



AGENDA

Strategic and General Services Committee

Wednesday, 10 April 2013, 6.00pm

CITY OF FREMANTLE
NOTICE OF A STRATEGIC AND GENERAL SERVICES
COMMITTEE MEETING

Elected Members

A Strategic and General Services Committee Meeting of the City of Fremantle will be held on Wednesday, 10 April 2013 in the Council Chamber, Town Hall Centre, 8 William Street, Fremantle (access via stairs, opposite Myer) commencing at 6.00 pm.

Glen Dougall
DIRECTOR CORPORATE SERVICES

5 April 2013

STRATEGIC AND GENERAL SERVICES COMMITTEE

AGENDA

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

NYOONGAR ACKNOWLEDGEMENT STATEMENT

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

ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

PUBLIC QUESTION TIME

DEPUTATIONS / PRESENTATIONS

DISCLOSURES OF INTEREST BY MEMBERS

LATE ITEMS NOTED

CONFIRMATION OF MINUTES

That the Minutes of the Strategic and General Services Committee dated 13 March 2013 be confirmed as a true and accurate record.

TABLED DOCUMENTS

TABLE OF CONTENTS

ITEM NO	SUBJECT	PAGE
REPORTS BY OFFICERS (COMMITTEE DELEGATION)		1
SGS1304-1	PROPOSED DIFFERENTIAL RATES FOR 2013/2014	1
REPORTS BY OFFICERS (COUNCIL DECISION)		4
SGS1304-2	FREMANTLE TOWN HALL AND VICTORIA HALL USAGE OPTIMISATION	4
SGS1304-3	SHITBOX RALLY - REQUEST FOR CARPARK 11	10
SGS1304-4	WILLIAM STREET CONTRA FLOW CYCLE LANES	13
SGS1304-5	SWAN RIVER FORESHORE DINGHY MANAGEMENT COMMUNITY CONSULTATION	16
SGS1304-6	NOTICE OF MOTION BY MAYOR BRAD PETTITT - SOUTH FREMANTLE TIP SITE USES BY FREOFARM AND AS A SOLAR FARM	22
CONFIDENTIAL MATTERS		25
Summary Guide to Citizen Participation and Consultation		26
AGENDA ATTACHMENTS		1
SGS1304-1	PROPOSED DIFFERENTIAL RATES FOR 2013/2014	2
SGS1304-2	FREMANTLE TOWN HALL AND VICTORIA HALL USAGE OPTIMISATION	6
SGS1304-5	SWAN RIVER FORESHORE DINGHY MANAGEMENT COMMUNITY CONSULTATION	55

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

SGS1304-1 PROPOSED DIFFERENTIAL RATES FOR 2013/2014

DataWorks Reference:	152/008
Disclosure of Interest:	Nil
Meeting Date:	10 April 2013
Previous Item:	SGS1204-1
Responsible Officer:	Maurice Werder, Acting Manager Finance and Administration
Actioning Officer:	David Nicholson, Rates Coordinator
Decision Making Authority:	Committee
Agenda Attachments:	Proposed Objects and Reasons for Differential Rates

EXECUTIVE SUMMARY

Legislation requires the objects and reasons for differential rates to be advertised before they can be adopted in the annual budget. However having followed the prescribed process Council does have the discretion to vary the rate in the dollar and minimum rate without further public advertising when it adopts its annual budget.

No change in the number of differential rates is being recommended for 2013/2014, but it is noted that in 2011/2012 Council introduced three new differential rates, namely Nightclubs, Vacant Residential Land and Undeveloped CBD Zone Property.

BACKGROUND

No changes are being recommended to the types of differential rates that applied for 2013/2014.

COMMENT

For advertising purposes a 4.0% increase has been factored into the differential rates proposed for the upcoming budget. Using 4.0% for the purpose of public advertising does not bind Council to that increase in rates when Council adopts the 2013/2014 budget, as Council still has the option to vary the rates in the dollar and minimum rate up or down to that advertised.

Changes in GRV's from the 1 July 2011 triennial revaluation reduced the number of properties above the minimum rate in the City Centre rate and consequently reduced the amount of revenue raised as per the following table;

Financial Year	GRV	No. Properties above Minimum Rates	Estimated Revenue Raised above General Differential
2010/2011	63,183,514	415	305,808
2011/2012	74,582,372	389	283,413
2012/2013	75,575,954	397	316,000

Electors or ratepayers will have 21 days from the date of public advertising to make submissions in respect of the proposed rate or minimum payment and any related matter. The city is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

With the Nightclubs differential rate, Landgate Valuation Services will not provide separate gross rental valuations for the nightclub area of a rateable property where it does not cover the whole property. In 2011/2012 concessions were subsequently provided to property owners where the nightclub did not occupy the whole property. It is proposed to provide similar concessions under similar conditions in 2013/2014 and they would be provided for by listing the relevant properties in the budget document with other properties where rate concessions are proposed.

RISK AND OTHER IMPLICATIONS

Financial

Differential rates represent a strategic approach to rating which is Council's major revenue source.

Legal

Local Government Act 1995 sections 6.33 and 6.36 on differential rates and requirement to give notice of certain rates refer.

Operational

If advertising is approved, it will mean public advertising can occur so that it would be possible to adopt the 2013/2014 Budget at the ordinary Council Meeting on 26 June 2013.

Organisational

Nil.

CONCLUSION

It is recommended the proposed Objects and Reasons for Differential be advertised for a minimum of 21 days in accordance with the statutory requirements so we remain within our timeframe for the 2013/2014 Budget process.

STRATEGIC AND POLICY IMPLICATIONS

As flagged under financial implications, differential rating is a strategic approach to rating.

COMMUNITY ENGAGEMENT

It is statutory requirement that if differential rates are proposed, the objects and reasons be advertised for public comment. This item is seeking endorsement to commence that process.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

In accordance with section 6.36 of the Local Government Act 1995 the City of Fremantle advertise for public comment the attached Objects and Reasons for Differential Rates 2013/2014.

REPORTS BY OFFICERS (COUNCIL DECISION)**SGS1304-2 FREMANTLE TOWN HALL AND VICTORIA HALL USAGE
OPTIMISATION**

DataWorks Reference: 046/007
Disclosure of Interest: Nil
Meeting Date: 10 April 2013
Previous Item: Nil
Responsible Officer: Wendy OShaughnessy, Acting Manager Economic Development and Marketing
Actioning Officer: Marie La Frenais, Coordinator Event Management
Decision Making Authority: Council
Agenda Attachments: Fremantle Town Hall and Victoria Hall- Improved Access and Usage report by One Degree Advisory Pty Ltd
Statement of Work

EXECUTIVE SUMMARY

The recent announcement of the departure of Deckchair Theatre from Victoria Hall provided the opportunity to consider options for the long term use of the property as well as the future use of Fremantle Town Hall and how the two can operate harmoniously.

At the Council meeting on the 19 December 2012, it was unanimously voted that the City commission a report into the longer term use of the Victoria Hall, taking into consideration the current and anticipated emphasis in the future use of the Fremantle Town Hall.

This report was commissioned to One Degree Advisory Pty Ltd based on the statement of work provided by the former Manger Economic Development and Marketing.

Scope of works introduction:

The City of Fremantle has a nationally recognised reputation as a centre of arts and cultural activity. The City has an outstanding built environment, active commercial and professional galleries, the State's Maritime Museum, the Fremantle Arts Centre, festivals which feature across the annual calendar and a large number of artists of all disciplines living and working within its boundaries.

The arts and entertainment sector is big business in Fremantle. The sector is a major drawcard for national and international visitors as well as Perth residents who flock to the City each week.

The City of Fremantle owns a number of assets that service the community and which play a large role in the arts and entertainment business. Two of these are historic buildings; the Fremantle Town Hall and Victoria Hall.

In order to maximise the use and number of users of both venues, the City engaged a suitably skilled and experienced advisor to report on the longer term potential of each venue, how each might compliment with the other and the management arrangements that will maximise the use of each; by assessing each venue for their potential, in consultation with internal and external stakeholders.

The purpose of this item is to accept the report with recommendations requested from senior management group and from council.

BACKGROUND

The City's Strategic Plan 2010-2015 includes a number of commitments to the community of Fremantle. Those related to the scope of works include:

- work to provide a liveable city with a range of housing, work and recreation opportunities
- provide for population and economic growth by planning and promoting development and renewal in designated precincts within the city;
- sustain and promote strategic initiatives that will grow our diverse arts culture
- protect and enhance our significant built and social heritage

Victoria Hall

For over ten years Deckchair Theatre and its resident company with the venue being used for rehearsals and theatre performances. From time to time the lessee sub-leased the venue for one-off events.

During the period of the Deckchair Theatre residency, the Hall was substantially upgraded. Improved front of house facilities, a new bar and outdoor area, the installation of purpose designed backstage and technical equipment, office facilities for company management and performers off stage areas. Limited acoustic attenuation was also installed in the main auditorium. This work was paid for by public funds and the hall is now a valuable public asset.

Details of additional recommend physical upgrades for Victoria Hall are contained within the Grieve Gillett Opportunity Report December 2010.

Victoria Hall was re-leased by the City of Fremantle to Deckchair Theatre on 1 July 2011. The company has since closed operations and the City has made recommendations to Councillors that the venue be made available for short term, casual hire until an operations and usage review can be completed.

Fremantle Town Hall

In this strategic context, the City has undertaken an Urban Design Strategy for Kings Square, the centre of the City. The Town Hall is the centre piece of this strategy and Victoria Hall is just outside the geographical boundaries of this proposed development site.

The Urban Design Strategy encompasses City owned buildings, parkland, privately owned commercial property and St John's Church.

Fremantle Town Hall is also available for short term and casual hire. It is a much larger venue with capacity for significantly greater audiences. The Grieve Gillett Report notes that the Town Hall does have major deficits in occupation, health and safety requirements.

The report indicates that other vital development could significantly enhance usage of the Town Hall in a way that improves access by patrons, provides an engaging and welcoming entry to visitors.

As a result, the City wishes to explore options that will maximise usage of both venues as well as access to the Fremantle community and the wider metropolitan area. Activities may include:

- Community events
- School presentations
- Formal City events
- Arts activities – performance, exhibitions, rehearsals and workshops
- Film, digital and photographic showings
- Conferences
- Meetings, dinners and functions
- Product launches
- Markets and trade shows

COMMENT

The report from One Degree Advisory Pty Ltd was received on 18 March 2013 with fifteen recommendations:

RECOMMENDATION ONE: That technical facilities listed in this report are purchased and installed within the recommended time frames. These items should be featured in the hirers' information brochure that each venue provides.

RECOMMENDATION TWO: That building upgrades and remedial works are actioned within our recommended time frames. It is further recommended that these upgrades are added to venue drawings, for easy identification by venue hirers.

RECOMMENDATION THREE: That the equipment and building improvements designated as 'long-term' be actioned at the same time as the Kings Square development. This includes the immediate preparation of a design brief for the proposed corridor to inform its interaction with the Kings Square development.

RECOMMENDATION FOUR: That a full review of staffing structures in the Economic Development and Community Development sections of the City's operations be commissioned to examine opportunities for efficiencies and service delivery improvements. In addition, this review will seek to identify simplified internal processes.

RECOMMENDATION FIVE: That the basic hiring documentation of each venue be reviewed. The aim would be to align the venues where possible, simplify the hiring process for users and reflect the different nature of each venue. Clear, concise documentation would help clarify the roles and appropriate responses for City staff.

RECOMMENDATION SIX: That the City employ a full time Facilities Manager prior to the installation of the recommended technical equipment. The Manager would oversee installation and supervise the day-to-day technical operation of each venue. The Manager would be the key link between the venues and other areas of City activity.

RECOMMENDATION SEVEN: That a hiring fee benchmarking study be commissioned. This would assess the hiring cost of venues against current fees charged by the City. This study will furnish the City with a hiring structure and rationale to assist community access to the venues while maximising income and usage of these assets. Rental rates for community (lower fees) and commercial (higher fees) usage should be identified along with the two tiered hirer structure in recommendation thirteen.

RECOMMENDATION EIGHT: That Fremantle Festival staff move their office into the rear rooms at Victoria Hall. The staff roles should be expanded to include the responsibility of enlivening this building with events. New staff resources may be required. Programming of activities should be undertaken in full consultation with the existing activities at the Fremantle Arts Centre. It is further recommended that Festival staff are given an incentive to maximise income from these events and return some of this income to the Festival to add value to its activities.

RECOMMENDATION NINE: That the City seek advice on a cost effective manner of delivering front of house management to ensure audience safety and controlled management.

RECOMMENDATION TEN: That the Fremantle Town Hall 1st and 2nd floors are opened up for ongoing and immediate use by community groups as offices and meeting places. Installation of electronic locks will aid this process. Other community usage will be extended with the construction of mezzanine above the stage dock door area – creating both a meeting room and much needed storage space.

RECOMMENDATION ELEVEN: That a building code audit of each building be carried out by a suitably qualified practitioner. This will inform work which should be carried out at the same time as the recommended upgrades are completed.

RECOMMENDATION TWELVE: That the City commissions a Marketing Plan that references the City's Strategic Plan and this report. Its purpose is to provide a blueprint for promoting each venue, highlighting its versatility, community access, heritage values and technical facilities.

RECOMMENDATION THIRTEEN: That the City introduces a two - tier hirer structure so that regular hirers (potentially the Fremantle Symphony, Fremantle Festival, Seniors' Tea Dances) are given the opportunity to secure dates in advance. External hirers may also be able to take advantage of support from the programming fund (see below). The second tier users will be occasional users.

RECOMMENDATION FOURTEEN: The City currently waives hiring fees to some community hirers. It is recommended that the value of any fees waived should be recorded in the hiring confirmation as the value of the City's contribution. The City may wish to seek a daily access fee (possibly \$100) as a contribution towards operations costs from these users.

RECOMMENDATION FIFTEEN: That an annual programming fund be established to increase community activity in both venues. Totalling \$150,000pa, the fund will seed new activity, build new audiences and offer new access and engagement, similar to the current programmed events at the Fremantle Arts Centre. It will require a defined purpose and targeted objectives to measure its success. The programming fund should also include the value of the rent forgone from community users who chose to access the current venue support program and that value be transferred into the income for the relevant venue. This will enable them to recognise the value of the City's support.

In addition to this, the consultant has prepared a detailed budget (under appendix eight) that breaks down the essential, short, medium and long-term capital work costs associated with the recommendations.

RISK AND OTHER IMPLICATIONS

Financial

Pending Council's recommendations, a 2013 to 2015 budget allocation for proposed works as well as an annual programming fund and any additional required resources.

Legal

Nil

Operational

The event management team within the economic development and marketing business unit along with the community development unit a possible restructure to accommodate recommendation six.

Organisational

Implications regarding the proposed works integration with the Urban Design Strategy for Kings Square.

CONCLUSION

The departure of Deckchair Theatre from Victoria Hall and an increased focus on improving the Fremantle Town Hall as a significant performance space provides the opportunity to consider and to resolve a longer term strategy that will, in a complementary and coordinated way, maximise the future use, and users, of the spaces in each venue.

The purpose of this item is to accept the report with recommendations requested from senior management group and from council.

STRATEGIC AND POLICY IMPLICATIONS

Character

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

A City that attracts diverse original arts and artists, culture and events

- Increase in number of arts providers in Fremantle
- Provide residency and artists programs to attract artists
- Increase communal space for artists to work in and support arts organisations

COMMUNITY ENGAGEMENT

Conducted in preparation of the final report.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

- 1. Receive the Fremantle Town Hall and Victoria Hall- Improved Access and Usage report by One Degree Advisory Pty Ltd.**
- 2. An investigation by a City appointed working group into the feasibility of the fifteen recommendations reporting back to council on any findings.**

SGS1304-3 SHITBOX RALLY - REQUEST FOR CARPARK 11

DataWorks Reference:	042/005
Disclosure of Interest:	Nil
Meeting Date:	10 April 2013
Previous Item:	Nil
Responsible Officer:	Wendy OShaughnessy, Acting Manager Economic Development and Marketing
Actioning Officer:	Marie La Frenais, Coordinator Event Management
Decision Making Authority:	Council
Agenda Attachments:	Nil

EXECUTIVE SUMMARY

'Shitbox Rally' is proposing to book Car Park 11 (Marine Terrace, adjacent to the Italian Club) for the finale of their race on 10 and 11 May 2013 for use from 3.00 pm on the 10 May until 8.30 am on 11 May 2013. They are requesting a 100% subsidy for the use of the car park to the value of \$4 057.

BACKGROUND

The 'Shitbox Rally' is the largest fundraising event for the Cancer Council nationally. The organisers state that promotions for the event reached an audience of over 11.4 million people across television, radio, online and print in 2012. The event organisers promotions focuses on the rally route from Adelaide to Fremantle via Uluru. The event promoter has a new partnership with the Esplanade Hotel Fremantle where guests are staying for the weekend of the event, in turn having a positive economic impact to local businesses. The request for Car Park 11 is due to the close proximity with the Esplanade Hotel.

COMMENT

The benefits to Fremantle from hosting the Shitbox Rally are:

- An estimated attendance in excess of 1,000 of event participants.
- The opportunity for a number of Fremantle businesses to participate in the event.

Recent research has shown that the average per person spend by visitors to events of this type is \$38. While there is an initial loss of revenue from hire fees and parking income from Car Park 11, this is outweighed by the economic benefit to local businesses if the 'Shitbox Rally' can be attracted to Fremantle as an annual event.

RISK AND OTHER IMPLICATIONS

Financial

While there is an initial loss of revenue from hire fees and parking income from Car Park 11, this is outweighed by the economic benefit to local businesses if the 'Shitbox Rally' can be attracted to Fremantle as an annual event.

Legal

Nil

Operational

'Shitbox Rally' will provide the City with a safety / risk management plan, traffic management plan, the events security company agent licence and the event's public liability insurance.

Organisational

Various business units will need to undertake monitoring and facilitation activities prior to, during and following the event.

CONCLUSION

The organiser agrees to use the City's name and logo to the extent practicable / reasonable in on the following material produced or used by the organiser for the purpose of marketing, advertising or publicising the event (which shall be at the organiser's own expense):

- press and radio advertisements;
- media releases;
- public address announcements;
- promotional material;
- publicity material;
- signage at the festival/event; and
- the organiser's website.

STRATEGIC AND POLICY IMPLICATIONS

The 'Shitbox Rally' aligns with the City's Strategic Imperative for sustaining and growing arts and culture while preserving the importance of our social capital. The event will contribute to the outcome of a City that attracts diverse original artists and events.

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

That the fee for the Shitbox Rally use of Car Park 11 (next to the Esplanade Reserve) be waived, a total of \$4 057 on the condition that the organisers enter into a management agreement with the City for the event.

SGS1304-4 WILLIAM STREET CONTRA FLOW CYCLE LANES

DataWorks Reference:	165/008
Disclosure of Interest:	Nil
Meeting Date:	10 April 2013
Previous Item:	Nil
Responsible Officer:	Peter Pikor, Director Technical Services
Actioning Officer:	Phillip Adams, Manager Infrastructure Services
Decision Making Authority:	Council
Agenda Attachments:	Drawing Number 015-1111-DE1 (under separate cover)

EXECUTIVE SUMMARY

The current capital works bike plan program includes provision to improve the City's bicycle network with a contra flow cycle lane on the one way section of William Street between the High Street Mall and the Paddy Troy Mall. A Grant funding contribution has been received from the Department of Transport and the contra flow cycle lane has been approved as a trial by Main Roads WA .

The installation of the contra flow cycle lane in this one way section of William Street will require converting the existing parallel parking on both sides of the street to angle parking on the east side. Whilst these changes will result in the loss of a number of car parking spaces on the street there are nearby car parking facilities that can be utilised. A community consultation process has been undertaken on this proposal and as there are no significant issues associated with this treatment it is recommended for Council's approval.

BACKGROUND

With the continuing expansion of the Bicycle Network in the City of Fremantle, Technical Services Officers have examined the potential options for a formalised bicycle lane from Henderson Street to the Town Hall and Kings Square along the adjacent one way section of William Street. William Street is one way traffic flow from Adelaide Street to Paddy Troy Mall and then from this location is two way traffic flow to Parry Street.

Together with Main Roads WA and Bike West, City Officers developed a conceptual plan for the introduction of cycle lanes for this section of William Street between the High Street Mall and Parry Street with part being contra flow. The intent is to introduce the contra flow treatment as a trial due to the unusual nature of this concept in that it does not provide a defined protected contra flow space on the street. With input from all parties this has resulted in an agreed and approved design that satisfies Australian design standards and achieves a satisfactory level of service for the cycling community. The design results in the existing parallel parking bays in this section of William Street to be converted to angle parking on the east side but results in the loss of 9 car parking bays, 1 loading zone and 1 motorcycle bay. The changes to the parking layout are predominantly of revised pavement markings.

The design plan also requires the minor realignment of the existing raised plateau that links Newman Court to Fremantle Mall. At the southern section of William Street near the Spicers Car Park the existing pedestrian crossing traffic island will be removed and replaced with a pedestrian zebra crossing to cater for crossing movements. The overall proposed treatment is shown on attachment 1.

COMMENT

This innovative project achieves requests to design a suitable link for cyclists to the centre of the Central Business District. During the construction the disruption to the local business community is minimised due to the minimal amount of road construction required.

This project is adjacent to the Kings Square Redevelopment. Whilst the Kings Square adopted Urban Design Strategy does include future consideration on streetscape designs for William Street and Newman Court together with the proposed redevelopment of Queensgate and the Spicer Site, the program of these works suggest that the trial treatment will be in use for a reasonable period of time. The outcomes of the contra flow cycle lane trial will also provide the opportunity for this type of treatment to be considered for other one way streets within this City and also the metropolitan area.

RISK AND OTHER IMPLICATIONS

Financial

A grant of \$36,500 has been received from the Department of Transport for this project. The total revised Budget allocation is \$106,000 with additional funds being sourced at the mid year budget review due to increased costs associated with special green pavement marking for the contra flow cycle lane . The ongoing monitoring of the trial will be from the operating budget.

Legal

Pavement marking and signage for this project has received MRWA approval. MRWA are the custodians of all regulatory pavement marking and signage in Western Australia.

Operational

While providing a significant link for cyclists there will be a loss of a number of on street parking spaces. However there are nearby parking facilities that can be utilised.

Organisational

Nil.

CONCLUSION

The addition of this cycling facility to the bicycle network represents the proactive approach of the Council and community to increase the level of service for sustainable transport options within the City.

The trial implementation of the treatment in William Street will provide information on its effectiveness as a contra flow cycle lane that can be used for other similar situations.

STRATEGIC AND POLICY IMPLICATIONS

This project complements the Strategic Plan to increase the amount of sustainable transport and increasing the cycle network.

COMMUNITY ENGAGEMENT

Community consultation letters seeking feedback on the proposal was sent out to the businesses within the scope of works in early January 2013. Further consultation, including installation of onsite signage, newspaper notices and postings on the City's web site has been undertaken. To date there has been 1 written response and 4 emails in support of the project. There have been 2 telephone inquiries concerned about the loss of parking.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

That Council approves the proposed on street cycle lane treatment in William Street including a contra flow cycle lane in the one way traffic section between the High Street Mall and Paddy Troy Mall as shown on drawing number 015-1111-DE1 on Attachment 1.

SGS1304-5 SWAN RIVER FORESHORE DINGHY MANAGEMENT COMMUNITY CONSULTATION

DataWorks Reference:	146/026 and 146/015
Disclosure of Interest:	Nil
Meeting Date:	10 April 2013
Previous Item:	SGS1101-3
Responsible Officer:	Peter Pikor, Director Technical Services
Actioning Officer:	Lionel Nicholson, Manager City Works
Decision Making Authority:	Council
Agenda Attachments:	Policy - Swan River Trust Policy SRT/D26 Dinghy Management along the Swan and Canning River Park Shoreline. Report – Dinghy Management Plan Community Outcomes

EXECUTIVE SUMMARY

A report was presented to the Council Meeting in January 2011 regarding the Swan River Trust's policy on dinghy management on the Swan River foreshore and it was resolved for the City to undertake a public consultation process with the community to develop preferred dinghy management options for further consideration. The proposed options included a bollard and chain dinghy storage facility, a pedestrian access water craft launching ramp, or no dinghy storage.

The results of this community engagement process found that the majority of respondents, which were mooring owners, preferred the bollard and chain dinghy storage facility option. The preferred option would include installing a bollard and chain dinghy storage facility that is equitable for the community, enforceable by the City and in line with the Swan River Trust (SRT) and Department of Indigenous Affairs (DIA) guidelines. The proposed storage facility consists of buried bollards with chains, and has the capacity of storing approximately 25 dinghies located around Prawn Bay. This storage option would require further refinement prior to implementation to suit the needs of the community utilising the reserve and dinghies as well as further consultation with the Swan River Trust and Department of Indigenous Affairs.

BACKGROUND

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

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

At the Council meeting in January 2011 it was resolved to initiate a consultation process with the community to develop preferred options for further consideration.

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

The objectives of the policy are to;

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

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

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

This regulation allows simple enforcement within the SRT Development and Control Area by allowing authorities to remove illegally placed dinghies. With the recent gazetting of additional supporting enforcement regulations, dinghies that are left on the foreshore more than 8 hours and that are not part of an approved dinghy management system will be subject to removal and a fine of up \$5000 by the SRT.

COMMENT

It is clear the results of the community engagement process found the majority of respondents were in favour of the bollard and chain dinghy storage option. The proposed bollard and chain system was supported by 50% of the respondents. Any storage option would require further refinement prior to implementation to suit the needs of the community utilising the reserve and dinghies, as the respondents identified a large range of requirements to take into consideration. Additionally any management system would be subject SRT's approval.

As a result of this regulation, the City of Melville Council chose to ban all dinghies along the foreshore, phasing out dinghies over an 18 month period. The City of Melville designated areas for dinghy storage prior to the total ban as of 1 July 2014. The City of Canning has policies in place that ban dinghies from the foreshore. To date the only council along the Swan River with an approved dinghy storage system is the Town of Peppermint Grove; this system only accommodates a small amount of dinghies. In recent months the Leeuwin boat launching facility located across the river from Prawn Bay in East Fremantle was improved to accommodate more boat launching activities and parking.

In addition, any landscape treatment would need to consider the cultural significance of the area to local Nyoongars. Prawn Bay Reserve 36420 contains one registered Aboriginal Site the Swan River (Site ID 3536). As part of the project to develop a coherent approach to development along the river, there has been significant discussion with traditional Nyoongar Elders to produce a plan for development works to be approved under the Section 18 of the Aboriginal Heritage Act. Consultation on 13 and 14 October 2010 with the designated Traditional Owners of the Swan River (as part of a wider review of consultation requirements under Section 18 of the Aboriginal Heritage Act) indicated that they preferred that no dinghies be stored on the foreshore.

It is estimated that the required costs for the implementation of the bollard and chain dinghy storage system would be approximately \$25,000. However, further funding will be required for the planning, Section 18 followed by the construction, operation, administration, and enforcement of the safe and equal storage system. While development of a storage system has begun as part of the current reporting process, further community engagement is required to suit the needs of the community, SRT and the DIA.

RISK AND OTHER IMPLICATIONS

Financial

It is estimated that the required costs for the installation of the bollard and chain dinghy storage system would be approximately \$25,000. It is proposed that funding will be listed for inclusion in the 2013/14 capital budget. However, further funding will be required for the planning, Section 18, followed by the operation, administration, and enforcement of the safe and equal storage system and this is proposed to be included in the 2013/14 operational budget.

Legal

An approved dinghy management plan will decrease the City's exposure to potential public liability issues, be in compliance with relevant state legislation (SRT) and ensure the public have safe and equal access to the river and foreshore. With the recent gazetting of additional supporting enforcement regulations, dinghies that are left on the foreshore more than 8 hours and that are not part of an approved dinghy management system will be subject to removal and a fine of up \$5000 by the SRT.

Operational

The planning, consultation, construction, administration, enforcement and operation of a dinghy storage facility will require capital and operational expenditure.

Organisational

Nil

CONCLUSION

The management of dinghies and other water craft along the foreshore is considered the City's responsibility under State Legislation and the Reserves Vesting. It is clear from the recent community engagement process that there is strong community support for a dinghy storage facility along the foreshore.

Until a decision is made on the method in which the Council wishes the City to undertake the management of dinghies along the foreshore, the City will remain out of compliance with relevant State Legislation. Additionally, in keeping good faith with the Traditional Owners of the Registered Site, it is recommended to consider their preferences in the decision making process.

STRATEGIC AND POLICY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Community engagement was undertaken during the months of July and August 2011 with the aims to:

1. Evaluate support for the proposed dinghy management options;
2. Assess reasons for support or opposition;
3. Assist council to determine a preferred option to put forward to the relevant government authorities on this issue.

The objectives of the community engagement process were to provide stakeholders and the community with:

- Information about the dinghy management plan and proposed storage options;
- Opportunity to make inquiries, ask questions and clarify any information provided; and;
- Opportunity to provide feedback to the City on the proposed storage options.

A two-step process was used for this engagement process:

1. Hard copy survey package mailed out directly to 47 mooring licence holders,
2. Hard copy of the survey was distributed in to the North Fremantle community via the Fremantle Herald

An online survey (using the same questions as the hard copy survey) available to the wider community through a link placed on the City's website.

A total of 39 people completed the survey: six via hard copy and 33 online. It should be noted that 22 respondents indicated that they use the river to access a boat mooring or launch a dinghy (or similar), representing 56% of the survey sample, and a bias toward the interests of this stakeholder group. A summary of results is shown below;

- The majority of respondents live in North Fremantle (76%) and use the river foreshore for a range of informal recreation purposes.
- The majority of respondents (81%) are opposed to banning dinghy storage on the foreshore.
- Similarly, the majority of respondents (65%) are opposed to a pedestrian access ramp being created to launch a dinghy from the foreshore.
- The dinghy storage system consisting of bollards and anchor chain is preferred by most (50%) respondents, while the pedestrian access ramp is preferred by 31% of respondents and banning dinghy storage is preferred by 19% of respondents.

A dinghy storage system is the most preferred option for a dinghy management plan.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

That Council;

- 1. Approves a bollard and chain storage system to be put into place at Prawn Bay Reserve that accommodates the community's boat storage needs subject to the Swan River Trust's approval.**
- 2. Lists for consideration funds of \$25,000 in the draft 2013/2014 Capital Budget for the installation of a bollard and chain system around Prawn Bay.**
- 3. Lists for consideration funding for the administration, implementation and enforcement of the SRT regulation SRT/D26 in the Operating budget.**

**SGS1304-6 NOTICE OF MOTION BY MAYOR BRAD PETTITT - SOUTH
FREMANTLE TIP SITE USES BY FREOFARM AND AS A SOLAR
FARM**

DataWorks Reference: 097/004
Disclosure of Interest: Nil
Meeting Date: 24 April 2013
Previous Item: Nil
Responsible Officer: Nil
Actioning Officer: Glen Dougall, Director Corporate Services
Decision Making Authority: Council
Agenda Attachments: Nil

ELECTED MEMBER SUMMARY

The South Fremantle Tip Site is highly unlikely to be remediated or redevelopment over the next decade and as a result may continue to be a predominantly underutilised wasteland. The above proposals allow the site to be used in a positive manner from a community and sustainability perspective without jeopardising long-term planning and uses for the site.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

NOTICE OF MOTION

1. **Council advise FreoFarm that it supports the principle of a lease for 5 years with an option for a further 5 years over the nominated portion of the South Fremantle Tip Site, and encourages FreoFarm to submit a revised proposal document including the following information:**
 - **Confirmation that any development including temporary buildings, sea containers, garden beds and other structures will be of lightweight construction, capable of easy removal, and can be shown not to disturb contaminants, if any, on the site.**
 - **Indicative plans and specifications of services and infrastructure to be provided as part of the FreoFarm proposal.**
 - **Confirmation that FreoFarm will meet the cost of installation of services and infrastructure related to the proposal, unless agreed by the Council at a later date**
 - **A commitment by FreoFarm to remove and cover the cost of removal of all temporary buildings, sea containers, garden beds and other structures upon lease expiration or termination, unless agreed by the Council at a later date**
 - **A commitment by FreoFarm to engage suitably qualified and experienced persons and, if necessary, an auditor to identify the extent of investigations and remedial work required to demonstrate the proposed site is suitable for the intended use, and to meet the cost of their appointment.**

2. **Upon receipt of a revised proposal as outlined in 1 above, the City will use its best endeavours to arrange a tripartite meeting with the DEC, the City of Fremantle and FreoFarm to discuss the proposal further, with particular regard to addressing the following matters:**
 - **Compliance with the DEC's Contaminated Sites Management Series of guidelines.**
 - **FreoFarm's capacity to take measures to manage public health risks which may arise from the use of the site, including those related to any contamination beneath the site as well as that present in the adjacent land.**
 - **Consultation with the community and ensure the health and safety of workers and surrounding residents prior to and during any potential site works.**
 - **Compatibility of the proposed land use with existing uses including horse, pedestrian and cyclist use of adjoining land, and potential future uses of the remainder of the landfill site.**

3. **That officers undertake liaison with the DEC in relation to the possibility of development of a large-scale Solar Farm on a portion of the remainder of the site, and that, should this be possible, a further report be brought back to the Council with a view to calling for expressions of interest for the development of such a facility.**

OFFICER COMMENT

The former South Fremantle Landfill site has been classified by the Department of Environment and Conservation (DEC) as “Contaminated – Remediation required” under the Contaminated Sites Act. The presence of landfill waste and the land classification by the DEC places restrictions on the use of the land and confers ongoing site management, monitoring and remediation responsibilities on the City of Fremantle.

Since 2010, the City has engaged the services of a Contaminated Sites Auditor and WALGA approved environmental consultant to perform a comprehensive landfill gas survey and health risk assessment. A Detailed Site Review has been submitted to the DEC. A Site Management Plan is being developed to identify a 3 year schedule of site management, monitoring works and reporting. This will identify the City’s short term responsibilities and annual financial obligations as the landowner of a known contaminated site.

Following a 3 year schedule of on-site and off-site gas, groundwater and soil monitoring and ongoing management of risks, it is envisaged the City of Fremantle will be in a position to seek Contaminated Sites Auditor and DEC approval to undertake final remediation works. Subject to financial capacity, remediation works could be integrated with redevelopment or re-use of the site for low risk or passive land uses in the longer term, but realistically this is likely to be a process that would be staged over a number of years. As this process reaches a conclusion the Contaminated Sites Auditor and DEC can approve the reclassification of the former South Fremantle Landfill site.

The DEC has an expectation that the City of Fremantle will continue to manage, monitor and progress towards remediation of the former South Fremantle Landfill Site. Interim land uses proposed on portions of the former South Fremantle Landfill site as the City of Fremantle progresses towards remediation may or may not be acceptable to the DEC based on risks to public health and the environment.

CONFIDENTIAL MATTERS

Nil.

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.

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

How consultative processes work at the City of Fremantle	
	clearly outline from the outset any constraints or limitations associated with the issue.
Decisions made for the overall good of Fremantle	8 The Local Government Act requires decision-makers to make decisions in the interests of “the good government of the district”. This means that decision-makers must exercise their judgment about the best interests of Fremantle as a whole as well as about the interests of the immediately affected neighbourhood. This responsibility from time to time puts decision-makers at odds with the expressed views of citizens from the local neighbourhood who may understandably take a narrower view of considerations at hand.
Diversity of view on most issues	9 The City is wary of claiming to speak for the ‘community’ and wary of those who claim to do so. The City recognises how difficult it is to understand what such a diverse community with such a variety of stakeholders thinks about an issue. The City recognises that, on most significant issues, diverse views exist that need to be respected and taken into account by the decision-makers.
City officers must be impartial	10 City officers are charged with the responsibility of being objective, non-political and unbiased. It is the responsibility of the management of the City to ensure that this is the case. It is also recognised that City officers can find themselves unfairly accused of bias or incompetence by protagonists on certain issues and in these cases it is the responsibility of the City’s management to defend those City officers.
City officers must follow policy and procedures	11 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	
Community engagement processes have cut-off dates that will be adhered to.	<p>1 As City officers have the responsibility to provide 2 objective, professional advice to decision-makers, 3 they are entitled to an appropriate period of time 4 and resource base to undertake the analysis 5 required and to prepare reports. As a 6 consequence, community engagement processes 7 need to have defined and rigorously observed cut- 8 off dates, after which date officers will not include 9 'late' input in their analysis. In such 10 circumstances, the existence of 'late' input will be 11 made known to decision-makers. In most cases 12 where community input is involved, the Council is 13 the decision-maker and this affords community 14 members the opportunity to make input after the 15 cut-off date via personal representations to 16 individual Elected Members and via presentations 17 to Committee and Council Meetings.</p>
Citizens need to check for any changes to decision making arrangements made	<p>1 The City will take initial responsibility for making 2 citizens aware of expected time-frames and 3 decision making processes, including dates of 4 Standing Committee and Council Meetings if 5 relevant. However, as these details can change, 6 it is the citizens responsibility to check for any 7 changes by visiting the City's website, checking 8 the Fremantle News in the Fremantle Gazette or 9 inquiring at the Customer Service Centre by 10 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 2 all cases produce a community engagement 3 outcomes report that summarises comment and 4 recommends whether it should be taken on board, 5 with reasons.</p>
Reasons for decisions must be transparent	<p>1 Decision-makers must provide the reasons for 2 their decisions.</p>
Decisions posted on the City's website	<p>1 Decisions of the City need to be transparent and 2 easily accessed. For reasons of cost, citizens 3 making input on an issue will not be individually 4 notified of the outcome, but can access the 5 decision at the City's website under 'community 6 engagement' or at the City Library or Service and 7 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.