



MINUTES

Strategic & General Services Committee

Wednesday, 14 November 2012, 6.00pm

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CLOSURE OF MEETING

STRATEGIC AND GENERAL SERVICES COMMITTEE

Minutes of the Strategic and General Services Committee
held in the Council Chambers, Fremantle City Council
on **14 November 2012** at 6.00 pm.

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.07 pm.

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

Brad Pettitt	Mayor
Cr Jon Strachan	Presiding Member / South Ward
Cr David Hume	Beaconsfield 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 Rachel Pemberton	City Ward (observing only)
Cr Andrew Sullivan	South Ward (observing only)
Mr Glen Dougall	Director Corporate Services
Ms Marisa Spaziani	Director Community Development
Mr Peter Pikor	Director Technical Services
Mrs Melody Foster	Minute Secretary

There were approximately 9 members of the public and 1 member of the press in attendance.

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Summary of Comment by Tim Milsom

Spoke in relation to item SGS1211-8 and asked that the Committee support an amendment being *'the provision of a new 5 year lease on the cottage on captains lane that houses the Fremantle Pilots'* as the Fremantle Pilots are a vital part of operation at the Fremantle Ports and are an important part of the heritage and community of Fremantle.

Summary of Comment by Greg Tonnison (Fremantle Pilots)

Spoke in relation to item SGS1211-8 and asked that the Committee support Fremantle Pilots remaining at the Pilots Cottage at captains lane and offer an additional 3-5 year lease. He also noted that the Fremantle Pilots will contribute to the upgrade of the cottages and improve the signage and promotion of the heritage behind the Fremantle Pilots and the Pilots Cottage.

Summary of Comment by Elaina Healy

Spoke in relation to item SGS1211-8 and asked that the Committee support the alternative recommendation submitted by the Mayor. Mrs Healy spoke on behalf of Arthur Calamaras from Arthur Head Studio's and discussed in detail what they are proposing (mixed use space bar/café/gallery) at this site and the benefits of this proposal.

Summary of Comment by Rosina Wonglore

Spoke in relation to item SGS1211-8 and asked that the Committee support the alternative recommendation submitted by the Mayor. Ms Wonglore also spoke in relation to the proposal by Arthur Head Studio's and the benefits of this proposal.

DEPUTATIONS / PRESENTATIONS

Nil

DISCLOSURES OF INTEREST BY MEMBERS

At 6.08 pm Cr S Wainwright declared an impartiality interest in item number SGS1211-10 and stated that he will stay and vote during this item. Cr Wainwright's explained that his employer are currently in preliminary discussions with Dismantle in regards to setting up and running programs for people with disabilities and as an employer he will be responsible for providing support for these programs.

LATE ITEMS NOTED

SGS1211-12 Proposal to modify investment policy (SG41)

CONFIRMATION OF MINUTES

MOVED: Cr J Strachan

That the Minutes of the Strategic and General Services Committee dated 10 October 2012 as listed in the Council Agenda dated 24 October 2012 be confirmed as a true and accurate record.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

TABLED DOCUMENTS

Nil

REPORTS BY OFFICERS (COUNCIL DECISION)

SGS1211-8 MANAGEMENT OF ARTHUR HEAD CITY PROPOSAL

DataWorks Reference: 046/004
Disclosure of Interest: Nil
Meeting Date: 14 November 2012
Previous Item: SGS1206-2
Responsible Officer: Marisa Spaziani Director Community Development,
Actioning Officer: Marisa Spaziani Director Community Development,
Decision Making Authority: Council
Agenda Attachments: Attachment 1 - Management brief Request for Proposals
Attachment 2 - Arthur Head Implementation Plan

EXECUTIVE SUMMARY

The City developed a management brief (Attachment 1) and called for proposals for the management of Arthur Head in line with the vision and principles set by Council. Two proposals were received, however the assessment panel did not consider that either of the proposals met the criteria and they were judged not suitable. The City has subsequently developed an implementation plan for the management of Arthur Head in line with the June 2012 council resolution.

BACKGROUND

At its June 2012 round of meetings Council resolved:

The City develop a management brief, and call for proposals for managing the uses, activities and strategic priorities of the buildings and urban environment of Arthur Head in line with the vision and principles set by the City. In the event of no suitable submission under the expressions of interest, the City to develop a proposal for in house management of the area.

Existing lease arrangements will be honoured by the City, however, future leasing arrangements with current and future tenants will be managed by the management contractor once appointed.

As of 1 July 2012 income from existing tenancies and any future leasing payments be set aside for maintenance and management of the Arthur Head site.

Enterprises and individuals that have artistic endeavours as their core business will not be excluded from holding leases in the subject properties.

A request for proposal was developed (Attachment 1) and advertised for a 4 week period. A panel comprising City of Fremantle staff, as well as two elected members, Crs Wilson and Pemberton met to assess the proposals.

COMMENT

Two proposals were received. The panel met to assess and discuss the proposals and it was unanimously recommended that neither proponent satisfied the panel to a point that a decision to appoint a management body could be made.

Given the outcome of the panel decision, the City will now manage the area. It is proposed that a number of steps be taken to progress the project that includes (not in any priority order):

Call for and implement a management committee (paid expert group that has no conflict of interest), chaired by the City to recommend tenants, use of spaces, assist in the development of tenancy agreements, setting of performance criteria.

Existing tenants who do not comply with arts uses will not have leases renewed but will be given reasonable notice period.

Developing a template for new tenancy agreements.

Developing and implementing improvements to the public space.

Auditing current buildings and deciding upon uses for these properties.

Developing a maintenance plan based on the condition audit of all buildings.

Advertise and select new tenancies (by selection committee).

Overseeing the development and implementation of performance criteria for new tenants going forward.

Developing an Arthur Head/Bathers Beach tenants working group to advise and support the activation of the space.

Community Engagement Plan.

A project team of City staff from parks, technical services, heritage, property and community development has been formed to ensure that all aspects of the site as a whole are considered in both planning and practical implementation of any plans for the area. This team has considered and had input into the practical steps that the City would need to implement as per the attached implementation plan. It is understood that the time that any one space remains vacant should be kept to a minimum, whilst any maintenance works are completed.

It is considered that the role of the management committee, made up of people experienced in arts, property management or similar and without a conflict of interest, would recommend to the City, tenants and uses for spaces as well as performance criteria. The management committee would be a time limited group, after a number of initial actions are completed and may only need to be reconvened to recommend applicants for tenancies when vacancies occur. The day to day decisions and planning for the area as a whole will be overseen and managed by City staff.

An implementation plan (Attachment 2) has been developed based upon these steps and to be implemented by the City in line with budgets for the area.

RISK AND OTHER IMPLICATIONS

Financial

The Arthur Head project has \$150,000 allocated in the 2012/2013 budget. There is an additional \$75,000 allocated for trails and pathways.

Legal

Tenancy agreements once developed will require legal advice.

Operational

The Community Development Directorate will be responsible for the management of Arthur Head in line with the vision and principles set by the City.

Organisational

A project team has been formed that includes staff with responsibilities across all directorates.

CONCLUSION

Managing the overall development of the Arthur Head site in line with the principles and vision as set by Council will be undertaken by City staff. This will require both expert input and engagement with current tenants to ensure that changes are implemented in a considered, staged approach.

STRATEGIC AND POLICY IMPLICATIONS

An action of the Cultural Development Strategy.

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

The City undertake the management of uses, activities and strategic priorities of the buildings and urban environment of Arthur Head in line with the vision and principles set by Council and in line with the attached implementation plan.

Mayor, Brad Pettitt moved the following alternative recommendation;

1. The City undertake the management of uses, activities and strategic priorities of the buildings and urban environment of Arthur Head in line with the vision and principles set by Council and in line with the attached implementation plan.
2. The management of uses, activities and strategic priorities of the buildings and urban environment of Arthur Head reserve to include the following:
 - Established practicing arts businesses in the Arthur Head precinct which have demonstrated strong activation of the area consistent with the plan are to be offered longer performance- based tenancy agreements. This includes current art businesses like Glen Cowen' photography, Greg James and Jenny Dawson. The new tenancy agreements to be subject to a performance-based approach based on mentoring, active use and on-going improved activation of area.
 - The front glass-walled studio of J Shed to be put out for lease through a competitive process as a bar/café /gallery as a major attractor for the whole area. This should include space for artists in the Arthur Head precinct to be able to exhibit their work on a priority basis. At other times the gallery space would be for rent like the Moores Building.
 - The area around J-shed and Kidogo to be considered as part of a sculpture gallery.
 - Heritage Guides and Fremantle Society and other heritage uses to be considered for the shared community use of one cottage in the Arthur Head precinct.
 - City to identify a possible site for an indigenous cultural centre with in Arthurs Head reserve and to work with the Indigenous Action Group to explore the feasibility of this including how it might be funded, staffed and managed.
 - The rest of spaces in the Arthur Head precinct to be used for arts purposes consistent with cultural development strategy.

Cr D Hume moved an amendment to the alternative recommendation to include an additional dot point in part 2. to read as follows:

- *The provision of a new 5 years lease is given to the Fremantle Pilots at the Pilot Cottages.*

LOST: 2/5

For	Against
Cr David Hume Cr Jon Strachan	Mayor, Brad Pettitt Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson

Cr Doug Thompson moved an amendment to the alternative recommendation part 2) dot point 1 to read as follows;

- *Established practicing arts businesses which can demonstrate strong activation of the area consistent with the plan can be offered longer performance- based tenancy agreements. The new tenancy agreements will be subject to a performance-based approach based on mentoring, active use and on-going improved activation of designated areas.*

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

REASON/S FOR CHANGE TO RECOMMENDATION

To remove the reference to names as it is too prescriptive.

Cr Jon Strachan moved dot point 1 of part 2. of the alternative recommendation as amended;

- **Established practicing arts businesses which can demonstrate strong activation of the area consistent with the plan can be offered longer performance- based tenancy agreements. The new tenancy agreements will be subject to a performance-based approach based on mentoring, active use and on-going improved activation of designated areas.**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

Cr Jon Strachan moved dot point 2 of the alternative recommendation;

- **The front glass-walled studio of J Shed to be put out for lease through a competitive process as a bar/café /gallery as a major attractor for the whole area. This should include space for artists in the Arthur Head precinct to be able to exhibit their work on a priority basis. At other times the gallery space would be for rent like the Moores Building.**

CARRIED: 6/1

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	Cr Tim Grey-Smith

Cr Jon Strachan moved dot point 3 of the alternative recommendation;

- **The area around J-shed and Kidogo to be considered as part of a sculpture gallery.**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

Cr Dave Coggin moved an amendment to the alternative recommendation part 2) dot point 4 to read as follows;

- Heritage uses can be considered for the shared community use of a space within the Arthur Head precinct.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Sam Wainwright Cr Dave Coggin	Cr Tim Grey-Smith Cr Doug Thompson

REASON/S FOR CHANGE TO RECOMMENDATION

To remove the reference to names and the words 'one cottage' as it is too prescriptive.

Cr Jon Strachan moved dot point 5 of the alternative recommendation;

- City to identify a possible site for an indigenous cultural centre with in Arthurs Head reserve and to work with the Indigenous Action Group to explore the feasibility of this including how it might be funded, staffed and managed.

CARRIED: 6/1

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin	Cr Doug Thompson

Cr Jon Strachan moved dot point 6 of the alternative recommendation;

- The rest of spaces in the Arthur Head precinct to be used for arts purposes consistent with cultural development strategy.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright	

Cr Dave Coggin Cr Doug Thompson	
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Cr Jon Strachan moved the amended alternative recommendation to read as follows;

COMMITTEE RECOMMENDATION

- 1. The City undertake the management of uses, activities and strategic priorities of the buildings and urban environment of Arthur Head in line with the vision and principles set by Council and in line with the attached implementation plan.**
- 2. The management of uses, activities and strategic priorities of the buildings and urban environment of Arthur Head reserve to include the following:**
 - Established practicing arts businesses which can demonstrate strong activation of the area consistent with the plan can be offered longer performance- based tenancy agreements. The new tenancy agreements will be subject to a performance-based approach based on mentoring, active use and on-going improved activation of designated areas.**
 - The front glass-walled studio of J Shed to be put out for lease through a competitive process as a bar/café /gallery as a major attractor for the whole area. This should include space for artists in the Arthur Head precinct to be able to exhibit their work on a priority basis. At other times the gallery space would be for rent like the Moores Building.**
 - The area around J-shed and Kidogo to be considered as part of a sculpture gallery.**
 - Heritage uses can be considered for the shared community use of a space within the Arthur Head precinct.**
 - City to identify a possible site for an indigenous cultural centre with in Arthurs Head reserve and to work with the Indigenous Action Group to explore the feasibility of this including how it might be funded, staffed and managed.**
 - The rest of spaces in the Arthur Head precinct to be used for arts purposes consistent with cultural development strategy.**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright	

Cr Dave Coggin Cr Doug Thompson	
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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

SGS1211-1 SUPPLY AND LAYING OF ASPHALT WFCC05/12

DataWorks Reference: 135/10
Disclosure of Interest: Nil
Meeting Date: 14 November 2012
Previous Item: Nil
Responsible Officer: Peter Pikor, Director Technical Services
Actioning Officer: Lionel Nicholson, Manager City Works
Decision Making Authority: Strategic & General Services Committee
Agenda Attachments: Annexure 1 – Price Schedule

EXECUTIVE SUMMARY

The implementation and delivery of the City's annual works programs requires the provision of supply and lay of asphalt services on various projects. Tenders were called for this service and following an evaluation of submissions the City's internal major procurement approval panel has endorsed the recommendation that the tender submitted by Roads 2000 be accepted for the supply and lay of asphalt. The tenderer has the necessary experience and resources to perform the works complying with tender specifications.

As the estimated total cost of the contract over the two year period will exceed the Chief executive Officer's delegated authority, this tender is submitted for Council's endorsement.

BACKGROUND

The City is required to engage contractors for various works associated with the completion of the annual capital and operations works programs. In order to meet the requirements of the Local Government Act, City policies and to simplify the procedure of procuring such services, tenders were called for suitably qualified contractors to provide the service of supply and laying of asphalt surfacing through the WALGA preferred suppliers list.

The tender was advertised on the WALGA Tender Link e-Tendering Portal on 13 September 2012.

COMMENT

Tender documents were received from four tenderers; Fulton Hogan, Asphaltech, Downer Australia West and Roads 2000.

Tender submissions were assessed against the selection criteria set out in the specifications. Tenderers were required to address all the selection criteria in detail in order to demonstrate their qualifications and experience. The selection criteria were

- a) Methodology.
- b) Skills and experience of key personnel.
- c) Resources.
- d) References
- e) Tender price.

The pricing assessment was based on historical data of the quantities of asphalt supplied and laid on the previous annual work program.

Past experience has demonstrated that at times contractors are not able to meet required timelines due to the overall industry demand for the service across the metropolitan area with all local governments pursuing the completion of their works programs. If this occurs it is therefore considered that provided the reasonable notice has been given as per the contract conditions the work will be offered in succession to the next highest scoring tenderer.

RISK AND OTHER IMPLICATIONS

Financial

The City expended \$476,287 in the previous financial year on the supply and laying of asphalt and budget is available in operational and capital work projects.

Legal

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

Operational

The City completes its annual construction program projects by deploying a mix of in-house construction teams and resources including the engagement of contractors who provide specialist services.

Organisational

The employment of the tenderer for the provision of the specified services is available to the whole of organisation.

CONCLUSION

Roads 2000 and Asphaltech ranked equally first in the tender evaluation criteria, however Roads 2000 offers real savings for the City as their pricing was the lowest overall. Ultimately price determined the recommendation of Roads 2000 progressing as the preferred contractor.

In the event a contractor is unable to meet a reasonable notice and deliver the service to the required schedule the next highest ranked tenderer will be offered the work.

STRATEGIC AND POLICY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE DECISION

MOVED: Cr J Strachan

The Strategic and General services Committee accepts the tender of Roads 2000 for tender WFCC 05/12 Supply and Lay of Asphalt for a period 1 December 2012 to 30 June 2015.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

SGS1211-3 DRAFT CLIMATE CHANGE ADAPTATION PLAN

DataWorks Reference: 036/069
Disclosure of Interest: Nil
Meeting Date: 14 November 2012
Previous Item: C1111-3
Responsible Officer: Peter Pikor, Director Technical Services
Actioning Officer: Alex Hyndman, Sustainability Officer
Decision Making Authority: Committee
Agenda Attachments: Draft Climate Change Adaptation Plan

EXECUTIVE SUMMARY

The Climate Change Adaptation Working Group has prepared a draft Climate Change Adaptation Plan. This identifies a number of actions across the themes of rising sea level, increased temperature, decreased rainfall and increased storm intensity. The draft plan allocates a responsible directorate, a timeline and stipulates the level of influence that the City has over each action. This item also provides preliminary budget estimates for the actions over the next 2 years. It is recommended that the plan be released for public consultation.

BACKGROUND

The City reappointed the Climate Change Working Group in November 2011, in order to develop the climate change adaptation plan. The Working Group has met many times in the intervening period, considered many sources of information and has prepared the attached draft Climate Change Adaptation Plan.

COMMENT

The working group identified four major impacts that the City needs to adjust for: rising sea level, increased temperatures, decreased rainfall and increased storm intensity.

It is important to acknowledge that the City is already undertaking a lot of climate change adaptation action. Planting 1000 trees each year, hydrozoning of Fremantle Park and participation in the Cockburn Coastal Alliance sea level rise impact study are all examples of steps that has been undertaken that will help the City adapt to climate change. Each theme of the draft plan includes a section explaining what has been done to date.

The working group relied heavily on research conducted by two students. Jessica Lisle attended several meetings of the working group and reviewed the cascade of impacts from her Master's thesis to be applicable for Fremantle. These tables provide a good understanding of the quantum of change expected to be caused by climate change and the flow on effects of each of these changes.

Lauren Mackaway was one of Dr Brad Pettitt's honours students who conducted a broad literature review including a review of adaptation plans developed for similar local

governments using international, national and Western Australian case studies. This provided a starting point for deciding which actions were appropriate for the City.

With a strong understanding of the impacts and potential adaptation actions to take, the working group reviewed each action to determine its applicability to Fremantle. Key actions were also discussed with relevant officers to test their practicality. To aid accountability, the working group has allocated actions to the relevant directorate and suggested a timeline to complete each action. The following definitions were used when defining this timeline:

- Short term – to be completed in the 2013/14 financial year
- Medium term – to be completed in the 2014/15 financial year
- Long term – to be completed beyond the 2014/15 financial year.

Climate change adaptation will require responses from many parts of our society. The City though, has limited resources and also limited jurisdiction. So many of the actions that were identified and reviewed by the working group cannot be implemented by the City on its own. To provide some context of the City's level of influence over each action, all actions were categorised as either:

- Corporate actions – those that the City has the most control over. These generally involve the City's infrastructure and don't usually require significant input from any other person or agency
- Community actions – actions that the City can undertake to assist the community to adapt – including things that the City can do to regulate community behaviour
- Advocacy and communication – things that are clearly outside the City's jurisdiction, but that the working group felt should not be forgotten. The City's role with these actions is to try and influence or work with other agencies.

Sea level rise impact study

As a coastal district sea level rise is a higher profile risk for part of the City. Having acknowledged this some time ago, the City has joined the Cockburn Sound Coastal Alliance on a study on sea level rise impacts. This alliance is facilitated by the City of Cockburn, but also includes the Cities of Rockingham and Kwinana as well as the Cockburn Sound Management Council and the Department of Defence. This modelling is currently being conducted and is expected to be completed this financial year. This will provide another key information source and begin to quantify the risks for the sea level rise actions.

RISK AND OTHER IMPLICATIONS

Financial

Implementation of this plan will have large costs on the City's budgets over at least the next 3 years. Reliable budgets are yet to be sourced, but the following tables list all of the actions in the plan and also give indicative cost estimates.

Short term (2013/14) actions

Action	Responsible Directorate	Budget
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Develop a planning policy dealing with sea level rise for existing development (ie where roads and infrastructure are already in place). This will need to consider conflicting priorities, such as streetscape impacts and heritage requirements. Prepare a town planning scheme amendment and/or a local law depending on the most appropriate means to implement this policy	Planning	Officer time
Develop a planning policy which ensures that proposed new development considers and mitigates the risks from projected sea level rise	Planning	Officer time
Review level of risk to existing coastal infrastructure and prioritise protection/upgrades/relocation	Technical Services	\$40,000
Review and implement options to address both sea water incursion and rising ground water salinity levels in the West End heritage precinct and the damage that is being done to these buildings.	Planning	Actions probably already captured elsewhere
Address the urban heat island effect by trialling the use of lighter and more heat reflective bitumen on roads and use permeable / vegetated surfaces where possible. Measure and report on the impact of this trial.	Technical Services	\$30,000
Plant trees based on future climate – eg water tolerant local/WA species	Technical Services	\$150,000pa
Develop an action plan to divert storm water from the ocean to the fresh water table. Consider bioretention swales and other passive means of achieving this within the limits of the City's jurisdiction	Technical Services	\$30,000
Reuse water from outdoor / public showers at beaches for grass reticulation (starting with pilot at Leighton Beach)	Technical services	\$100,000
Investigate whether the costs associated with disaster recovery can and should be insured against	Corporate Services	Officer time
Ensure the City's insurance policies adequately treat climate change risks	Corporate Services	Officer time
Review the storm water system for adequacy. Consider ways to maximise storm water diversion to the water table, or to directly productive uses such as irrigation or swimming pool top up	Technical Services	\$35,000
Prepare and distribute educational materials	Planning	\$15,000
2013/14 total		\$400,000

Medium term (2014/15) actions

Action	Responsible Directorate	Budget
Provide more outdoor drinking facilities	Technical Services	\$10,000 per year
Identify planning measures (possibly amendment to local planning scheme, or local planning policy) to limit heat absorption and energy consumption associated with new development including outdoor areas.	Planning	Officer time
Assess and manage trees in high storm risk areas	Technical Services	\$30,000 per year
Implement the above plan to divert storm water from the oceans to the fresh water table.	Technical Services	TBC

2014/15 total		\$40,000 (each year ongoing)
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Long term (2015/16 or beyond) actions

Action	Responsible Directorate	Budget
Review and amend standards to provide future protection of coastal infrastructure	Technical Services	TBA
Work with relevant state agencies to model impacts on marine environments and subsequent impacts on marine and tourist industries	Economic Development and Marketing	TBA
Increase the availability of relevant City services to assist people to deal with increased temperatures. Consider discounting leisure centre access for vulnerable groups and extending opening hours of facilities such as the library and Hilton community centre	Community Development	TBA
Partner with the Water Corp and Water Department for aquifer recharge and alternative supply technologies	Technical Services	TBA
Consider forming ground water management programs with other councils, such as through the South West Group	Technical Services	TBA
Request that building codes be updated to accommodate high risk storms and flooding zones	Planning	Officer time
Research modelling that identifies likely paths and impacts of severe storms through Fremantle.	Technical Services	TBA

Legal

WALGA has commissioned legal advice pertaining to the risks of action and inaction regarding climate change adaptation for local governments. This has particular impact on the City in regards to: its role as a planning regulator, infrastructure and asset management, water and environmental management and governance. This will need to be reviewed in more detail as the actions are implemented – especially development of planning policies and changes to the planning scheme.

Operational

Implementation of this plan will place a workload on the City's staff. This will need to be managed by the City and additional resources may also be required to complete all of the actions within the suggested timeframe.

Organisational

Nil

CONCLUSION

The City has taken a proactive step in establishing a Climate Change Adaptation Working Group to develop a Draft Climate Change Adaptation Plan. This draft plan

includes a number of actions, most of which are the responsibility of the Technical Service Directorate and are scheduled to be completed in the next 2 years. The next stage for finalising this plan, is to release it for public comment. The comments would then be summarised by the City's officers and presented to Council for formal adoption along with any recommended amendments to the plan.

STRATEGIC AND POLICY IMPLICATIONS

Preparation of this Climate Change Adaptation Plan is a requirement of the City's 2010-15 Strategic Plan.

COMMUNITY ENGAGEMENT

The draft report has been prepared by a Working Group, which had expert community members present for part of the deliberation. This item recommends that more formal community consultation is undertaken as the next step.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

Cr Jon Strachan moved an amendment (submitted by Cr Rachel Pemberton) to the draft Climate Change Adaptation Plan attached to the agenda, as follows;

The following item which is listed for "medium term (2014/15)" into the "short term (2013/14)" action list:

Identify planning measures (possibly amendment to local planning scheme or policy) to limit heat absorption and energy consumption associated with new developments including outdoor areas.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

Submitted by Cr Rachel Pemberton

We should aim to have this scheme amendment or policy in place in time for the projected / anticipated (hoped?) development surge in the next few years (not half way through).

Mayor, Brad Pettitt moved an amendment to the draft Climate Change Adaptation Plan attached to the agenda, to remove the words '*local WA species*' and replace it with the word '*adaptable*'.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

COMMITTEE DECISION

MOVED: Cr J Strachan

That Strategic and General Services Committee acting under delegation authorises the attached draft Climate Change Adaptation Plan as *amended* be released for public comment and that a report be presented to Council with summary of the community consultation and any amendments recommended by the City's officers.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

**SGS1211-2 INFORMATION REPORT - STRATEGIC AND GENERAL SERVICES
COMMITTEE - NOVEMBER 2012**

ACCEPTANCE OF TENDERS FOR SEPTEMBER AND OCTOBER 2012

DataWorks Reference: 039/073
Author: Glen Dougall, Director Corporate Services
Agenda Attachments: Nil

The following tenders were accepted by the CEO at the recommendation of the Major Procurement Approval Panel (MPAP);

City of Fremantle Tenders

Name of Tender	Amount	Company Awarded Tender
Car park guidance system (FCC382/12)	\$203,056.46 Inc GST	Wilson Technology Solutions
Construction of instu concrete footpath (FCC387/1)	\$405,000.00 Ex GST	Awarded to a panel of contractors BT Concrete Contractors, G & G Di Martino Concrete and Nextside Pty Ltd for the period 1st October 2012 to 30th September 2014.
Specialised cleaning of roads and footpaths (FCC389/12)	\$487,000.00 inc GST for two years with inclusion of CPI for the second year	Spots All Surface Cleaning
Verge waste collection (FCC386/12)	\$493,000.00 Ex GST	Steann Pty Ltd for the period 1st October 2012 to 30th September 2014

WALGA Tenders

Name of Tender	Amount	Tender Awarded to:
New road sweeper (WFCC03/12)	\$339,000.00 Inc GST	Rosmech Scarab Mistral
Extruded concrete kerbing (WFCC04/12)	\$70,000.00 ex GST per year plus CPI for the 2nd year and the remainder of the 3rd year of the contract	L D Total for the period 1st October 2012 to 30th June 2015

Note: The MPAP is comprised of the Director Corporate Services, the Director Community Development, the Director Technical Services and the Director Planning and Development Services or their delegate (the delegate must be an operational manager not involved as a requestor or evaluator), and one operational manager or coordinator who is independent to the area from which the contract or tender relates.

COMMITTEE DECISION

MOVED: Cr J Strachan

The information report for November 2012 be received.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

REPORTS BY OFFICERS (COUNCIL DECISION)

Cr J Strachan MOVED en bloc recommendations numbered SGS1211-4, SGS1211-6, SGS1211-7, SGS1211-9 and SGS1211-11.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

SGS1211-4 FINES ENFORCEMENT REGISTRY (FER) WRITE-OFFS AND CATEGORY CHANGE AND UNRESOLVED INFRINGEMENTS WRITE OFFS ISSUED TO VEHICLES NOT REGISTERED IN WESTERN AUSTRALIA

DataWorks Reference: 122/003
Disclosure of Interest: Nil
Meeting Date: 14 November 2012
Previous Item: Nil
Responsible Officer: Glen Dougall, Director Corporate Services
Actioning Officer: Cameron Bartkowski, Manager Community Safety & Parking
Decision Making Authority: Council
Agenda Attachments: (FER) List of Write-offs (Confidential Attachment)

EXECUTIVE SUMMARY

From 1 July to 31 October of the financial year 2012-2013, the Fines Enforcement Registry is advising its intention to write-off \$8,569.97 of unpaid fines and collection costs, dating back to some matters registered in year 2004. Of this amount, approximately \$1,567.77 is associated with the cost of registering the case for enforcement, the remainder is the original modified penalty of the infringement notice, plus statutory fees chargeable by City of Fremantle during the statutory enforcement process. The amount for write-off represents approximately 2 per cent of the amount received by City of Fremantle from the Registry for recovered fines during the same period. This item is to enable the formal resolution of the write-off.

These matters are regarded by the Registry as unenforceable, due to factors including death, uneconomical to enforce due to amount owing, insufficient details, time elapsed since registration.

The Registry operates pursuant to the *Fines Penalties and Infringement Notices Enforcement Act 1994*. By this statute, the Registry is the sole provider of the service enabled under this legislation.

BACKGROUND

City of Fremantle uses the Fines Enforcement Registry to assist in recovery of unpaid parking fines. This Registry is the sole provider of a service which is able to cancel driver and vehicle licences and undertake recovery action. This service comes at a cost which can be greater than the fine itself, and these costs are also recoverable once the alleged offender is located. City of Fremantle received recovery payments from the Registry to the value of \$376,550.67 from 1 July to 31 October of the financial year 2012-2013. The amount sought to be written-off represents approximately 2 per cent of that amount, over the same period.

Each year the Registry identifies those registrations for which it has exhausted all avenues of enforcement, removing those records from the Registry. Consequently, writing-off by the Registry ends further recovery on those records.

City of Fremantle uses data provided by the Department of Transport to identify the registered owner of vehicles when enforcing unpaid modified penalties. This data is used to provide written notification to owners, using regulatory Final Demand notices and subsequent registration with Fines Enforcement Registry to assist in recovery of unpaid parking fines. There continue to be moves by Western Australia Local Government Association to seek additional information from Department of Transport so as to minimise the number of records found to be unenforceable due to insufficient details.

COMMENT

The Fines Enforcement Registry has advised that \$10,797.97 is to be written-off as unrecoverable. Of this amount, approximately \$1,567.77 is associated with the cost of registering the case for enforcement, the remainder is the original modified penalty of the infringement notice, plus statutory fees chargeable by City of Fremantle during the statutory enforcement process. These registrations date back to year 2004.

City of Fremantle received recovery payments from the Registry to the value of \$376,550.67 from 1 July to 31 October of the financial year 2012-2013. The amount being considered for write-off in this item represents approximately 2 per cent of the collections over this period.

The Registry has exhausted all avenues of recovery for these registered infringement notices for which writing-off is advised.

The list of affected records is not attached to this item, being a public document, having regard to privacy considerations.

RISK AND OTHER IMPLICATIONS

Financial

The amounts stated in the advice from Fines Enforcement Registry are not included on Council's balance sheet as debtors. The City records any monies recovered as revenue in the year it is recovered and as a result no impact will be made upon Council's financial statements.

Legal

The operation of the Fines Enforcement Registry is provided for by *Fines Penalties and Infringement Notices Enforcement Act 1994*.

Operational

Nil

Organisational

Nil

CONCLUSION

It is recommended that City of Fremantle supports the advice from Fines Enforcement Registry.

STRATEGIC AND POLICY IMPLICATIONS

As the actions listed at the Registry represent a write-off of debt for the City, it is necessary for Council to formally recognise this write-off.

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr J Strachan

That City of Fremantle resolves to write-off \$10,797.97 in unpaid fines and associated recovery costs with the Department of Attorney General's Fines Enforcement Registry as advised by the Registry in its e-mail dated 23 October 2012 being schedules 41750 and 41320.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

The following item number **SGS1211-6** was **MOVED** and carried en bloc earlier in the meeting.

**SGS1211-6 ACCEPTANCE OF FUNDING FROM LOTTERYWEST AND
DEPARTMENT OF SPORT AND RECREATION**

DataWorks Reference: 106/066; 106/004;
Disclosure of Interest: Nil
Meeting Date: 14 November 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 Department of Sport and Recreation has approved a grant of \$25,000 to the City for the provision of a Sport 4 All - Kidsport program during 2012/13.

BACKGROUND

The Sport 4 All - Kidsport program provides funding for children and youth aged 5 to 18 years, from financially disadvantaged families to assist towards the payment of club fees. Payment is made directly to the registered Kidsport clubs.

COMMENT

The DSR funding will be delivered directly to clubs to increase participation from children and youth who may not have been able to participate in sport due to financial hardship.

The City successfully applied for funding of \$12,500 in the 2011/12 financial year. The amount requested in 2011/13 financial year was increased to \$25,000 to cater for increased demand from the community and local clubs.

RISK AND OTHER IMPLICATIONS

Financial

DSR will provide funding to the amount of \$25,000 to the City for distribution.

Legal

Nil

Operational

The DSR funding will be distributed by Community Development project staff.

Organisational

Nil

CONCLUSION

The funding of \$25,000 DSR Kidsport program (exclusive of GST) is additional to the City's youth sporting grants programme. The budgets will need to be amended accordingly.

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

1. The City accepts the funding of \$25,000 (exclusive of GST) from DSR for the Kidsport program.
2. The 2012 - 2013 revenue and associated expenditure budgets be amended as summarised below.

Revenue				
DSR Kidsport	0	(25,000)	(25,000)	32.32100.4311.00.00.18030
Total Funding	0	(25,000)	(25,000)	
Expenditure				
Sponsorships	0	25,000	25,000	32.32100.5961.00.00.18030
Total Expenditure	0	25,000	25,000	
Net Variation to Budget – Deficit/(Surplus)		Nil	Nil	

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

The following item number **SGS1211-7** was **MOVED** and carried en bloc earlier in the meeting.

SGS1211-7 OP24 DRAFT DISASTER RELIEF DONATIONS POLICY

DataWorks Reference: 013/001
Disclosure of Interest: Nil
Meeting Date: 14 November 2012
Previous Item: 16.12.2002 (SDRCP334)
Responsible Officer: Marisa Spaziani, Director Community Development
Actioning Officer: Marisa Spaziani, Director Community Development
Decision Making Authority: Council
Agenda Attachments: Attachment - 1 OP24 Donations to Disaster Relief Appeals
Attachment - 2 Draft Donations Policy

EXECUTIVE SUMMARY

The policy **OP24 Donations to Disaster Relief Appeals** has been updated and the scope of the policy broadened to include small donations (up to \$300) to community groups and schools given the requests through the Mayor and/or City officers for small donations.

BACKGROUND

The City currently has a donations policy that only covers donations to disaster relief appeals. Donations are defined as sums of money provided with no benefit to the donor required. The City has a community development funding programme that provides medium to large lump funds for a range of purposes (up to \$10,000), with benefit to the City and requires an application and acquittal process.

The donations policy currently only requires a resolution of council.

COMMENT

The Mayor and Chief Executive Officer (CEO) are subject to numerous requests for small donations from local voluntary groups or schools for either cash or prizes. There is currently no policy that covers these types of requests.

To enable positive responses to reasonable requests for small donations the current Donations to Disaster Relief Appeals policy has been updated to broaden the scope of the donations policy to include small donations (less than \$300) that could be made to local groups and/or schools. Examples are requests for prizes for a local group or school quiz night, requests for donations for local charities.

The current donations budget is \$10,000.

RISK AND OTHER IMPLICATIONS

Financial

Budget to be set at budget time annually.

Legal

Nil

Operational

The donation would need to be invoiced by the recipient.

Organisational

Budget sits in the governance area.

CONCLUSION

The request for a donation would be made to the CEO (the delegate) for approval. The amount available in the donations budget to be set by council each year at budget time. A quarterly report of all donations provided, would be made available to council through an information report to the council round of meetings.

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

The updated draft Donations Policy OP24 be adopted for implementation in the 2013/2014 financial year.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Sam Wainwright Cr Dave Coggin	

Cr Doug Thompson	
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The following item number **SGS1211-9** was **MOVED** and carried en bloc earlier in the meeting.

SGS1211-9 FREDERICK WRIGHT MEMORIAL HOMES TRANSFER TO ACCESS HOUSING

DataWorks Reference: 023/006;038/036;Frederick Wright Memorial Homes; Access Housing
Disclosure of Interest: Nil
Meeting Date: 14 November 2012
Previous Item: 10 October 2012
Responsible Officer: Marisa Spaziani, Director Community Development
Actioning Officer: Kerry Wood, Lands Administration Officer
Decision Making Authority: Council
Agenda Attachments: Attachment 1 – Legal Advice

EXECUTIVE SUMMARY

Access Housing submitted a proposal to the City in relation to the redevelopment of the Frederick Wright Memorial Homes (FWMH). The proposal considered by council at its October 2012 meeting, involved transferring FWMH land to Access Housing to redevelop the site for seniors affordable housing. Legal advice has been received and there is no impediment to the City seeking approval from State Lands for the transfer.

BACKGROUND

In October 2012, Council resolved:

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

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 3,067m² 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".

COMMENT

The legal advice obtained (Attachment - 1) indicates that the City:

... obtain the approval of the Minister for Lands to the proposed transfer of the FWMH land to Access Housing. As Access Housing intends to use the land for the purpose of aged persons accommodation, it is unlikely that approval would be refused. The City should ensure that any contract for sale of the FWMH land is conditional upon the approval of the Minister being obtained.

It also suggests that the City could sell the land to Access Housing, however, this option was not part of the proposal received and when canvassed with Access Housing informally, they considered this would make the project unviable.

Advice received from the State Lands Metropolitan on 17 September 2012 with regard to the City's proposed transfer of FWMH to Access Housing (in part) states the following;

"Lot 2999 and 3086 are currently held on Certificate of Title Volume 1957 Folio 32 by the City of Fremantle in Trust for 'Aged Persons Accommodation'.

The City of Fremantle could, subject to the approval of the Minister for Lands under section 75(5) of the Land Administration Act 1997 (LAA) (which is delegated to the Manager, State Lands-Metropolitan), transfer one or both of the Lots to Access housing being a not for profit organisation. In this case, the land would be held in Trust (conditional freehold title) by Access (Housing) Australia with the land to be utilised for 'Aged Persons Accommodation' purposes only."

In the option the Crown Grant conditions remain unchanged for the purpose of "Aged Persons Accommodation" only.

Access Housing has also requested that the City exempt Access Housing from rates on the property until the redevelopment is completed. It is estimated that the redevelopment would commence in the 2013/2014 financial year.

It is also understood that on transfer, Access Housing would take on the management of the site including the rental agreements to tenants. Access Housing has agreed that current tenants would receive first option to relocate back to the redeveloped FWMH site.

RISK AND OTHER IMPLICATIONS

Financial

Legal costs involved in the preparation of a statutory declaration and a transfer of land document. Landgate Statutory charges may apply in relation to a request for a "New Title Balance" currently charged at \$160.00.

Legal

Legal advice as attached (Attachment - 1).

Operational

The City would no longer be involved in the tenancies at FWMH.

Organisational

Nil

CONCLUSION

The transfer of land to Access Housing, together with the sale of the Tapper Street property as resolved by the Trust, will enable Access Housing to redevelop both Tapper Street and FWMH's sites to offer a greater yield of high quality affordable seniors housing options to the City of Fremantle. The City is not in a position to redevelop one or either site and this proposal does offer current tenants and future eligible tenants improved access to affordable housing options.

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

Absolute Majority Required

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr J Strachan

- 1. Proceed with the transfer of Lot 2995 (only as described on Certificate of Title Volume 1957 Folio 32 located at 83 Rennie Crescent, Hilton and known as the Frederick Wright Memorial Homes (FWMH) to Access Housing Australia Ltd to be held in trust (conditional freehold title) for the purpose of Aged Persons Accommodation subject to the approval of the Minister for Lands under section 75(5) of the Land Administration Act 1997.**
- 2a. To exempt Access Housing from rates levied upon 83 Rennie Crescent, Hilton (FWMH) for 2012/13, and**
- 2b. Future rating exemptions may be provided during the period of redevelopment and will be considered by Council when setting future budgets**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume	

Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	
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The following item number **SGS1211-11** was **MOVED** and carried en bloc earlier in the meeting.

**SGS1211-11 RATE CONCESSION SUBMISSION - 15F SEAVIEW STREET
BEACONSFIELD - SCOTTI S & KIRKHAM L**

DataWorks Reference:	ROW 100 15F Seaview Street Beaconsfield
Disclosure of Interest:	Nil
Meeting Date:	SGS Committee 14 November 2012
Previous Item:	SGS1109-10 28 September 2011
Responsible Officer:	A Carmichael, Manager Finance
Actioning Officer:	D Nicholson, Rates Coordinator
Decision Making Authority:	Council
Agenda Attachments:	Request for rate concession extension WAPC approval letter

EXECUTIVE SUMMARY

It is recommended that City rates levied on the right of way (ROW) at 15F Seaview Street Beaconsfield be waived for the 2012/2013 financial period to allow the owners time to finalise the combining of the ROW with the their residential property title.

BACKGROUND

In 2004 15 Seaview Street Beaconsfield was strata titled into a two lots resulting in an original front residence plus a new rear vacant block.

Access to this rear block was via an adjoining right of way (ROW) which was owned by the then strata title applicants.

This ROW in addition to being the rear block's only access was also utilised by adjoining properties for access to the rear of their properties.

In 2006 a new residence was constructed on the rear block with the ROW being upgraded as a driveway for this new residence.

In September 2010 both the rear residence plus the ROW were sold to the current owners, the ROW for \$1.00, resulting in the ROW being rated for the first time.

Prior to settlement the purchaser's agent was informed of the intended rating of the ROW with interim rates issuing effectively from 1st October 2010.

Annually this ROW is subject to the City's minimum rate, which for 2012-2013 totalled \$1,050.00, plus the emergency services levy.

Requests to Land Valuation Services for the ROW to be valued "Contiguously" with the rear lot, thereby alleviating these rates and levy have been unsuccessful.

This is due to the ROW and the rear lot having differing legal descriptions and the neighbouring properties right's of access.

Council at its meeting in September 2011 approved the waiver of the 2011-2012 rates whilst the existing owners amalgamated the ROW and residential lots.

Such procedures have been undertaken with the WA Planning Commission granting conditional approval on the 3rd September 2012 for the amalgamation of the lot's.

COMMENT

The owners of the ROW are seeking a further rating concession from the City whilst they fulfil the WAPC conditions and finalise the amalgamation of the lots.

As this ROW is the rear residences driveway and its only form of access, a further concession is considered appropriate.

RISK AND OTHER IMPLICATIONS

Financial

Loss of revenue was \$1,014.00 in 2011-2012 and will be \$1,050.00 for 2012-2013.

Legal

Nil

Operational

Nil

Organisational

The City should consider compiling and implementing a policy on privately owned rights of ways management.

CONCLUSION

As the owners of the ROW have undertaken costly procedures to amalgamate the lots and in view of the ROW's overall purpose, it is considered that the \$1,050.00 2012-2013 rates be waived as a final concession.

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

That the 2012-2013 rates levied on the right of way at 15F Seaview Street Beaconsfield totalling \$1,050.00 be waived with the owners being informed that this is the City's final concession with rates to definitely apply for future financial periods where the ROW remains rateable.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

**SGS1211-5 TO CONSIDER A REQUEST TO PERMIT GILBERT FRASER OVAL
TO BECOME A DOG OFF LEASH EXERCISE AREA EXCEPT WHEN
THERE IS ORGANISED SPORTING ACTIVITY**

DataWorks Reference: 035/001
Disclosure of Interest: Nil
Meeting Date: 14 November 2012
Previous Item: Nil
Responsible Officer: Glen Dougall, Director, Corporate Services
Actioning Officer: Cameron Bartkowski, Manager Community and Parking
Decision Making Authority: Council
Agenda Attachments: Draft amendment *City of Fremantle Dog (Exercise Areas) Amendment Local Law 2012*
Email Jane Page

EXECUTIVE SUMMARY

On 28 March 2012 Council was handed a petition asking that Council consider a request to permit Gilbert Fraser Oval to become a Dog off leash exercise area except when there is organised sporting activity.

A letter from the North Fremantle Associated Sports Clubs was also included.

On the 9 May 2012, the Strategic and General Services Committee recommended that Council instruct City officers to make an amendment to the Dog Control Local Law to provided back to Council for consideration for advertising.

On the 8 August 2012, the Strategic and General Services Committee recommended that Council instruct City officers to make the amendment to the Dog Control Local Law advertised to the community as per the Local Government Act 1995 when changing a Local Law. Of which there was one submission in favour of the change, Jane Page 21 Rule St North Fremantle.

BACKGROUND

Council Rates records reveal that there are 12,613 residential properties in the City of Fremantle. There are 8,363 dogs registered within the City of Fremantle. Of which there are 2,539 dogs registered in the Post Codes of 6160 and 6162.

The City has 18 dog exercise areas for the 8,363 City of Fremantle registered dogs and an unknown number of dogs from other areas.

The current status for this reserve is that dogs must be on a leash at all times.

The letter requesting the change and attached to the Agenda was submitted by Lou Cunningham and Yvonne Barron convenors of the North Fremantle Dog Owners.

Mr Cunningham resides at 1 Rule Street North Fremantle and Ms Barron resides at 43 Corkhill Street North Fremantle.

The petition requests Council to “change the status of Gilbert Fraser Reserve to an Official dog (off-leash) exercise area except when sporting fixtures or training are in progress”.

The request outlined in the petition requires approval from Council.

COMMENT

As stated above, Gilbert Fraser Oval is subject to a single lease to the North Fremantle Associated Clubs this lease expires 29 June 2015.

There is a small section of Gilbert Fraser Reserve that is on the other side of Johanna Street that is leased by Apace Aid this section is not included in this request.

It is only the Oval that the request is made for.

Under the existing Local Law the current status for this oval is that dogs must be on a leash at all times.

The Gilbert Fraser Oval is a large open area which will be of benefit to dog owners in that they will have unrestricted observation of their dogs under this amendment.

RISK AND OTHER IMPLICATIONS

Financial

The adoption of the proposed amendment will not have a direct immediate financial impact on the current budget other than alteration to signage if change is supported.

Legal

The Dog Act 1976 enables the City a degree of flexibility in making effective Local Laws which can be amended at anytime by Council.

Operational

Nil

Organisational

Nil

CONCLUSION

The options for Council are to either to retain the existing restriction or agree to the request to allow dogs off leash on this reserve except when organised sporting activities are in progress, at such times dogs must be on a leash.

If Council resolves to agree to the request outlined in the petition an amendment will be necessary to the *City of Fremantle Local Law Relating to Dogs*.

The following is the text of the proposed amendment to the Seventh Schedule of the *City of Fremantle Local Law Relating to Dogs*:

After the entry relating to Stevens Street Reserve, in the left hand column titled "Reserve" add a new item as follows –

"Gilbert Fraser Reserve, bounded by John Street, Johannah Street, and the western side of Reserve 36420 (being Fremantle Town Lot number 300), except during an organised sporting activity upon the Reserve";

and in the right hand column, titled "Lot No.", opposite, add the numerals "478".

If Council resolves to adopt the proposed amendment, and it is subsequently adopted by Council, the proposed amendment will become part of the *City of Fremantle Local Law Relating to Dogs*. The process for amending the Local Law is outlined below:

- Notice of the summary of the Purpose and Effect of the Local Law to be provided to the Council meeting. [THIS PARTICULAR ACTION WOULD BE NECESSARY BY COUNCIL WHEN CONSIDERING THIS ITEM SHOULD THE COMMITTEE RECOMMEND THIS PROPOSAL]
- Local Government gives Local Law and notice to Minister(s).
- Local Government receives and considers public submissions.
- If significant amendments are necessary, the procedure must be recommenced.
- Local Government makes Local Law.
- Local Government prepares Explanatory Memorandum for Committee.
- Local Government publishes Local Law in Gazette and gives a copy of Local Law to Minister(s).
- Local Government gives Statewide notice of Local Law and publicises Local Law in district.
- Parliamentary Counsel tables Local Law in both Houses of Parliament within 6 signing days of Gazettal.
- Local Government sends 10 copies of Local Law and Explanatory Memorandum to the Joint Standing Committee on Delegated Legislation.

PURPOSE AND EFFECT OF THE PROPOSED AMENDMENT:

The purpose and effect of the proposed amendment to the *City of Fremantle Local Law Relating to Dogs* is to provide for a convenient area for the exercise of dogs off leash.

STRATEGIC AND POLICY IMPLICATIONS

The Community Safety and Crime Prevention Plan, is an integral component of the Community Safety commitment of the City's Strategic Plan.

COMMUNITY ENGAGEMENT

Advisements of the intent to change the Local Law were placed in Fremantle News of the Fremantle Gazette, The Weekend West and the City's Web Page. Six weeks was given for people to make comments only one in favour comment has been received.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

Cr Doug Thompson moved an amendment to part 1 of the officer's recommendation to include the words 'and/or school'.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

REASON FOR CHANGE TO THE OFFICER'S RECOMMENDATION

As the North Fremantle Primary School often uses Gill Fraser Oval, it was thought that it would be beneficial to specify school activity.

Cr Jon Strachan moved the officer's recommendation as amended, to read as follows;

COMMITTEE RECOMMENDATION

That the Strategic and General Services Committee recommend Council to:-

- 1. Adopt the proposed use of Gilbert Fraser Reserve as a dog off leash exercise area except during an organised sporting *and/or school* activity upon the Reserve.**
- 2. By the authority of this resolution of the Council that the Common Seal of the City of Fremantle be affixed to the new Local Law in the presence of Mayor and Chief Executive Officer and to be signed by such persons.**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Tim Grey-Smith	

Cr David Hume Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	
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SGS1211-10 REQUEST FOR SPONSORSHIP FOTOFREO AND DISMANTLE

DataWorks Reference:	013/001; FotoFreo; Dismantle
Disclosure of Interest:	Nil
Meeting Date:	14 November 2012
Previous Item:	Nil
Responsible Officer:	Marisa Spaziani, Director Community Development
Actioning Officer:	Marisa Spaziani, Director Community Development
Decision Making Authority:	Council
Agenda Attachments:	Attachment 1 - FotoFreo request for funding. Attachment 2 - Dismantle request for Funding.

EXECUTIVE SUMMARY

\$75,000 of funds in the Community Development budget has historically been allocated at budget time to community projects, operated by not for profit community groups through a request directly to Council. Historically, the intent of these funds were for seed funding projects. Both FotoFreo and Dismantle have requested funding in the 2012/2013 year, with \$25,000 of unallocated funds available.

BACKGROUND

The Community Development budget has funds that have historically been allocated to community organisations that request ongoing sponsorship and/or seed funding for projects over multiple years. This is additional to the Community Development Funding Programme - an annual funding programme. The amount available is \$75,000 per annum and these funds are decided by Council at budget time. For the past 4 years, the monies have been allocated to the Men's Shed at \$50,000 per annum and FotoFreo currently at \$25,000 cash per annum. FotoFreo is also allocated \$25,000 in kind support at the time of the festival. There is no application process other than a request direct to council. This funding is not advertised to the community so there is no competitive process. FotoFreo has a sponsorship contract, Men's Shed does not. Historically, the funds have been set aside for assisting organisations who may require short term assistance to continue trading until they become sustainable or seed fund for a worthwhile project.

FotoFreo was first funded in 2005, primarily for seed funding to assist the FotoFreo festival get established. This funding has continued through a number of contracts to a total of \$215,000 over 7 years. FotoFreo has been a very successful festival growing from a relatively modest festival to a festival that goes beyond Fremantle and attracts significant sponsorship. The current FotoFreo contract ends in December 2012.

The Men's Shed is also a successful community service, providing programs to people in Fremantle. Its budgets are modest and their access to other levels of government funding is minimal.

COMMENT

In the 2012/2013 budget, \$50,000 of the \$75,000 available has been allocated to the Men's Shed. The remaining \$25,000 was not allocated. The City has received two direct written requests for which these funds could be allocated. FotoFreo has requested a new funding contract with the City comprising:

- A total of \$75,000 cash over two years.
- Use of the exhibition facilities (\$25,000 in kind).
- Full-time use of an office at the Fremantle Arts Centre rent free. This space at the Arts Centre is not currently rent free. It equates to \$10,000 per annum.

For this, the City would retain the naming rights for the event along with the other usual benefits.

It is proposed by FotoFreo that \$25,000 be paid in the current financial year and the remaining \$50,000 (in two parts) in the 2013-2014 financial year (Attachment - 1).

Dismantle has also approached the City for assistance over a two year period, at \$25,000 per year to assist with their community bike recycling workshop project at the Esplanade Reserve (Attachment - 2). Dismantle believe that this seed funding will help them develop this project into a sustainable project into the future. The project would be adjacent to the new Skate Park planned for the Esplanade Reserve.

It is not possible to make judgements about allocation of funds on project value as each project is very different in nature, type and scope and worthy in its own right. Access to these funds by community groups is not currently equitable and has been allocated on either history or direct lobbying of elected members. If allocation of funds is to continue in this manner then the request from Dismantle is new and is for seed funding. It is recommended that funding for community projects should be time limited.

Many projects require seed funding that spans more that 1 year as demonstrated by both FotoFreo and Men's Shed, so an allocation that spans more than a year can be helpful. It is recommended that funding should be time limited, through the issue of a funding contract, specifying timeframe and all community organisations should be eligible to apply for project seed funding to ensure equity of access to City funds.

RISK AND OTHER IMPLICATIONS

Financial

The amount available in the 2012/2013 budget is \$25,000. An agreement with FotoFreo commits the City to support over a 2 year period and would reduce the amount available for the Men's Shed to \$25,000 in 2013/2014, given the current budget allocations. The request from Dismantle fits within the budgetary parameters currently allocated.

Legal

Nil

Operational

Nil

Organisational

It is recommended that all funding to community not for profit organisations is through a contract specifying the sponsorship and benefits to the City.

CONCLUSION

Both FotoFreo and Dismantle offer valuable services to the community. FotoFreo has received a number of years of funding, both cash and in kind (has a monetary value) from the City in relation to the festival. The benefits of the FotoFreo project to the City of Fremantle is large and is outlined in the reports received from FotoFreo.

Dismantle has not had prior funding support for this project. Outcomes from this project are still to be realised.

If the original intention of these funds was to seed fund worthwhile community projects, and that intent is to continue, then FotoFreo no longer fits the purpose of seed funding. The Dismantle request does fit this intention.

STRATEGIC AND POLICY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

1. The unallocated \$25,000 in the 2012/2013 Community Development budget be allocated through a contract agreement to Dismantle as seed funding, with a further consideration of \$25,000 in the 2013/2014 budget, for the community bike recycling project at the Esplanade Reserve.
2. Commencing in the 2013/2014 budget year the available funds be advertised to the community and be allocated through an application process that provides equity and access to these funds by all community groups.

Cr Jon Strachan moved an amendment to the officer's recommendation to include the following additional point 3. to read as follows;

3. *Funding for FotoFreo will be considered as part of the 2012/2013 mid-year budget review process.*

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

Cr Jon Strachan made this amendment as he felt that these types of organisation need the City's support.

Cr Jon Strachan moved the officer's recommendation as amended, to read as follows;

COMMITTEE RECOMMENDATION

1. The unallocated \$25,000 in the 2012/2013 Community Development budget be allocated through a contract agreement to Dismantle as seed funding, with a further consideration of \$25,000 in the 2013/2014 budget, for the community bike recycling project at the Esplanade Reserve.
2. Commencing in the 2013/2014 budget year the available funds be advertised to the community and be allocated through an application process that provides equity and access to these funds by all community groups.
3. *Funding for FotoFreo will be considered as part of the 2012/2013 mid-year budget review process.*

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

LATE ITEM

SGS1211-12 PROPOSAL TO MODIFY INVESTMENT POLICY (SG41)

DataWorks Reference:	006/098
Disclosure of Interest:	Nil
Meeting Date:	SGS 14 November 2012
Previous Item:	Nil
Responsible Officer:	Glen Dougall, Director Corporate Services
Actioning Officer:	Alan Carmichael, Manager of Finance
Decision Making Authority:	Council
Agenda Attachments:	Draft Investment of Surplus Funds Policy (SG41) Draft Investment of Surplus Funds Procedure

EXECUTIVE SUMMARY

To approve the revision of the investment policy for the investment of surplus funds. The revision of Policy SG41 – Investment of Surplus Funds will satisfy the new requirements under the Local Government Act 1995.

The revision allows for the fact that Local Government can now only invest in;

- **Bank Negotiable Certificates of Deposit,**
- **Interest Bearing Deposits with an Authorised Institution, and**
- **Commonwealth/Semi-Government Bonds.**

BACKGROUND

In March 2012 the State Government proposed changes to the Local Government Act 1995 and associated regulations to prescribe how local government may invest surplus funds.

The basis of the changes was in response to issues surrounding the Global Financial Crisis and to ensure that local government investments were maintained in secure deposits.

These changes have effectively limited investments to approved Australian Deposit Institutions (ADI's) for short term periods of up to one year with some allowance given for investments of not more than three years in bonds.

COMMENT

The changes came into effect earlier this year and as a result Council's policy needed amendment to reflect these changes.

The changes prohibit investment in the following;

- Deposits with any institution which is not an authorised institution;
- Deposits for a fixed term of more than 12 months;
- Bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- Bonds with a term to maturity of more than three years; and
- Foreign currency.

As a result of these changes the City has sought advice from CPG Advisory, council's current investment advisor, to draft a new policy to suit the parameters of the new requirements.

This new Policy is attached for consideration of Council. The City has separated the advice from CPG into a policy and a procedure to ensure the consistency for the new corporate governance system being developed. The policy provides the objectives of council whilst the procedure provides how the policy will be implemented. Copies of both are provided however Council only need approve the policy.

The City has commended the process of withdrawing investments which sit outside the draft policy, such as our long term surplus funds which currently sit within managed equity investments.

The policy identifies limits to the amount of investment within any single category and any one institution to ensure that there is a diverse spread of investment to manage the risk for council. The main criteria for the proposed policy is the security of the deposit.

RISK AND OTHER IMPLICATIONS

Financial

The primary aim of the draft policy is to ensure the security of deposits.

The process to withdraw our current managed investments may see some mark to market losses depending on the timing of their withdrawal. To this point this has not yet occurred.

The new policy may see a reduction in the ability for council to maximise returns from investment when compared to the previous policy, however it will minimise the risk to volatility.

Legal

Local Government Act 1995

Operational

The City will now undertake a strategy of investing its surplus funds amongst approved ADI's and bonds for longer term investments.

Organisational

The draft policy and procedure reflect the requirements of the recent Act changes.

CONCLUSION

Council adopt the proposed new policy for the investment of surplus funds.

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

Council adopt the proposed Investment Policy (SG41) as per the attachment to the Strategic and General Services Agenda of 14 November, 2012.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

CONFIDENTIAL MATTERS

Nil.

CLOSURE OF MEETING

THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 7.20 PM.

CITY OF FREMANTLE

SUMMARY GUIDE TO CITIZEN PARTICIPATION & 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.

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 council appointed working groups, its community precinct system, and targeted community engagement 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 bi-ennial 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.

How consultative processes work at the City of Fremantle

<p>Decisions will not necessarily reflect the majority view received</p>	<p>7 Local Government in WA is a representative democracy. Elected Members and the CEO are charged under the Local Government Act with the responsibility to make decisions based on fact and the merits of the issue without fear or favour and are accountable for their actions and decisions under law. Elected Members are accountable to the people via periodic elections. As it is a representative democracy, decisions may not be made in favour of the majority view expressed via consultative processes. Decisions must also be made in accordance with any statute that applies or within the parameters of budgetary considerations. All consultations will clearly outline from the outset any constraints or limitations associated with the issue.</p>
<p>Decisions made for the overall good of Fremantle</p>	<p>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.</p>
<p>Diversity of view on most issues</p>	<p>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.</p>

How consultative processes work at the City of Fremantle

City officers must be impartial	<p>1 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.</p>
City officers must follow policy and procedures	<p>1 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.</p>
Community engagement processes have cut-off dates that will be adhered to.	<p>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.</p>

How consultative processes work at the City of Fremantle

Citizens need to check for any changes to decision making arrangements made	<p>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.</p>
Citizens are entitled to know how their input has been assessed	<p>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.</p>
Reasons for decisions must be transparent	<p>1 Decision-makers must provide the reasons for their decisions.</p>
Decisions posted on the City's website	<p>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.</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.