root cannot be pruned as it is a primary root within close proximity to the trunk and removal will be detrimental to the structural stability of the tree. However, it is feasible to retain the tree by removing the damaged sections of the wall, bridging over the roots using concrete or steel lintel and rebuilding the wall on top. There is strong anecdotal evidence both the wall and tree were installed sometime during the 1980’s and as such, planning approval was not required and no plans of the wall exist with the City and there are no records of the City planting Norfolk Island Pines in Silver Street. Given that potential liability exists for damage to private property, alongside the resident’s latest communication in which he offers to repair the wall at his own cost if the City removes the tree, this action appears an effective solution.

Though the two Norfolk Island Pines are of significant size, there are only two in this street and both are planted about 1 metre from the nearest private infrastructure. On the same side of the street there is one Cook Island Pine of smaller dimensions. The dominant tree theme for this street is the London Plane Tree, which appears to be of similar or less age and if allowed to fully mature, will provide a shady and full canopied streetscape.

It is considered that removal of the Norfolk Island Pine will have a negative impact on the visual amenity of Silver Street and surrounding areas because of its size and length of time in the landscape. Further, community engagement has not yet occurred and the City is unable to determine the community’s attitude towards the trees removal at this stage. If the tree is removed, there is the option of replacing it with a smaller tree that is more suited to growing in these types of confined spaces, such the Callery Pear or other ornamental deciduous trees.
COMMENT

The damaging interaction on nearby private property of large street trees planted in confined spaces is evident at the rear of 8 Louisa Street. The City now needs to consider the management options for the two assets, with the main consideration being whether or not to retain the tree. The question of retention versus removal must consider the trees' value to the landscape and environment against any of the negative impacts presented by a large tree growing in a confined space. The process of removing the tree should and will undergo the appropriate notification for nearby residents, followed by possible replacement in the same or other nearby location. Even so, this action is likely to exacerbate requests for other tree removals nearby. These requests will need to be carefully addressed.

RISK AND OTHER IMPLICATIONS

Financial

There are four options to be considered when deciding the most appropriate management solution;

- **Option 1** - repair the wall only at a cost of $6,050. This may be covered by the City's liability insurance
- **Option 2** - remove the tree completely and repair the damage in the wall at a cost of $7,865
- **Option 3** - undertake wall repairs, retain the tree and install root bridging with a probable cost of $25,000
- **Option 4** - repair the wall and transplant the tree at a cost of $50,000. Transplanting this Norfolk Island Pine will require heavy pruning of some existing trees and removal of others, in order to facilitate the movement of tree and machinery.

Legal

There is a potential liability for damage to private property.

Operational

Nil.

Organisational

Nil.

CONCLUSION

When evaluating the long term usefulness and consequences of this Norfolk Island Pine against the likely damage and maintenance costs to private and public property, responsible and sustainable management solutions must be implemented. As the dominant tree theme for Silver Street is the London Plane Tree and considering the Norfolk Island Pine does not offer any significant heritage, habitat or other environmental value, the City recommends complete removal of this tree and accepts the owners offer to repair the damage it has incurred on the residential wall of 8 Louisa Street.
STRATEGIC AND POLICY IMPLICATIONS

Urban Renewal and Integration  
Climate Change and Environmental Protection  
Tree Planting and Preservation Policy (2005)

COMMUNITY ENGAGEMENT

Though not conducted, residents will be notified with opportunity for their comments to be received and assessed.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE AND OFFICER’S RECOMMENDATION

MOVED: Cr J Strachan

That Council approves the removal of the large Norfolk Island Pine in Silver Street at the rear of 8 Louisa Street, South Fremantle with the property owner to repair the limestone wall, as offered.

CARRIED: 6/0

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EXECUTIVE SUMMARY

The Fremantle Rugby League Club (FRLC) located at Ken Allen Field, corner of Shepherd and Jeffrey Streets, Beaconsfield, has requested that the two natural power charges that were issued to the club be waived in full;

- 1/07/09 – 30/06/10 - $3,338.57 + GST
- 1/07/10 – 30/03/11 - $1,975.36 + GST

A total of $5,345.32 inc. GST.

The FRCL states the followings reasons for their request in a letter dated 15 June 2012;

- Bills for these charges were sent without prior notice and without explanation.
- We did not receive the letter advising City of Fremantle tenants of the Green Energy levy, apparently sent out by John Amor around April 2009.
- The kWh rate for power quoted in the letter of April 2009 was 40% lower than the rate the FRLC was using at the time.
- To the best of our knowledge, no other sporting club in City of Fremantle is being asked to pay this levy – they pay Synergy direct for their power.

Although FRCL understand and agree with the City's Carbon Neutral initiative, they feel that is unfair they bear the cost of a natural power levy only because the Synergy account for the Ken Allan Field premise is in the name of City of Fremantle. All other sporting facilities under the City of Fremantle with the exception of the Fremantle Netball Association, have accounts with Synergy registered to the separate sporting clubs therefore excluding them from being liable to pay a natural power levy.
BACKGROUND

The FRLC signed a Lease with the City of Fremantle, for the use of Ken Allen Field on 2 October 1978 for a period of twenty (20) years expiring on the 1 October 1998 without any further options and remains on a monthly tenancy agreement.

The Reserve as a whole, between Shepherd, Jeffery and Carrington Street, is utilised by Hilton Park Bowling Club, Fremantle United Soccer Club at Hilton Park lower and FRLC on Ken Allen Field, all of which hold leases with the City of Fremantle. The facility on Hilton Park Upper is hired on a seasonal basis to Hilton Junior Cricket Club and Hilton/Palmyra Senior Cricket Club.

When the City implemented the decision to transfer all accounts over to natural power in line with the City’s Carbon Neutral Scheme, Synergy was advised to switch all City accounts to Natural Power so that the additional charges were implemented in their monthly invoices.

However, as Synergy had only recently taken on a new invoicing system they had problems with the natural power being added to eight (8) of the City’s accounts, which included Ken Allan Field. These properties are on a special tariff negotiated by the WA Local Government Association and Synergy’s new program was unable to add the Natural Power charges to these accounts whilst the Tariff was in place.

Approximately 15 months after the implementation of the Natural Power the City received a bulk invoice for Natural power to all eight (8) properties for the period 1/07/09 – 30/06/10, only then was the City able to pass on these costs to the tenants.

The current Synergy account received for the FRLC is calculated on a monthly basis with the use of sub meter reading’s as portions of the energy used are payable by the City. As there were no dated time periods on the bulk Natural Power invoice received from Synergy the FRLC’s charge was determined by the average percentage of the monthly charge for the previous 12 months (71.33%). This totalled $3,339.57 + GST.

Due to the ongoing issues with Synergy natural energy charges on the tariffed properties the City reviewed options for purchasing renewable energy for these sites. Another supplier was identified who was able to provide renewable energy credits and the City purchased 9 months worth of credits in advance for the period 1/07/2010 to 30/03/2011. The credits were more cost effective and therefore the charges passed on were lower than the previous year. However, as these charges were to be passed to tenants in advance, the average percentage calculated from 12 months previous charges (71.33%) was once again used to calculate the tenant recoverable total $1,975.36 + GST.

The FRLC approached officers with queries regarding the natural power charges. The City provided a full explanation on how the charges were implemented and calculated. Synergy’s delay with invoicing the City for the period spanning 1/07/2009 to 30/06/2010 also explained why FRLC was not invoiced until 1 November 2010 for the amount of $3,338.57 + GST as well as the change to purchasing energy credits explained the advanced charge for period including 1/07/2010 to 30/03/2011 for the amount of $1,975.36 + GST invoiced on 5 November 2010.
On 15 June 2012, FRLC issued a formal request in writing for the natural energy charges to be waived on the basis that no other City of Fremantle Sporting Associations were being asked to pay a Natural energy levy.

COMMENT

In the past, the FRLC has struggled with outgoings payable to the City but in the last two years, after a reshuffle within the association and a foundation built from communication between new club management and City officers these arrears have been managed and are under control with the natural energy charges being the only outstanding on the FRCL debtor account.

As per Lease terms and conditions, sporting associations are liable for outgoing costs which include electricity usage. However, other sporting associations within the City of Fremantle have the Synergy accounts for their leased premises under the name of the sporting club. As the electrical meter at Ken Allan Field also services the seasonal hire facility at this site, the Synergy account has remained under the City of Fremantle with the correct electricity usage portion charged to FRLC as Synergy accounts are received.

The Synergy account for Ken Allen Field covers both the Fremantle Rugby League Club and the facility used for seasonal hire by the City. The adjacent area to Ken Allen Field (known as Hilton Upper), is used by the Hilton Junior Cricket Club and Hilton/Palmyra Senior Cricket Club on a seasonal hire agreement with the City. As the cricket clubs are only entitled to pay hire fees, the electricity usage for their facility is paid by the City. Sub-meter readings are used to calculate monthly charges liable to each party, being City of Fremantle and FRLC.

As natural energy was only implemented to City of Fremantle accounts, FRLC became liable for the natural energy charges.

The only other sporting association that has a shared with Synergy under the City of Fremantle is the Fremantle Netball Association (FNA). The FNA's premises are not part of the eight (8) tariffed properties that caused problems with Synergy's invoice system. The natural energy was invoiced monthly as part of the normal charges.

RISK AND OTHER IMPLICATIONS

Financial
The City would bear the cost of the natural energy levy for Ken Allen Field for the amount of $5,845.32 inc. GST

Legal
Nil

Operational
Nil
CONCLUSION

The City of Fremantle was not at fault regarding the delay in charge nor that the FRLC was charged an annual fee for natural energy, however the explanation on what these charges were and how they were calculated was delayed even though ultimately provided.

Neither the Hilton Bowling Club nor Fremantle United Soccer Club located on the same reserve as the FRLC were liable to pay for the natural energy levy due to the Synergy accounts for both these facilities being in the name of the clubs that occupy them. The only reason that FRLC became liable for the cost of natural power was due to the shared use of the same electricity meter.

STRATEGIC AND POLICY IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr J Strachan

The City of Fremantle write off the Natural Power debts for the Fremantle Rugby League Club totalling $5,845.32 (inc GST);

- 1/07/09 – 30/06/10 - $3,338.57 + GST
- 1/07/10 – 30/03/11 - $1,975.36 + GST

CARRIED: 6/0

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SGS1209-6  NORTH FREMANTLE ASSOCIATED SPORTS CLUBS - DEBT WRITE-OFF

DataWorks Reference: L062
Disclosure of Interest: Nil
Meeting Date: 12 September, 2012 and 26 September, 2012
Previous Item: Nil
Responsible Officer: Glen Dougall, Director Corporate Services
Actioning Officer: Nadine Weller, Acting Property Coordinator
Decision Making Authority: Council
Agenda Attachments: Nil

EXECUTIVE SUMMARY

The North Fremantle Associated Clubs Incorporated (NFAC) is seeking consideration to write off the sums of $10,296.00 and $1,802.28 from their current debt balance to the City as a result of an anomaly in the way these debts were dealt with back in 2005 and 2006.

The first of these debts relate to the past practice of the City raising an invoice to the Department of Education for use of the oval for school purposes. This practice was changed in 2005 where the club took over this role. The club raised concern that the final collection by the City was not credited back to the club as per normal practice and an investigation of this matter has confirmed the issue raised by the club.

The second debt relates to a water use account under the control of the City. Water from an account was generally passed onto the club, however in 2006 a change implemented by the City to control salinity from the bore caused a three-fold increase in water use. Whilst the issue was rectified by the City after receiving this account, the club are seeking consideration for the City and club to share the cost on a 50/50 basis rather than the club paying the entire account. It is recommended this request be supported.

BACKGROUND

The North Fremantle Associated Clubs Incorporated (NFAC) holds a current Lease with the City of Fremantle signed on 1 July 1994 for a period of twenty (20) years and 364 days expiring on 26 June 2015 for the use of Gilbert Fraser Reserve.

Gilbert Fraser Reserve is a portion of lots 25 & 67, located on the corner of John and Johanna Streets, North Fremantle. The Reserve was vested to the City of Fremantle for the direct purpose of ‘recreation’ and the power to lease, subject to Ministerial approval, for a term not exceeding twenty one (21) years.

Subject to the City of Fremantle and Minister of Lands approval, the lease terms and conditions allowed the lessee to hire out the reserve providing hirers complied with Local and State Government legalisation.
Therefore the NFAC entered into a City approved licence with the Minister of Education effective as of 1 January 2005 for a period of ten (10) years, expiring as of 31 December 2014 with a further option of ten (10) years.

This allowed the use of all facilities to be utilised by North Fremantle Primary School between the hours of 8am and 4pm, Monday to Friday on all school days.

A Licence fee of $16,000 per annum, payable on the anniversary of the licence commencement date and subject to CPI (consumer price index) review annually, was issued as the Education Departments’ contribution towards the operating costs of the Reserve, all maintenance and outgoings of which is the responsibility of the NFAC.

COMMENT

Until June 2005, the City invoiced the Department of Education for use of the oval for school purposes. The agreement was that the Department paid a determined fee that was subject to CPI increases. In 2004/2005, this fee was $10,296. The City would then credit this amount against any lease or outgoing charges on the club’s debt account.

In 2005, this process was reviewed with the Department agreeing that the Club would take over this process from 1 July 2005. The City received the last payment of $10,296 from the Department in March 2005. This payment was originally receipted to an incorrect account and the credit for this payment was not credited against the club as usual practice. The error was identified shortly afterwards, however the subsequent correction of the allocation failed to pick up the credit to the club. The matter has remained unresolved until a recent investigation confirmed the club’s position. It is therefore recommended that this matter is corrected by writing off the debt to the value of this amount.

In 2006, the bore at North Fremantle Oval was encountering high salinity and as a result, the City installed a tank and mix solution with scheme water to dilute the bore water so it would not harm the grass. This resulted in the water usage increasing three-fold for that year and the water usage charge being $3,602 where it was usually around $1,000. The mix was adjusted after this account was received and resulted in lower water usage costs, post 2006. The club have raised the concern that the usage was not in their control, however they accept that the water is for their benefit and seek to share this cost rather than carry the full burden themselves. The City acknowledges this issue and recommends that this offer is accepted.

RISK AND OTHER IMPLICATIONS

Financial

The write-off cost to the City is $12,098.28 ($10,296+$1,802.28). This will result in the club’s debt balance being reduced to nil.

Legal

Operational
Adjustment to North Fremantle Associated Clubs Incorporated debtors account.

Organisational
Nil.

CONCLUSION
The write-off of $10,296.00 and $1,802.28 is recommended for approval.

STRATEGIC AND POLICY IMPLICATIONS
Nil.

COMMUNITY ENGAGEMENT
Nil.

VOTING AND OTHER SPECIAL REQUIREMENTS
Absolute Majority Required

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr J Strachan

Council approves the debt write-offs for the North Fremantle Associated Clubs Incorporated (NFAC) of $10,296 and $1,802.28 from their debt balance in recognition of the 2005 oval use charge provided by the Department of Education and the sharing of the 2006 water use account.

CARRIED: 6/0

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**EXECUTIVE SUMMARY**

The City has resolved to become a Plastic Bag Free City and appointed a Working Group (WG) to develop a draft local law to this effect and a communications strategy to implement the local law.

Council resolved to advertise the proposed local law in July, but City officers have subsequently realised that the July agenda item did not contain an explicit statement of the local law’s “purpose” and “effect”, which are legal requirements of the local law process under the Local Government Act 1995. This item is to formally acknowledge the purpose and effect of the proposed local law to ensure that the process for creating a local law is rigorously adhered with.

The purpose of the law is to “reduce the use of plastic shopping bags within the City of Fremantle”. The effect of the local law will be to “prohibit retailers providing single use plastic shopping bags and require retailers to charge a minimum fee of 10 cents for each alternative shopping bag provided to shoppers”. The local law will also prohibit a person from supplying a single use shopping bag and knowingly representing that the bag supplied is not a single use shopping bag.

**BACKGROUND**

On 14 March, 2012 the Strategic and General Services Committee resolved to:

1. **Adopts the Instrument of Appointment and Project Delegation for the Plastic Bag Free City Stakeholder Working Group as attached.**

2. **Appoints the following members to the Plastic Bag Free City Stakeholder Working Group until the project brief is concluded or the Ordinary Election held in October 2013 (whichever occurs first):**

   a) The Mayor, Brad Pettitt and one other elected member representative, namely Cr J Strachan.
b) The Chief Executive Officer of the City of Fremantle or his nominated representative.

c) The community representatives are Wade Harrison and Sara McCallister.

d) The business community representatives are Tim Milson and Mark Charman.

The Instrument of Appointment stipulated the following deliverables and milestones

**DELIVERABLES**

1. A communications strategy identifying the alternatives to plastic bags and the benefits of using these alternatives to both businesses and customers.

2. A draft local law to prohibit retailers providing plastic bags to shoppers. Included in this, will be definitions of exactly which plastic bags and/or products will be banned and how these are identified. It will also need to develop a compliance process and review if any minimum price should be set for provision of single-use, plastic alternative bags.

**MILESTONES**

- WG to develop a communications strategy for presentation to the Council by July 2012
- Local law to be drafted ready for public consultation by August 2012

On 25 July, 2012 Council resolved to:

1. That the Plastic Bag Reduction Local Law 2012, as included in Attachment 1, be approved for public consultation.

2. That the Plastic Bag Free City Stakeholder Liaison Working Group be adjourned pending successful implementation of the local law. If the local law is successfully gazetted, then the Working Group is to reconvene to provide advice to the City on a communications strategy.

3. That a further report be brought to Council with a costing and methodology for the effect of the local law (if successfully introduced) through;
   a) Pre and post analysis of numbers of plastic bags in the domestic waste stream.
   b) Pre and post analysis of numbers of plastic bags in the litter stream.
The balance of this report is largely the same as the 25 July 2012 item, but is included to ensure that this item acts as a standalone document with the inclusion of an explicit statement of the local law’s purpose and effect, as required under the Local Government Act 1995.

COMMENT

The Working Group has been holding productive weekly meetings since its inception.

These have focussed mostly on the mechanics and structure of a local law, as well as preparing a logo that can be used for future communications regarding the local law. A detailed explanation of the process followed to draft the local law and its intent is included in the Legal section below.

As discussed in the legal section below, there is a risk that the Joint Standing Committee on Delegated Legislation (JSC) will recommend that the law be subject to a Parliamentary motion for disallowance if it considers that the local law is inconsistent with or outside the intended scope of the Local Government Act 1995. The WG felt that since this is a material risk, it would be more appropriate to wait for the JSC to review the local law before preparing a communications plan.

RISK AND OTHER IMPLICATIONS

Financial

By taking the initiative to regulate the use of plastic bags, the City accepts a responsibility to ensure a smooth transition. A logo has already been prepared for this, but a set of collateral and marketing material will need to be prepared to inform retailers and shoppers of the changes. This will require a funding, which is being considered as part of the 2012-13 budget process.

Legal

The WG researched other existing plastic bag laws and decided that the South Australian model was a good starting point for the City’s local law. The key points of the SA law are:

- The law covers shopping bags – which are defined as being made of polyethelyne, thicker than 35µm and having handles
- Plastic shopping bags are banned
- Retailers need to provide alternative bags, which include bags that are designed to be reusable or compostable
- Barrier bags (eg for loose fruit and veg) and plastic that is integral to packaging are excepted from the ban
- Retailers are explicitly allowed to charge for plastic bags
The WG also noted however that several of the outcomes of the SA law were not ideal. These included:

- the exception of a reusable bag is too loose and has resulted in major supermarkets providing bags that are just over the 35µm thickness and being labelled as reusable
- the WG wanted to provide an incentive for retailers to provide compostable bags instead of thicker plastic bags or bags made of alternative types of plastic
- the WG wanted to provide an incentive to reduce use of all types of shopping bags

To this end, the WG sought legal advice on a local law that was similar to the SA law, but:

- extended the definition of a plastic bag to include polyethylene, polypropylene and polyethylene terephthalate up to 60µm.
- Does not impose a requirement for retailers to provide a bag if they don’t want to
- Required retailers to charge for alternative shopping bags

The thickness of 60µm was selected on the basis that it would be cheaper for a retailer to source a single use compostable bag than a 60µm plastic bag – hence providing a financial incentive for retailers to use compostable bags.

A copy of the legal advice received by the City is included as a Confidential Attachment.

The full local law is included as Attachment 1. They key points of this law are:

- Single use plastic shopping bags (ie less than 60µm) cannot be provided.
- Alternative shopping bags – which are defined as over 60µm or compostable according to AS4736 – can be provided by a retailer with a minimum charge of 10c.
- The modified penalty for any offence in the local law is $150.

The main risk to the local law being enacted is that the JSC may recommend to State parliament that it be made subject to a Parliamentary motion for disallowance if it considers that the local law is inconsistent with or outside the intended scope of the Local Government Act 1995. Whilst the City is satisfied that the local law is within the contemplated scope of the Local Government Act 1995 it acknowledges the possibility that the JSC could adopt a different view. For this reason the local law will come into effect 6 months after the date of gazettal. This will provide a reasonable period of time for the JSC to review the law and for the City to respond to and hopefully resolve any concerns of the JSC, prior to the City implementing a communication plan and retailers initiating changes to their existing business practices.
Operational

It is important to understand that this item pertains to the rationale behind and the drafting of the Plastic Bag Regulation Local Law. There will also be a range of implementation issues that will need to be resolved if the local law comes into operation.

- Transition measures and communication. As demonstrated by the discussions with Coles, it will be important to ensure that both retailers and shoppers understand the implications and implications of this local law. It is proposed that the WG reconvenes after gazettal of the law to develop a communications strategy.
- Enforcement of the law will also pose an operational issue. It is expected that this law will largely self-regulate – there are many laws in place that do not necessitate active enforcement. The exact enforcement strategy and requisite resources will need to be reviewed at a later data.

The process for enacting a local law is exacting and rigorous. The key steps are:
1. Preparation of local law (the key output of the WG)
2. Resolution of Council of intention to make the local law (the subject of this report)
3. Advertising of the draft local law for comment – at least 42 days
4. Notify the Minister for Local Government and Regional Development
5. Consideration of public comment
6. If there are no “significant” changes, Council can resolve to adopt the local law
7. Notification of the local law to the State Law Publisher
8. Advertise the adoption of the local law
9. Notify the Minister for Local Government and Regional Development
10. Prepare an Explanatory Memorandum and Explanatory Memorandum Checklist for submission to the Delegated Legislation Committee

This process typically takes about 6 months from step 2.

Organisational

The City has ordered different dog refuse bags that are compostable according to AS4736. These will be labelled appropriately indicating that they are “proudly compostable”.

CONCLUSION

The City’s Plastic Bag Free City Stakeholder Liaison Working Group has prepared a draft Plastic Bag Reduction Local Law 2012. This builds on the work of the South Australian legislation in a manner consistent with the Local Government Act 1995. It creates an additional incentive for retailers to use compostable instead of plastic bags by prohibiting the provision of any plastic bag less than 60µm. It also incentivises shoppers to bring their own bags by placing a minimum charge of 10c on all alternative shopping bags.

STRATEGIC AND POLICY IMPLICATIONS

On 8 February 2012, the Council resolved to become a Plastic Bag Free City. This local law would implement this policy.
COMMUNITY ENGAGEMENT

As noted in the items that led to the creation of this working group, this WG and local law is a supportive response to the initiative of the local activist group Plastic Free Freo. They sourced approximately 3000 signatures on a petition to ban plastic bags. They also conducted surveys of shoppers at Coles and Target on the weekend of 26 May, 2012. This showed that “90% of shoppers were supportive of the Council’s plan”.

Discussions have also been held with Coles by WG members. These have indicated that Coles will not be supportive of a local law that regulates plastic bags. If one is to be passed, then they would prefer one that is as similar as possible to the SA model – so that they can use the same solutions in the Fremantle store. It must be noted that the local law as proposed would prohibit several of the options that Coles provides in SA, including 38µm “reusable” plastic bags. Having made their opinion clear, Coles have also demonstrated a commitment to help minimise any inconvenience on their shoppers caused by a local law. They have provided sample bags and marketing collateral from SA, that will inform the City’s communications campaign.

The owner of Subway has also been consulted and has explained that Subway stores in SA provide paper bags, which will be an appropriate solution in Fremantle.

General discussions with boutique retailers by the Chamber of Commerce (who are represented by Chamber’s CEO on the WG) indicate that they are broadly supportive of moves to reduce plastic bag use.

Several other local governments in WA and nationally have expressed interest in how the City’s local law progresses. If the City successfully gazettes this local law, then several of these local governments may attempt to enact similar legislation.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required
COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr J Strachan

1. That the Plastic Bag Reduction Local Law 2012, as included in Attachment 1, be approved for public consultation. The purpose of the proposed local law being to “reduce the use of plastic shopping bags within the City of Fremantle”. The effect of the proposed local law would be to “prohibit retailers from providing single use plastic shopping bags and require retailers to charge a minimum fee of 10 cents for each alternative shopping bag provided to shoppers”.

2. That the Plastic Bag Free City Stakeholder Liaison Working Group be adjourned pending successful implementation of the local law. If the local law is successfully gazetted, then the Working Group is to reconvene to provide advice to the City on a communications strategy.

3. That a further report be brought to Council with a costing and methodology for the effect of the local law (if successfully introduced) through;
   a) Pre and post analysis of numbers of plastic bags in the domestic waste stream.
   b) Pre and post analysis of numbers of plastic bags in the litter stream.

CARRIED: 6/0

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SGS1209-9 FAMILY AND DOMESTIC VIOLENCE COORDINATED RESPONSE SERVICE TENDER

DataWorks Reference: 106/068; 023/017; Department for Child Protection; Fremantle Community Legal Centre
Disclosure of Interest: Nil
Meeting Date: 12 September 2012
Previous Item: Nil
Responsible Officer: Marisa Spaziani, Director Community Development
Actioning Officer: Helen Emery, Manager Community Development
Decision Making Authority: Council
Agenda Attachments: Nil

EXECUTIVE SUMMARY

The City of Fremantle has a current service agreement with the Department of Child Protection to provide the Family and Domestic Violence Case Management and Coordination service. The contract expires 1 February 2013 and the department will cease the service at this date. The department is offering organisations an opportunity to tender for a new service called Family and Domestic Violence Coordinated Response Service. This service is a very different model requiring different strategies and interventions to achieve the outcomes required. A decision is required by Council whether to tender for this new service.

BACKGROUND

The Family and Domestic Violence Case Management and Coordination Service is funded by the Department of Child Protection and is one of the services provided by the Fremantle Community Legal Centre (FCLC). The part-time coordinator is managed by the Coordinator FCLC. The current funding agreement ends on 1 February 2013 and will not be renewed by the department as the department is ceasing this service. The service supports inter-agency coordination of high risk cases of family and domestic violence and facilitates the documenting and reporting of local and regional barriers to victim safety and perpetrator accountability.

The department has developed new service specifications for a new full-time service which has been named Family and Domestic Service Coordinated Response Service. The department recently advertised a tender request for interested organisations to apply.
COMMENT

The Case Management and Coordination Service is part of an integrated response to Domestic Violence in Western Australia. The service has recently been reviewed by the department, with input from current providers and the department has decided to cease the service as of 1 February 2013.

The Case Management and Coordination Service coordinator currently does not deal directly with either victim or perpetrator. The coordinator has responsibility for providing support to and coordinating the integrated case management group meetings of service providers. The integrated case management group meets regularly and is determined according to the requirements of each case. The core group can include:

- The referring agency.
- Department of Child Protection
- Western Australia Police
- Department of Corrective Services
- Perpetrator program facilitators.
- Local refuge/advocacy service.

The coordinator also coordinates the Family and Domestic Violence Coordination Group meetings. This group is composed of senior managers from all agencies involved in responding to family and domestic violence. Their role is to monitor and address local, regional and systemic issues that detrimentally affect victim safety, perpetrator accountability and the integrated response. The role is one of secretariat.

To streamline and strengthen coordination mechanisms in the family and domestic violence sector the department has combined two models to provide a more comprehensive and coordinated response to families and individuals impacted by family and domestic violence. The new Co-location Response Model will consist of the Family and Domestic Violence Coordinated Response Service (FDV CRS), WA Police and the Department for Child Protection.

The partnership will jointly triage Domestic Violence Incident Reports (DVIR), provide risk assessment and appropriate responses for families and individuals in incidents of family and domestic violence. Responses may include facilitating multi-agency case management on a needs basis. The FDV CRS will provide services as planned through the triage process. Service delivery areas are based upon the following Department for Child Protection district boundaries; Armadale, Cannington, East Kimberley, Fremantle, Goldfields, Great Southern, Joondalup, Midland, Mirrabooka, Murchison, Peel, Perth, Pilbara, Rockingham, South West, West Kimberley and Wheatbelt. Organisations can apply for one or more locations.
Service Model

The FDV CRS will participate in the Co-location Response Model. FDV CRS will:

- participate in joint assessment of DVIR using the Family and Domestic Violence Common Risk Assessment and Risk Management Framework;
- participate in the triage of responses with the Department, and the WA Police;
- participate in the coordination of multi-agency case management as required for high risk cases; and
- provide responses to families that are allocated to the FDV CRS through the triage process. Depending on case needs this may include further assessment, referral, information, support and safety planning and support to obtain Violence Restraining Orders.

The Co-location Response Model will achieve victim safety and perpetrator accountability through:

- early identification of risk factors;
- a combined assessment and planning process;
- system, agency and practitioner accountability;
- shared responsibility for the protection and safety of families and individuals experiencing family and domestic violence; and
- shared responsibility for instigating and coordinating multi-agency case management of high risk cases.

The role of the officer will require someone with a social work degree or equivalent and extensive experience working directly with victims and perpetrators of domestic violence. This is a highly specialised role requiring assessment skills and the ability to work with high risk clients. Unlike the case management and coordination service, which was primarily administrative and organisational, the officer will have a direct intervention role with victims and perpetrators. It also requires someone who has experience working with other organisations in triage responses. The coordinator of the case management and Coordination Service does not have the appropriate qualifications and/or experience.

The person in the role will require a high level of support and supervision. If the city decides to tender for the service, it would have to address criteria outlining its skills, capacity and experience, including its organisational capacity to perform the obligations in the proposed service agreement. Although the city is very experienced providing refuge support services to victims of domestic violence, there is no one at Warrawee Refuge with appropriate qualifications and experience to supervise an officer at this level. If there was someone qualified and experienced enough to supervise the officer, there is no spare office space at Warrawee and potential for conflict of interest issues. The city does not have experience working within a triage model with other services. This criteria carries a weighting of 40% in the tender application.

The only person with the appropriate qualifications that could supervise the officer would be the Director of Community Development. The high level of supervision and support required for the service would have an impact on the role of the Director. The officer would be isolated in an office removed from any other business unit. The structure of
Community Development does not offer an adequate structure to support such an officer in this role.

The City is aware of a number of organisations who may be considering applying to deliver the service in Fremantle and would be stronger contenders than the city.

**RISK AND OTHER IMPLICATIONS**

**Financial**
Nil

**Legal**
The service officer would have to have their own office separate from other service units due to potential conflict of interest in relation to clients and client confidentiality.

**Operational**
The city does not have the required organisational structure to manage this service well. It is a highly specialised service requiring a social worker or psychologist with extensive experience in domestic violence. No current staff apart from the Director of Community Development would be qualified to supervise and support this staff member. Due to the high risk nature of the clients, the work of the officer would need a high level of supervision.

**Organisational**
This position would sit outside of the current community services structure.

**CONCLUSION**

Although the city has years of experience managing a women’s refuge the city does not have an organisational structure that could fully support the implementation of the new service and provide the amount of supervision and support required for the service. It is doubtful that the city could compete with other providers in a competitive tender without demonstrating an appropriate organisational structure. We are aware that other organisations have indicated interest in applying and any successful organisation would deliver the outcomes to support families at high risk within the Fremantle area.

**STRATEGIC AND POLICY IMPLICATIONS**

Nil

**COMMUNITY ENGAGEMENT**

Nil

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required
OFFICER'S RECOMMENDATION

The City tender for the Family and Domestic Violence Coordinated Response Service.

MOVED: Cr J Strachan

LOST: 0/5

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Cr S Wainwright moved the following alternative recommendation:

COMMITTEE RECOMMENDATION

That the City convene a CEO committee to explore other initiatives it could take to assist the campaign to eliminate family and domestic violence from our society. The committee will be composed of interested Councillors and relevant officers, with an invitation to participate extended to the Women’s Council for Domestic and Family Violence Services (WA) as well as other community stakeholders the CEO chooses to invite. The discussion and recommendations of the committee are to be subject of a report to be presented to the January 2013 round of council meetings.

CARRIED: 6/0

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REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

Rather than tender for the Family and Domestic Violence Coordinated Response Service, initiate convening a CEO committee to explore other initiatives it could take to assist the campaign to eliminate family and domestic violence from our society.
SGS1209-10  FREDRICK WRIGHT MEMORIAL HOMES PROPOSAL - ACCESS HOUSING AFFORDABLE HOUSING SITE

DataWorks Reference: 023/006; 023/050; 038/036; Access Housing Aust Ltd; Frederick Wright Memorial Homes; Tapper Mews Residents

Disclosure of Interest: Nil
Meeting Date: 12 September 2012
Previous Item: C1110-3
Responsible Officer: Marisa Spaziani, Director Community Development
Actioning Officer: Marisa Spaziani, Director Community Development
Decision Making Authority: Council
Agenda Attachments: Attachment 1 - Proposal letter Access housing
Attachment 2 - DOH response to Access Housing

EXECUTIVE SUMMARY

Access housing has submitted a proposal to the City in relation to the redevelopment of the Frederick Wright and Tapper Street affordable housing sites for seniors. The proposal to be considered by council involves transferring the vesting of the land to Access Housing for redeveloping the site for seniors affordable housing.

BACKGROUND

In October 2011, Council resolved:

1. The City accepts the proposal by Access Housing for the redevelopment of Frederick Wright memorial Homes and enter into a long term peppercorn lease for 49 years.

2. The management of the site is transferred to Access Housing as soon as practicable with the City and Access Housing working together for a smooth transition for tenants.

Frederick Wright Memorial Homes is an affordable housing site for low income seniors in Rennie Crescent, Hilton. The complex was built approximately 40 years ago and there are 19 one bedroom units in the complex. The City directly provides affordable housing to seniors at the Frederick Wright site with tenants leasing under the residential tenancies act. The site is 3067m² and the City owns the Title in freehold, however, it is encumbered by the Crown Grant, Trust Conditions. The Title is held as a Crown Grant in Trust for the purpose of “Aged Persons Accommodation”.

Tapper Street is housing for seniors, with lease for life tenancies, that operate under the Retirement Villages Act. There are 11 tenants at Tapper Street, 10 being lease for life and 1 a rental under the residential tenancies act. Decisions in relation to Tapper Street is the responsibility of the Trust so will be the subject of a report to the Trust Fund Committee.
COMMENT

Since the 2011 resolution, Access Housing has been investigating the financial viability of developing the site. They approached the Department of Housing and Works for funding to redevelop the site, however, have been recently informed that their application was not successful (Attachment 2 listed below).

Access Housing has reconsidered its position in light of the Department of Housing and Works response and have submitted a new proposal in light of this. (Attachment 1).

This proposal is that the City:

- Organises the transfer of vesting of the Frederick Wright land to Access Housing.
- Agrees to sell Tapper Street to Access Housing for redevelopment.
- Transfers NRAS incentives to Access Housing.

Access Housing has indicated that in both sites the current residents would get preference in returning to a re-developed site.

If this proposal is accepted, there would be no difference for the Frederick Wright tenants from the previous resolution. The difference in this proposal is that the City would no longer hold the vesting order over the Frederick Wright land holding.

For the residents of Tapper Street, this would be a significant change, however, it was always an option for the Trust to sell the site. The residents would not be disadvantaged with regard to the sale but would experience short term relocation when the property is redeveloped.

RISK AND OTHER IMPLICATIONS

Financial
There is no redevelopment cost to the City. Until the sale of Tapper Street and the change of vesting for Frederick Wright, structural repairs to the buildings remain the responsibility of the City.

The Trust would earn income from the sale of the Tapper Street site.

Legal
Nil

Operational
This arrangement will mean the City does not need to pay for village managers for both sites.

Organisational
Nil
CONCLUSION

In relation to the Frederick Wright site:

Certificate of Title (CT) Volume 1957 Folio 32 (a Multi-Lot Title with Crown Grant in Trust conditions) is comprised of two lots being Lot 2999 and Lot 3086. Lot 2999 relates to the land occupied by FWMH and Lot 3086 is the land comprised within Mooni Boorn Park (Black Stump Park) located on the corner of Rennie Cr. (north) and Paget St. Hilton. Subject to State Lands/Ministers agreement the process is likely to require the following:

Lot 3086 - The City requests that State Lands issue a Management Order in order to vest Lot 3086 back to the City as a Public Open Space Reserve.
Lot 2999 – The City requests that State Lands issue Access Housing with a Management Order for the use of Aged Persons Accommodation.

Should State Lands approve the proposal State Lands would:
   i. Require the subdivision of CT Volume 1957 Folio 32 in order to separate the two lots. The subdivision process involves the Western Australian Planning Commission (WAPC) and Landgate.
   ii. Issue details for the creation of two Crown Land Titles including two Management Orders to the Registrar of Titles at Landgate.

STRATEGIC AND POLICY IMPLICATIONS

More affordable and diverse (mixed use) housing for a changing and growing population.

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required
COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr J Strachan

1. To seek legal advice on the transfer of vesting for Frederick Wright Homes to Access Housing.

2. Subject to the legal advice in 1 above being in agreement, make application to the Minister for Lands for the transfer of the vesting for Lot 2999 Rennie Crescent to Access Housing for the purpose of developing affordable accommodation for seniors.

CARRIED: 6/0

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SGS1209-11 ACCEPTANCE OF BHP BILLITON SPONSORSHIP FOR THE MARTUMILI EXHIBITION

DataWorks Reference: 013/002; 153/001; Fremantle Arts Centre
Disclosure of Interest: Nil
Meeting Date: 12 September 2012
Previous Item: Nil
Responsible Officer: Marisa Spaziani, Director, Community Services
Actioning Officer: Jim Cathcart, Fremantle Arts Centre, Director
Decision Making Authority: Council
Agenda Attachments: Nil

EXECUTIVE SUMMARY

Fremantle Arts Centre, Martumili Artists (Shire of East Pilbara) and Aboriginal cultural organisation Kanyirninpa Jukurrpa in Newman, are partners in a major exhibition “we don't need a map – a Martu experience of the Western Desert” scheduled for November 2012 at the Fremantle Arts Centre. The partners have received additional funding from the major sponsor, BHP Billiton Iron Ore, of which $83,000 (GST exclusive) is allocated to the Arts Centre.

BACKGROUND

The project has been in development for two years with BHP as the major sponsor. Under the initial agreement BHP paid $300,000 in sponsorship, of which $213,500 was allocated to the Arts Centre. Progress on the project has met BHP’s expectations and BHP has approved the project partners’ recent bid for extra funding to deliver all elements of the project to a high standard. The project’s head contract is between BHP and the Shire of East Pilbara (Martumili Artists) and the Shire of East Pilbara, distributed funding to the other two partners as specified in the head contract. An additional head contract between Shire of East Pilbara and BHP will manage and allocate the additional funding in the same way.

COMMENT

The extra $83,000 (GST exclusive) to the Arts Centre will ensure a high standard project. No additional expenditure from the City is required as consequence of receiving the additional funding.

RISK AND OTHER IMPLICATIONS

Financial

Nil

Legal

Nil
CONCLUSION

There are no negative implications.

STRATEGIC AND POLICY IMPLICATIONS

Character – A City that attracts diverse arts and artists, culture and events.

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required
COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr J Strachan

That Council;

1. Accepts the additional $83,000 (GST exclusive) sponsorship from BHP Billiton Iron Ore, via Shire of East Pilbara, for the project "We don’t need a map – a Martu experience of the Western Desert" scheduled for November 2012 at the Fremantle Arts Centre.

2. Amends the 2012/2013 budget as summarised below:-

<table>
<thead>
<tr>
<th>Budget Category/Sub Category</th>
<th>Existing Expenditure (Revenue)</th>
<th>Variation to Budget Expenditure (Revenue)</th>
<th>Revised Budget Expenditure (Revenue)</th>
<th>Account String (Budget amount refers to this account)</th>
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<td>– +Contracted Services</td>
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<td>Net Variation to Budget – Deficit/(Surplus)</td>
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CONFIDENTIAL MATTERS

Nil.

CLOSURE OF MEETING

THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 7.16 PM.
SUMMARY GUIDE TO CITIZEN PARTICIPATION AND CONSULTATION

The Council adopted a Community Engagement Policy in December 2010 to give effect to its commitment to involving citizens in its decision-making processes.

The City values community engagement and recognises the benefits that can flow to the quality of decision-making and the level of community satisfaction.

Effective community engagement 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.

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<th>How consultative processes work at the City of Fremantle</th>
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<tr>
<td><strong>The City's decision makers</strong></td>
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<td><strong>Various participation opportunities</strong></td>
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<td><strong>Objective processes also used</strong></td>
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<td><strong>All decisions are made by Council or the CEO</strong></td>
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<tr>
<td><strong>Precinct focus is primarily local, but also city-wide</strong></td>
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<td><strong>All input is of equal value</strong></td>
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<td><strong>Decisions will not necessarily reflect the majority view received</strong></td>
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How consultative processes work at the City of Fremantle

| Decisions made for the overall good of Fremantle | 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 | 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 | 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 policy and procedures | The City’s community engagement policy identifies nine principles that apply to all community engagement processes, including a commitment to be clear, transparent, responsive, inclusive, accountable and timely. City officers are responsible for ensuring that the policy and any other relevant procedure is fully complied with so that citizens are not deprived of their rights to be heard. |
### How consultative processes work at the City of Fremantle

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<tr>
<td>Community engagement processes have cut-off dates that will be adhered to.</td>
<td>1. 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, community engagement 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 community input is involved, the Council is the decision-maker and this affords community members the opportunity to make input after the cut-off date via personal representations to individual Elected Members and via presentations to Committee and Council Meetings.</td>
</tr>
<tr>
<td>Citizens need to check for any changes to decision making arrangements made</td>
<td>1. The City will take initial responsibility 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 the City’s website, checking the Fremantle News in the Fremantle Gazette or inquiring at the Customer Service Centre by phone, email or in-person.</td>
</tr>
<tr>
<td>Citizens are entitled to know how their input has been assessed</td>
<td>1. In reporting to decision-makers, City officers will in all cases produce a community engagement outcomes report that summarises comment and recommends whether it should be taken on board, with reasons.</td>
</tr>
<tr>
<td>Reasons for decisions must be transparent</td>
<td>1. Decision-makers must provide the reasons for their decisions.</td>
</tr>
<tr>
<td>Decisions posted on the City’s website</td>
<td>1. Decisions of the City need to be transparent and 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 the City’s website under ‘community engagement’ or at the City Library or Service and Information Centre.</td>
</tr>
</tbody>
</table>
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.