MINUTES
Finance, Policy, Operations and Legislation Committee

Wednesday, 13 September 2017, 6.00pm
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FINANCE, POLICY, OPERATIONS AND LEGISLATION COMMITTEE

Minutes of the Finance, Policy, Operations and Legislation Committee
held in the Council Chambers, Fremantle City Council
on 13 September 2017 at 6.00 pm.

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.03 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

Dr Brad Pettitt Mayor
Cr Andrew Sullivan Presiding member / South Ward
Cr David Hume Deputy presiding member / Beaconsfield Ward
Cr Doug Thompson North Ward (entered at 6.12 pm)
Cr Rachel Pemberton City Ward
Cr Sam Wainwright Hilton Ward
Cr Ingrid Waltham East Ward

Mr Philip St John Chief Executive Officer
Mr Glen Dougall Director City Business
Ms Fiona Hodges Director Community Development
Mr Graham Tattersall Director Infrastructure and Project Delivery
Mr Ryan Abbott Manager Parks and Landscape
Ms Charlie Clarke Manager Governance
Mr Paul Dunlop Manager Communications and Media
Mr Mark Donnelly Manager Field Services
Ms Helen Bliss Minute Secretary
Ms Melody Foster Governance Officer

There was approximately 1 member of the public and no member/s of the press in attendance.

APOLOGIES

Nil
LEAVE OF ABSENCE
Nil

DISCLOSURES OF INTEREST BY MEMBERS
Nil

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
Nil

PUBLIC QUESTION TIME
Nil

DEPUTATIONS / PRESENTATIONS
Nil

LATE ITEMS NOTED
Nil

CONFIRMATION OF MINUTES
MOVED: Cr A Sullivan

That the minutes of the Finance, Policy, Operations and Legislation Committee dated 9 August 2017 as listed in the Council agenda dated 23 August 2017 be confirmed as a true and accurate record.

CARRIED: 6/0

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<td>Mayor, Brad Pettitt</td>
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<td>Cr Ingrid Waltham</td>
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TABLED DOCUMENTS
Nil
REPORTS BY OFFICERS

The following Item FPOL1709-2 was WITHDRAWN from the agenda at the request of the Chief Executive Officer.

FPOL1709-2 21 BEACH STREET, FREMANTLE: PREFERRED TENANT AND KEY LEASE TERMS
Cr A Sullivan MOVED en bloc recommendations numbered FPOL1709-4, FPOL1709-7, FPOL1709-8 and FPOL1709-9.

CARRIED: 5/0

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The following item is subject to clause 1.1 of the City of Fremantle Delegated Authority Register

FPOL1709-4 AWARD OF TENDER FCC907/17 PC FLEET ACQUISITION AND ROLLOUT

Meeting Date: 13 September 2017
Responsible Officer: Manager Information Technology
Decision Making Authority: Committee
Agenda Attachments: Tender evaluation matrix

SUMMARY

The purpose of this report is to consider tender number FCC907/17 for Computer Acquisition and Rollout.

This report recommends that council accepts the tender submitted for the scope of work to acquire and rollout the City’s new Computer fleet. The tender evaluation was undertaken using the selection criteria provided in the tender document.

BACKGROUND

The City’s current desktop device lease is coming to an end. To facilitate the City’s relocation to the Fremantle Oval and achieve the City’s desire to move to a paperless administration, the City issued a tender to replace the current desktop PCs with mobile Microsoft Surface devices.

The City of Fremantle currently use 367 computers across 9 sites, the necessity to accurately manage these assets is essential, more so because they are mobile devices, that will be used outside of the City’s offices. To successfully and seamlessly replace the existing desktop fleet, the City requires a vendor to project manage this deployment ensuring that all assets are accounted for and allocated correctly. The logistics of a deployment this large also requires a vendor with the capacity to store and configure the devices off site, finally delivering the completely configured devices to the allocated user at the City. In order to effectively manage any impact to officers, the City will be looking for a vendor with demonstrated experience in successfully managing a deployment of this size.
Tender FCC907/17 for PC Fleet Acquisition and Rollout was advertised on Wednesday 16 August 2017 and closed on Friday 1 September 2017. Tenders were received from tenderers who could supply, configure and install Microsoft Surface devices to replace the City’s existing desktop PC fleet. Tenderers were required to provide maintenance and warranty support services for a 3 year period. Whilst the tender provided a capital value cost, the City will enter into a lease arrangement with a financial vendor which will amortise the cost over a three year period.

A total of 10 Tender responses were received for the City’s consideration.

**FINANCIAL IMPLICATIONS**

The table below summarises the proposed budget provision and the forecast expenditure against the services listed:

<table>
<thead>
<tr>
<th>Description</th>
<th>Expenditure</th>
<th>Budget</th>
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</thead>
<tbody>
<tr>
<td><strong>Budget</strong></td>
<td></td>
<td></td>
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<tr>
<td>Budget for 17 / 18 Financial Year</td>
<td></td>
<td>$270 000</td>
</tr>
<tr>
<td><strong>Expenditure</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditure incurred to date:</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Tender number FCC907/17 (forecast expenditure for 2017 / 2018 financial year, 8 months of lease payments of approximately $27 805 per calendar month, ex GST and interest)</td>
<td>$222 440</td>
<td></td>
</tr>
<tr>
<td><strong>Total expenditure (forecasted 2017/2018)</strong></td>
<td>$222 440</td>
<td></td>
</tr>
<tr>
<td><strong>Balance</strong></td>
<td></td>
<td>$47 560</td>
</tr>
</tbody>
</table>

Sufficient funding provision has been allocated in the 2017 / 2018 budget proposal to service the lease payments required for this proposal. A financial vendor not related to the tenderer will be used to finance the lease.

A budget of approximately $333 660, will be required for lease payments for the financial year 2018 / 2019.

A budget of approximately $333 660, will be required for lease payments for the financial year 2019 / 2020.

A budget of approximately $85 278, will be required for lease payments for the financial year 2020 / 2021.

**LEGAL IMPLICATIONS**

Tenders were invited in accordance with section 3.57 of the *Local Government Act 1995* and the tendering procedures and evaluation complied with part 4 of the Local Government (Functions and General) Regulations 1996.
CONSULTATION

Nil

OFFICER COMMENT

Detail

Tender FCC907/17 for PC Fleet Acquisition and Rollout was advertised on Wednesday 16 August 2017 and closed on Friday 1 September 2017.

Essential details of the contract are outlined below:

<table>
<thead>
<tr>
<th>Contract type</th>
<th>Lump Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract duration</td>
<td>Three Years</td>
</tr>
<tr>
<td>Commencement date</td>
<td>On or about 2 October 2017</td>
</tr>
<tr>
<td>Completion date</td>
<td>On or about 1 October 2020</td>
</tr>
</tbody>
</table>

Tender evaluation

Tender submissions were received from the following contractors and evaluated by the tender evaluation panel:

- Cirrus Networks Holdings Ltd
- Data#3 Ltd
- Datacom
- FAJIT Services Unit Trust
- JB HI-FI Group Pty Ltd
- MoCo Investments Pty Ltd
- Perfekt Pty Ltd
- R1i Services
- Solutions IT Asia Pacific Pty Ltd
- Winthrop Australia

The Tender evaluation panel establishes whether the tender submissions conform to the conditions for tendering and selects a suitably qualified and experienced contractor.

The tender evaluation panel comprised:

- Systems and Network Administrator
- Senior Contracts and Procurement Officer
- Manager Information Technology
Tenderers were required to disclose information that might be relevant to an actual or potential conflict of interest and disclose if they had any relationship with City of Fremantle employees involved in the tender process. Members of the tender evaluation panel are required to disclose any actual or perceived interest with any of the tenderers.

No disclosures were made.

To obtain the broadest possible comparison base, each of the Tenders was evaluated against the following tender selection criteria and was in turn graded in the tender evaluation matrix.

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Weighting</th>
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<tbody>
<tr>
<td>1</td>
<td>Relevant Experience</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>Skills &amp; Key Personnel</td>
<td>20%</td>
</tr>
<tr>
<td>3</td>
<td>Demonstrated Understanding</td>
<td>20%</td>
</tr>
<tr>
<td>4</td>
<td>Sustainability</td>
<td>10%</td>
</tr>
<tr>
<td>4</td>
<td>Price</td>
<td>30%</td>
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</tbody>
</table>

All Tender submissions received were conforming to the Tender requirements.

The Tender submitted by Data#3 Limited scored the highest rating with 82.1 points.

The submission from Data#3 demonstrated a clear understanding of the City’s need to successfully and seamlessly replace the existing desktop fleet. Data#3 will project manage this deployment ensuring that all assets are accounted for and allocated correctly. The logistics of this deployment is large and Data#3 demonstrated the capacity and ability to store and configure the devices off site before delivering the completely configured devices to the allocated user at the City. Data#3’s submission clearly articulated the project scope, actions and timelines for completion.

The remaining Tender submissions received lower scores.

The recommended Tenderer was assessed as having the experience, resources and demonstrated understanding and management processes to undertake the works and deliver a high level of service as described in the specification, in accordance with the terms of the Tender document.

The evaluation process determined that the Tender from Data#3 Limited provided a conforming tender.

The recommended provider has previously worked with the City on various related projects and has provided a good level of service that met the City’s requirement. Reference checks indicate that the recommended tenderer have provided satisfactory service delivery to their customers on similar services and projects, and will be suitable suppliers to the City of Fremantle.
Environmental considerations

All respondents and recommended Tenderers declared compliance with the four principles of No Business in Abuse (NBIA) and do not have contracts with suppliers profiting from offshore detention.

All respondents were able to provide the items in 100% recycled or recyclable packaging, which met the City’s requirement to reduce the amount of single use plastic in the City.

Risk consideration

There is a risk to the City’s project to relocate to Fremantle Oval and the Kings Square project, by the Council delaying or deferring a decision on this tender. Timeframes for the procurement and delivery of the 400+ devices and associated accessories are very tight and could impact the larger project delivery timeframes.

An assessment undertaken by Dun and Bradstreet indicates that the recommended Tenderer has the financial capacity to undertake the contract.

There are no strategic or corporate risks within the City’s existing risk registers which relate to the issues contained in this report.

Specific risk assessments have been developed for the goods and services requested in the Tender and will be used in the safe delivery of these goods.

Comment

The recommended Tenderer scored well against the qualitative and quantitative criteria required to successfully deliver the scope of work. The Tenderer provides the City with the ability to deliver good value for money outcomes for the goods and services provided during the contracted period.

Data#3 demonstrated a clear understanding of the City’s requirement to successfully and seamlessly replace the existing desktop fleet. Data#3 will project manage this deployment ensuring that all assets are accounted for and allocated correctly as well as updating the City’s existing asset database. The logistics of this deployment is large and Data#3 demonstrated the capacity and ability to store and configure the devices off site before delivering the completely configured devices to the allocated user at the City.

Subject to acceptance of the Tender, the proposed implementation program is scheduled below:

- Award contract: 2 October 2017 or earlier if agreed at Committee
- Commence services: On (or about) 2 October 2017
- Completion: 1 October 2020

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required
COMMITTEE DECISION

MOVED: Cr A Sullivan

1. Council award the Tender for FCC907/17 for PC Fleet Acquisition and Rollout to Data#3 Limited at the contractual price of $975 037.72 for the period 2 October 2017 to 1 October 2020.

2. Council note the capital cost in part 1 above will be financed through an operating lease in accordance with the 2017/18 adopted Budget.

CARRIED: 6/0

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The following item number FPOL1709-7 was MOVED and carried en bloc.

FPOL1709-7 DESIGNATION OF SENIOR EMPLOYEES POLICY

Meeting Date: 13 September 2017
Responsible Officer: Director People and Culture
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

The purpose of this report is to present the Designation of Senior Employees policy for Council consideration.

This report recommends that the Council adopt the Designation of Senior Employees policy.

BACKGROUND

The City engaged an independent auditor to undertake the 2016 Compliance Audit Return (CAR) to ensure a transparent assessment of the City’s compliance and provide the City with recommendations for improvement.

Following the audit process the auditor provided a report outlining various issues found in the compliance audit and made recommendations for corrective action. The City’s response to the auditor’s report and the CAR was presented to the Audit and Risk Management Committee on 15 March 2017 and forwarded to Council for adoption on 22 March 2017.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Section 5.37 of the Local Government Act 1995 allows for local governments to designate employees or persons belonging to a class of employee to be senior employees.

CONSULTATION

Nil

OFFICER COMMENT

Within the Local Government Employees section of the CAR, the auditor responded ‘No’ to question 5 ‘Did the CEO inform council of each proposal to employ or dismiss a
designated senior employee’. With the comment 'No evidence could be located that confirmed that Council was informed in relation to two proposals during 2016 to employ a designated senior employee’.

The City has previously considered Directors as senior employees and informed Council of such appointments through a report to Council. This was through a previous resolution of Council. This recommendation formalises this position into policy.

The development of a Designation of Senior Employees policy and appropriate procedures to address the issues raised by the auditor and to ensure the City meets the requirements of Section 5.37 of the Local Government Act 1995.

It is recommended that Council adopt the Designation of Senior Employees policy in order to clearly outline the Council intention in relation to the designation of senior employees.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

Council:

1. Adopt the Designation of Senior Employees policy as follows;

Designation of Senior Employees

Policy statement

Section 5.37 of the Local Government Act 1995 outlines that a local government may designate employees or persons belonging to a class of employee to be senior employees.

Council designates all officers filling the position of Director for a period of six months or longer as senior employees.

The Council will be informed of any proposal to employ a senior employee through a report to Council.

Policy scope

This policy outlines those officers that Council chooses to designate under that section of the Act.

Definitions and abbreviations
Senior Employee means an employee designated as a senior employee under section 5.37 of the Local Government Act 1995.

CARRIED: 6/0

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The following item number FPOL1709-8 was MOVED and carried en bloc.

FPOL1709-8  APPOINTMENT OF OFFICERS - CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT

Meeting Date: 27 September 2017  
Responsible Officer: Manager Governance  
Decision Making Authority: Council  
Agenda Attachments: Nil

SUMMARY

The purpose of this report is for Council to properly appoint authorised officers for the purposes of the Control of Vehicles (Off-road Areas) Act 1978.

BACKGROUND

Section 38 (3) of the Control of Vehicles (Off-road Areas) Act 1978 requires authorised officers to be appointed by ‘resolution of Council’. The appointment must be made in the prescribed form and the Act does not provide a head of power permitting this power to be delegated to the Chief Executive Officer.

It is now intended to add this appointment to the City’s Delegated Authority Register (DAR), while not technically a delegation, capturing this appointment within the DAR will ensure that the condition to adopt the appointment by resolution of council will be undertaken and annual review, in line with the delegated authority process as required by legislation, will be undertaken.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Section 38(3) of the Control of Vehicles (Off-road Areas) Act 1978 requires local governments to appoint authorised officers, by resolution of council, for the purposes of the Act.

Section 38 (4)(d) of the Control of Vehicles (Off-road Areas) Act 1978 further requires that authorised officer be issued with a certificate of their appointment in the prescribed form.

CONSULTATION

Nil
OFFICER COMMENT

Appointing officers in the correct form and including this appointment in the Delegated Authority register will allow officers to carry out the functions and duties of an authorised officer in accordance with the Control of Vehicles (Off-road Areas) Act 1978 and will ensure the correct process of appointment is undertaken and that the appointment is reviewed annually.

If the proposed appointment is made by Council, it will be incorporated into the Delegated Authority Register recently adopted by Council on 28 June 2017 and reviewed annually in accordance with the Local Government Act 1995.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE AND OFFICER’S RECOMMENDATION

MOVED: Cr A Sullivan

Council:

1. Appoint officers in accordance with the Control of Vehicles (Off-road Areas) Act 1978 as outlined in the below instrument of appointment table; and

2. Approve the addition, of the instrument of appointment table, to the Delegated Authority Register, adopted by Council on 28 June 2017;

<table>
<thead>
<tr>
<th>Control of Vehicles (Off-road Areas) Act 1978 - Appointment of Authorised Officers</th>
</tr>
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<tbody>
<tr>
<td><strong>Appointed function:</strong></td>
</tr>
<tr>
<td>This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].</td>
</tr>
<tr>
<td>Appointment of such persons to be an authorised officer for the purposes of this Act as considered necessary;</td>
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<tr>
<td><strong>Legislative power being appointed:</strong></td>
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<tr>
<td>Control of Vehicles (Off-road Areas) Act 1978</td>
</tr>
<tr>
<td>Section 38 (1)(c) Authorised officers, who are, functions of etc.</td>
</tr>
<tr>
<td><strong>Power originally assigned to:</strong></td>
</tr>
<tr>
<td>The Local Government</td>
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<tr>
<td><strong>Legislative power of appointment:</strong></td>
</tr>
<tr>
<td>Control of Vehicles (Off-road Areas) Act 1978</td>
</tr>
<tr>
<td>Section 38 (3) A local government may by resolution appoint</td>
</tr>
<tr>
<td><strong>Date appointment made or reviewed:</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Appointment:</strong></td>
</tr>
<tr>
<td>Manager Field Services</td>
</tr>
<tr>
<td>Team Leader Community Safety</td>
</tr>
<tr>
<td>All Community Safety Officers</td>
</tr>
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CARRIED: 6/0

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Council's conditions on appointment: Nil
Statutory power to sub-delegate: Nil
Reporting requirements: • Authorised officers to be issued with a certificate of their appointment in the prescribed form as required in Section 38 (4)(d) of the Control of Vehicles (Off-road Areas) Act 1978
The following item number FPOL1709-9 was MOVED and carried en bloc.

FPOL1709-9  STREET AND RESERVE TREE POLICY

Meeting Date: 13 September 2017
Responsible Officer: Manager Parks and Landscapes
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

The City is responsible for the care and management of over 13,000 street and reserve trees for the community. The Street and Reserve Tree Policy outlines how the City will plant, prune, maintain and remove these trees.

This report recommends that Council:

1. Adopt the Street and Reserve Tree Policy.

BACKGROUND

It is the City’s role to manage trees in a safe, effective and efficient manner to provide maximum benefit to the community. Works include planning for new trees, pruning, maintenance, protection and removal. Planting and maintenance works are undertaken by qualified landscape contractor’s to best practices. Arboricultural works are undertaken by qualified arborists to Australian Standards, best practice and state government guidelines.

Tree management is currently guided by the City’s Tree Planting and Preservation Policy (2005). This Policy was last adopted in 2005 and requires updating. The new Street and Reserve Tree Policy sets out how the City will undertake for tree management including tree planting, pruning, maintenance, removal and protection during development for the City.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Street and reserve trees are currently covered by the following City Policies and standards:
- SG28 Tree Planting and Preservation Policy (2005)
- 2.9 Residential Streetscape Policy
- 2.10 Landscaping of Development and Existing Vegetation on Development Sites
- 2.12 Planning Applications Impacting on Verge Infrastructure and Verge Trees
- Australian Standards AS4373: Pruning of Amenity Trees
• Guidelines for the Management of Vegetation near Power Lines (Government of Western Australia).

The Street and Reserve Tree Policy will replace SG28 Tree Planting and Preservation Policy (2005).

CONSULTATION

Nil.

OFFICER COMMENT

Trees are a central feature in landscapes and contribute to the character and image of the city. They help create attractive streetscapes and reserves and provide benefits to the community including:

• reduction in air pollution
• control of storm water
• mitigation of wind and noise
• improved biodiversity
• shade and reduced UV exposure
• reduced heat island effect and energy demand
• enhanced sense of place and wellbeing
• increased property values
• carbon dioxide reduction
• visual screening
• encouragement of outdoor activity.

Responsible tree management will help the City achieve the objectives identified in the Greening Fremantle: Strategy 2020 and the Urban Forest Plan.

The Street and Reserve Tree Policy covers the following key principles of tree management:

• Tree Planting
• Street Tree Requests
• Street Tree Planting by Residents
• Tree Pruning and Maintenance
• Tree Removal
• Tree Protection at Development Sites

The City will plant and manage trees in accordance with the Policy to ensure the long term preservation and enhancement of the City’s trees.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required
COMMITTEE AND OFFICER’S RECOMMENDATION

MOVED: Cr A Sullivan

Council:

1. Adopt the Street and Reserve Tree Policy as a policy of Council, as set out below:

Policy statement

This Policy outlines how the City will plant, prune, maintain and remove trees under the management and care of the City of Fremantle.

Legislative requirements

This Policy is to be read in conjunction with the Activities in Thoroughfares and Public Places and Trading Local Law 2005.

Policy

Trees provide a range of social, economic and environmental values to the community including:

- reduction in air pollution
- control of storm water
- mitigation of wind and noise
- improved biodiversity
- shade and reduced UV exposure
- reduced heat island effect and energy demand
- enhanced sense of place and wellbeing
- provide habitat
- increased property values
- carbon dioxide reduction
- visual screening
- encouragement of outdoor activity.

Responsible tree management will help the City achieve the objectives identified in the Greening Fremantle: Strategy 2020 and the Urban Forest Plan.

Tree Planting

The City is responsible for planting street and reserve trees under its annual tree planting program which includes requests from residents. The City will determine the species and select the location of the tree within the verge. Generally, one tree will be planted per property, while larger or corner properties may be subject to more.
Street Tree Requests
Residents can request for a tree to be planted on the verge abutting their property through the City’s tree request program. The City will assess the suitability of the verge, determine the tree species and the location to align with services and infrastructure. The City is responsible for planting, staking, mulching, watering and pruning the tree.

Street Tree Planting by Residents
Residents can only plant street trees on the verge which abuts their property if they obtain written approval from the City. The City will determine the species and suitability of the location of the tree to ensure it aligns with services and infrastructure. Trees are to be planted to the City’s specifications to ensure the long term health and vitality of the tree. Trees planted without the City's approval may be removed.

Tree Pruning and Maintenance
The City is responsible for pruning and maintaining street and reserve trees. Trees will be pruned as part of the annual program to:

- remove hazardous branches
- improve form
- remove dead / dying wood
- uplift low hanging branches
- clear trees from overhanging a property boundary
- clear trees from powerlines and utilities.

Residents can request street tree pruning by contacting the City. An officer will inspect the tree to assess if the tree requires pruning. Pruning is undertaken in accordance with Australian Standards AS4373: Pruning of Amenity Trees and Guidelines for the Management of Vegetation near Power Lines (Government of Western Australia).

Where a fruit or nut tree is approved for installation under the City's Verge Policy, the City will give tree maintenance requirements, specific to the species and location, at the time of the approval.

Tree Removal
The City is responsible for removal of street and reserve trees. Street trees will only be removed if the tree:

- is dead
- is diseased
• is dangerous, damaged or structurally unsound
• is planted without the City’s approval and is deemed not suitable for retention.

Tree removal to enable subdivision and/or development will only be considered if no other reasonable design option exists. The assessment for tree removal will be considered as part of the Development Application process. Where a Development Application is not required, tree removal will be considered as part of the Crossover Permit process. If tree removal is approved, the applicant will be required to compensate the City for the costs associated with the removal and replacement of the tree.

The City will investigate tree removal requests by residents. Trees will not be removed if the tree:

• species, form, size, shape or location is not the personal preference of the resident
• is an inconvenience for construction works
• blocks views
• shades a residence
• drops natural debris such as leaves, flowers, fruit and bark.

Where a fruit or nut tree has been approved and installed under the City’s Verge Policy, the resident must contact the City for approval to remove the tree.

Tree Protection at Development Sites
Street trees are to be protected on certain development sites for the duration of construction by a Tree Protection Zone (TPZ). The City will administratively determine those development sites at higher risk of tree damage, and an appropriate condition will be placed on these Planning Approvals. The TPZ is to be constructed of a square of fencing around the tree trunk to help protect the tree and root zone in accordance with AS 4970-2009 Protection of Trees on Development Sites. The size and location of the TPZ will be determined by the City. The condition will also require that the tree be replaced at the developers cost in the event that the tree is significantly damaged or dies due to development works.

CARRIED: 6/0

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The following item is subject to clause 1.1 of the City of Fremantle Delegated Authority Register

FPOL1709-1 COMMUNITY SCORECARD CATALYSE SURVEY RESULTS

Meeting Date: 13 September 2017
Responsible Officer: Manager Communications and Media
Decision Making Authority: Committee
Agenda Attachments: 2017 Community Scorecard Survey

SUMMARY

This report outlines the results of the 2017 Community Scorecard Survey which was conducted on the City’s behalf by Catalyse Pty Ltd in May 2017.

The survey, undertaken around every two years, is designed to measure community satisfaction with a range of City services and facilities.

Community satisfaction with council’s overall performance is benchmarked with other local governments that undertake the survey.

The City of Fremantle was rated at 80 out of 100 as a place to live and 55 out of 100 as a governing organisation.

The survey results show community satisfaction continued to trend upwards. The most favourable results came from residents aged 18-34 years while respondents from South Fremantle, White Gum Valley and Beaconsfield tended to be the most positive in their responses.

Respondents aged 55 years and over, people with a disability and residents from Samson and Hilton tended to be less satisfied than their counterparts.

The survey results will be made publicly available on the City’s website. Council will continue to analyse the results and use the feedback as a basis for improving service delivery and performance.

BACKGROUND

The City of Fremantle is committed to continuously improving its performance and service and conducts a bi-annual community survey to evaluate and monitor its performance across a range of services and facilities.

The survey results will be used to review performance and service delivery to make recommendations in regard to actions for council’s consideration.

The survey helps us to better understand the needs of residents living in the City and to evaluate community perceptions against key performance indicators in the Strategic Community Plan. It was undertaken by Perth-based market research consultancy Catalyse, which conducts similar work for a range of WA councils.
The primary objectives for the City in conducting this survey are to:

- Measure the level of overall satisfaction with the City of Fremantle.

- Provide robust and reliable measures of performance in areas including advocacy, leadership, community safety, economic development, communication and engagement and environmental management.

- Measure the perceived level of importance the community places upon the various services and facilities provided by the City.

- Provide an understanding of how perceptions vary in the community, based on respondent demographics.

The survey asked residents to rate council’s performance in areas including value for money, leadership, advocacy and lobbying, transparency, consultation and communication.

It also asked for feedback in specific program areas including economic development, youth services, playgrounds, parks and reserves, safety and security, road maintenance, waste management, conservation, environmental health and planning and building approvals.

**FINANCIAL IMPLICATIONS**

The cost of undertaking the 2017 Community Scorecard Survey was met within existing operational budgets.

**LEGAL IMPLICATIONS**

Nil

**CONSULTATION**

The survey was undertaken in May 2017 with invitations issued to 4 000 randomly selected households (2 000 by mail and 2 000 by email). The scorecard was also promoted via the City’s website. A total of 576 residents responded to the survey and a further 41 residents opted in to complete a scorecard.

**OFFICER COMMENT**

Community satisfaction surveys have been conducted in 2005, 2008, 2010, 2012, 2015 and 2017. As an opportunity for council to ensure it responds to community expectations, the community scorecard provides a valuable insight into public perceptions about City programs and services.
Overall, the survey showed the City of Fremantle is improving but still has some way to go to be considered ‘industry high’.

The results showed that respondents rated the City of Fremantle as an ‘excellent’ (44%), ‘good’ (39%) or ‘okay’ (12%) place to live, with 5% rating it as ‘poor’ (4%) or ‘terrible’ (1%).

As a governing organisation, the City was rated by respondents as excellent (10%), good (35%) or okay (28%), with 27% rating its performance as poor (20%) or terrible (7%).

Fremantle Arts Centre received the highest performance ratings for an arts centre in the state, with 82% of respondents rating it as either excellent or good. This score continued a significant upward trend from previous surveys.

In comparison with other WA councils, the City of Fremantle’s performance was also above industry standard in areas including:

- festivals, events and cultural activities
- preservation and promotion of local history and heritage
- character and identity
- weekly rubbish collections
- access to public transport
- playgrounds, parks and reserves
- development and communication of a clear vision for the City
- council’s leadership
- elected members’ understanding of community needs
- advocacy and lobbying on behalf of the community to influence decisions and support local causes.

Trend analysis indicates the City has a clear vision (up from 29% agree to 45% agree since 2010) and performance ratings have improved across a number of other areas including youth services, the library, community buildings, sport and recreation facilities, playgrounds, parks and reserves and conservation and environmental management.

However, economic development performance has declined (down from 51 index points to 37 index points). It is worth noting that the redevelopment of Kings Square is considered to deliver significantly on this area, along with a range of other recently announced or pending developments across the City.
The community would also like to see the City continue to focus on the following key priorities:

- How the city centre is being developed (many respondents wanted to see more and quicker progress in this area).
- Economic development (respondents wanted the City to do more to attract investors, retain businesses, grow tourism and create job opportunities).
- Safety and security (particularly in the city centre).
- Streetscapes
- Parking in the city centre.

Administration will further analyse and plan to address the issues raised as areas of concern and report to council on this. There is already much work underway that will help to ensure improvements are made.

The areas identified were also highlighted in council’s key strategic documents including the Strategic Community Plan (2015-25) and the Freo 2029 ‘transformational moves’ plan. The survey results emphasise the importance of these strategic documents as valuable planning tools that will help us deliver on a shared vision for Fremantle working in partnership with our community and key stakeholders.

In terms of progressing actions to address areas of concern, the Kings Square project headlines a host of public and private investment in the pipeline for Fremantle which will make a huge difference in the revitalisation of the city centre.

The City’s new-look Community Safety Team, which was launched late last year, is also proving to be very successful in making our streets safer.

At the heart of addressing many of the concerns in the survey is bringing more people to live, work and play in Fremantle.

The City will continue to focus attention on the areas our residents have identified and put more effort into letting people know what we are doing to make Fremantle an even better place to live.

Council thanks those community members who gave their time to participate in the 2017 Community Scorecard survey. The feedback delivered provides direction and focus on what matters to our residents and is valued and appreciated.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required
COMMITTEE DECISION

MOVED: Cr A Sullivan

That council notes the findings of the 2017 Community Scorecard survey.

CARRIED: 6/0

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FPOL1709-3 INFORMATION REPORT - SEPTEMBER 2017

USE OF NORTH FREMANTLE COMMUNITY CENTRE FOR ‘COUNCIL ON THE ROAD’

Responsible Officer: Manager, Infrastructure Projects
Agenda Attachments: Nil

During the demolition of the Town Hall centre and construction of the new civic building council and committee meetings will be held at North Fremantle Community Centre, with the exception of the Audit and Risk Management Committee and Informal Elected Members meetings, which will be held at Fremantle Oval.

This approach makes use of existing council facilities and supports council’s strategy to take council meetings to the suburbs. It benefits local residents and clubs by giving them improved access to committee and council meetings and by providing upgrades to existing council owned buildings.

This change will take effect from January 2018 and the project team has worked with the community clubs which currently use the venues on Monday and Wednesday nights to ensure that alternative venues or evenings are available for them to continue their activities.

Upgrades to the community centre are in progress and due for completion before Christmas 2017.

The works schedule planned at the North Fremantle Community Centre includes upgrading the lighting in the Hevron Street car park, installing a split system, minor building repairs and improvements to the grounds and the provision of furniture and a PA and recording system.

The City has also upgraded the North Fremantle Bowls club, as it is intended to hold the Council and Strategy and Project Development Committee after-meeting meals at this venue, and to use the venue to provide parking for those attending the meetings.

The works at the North Fremantle Bowls Club are complete and included installation of a new footpath and the lighting and awning to the surrounds of the building were replaced. Internal flooring has also been updated.

OFFICER'S RECOMMENDATION

The information report for September 2017 be received.
COMMITTEE RECOMMENDATION

Cr A Sullivan MOVED the following alternative recommendation:

Council:

1. Approve the commencement of the Council on the Road initiative, commencing January 2018 and for the duration of the new administration building project.

2. Approve the first venue being the North Fremantle Community Centre for Ordinary Council meetings, Planning Committee, Strategy and Project Development Committee, Finance, Policy, Operations and Legislation Committee and the Library Advisory Committee meetings.

3. Request Officers investigate potential alternative venues for use during the second half of the new administration building construction period and report options back to Council for consideration.

4. Approve that the Audit and Risk Committee and Informal Elected Member meetings be held at the Fremantle Oval.

CARRIED: 6/0

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REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

Officers noted the item was incorrectly written as an information report and requires a council decision on the points listed in the alternative recommendation.

The Committee referred this item to the Ordinary Meeting of Council as the alternative recommendation requires a Council decision.
Cr D Thompson arrived at 6.12 pm prior to consideration of the following item.

FPOL1709-5 ADOPTION OF THE DOG EXERCISE AND PROHIBITED AREAS POLICY

Meeting Date: 13 September 2017
Responsible Officer: Manager Field Services
Decision Making Authority: Council
Agenda Attachments:
1. Current Dog Exercise and Prohibited Areas Policy
2. Map of proposed dog off lead area

SUMMARY

The purpose of this report is for Council to consider amending the Dog Exercise and Prohibited Areas Policy to incorporate the following:

- The extension of the dog off leash exercise area at Leighton Beach. Being the area bounded on the south by a line 337 metres south of the northern district boundary of the City of Fremantle, bounded on the north by the northern district boundary of the City of Fremantle, bounded on the east by the reserves eastern boundary and bounded on the west by the Indian Ocean.

- The removal of reserve numbers and town lot numbers to describe the location and replacement with a physical description including street address and suburb.

- The inclusion of a definition for a sporting event. For the purposes of this policy a sporting event is defined as an activity involving physical exertion and skill that is governed by a set of rules or customs and often undertaken competitively. Training for one of these activities falls under the definition of sporting event.

- The removal of the circular park opposite Freeman Loop, North Fremantle from the dog prohibited area, this is currently a dog off leash area.

The most significant amendment is the extension of Leighton Beach dog exercise area as adopted by Council at its meeting on the 28 June 2017. It is also recommended that the Policy be amended to include the circular grassed area opposite Freeman Loop, North Fremantle as a dog on leash area to allow dog users to access Dog friendly cafes, showers and a water station at this location. Dogs are not currently permitted in the area, as it is a dog's prohibited area.

The amended Dog Exercise and Prohibited Areas Policy is attached for reference. The changes are detailed below and highlighted in bold.
BACKGROUND

A petition was received in November 2016 requesting Council consider extending the dog off lead area at Leighton Beach. The petition requested an extension of the dog off lead area south by approximately two kilometres, to include all of Leighton Beach, Port Beach and Sandtrax Beach except during the daytime in summer. Council resolved on the 28 June 2017 not to support the petition, however adopted an alternative recommendation to delegate to the CEO consideration of the extension of the Leighton dog exercise area up to a maximum of 150 metres further south on an all year round basis. The City’s Dog Exercise and Prohibited Areas Policy is required to be amended to allow this change. In addition there are three other amendments recommended for Council to consider.

FINANCIAL IMPLICATIONS

There are no notable financial implications from amending the Dog Exercise and Prohibited Areas Policy.

LEGAL IMPLICATIONS

Nil

CONSULTATION

There has been no consultation.

OFFICER COMMENT

The current City of Fremantle Dog Exercise and Prohibited Areas policy was created in July 2014. The policy has now been reviewed and the following four amendments are recommended:

- The extension of the dog off leash exercise area at Leighton Beach. Being the area bounded on the south by a line 337 metres south of the northern district boundary of the City of Fremantle, bounded on the north by the northern district boundary of the City of Fremantle, bounded on the east by the reserves eastern boundary and bounded on the west by the Indian Ocean.

- The removal of reserve numbers and town lot numbers to describe the location and replace with a physical description including street address and suburb.

- The inclusion of a definition for a sporting event: For the purposes of this policy a sporting event is defined as an activity involving physical exertion and skill that is governed by a set of rules or customs and often undertaken competitively. Training for one of these activities falls under the definition of sporting event.
- The removal of the circular park opposite Freeman Loop, North Fremantle from the dog prohibited area, this is now a dog off leash area.

The amendments to the current policy are consistent with Councils resolution of 28 June 2017 with the extension south of Leighton dog Beach. The amendments are also considered to be an improvement in the ability to interpret the geographical locations, which previously were designated as reserve and lot numbers. Permitting the circular grassed area opposite Freeman Loop, North Fremantle as a dog on leash area will allow dog users to access dog friendly cafes, showers and a water station at this location which is consistent with Councils resolution of 28 June 2017. In addition it is recommended that the policy be amended to add training in the definition of a sporting event.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

Council:

1. Approve deletion of current Dog Exercise and Prohibited Areas Policy SG58 (as shown in Attachment 1), adopted on the 23 July 2014; and

2. Adopt Dog Exercise and Prohibited Areas as a policy of Council as set out below:

Dog Exercise and Prohibited Areas Policy

Policy Objective

To outline the dog exercise areas and dog prohibited areas within the City of Fremantle boundaries.

Policy

In accordance with section 31 of the Dog Act 1976, the City of Fremantle declares that the following specified areas are classified as dog exercise areas and dog prohibited areas within the City's boundaries.

1. The following areas are declared dog prohibited areas

A person liable for the control of a dog other than a bona fide guide dog accompanied by a visually impaired person or a person engaged in the training of
guide dogs shall prevent that dog entering or being in or upon any of the following specified areas.

<table>
<thead>
<tr>
<th>Area/Reserve</th>
<th>Location</th>
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<tbody>
<tr>
<td>A public building</td>
<td>-</td>
</tr>
<tr>
<td>Fremantle Markets</td>
<td>Corner Henderson Street and South Terrace, Fremantle.</td>
</tr>
<tr>
<td>Harvest Road Beach</td>
<td>Being that area of the reserve bounded on the south by the prolongation of the northern boundary of Harvest Road, bounded on the north by a parallel line 50 meters north of that southern boundary, and bounded on the east and west by the reserves eastern and western boundaries.</td>
</tr>
<tr>
<td>Port and Leighton Beaches</td>
<td>Being that area bounded on the south by the prolongation of the southern end of Port Beach Road, bounded on the north by a line 337 meters south of the northern district boundary of the City of Fremantle, where that boundary abuts the Indian Ocean, and bounded on the east and west by the reserves eastern and western boundaries. The circular grass reserve located west of Freeman Loop, North Fremantle is not included in this dog prohibited area.</td>
</tr>
<tr>
<td>Rocky Bay Beach</td>
<td>The beach area bordering the Swan River opposite the Rule Street carpark, North Fremantle.</td>
</tr>
<tr>
<td>South Beach Reserve</td>
<td>Between its southern boundary and the prolongation of the southern boundary of Douro Road to the South Beach groin.</td>
</tr>
</tbody>
</table>

2. The following areas are declared dog exercise areas

For the purposes of sections 31 and 32 of the *Dog Act 1976*, the Council dog exercise areas shall be those areas specified below and no such area shall constitute a dog exercise area when a Council authorised activity, function or
For the purposes of this policy a sporting event is defined as an activity involving physical exertion and skill that is governed by a set of rules or customs and often undertaken competitively. Training for one of these activities falls under the definition of sporting event.

<table>
<thead>
<tr>
<th>Area/Reserve</th>
<th>Location</th>
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<tbody>
<tr>
<td>Beach Street Reserve</td>
<td>Corner of Beach Street and east Street, Fremantle.</td>
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<tr>
<td>Bruce Lee Reserve</td>
<td>Corner of South Street and Caesar Street, Beaconsfield.</td>
</tr>
<tr>
<td>Davis Park</td>
<td>Between Conway Court and Edgar Court, Beaconsfield.</td>
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<tr>
<td>Dick Lawrence Oval</td>
<td>Corner of Lefroy Road and Shepherd Street, Beaconsfield.</td>
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<tr>
<td>Esplanade Reserve</td>
<td>45 Marine Terrace, Fremantle.</td>
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<tr>
<td>Frank Gibson Park</td>
<td>Corner of High Street and Chudleigh Street, Fremantle.</td>
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<tr>
<td>Fremantle Park</td>
<td>Corner of Ellen Street and Ord Street, Fremantle.</td>
</tr>
<tr>
<td>Gilbert Fraser Reserve</td>
<td>Corner of Johannah Street and John Street, North Fremantle.</td>
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<tr>
<td>Grigg Park</td>
<td>Corner Snook Crescent and Grigg Place, Hilton.</td>
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<tr>
<td>Griffiths Place Park</td>
<td>Corner of Nicholas Crescent and Joslin Street, Hilton.</td>
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<tr>
<td>Hilton Park</td>
<td>Corner of Jeffrey Street and Carrington Street, Beaconsfield.</td>
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<tr>
<td>Horrie Long Reserve</td>
<td>Corner of Forrest Street and Amherst Street, Fremantle.</td>
</tr>
<tr>
<td>Knutsford Street Playground</td>
<td>Corner of Knutsford Street and Swanbourne Street, Fremantle.</td>
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<tr>
<td>Leighton Beach</td>
<td>Being the area bounded on the south by a line 337 metres south of the</td>
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northern district boundary of the City of Fremantle, bounded on the north by the northern district boundary of the City of Fremantle, bounded on the east by the reserves eastern boundary and bounded on the west by the Indian Ocean.

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<tr>
<th>Location</th>
<th>Description</th>
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<tr>
<td>North Fremantle Foreshore</td>
<td>Being that area of the reserve bounded on the south by the Stirling Bridge, bounded on the north by the southern boundary of the property located at 15 John Street, bounded on the east by the Swan River and bounded on the west by the reserves western boundaries.</td>
</tr>
<tr>
<td>Parmelia Park</td>
<td>Corner of Parmelia Street and Lloyd Street, South Fremantle.</td>
</tr>
<tr>
<td>Rocky Bay Reserve</td>
<td>Being that area of the reserve bounded on the south by Harvest Road Beach, bounded on the north by the northern district boundary, bounded on the east by the Swan River and bounded on the west by the reserves western boundaries.</td>
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<tr>
<td>South Beach Reserve</td>
<td>From the prolongation of the southern boundary of Douro Road to the prolongation of the southern boundary of Scott Street.</td>
</tr>
<tr>
<td>Stevens Street Reserve</td>
<td>Corner of Stevens Street and Swanbourne Street, Fremantle.</td>
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<tr>
<td>Wilson Park</td>
<td>Corner of Ocean Road and South Terrace, South Fremantle.</td>
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3. This policy is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

Definitions and abbreviations - nil
CARRIED: 7/0

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It was noted that Committee members made comment on the following items and asked officers to consider whether amendments could be made to this item prior to the Council meeting:

1. Whether the policy could be amended to consider dogs off lead during sport training periods;

2. Whether the definition of ‘Sporting Activity’ could be expanded to include “where children are involved in an organised sporting activity”;

3. Whether the definition of ‘Sporting Activity’ could be expanded to include the words “booked” and “organised sporting activity”;

4. Whether the dog on lease area of Samson Park needs to be expanded to ensure it includes the Bush Forever elements of the Park.
FPOL1709-6 ADOPTION OF THE PLASTIC BAG REDUCTION LOCAL LAW 2017

Meeting Date: 13 September 2017
Responsible Officer: Acting Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

The City of Fremantle Plastic Bag Reduction Local Law 2017 was advertised in accordance with the Local Government Act 1995 from 8th July to 29th August 2017. Eight submissions were received of which seven were in support and one objected. Community feedback indicates general support for the local law.

This report recommends that council adopt the City of Fremantle Plastic Bag Reduction Local Law 2017, with no changes. Adoption of the local law should be accompanied by a community engagement program and marketing campaign, to ensure the community is aware of the law and to help them adjust accordingly.

BACKGROUND

On 26th April 2017 council adopted the Plastic Bag Reduction Local Law 2017, as set out in the council minutes of the same date. Since this resolution was passed, the City has conducted a public advertising period for the Plastic Bag Reduction Local Law 2017 (the PB Local Law).

The City of Fremantle has sought to introduce a local law to restrict the supply of single use plastic shopping bags by retailers within the district administered by the City on two previous occasions, in 2012 and 2015. On both occasions the local law was adopted by council but subsequently disallowed as a result of motions moved in the Parliament of Western Australia. Further details of these previous attempts to introduce a local law on this issue were provided in the previous council item on 26th April.

The current WA State Government has stated that it will not oppose local governments introducing local laws to reduce waste and protect the environment. This has triggered renewed interest by several local governments in introducing local laws to prohibit the supply of single use plastic bags by retailers. Local Governments actively considering or progressing a local law include East Fremantle, Cockburn, Joondalup, Stirling, Canning and Rockingham. On 5th July 2017, WALGA resolved to support local governments progressing their own local laws, to ensure consistency of approach. WALGA also resolved to advocate for the State Government to introduce a state wide ban of single use plastic bags, and to ensure that any state wide ban is supported by community education, environmental alternatives and an equitable transition period.
FINANCIAL IMPLICATIONS

The statutory advertising of the local law (refer to Consultation section below) incurred costs that were met from existing 2017/18 operating budget provision for advertising.

Assuming that the current PB Local Law is supported by Parliament’s Joint Standing Committee on Delegated Legislation (which scrutinises local laws) and is not disallowed, it is recommended that prior to the local law coming into effect the City carry out a community engagement program and marketing campaign. This will help to ensure that local retail businesses and the community in general are well informed of the changes and the reasons behind it, and will help them to adjust accordingly. Funding would be required for this community engagement program which is not currently budgeted for. If council adopts the PB Local Law as recommended in this item, it is also recommended that officers prepare a scope of works and cost estimates for developing and delivering a broad scale marketing and communications campaign. This would be presented back to council for consideration for budget approval.

LEGAL IMPLICATIONS

The *Local Government Act 1995* empowers local governments to make local laws on certain matters. Previous legal advice obtained by the City in 2013 stated that a local law regulating the supply of plastic bags is within the local law-making power of the City under the Act.

Part of the procedure for making local laws requires the person presiding at a council meeting to give notice of the purpose and effect of a proposed local law. The purpose of the proposed City of Fremantle Plastic Bag Reduction Local Law 2017 is to reduce the use of plastic shopping bags within the district of the City of Fremantle. The effect of the local law is to prohibit retailers from providing single use plastic shopping bags (as defined in the local law) to customers.

CONSULTATION


The submission period for comments on the proposed local law was from Saturday 8th July to Tuesday 29th August 2017 (total of 53 days). A My Say Freo page was developed with information for retailers and shoppers, including frequently asked questions, timelines, relevant research and ways to get involved. Submissions were submitted via the My Say Freo page, in writing or via email.

Consultation was also undertaken with the Fremantle Chamber of Commerce and the Fremantle Business Improvement District, and an information session was held for the Fremantle Market stall holders. Roughly 500 information fliers prepared by the City of Fremantle were distributed via a letter drop for Fremantle Chamber of Commerce members.
OFFICER COMMENT

The environmental impact of plastic bags in the terrestrial and marine environment is well documented. Reducing the availability of single use plastic bags to the public via retail outlets is likely to reduce this type of plastic as a source of litter and reduce the waste stream disposed of to landfill. These outcomes would align with the Environmental Responsibility strategic focus area of the Strategic Community Plan 2015-25 which refers to an outcome of reducing waste, reusing where possible, and ultimately sending zero waste to landfill. The introduction of a local law to restrict the availability of single use plastic bags is explicitly referred to in the One Planet Fremantle Strategy.

Legislation to prohibit retailers from providing customers with single use plastic bags is now in force in South Australia, Tasmania, the ACT and the Northern Territory. The provisions of the legislation in all of these states and territories are very similar to that proposed for the City of Fremantle.

Feedback received through the consultation period indicates that the community is generally supportive of the local law. A total of eight public submissions on the local law were received, seven of which were in favour of the law and one against.

The one submission against the proposed law stated that it is a waste of ratepayers’ money to continue since Woolworths and Coles have proposed a ban, as has the State Government. The City of Fremantle acknowledges that Woolworths and Coles have pledged to phase out single use plastic bags within the next year, and will instead charge 15 cents for a heavier-duty reusable plastic bag. While this is a positive step, Coles and Woolworths represent only a portion of the retail stores throughout the City of Fremantle.

The City of Fremantle also acknowledges that the current WA State Government has declared that it will not stand in the way of individual local governments introducing a ban, and that Western Australian Minister for Environment, Stephen Dawson, has indicated that ‘the McGowan Labor Government was working on implementing a State-wide ban of single-use plastic bags’ (14 July 2017). The Environment Minister indicated that he has directed the Department of Environment Regulation to develop a Discussion Paper on the options for reducing plastic bag use in WA. However, the timeline for the development and release of this State Government Discussion Paper is not currently clear.

Given that the current State Government has not held power for long and is working on a number of issues, in addition to the unclear timelines around the Discussion Paper and the long timelines associated with implementing a State law, the City of Fremantle does not see this as a valid reason to hold off on adopting the PB Local Law.

The remaining seven submissions were all supportive of the ban, with two submissions suggesting the ban needs to go even further to include all plastic products, including plastic 'produce bags' and single use 'plastic packaging' for fruit and vegetables. One submission (also supportive of the ban) acknowledged that 'barrier bags' were sometimes necessary for hygienic purposes, such as transporting meat and fish.

Overall, feedback indicated that the public was highly supportive of the ban.
VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER’S RECOMMENDATION

Council:

1. Adopt the City of Fremantle Plastic Bag Reduction Local Law 2017 as set out below, and authorise it to be published in the Government Gazette in accordance with the *Local Government Act 1995*.

LOCAL GOVERNMENT ACT 1995
CITY OF FREMANTLE
PLASTIC BAG REDUCTION LOCAL LAW 2017

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Fremantle resolved on ____________ 2017 to make the following local law.

1. Citation
This local law may be cited as the *City of Fremantle Plastic Bag Reduction Local Law 2017*.

2. Commencement
This local law comes into operation 180 days after the date of its publication in the *Government Gazette*.

3. Application
This local law shall apply throughout the district.

4. Definitions
In this local law unless the context otherwise requires -

*Act* means the *Local Government Act 1995*;

alternative shopping bag means -

(a) a biodegradable bag;

(b) a reusable plastic bag; or

(c) any other shopping bag that is not a single use plastic shopping bag;

*AS* means Australian Standard as published by Standards Australia;
authorised person means a person authorised by the local government under section 9.10 of the Act to administer or enforce the local law;

biodegradable bag means a carry bag comprised of material of a type that has been assessed and tested in accordance with the relevant standard and can, in accordance with the relevant standard, be designated as compostable;

district means the district of the local government;

local government means the City of Fremantle;

Regulations means the Local Government (Functions and General) Regulations 1996;

relevant standard means AS 4736/2006 Biodegradable plastics - Biodegradable plastics suitable for composting and other microbial treatment as amended from time to time;

retailer means a person selling retail goods;

reusable plastic bag means a carry bag -

(a) the body of which comprises (in whole or in part) polyethylene, polypropylene or polyethylene terephthalate with a thickness of 35 microns or more; and

(b) that includes handles;

Schedule means a schedule to this local law; and

single use plastic shopping bag means—

(a) a carry bag—

(i) the body of which comprises (in whole or in part) polyethylene, polypropylene or polyethylene terephthalate with a thickness of less than 35 microns; and

(ii) that includes handles;

but does not include—

(b) a biodegradable bag;

(c) a reusable plastic bag; or

(d) a plastic bag that constitutes, or forms an integral part of, the packaging in which goods are sealed prior to sale.

5. Retailer not to provide single use plastic shopping bag
1. A retailer shall not provide a single use plastic shopping bag to a customer as a means of carrying goods purchased, or to be purchased, from the retailer.

2. It is a defence to a charge under subclause (1) if the retailer proves that he or she believed on reasonable grounds that the bag was not a single use plastic shopping bag.

3. The prohibition contained in subclause (1) applies whether or not a fee is charged to the customer for provision of a single use plastic shopping bag.

4. Subclause (1) shall not prevent a retailer from providing an alternative shopping bag to a customer as a means of carrying goods purchased, or to be purchased, from the retailer.

6. Person must not represent that supplied single use plastic shopping bag is not a single use plastic shopping bag

A person who is in the business of selling or providing plastic bags to retailers shall not sell, supply or provide a bag to a retailer knowing that it is a single use plastic shopping bag if prior to, or in the course of, selling, supplying or providing the bag, the person represents to the retailer that the bag is not a single use plastic shopping bag.

7. Offences and general penalty

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding $2,500, and if the offence is of a continuing nature, to an additional penalty not exceeding $250 for each day or part of a day during which the offence has continued.

8. Prescribed offences

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that –

   (a) commission of the prescribed offence is a relatively minor matter; and

   (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

9. Form of notices

For the purposes of this local law -
(a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and

(b) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE 1 - PRESCRIBED OFFENCES
(Clause 8)

<table>
<thead>
<tr>
<th>CLAUSE</th>
<th>DESCRIPTION</th>
<th>MODIFIED PENALTY</th>
</tr>
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<tbody>
<tr>
<td>5(1)</td>
<td>Provision of single use plastic shopping bag by retailer</td>
<td>$150</td>
</tr>
<tr>
<td>6</td>
<td>Representing to retailer that supplied single use plastic shopping bag is not a single use plastic shopping bag</td>
<td>$250</td>
</tr>
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</table>

Dated this day of 2017

The Common Seal of the City of Fremantle was hereunto affixed by authority of a resolution of the Council in the presence of:

MAYOR (Print Full Name)

CHIEF EXECUTIVE OFFICER (Print Full Name)

2. Authorise officers to prepare a scope of works and cost estimates for a broad-scale marketing and communications campaign for the local law to ensure the community is well informed of the changes and the reasoning behind the local law, to be reported back to council for consideration for inclusion in the budget.

COMMITTEE RECOMMENDATION

Cr A Sullivan MOVED to defer the item to the next appropriate Finance, Policy, Operations and Legislation Committee meeting to be held 8 November 2017.
CARRIED: 7/0

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REASON/S FOR CHANGE TO OFFICER’S RECOMMENDATION

To allow time for officers to obtain more information on the intended state-wide ban on single use plastic bags announced by the State Government on 12 September 2017, and to assess the implications for the City’s proposed local law.
FPOL1709-10 VERGE POLICY

Meeting Date: 13 September 2017
Responsible Officer: Manager Parks and Landscapes
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

The City actively encourages residents to develop and maintain verge gardens to contribute to the visual appeal and function of the streetscape. The Verge Policy outlines how residents can landscape the verge which abuts their property and is vested under the management and care of the City of Fremantle.

This report recommends that Council:
1. Adopt the Verge Policy.

BACKGROUND

The verge is part of the road reserve and is under the management of the City. The City manages and maintains verges to enable access for City operations and utility and service providers. The City encourages residents to develop gardens on the verge which abuts their property to improve the aesthetics and function of verges. The existing verge beautification guidelines provide advice on the preparation, mulching, plant selection, planting and design of verge gardens. The verge beautification program has been successful and the City has supported it by providing free plants and mulch to the community.

Development on verges is also guided by the Activities in Thoroughfares and Public Places and Trading Local Law. The verge garden materials and maintenance guidelines presented in this report support the local law by providing a list of acceptable materials in accordance with the Local Law.

FINANCIAL IMPLICATIONS

Verge Preparation Assistance Scheme / Plant Subsidy Scheme / Mulch Provision

The City is endorsed by the Department of Water and the Water Corporation as a Waterwise Council and is eligible for matched funding up to $10 000 per year. The verge preparation assistance scheme, plant subsidy scheme and mulch provision meet the criteria for matched funding under this program. The City will apply for the grant to subsidise the scheme.

The City assisted verge preparation assistance scheme can be adjusted to suit the yearly budget adopted by Council. To commence the program, a budget allocation of $29 000 is recommended in addition to the $10 000 grant funding. The cost is broken down as follows:
- The verge preparation scheme would receive $25 000 and allow the preparation of approximately 40-60 verges depending on size.
• The City currently commits $5000 per financial year to the plant subsidy scheme. The extended scheme would receive an increase of $5000 per financial year to the base operating budget.
• The verge mulch collection scheme would receive $9,000 to allow for 6 scheduled collection days per year.
The assistance schemes can be adjusted on a yearly basis to match the budget.

LEGAL IMPLICATIONS

No specific legal implications.

CONSULTATION

The Verge Policy will be promoted to the community to encourage verge garden development, management and maintenance.

OFFICER COMMENT

The City actively encourages residents to develop and maintain verge gardens to contribute to visually appealing streetscapes which provide a range of social, environmental and economic benefits. Verge gardens help the City achieve strategic goals identified in the One Planet principles and implement green plan linkages identified in Green Plan 2020. Well designed and maintained verge gardens:

• improve water efficiency
• contribute to beautiful streets
• reduce urban heat island impacts
• provide ecological benefits including habitat for flora and improved biodiversity
• improve building thermal performance.

The Verge Policy proposes guidelines for verge gardens and a range of initiatives to help subsidise and encourage the development of verge gardens including:

• Verge preparation assistance scheme
• Mulch
• Plant subsidy scheme
• Verge garden materials
• Verge garden maintenance
• Street tree maintenance

The City will implement a revised verge garden program using the new and improved initiatives. A verge garden guideline document will be produced to show the community how to design, implement and maintain their verge garden.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

Mayor Brad Pettit MOVED a minor amendment to include the word ‘Garden’ into the heading of the policy, to read as follows:
COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

Council:

1. Adopt the Verge Garden Policy as a policy of Council, as set out below:

Verge Garden Policy

Policy statement

This Policy outlines the City’s approach to verge gardens including the verge preparation assistance scheme, mulch, the plant subsidy scheme, verge garden materials and verge garden maintenance.

Legislative requirements

This Policy is to be read in conjunction with the Activities in Thoroughfares and Public Places and Trading Local Law 2005.

Policy

The City encourages residents to develop and maintain verge gardens to provide a range of social, environmental and economic benefits to the community. Well designed and maintained verge gardens can:

- improve water efficiency
- contribute to beautiful streets
- reduce urban heat island impacts
- provide ecological benefits including habitat for flora and improved biodiversity
- improved building thermal performance.

The successful establishment and performance of verge gardens is dependent on correct design, preparation, installation and maintenance. An owner or occupier of land may landscape the verge which abuts their property and is vested under the management and control of the City of Fremantle in accordance with the following guidelines. Residents may also access the initiatives to help subsidise the development of verge gardens.

Verge Preparation Assistance Scheme

The City’s verge preparation assistance scheme assists with the conversion of a
verge to a verge garden by providing level preparation and mulch delivery. Weed removal from verges will remain the responsibility of the applicant. The scheme will assist with preparation by:

- Removing soil, grass and vegetation against hard surfaces including kerbs, driveways and footpaths.
- Delivering mulch to the residents. The applicant will be responsible for spreading the mulch. Mulch provided will be tree clipping mulch recycled form the City's tree pruning program.

Expressions of interest will be called for annually. Applications will be considered on the following order of priority:

- Seniors Card or Health Care Card holder
- Size of verge where large verges have higher priority.
- Not had the property's verge prepared in the previous 10 years.

Mulch
The City will provide mulch to residents for collection from the depot. Mulch will be available for all City residents, businesses and community groups for use on their verge garden. Mulch provided will be tree clipping mulch recycled from the City's tree pruning program. Organic mulch is to be placed:

- 5-10cm deep
- level with or below adjacent hard surfaces
- 10cm clear of plant stems
- 50cm clear of street tree trunks.

Plant Subsidy Scheme
The City provides plants to residents through the plant subsidy scheme to help verge garden development and maintenance. The City will provide up to 40 plants per residential property per annum. Other property types, such as schools or commercial, can apply to the City for larger quantities which will be at the City's discretion. Plants provided provide the following range of benefits:

- low water usage
- provide habitat for fauna
- are flowering
- suppress weeds
- reduce urban heat island effects
- promote biodiversity.

The plant species list will be determined by the City and include water wise,
Verge Garden Materials

The following materials list outlines verge materials which are acceptable, require approval or are unacceptable. Residents are able to install acceptable materials without the City’s approval provided they are maintained in accordance with the verge garden maintenance requirements. The City requests residents seek approval for certain materials to ensure they are placed in a safe location and / or don't interfere with services or public utilities. Some materials are unacceptable as they restrict City or public utility access for infrastructure maintenance, are detrimental to the environment or present hazards to the public.

<table>
<thead>
<tr>
<th>Material Classification</th>
<th>Material Description</th>
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</table>
| Acceptable Materials: approval not required prior to installation. | - Maintained turf  
- Low shrubs and groundcovers  
- Vegetables and herbs  
- Organic mulch  
- Street trees (planted and maintained by the City only)  
- Irrigation at ground level  
- Vegetable planters (removable construction type) that are 2m from the kerb and/or crossover, 1m from the footpath and are clear of pedestrian and vehicle sight lines.  
- Trafficable paving and/or consolidated inorganic mulch less than one third of the verge (excluding the crossover) and 2m away from the trunk of a street tree  
- Garden edging at ground level that does not present a trip hazard. |
| Materials requiring approval: approval required prior to installation. | - Temporary structures such as bollards to aid the establishment of the verge garden or ornaments  
- Furniture including seats and benches  
- Trafficable paving and/or consolidated inorganic mulch more than one third of the verge (excluding the crossover) and/or within 2m of the trunk of a street tree  
- Fruit and nut trees. |
| Unacceptable Materials: when in the opinion of the City a material, structure or verge treatment is considered to be | - Materials or structures which are unsafe, block sight lines, are loose or slippery, present a hazard, are impermeable, are weeds, are sharp or prickly will considered to be an |
hazardous or pose a significant risk to the public the material will be considered unacceptable and appropriate compliance action will be taken.

For materials requiring approval an application must be submitted and approved in writing by the City before the material is installed.

Verge Garden Maintenance
The maintenance of verge gardens is the responsibility of the resident and includes mowing turf, weeding, pruning, mulching, irrigation maintenance and cleaning hard surfaces. Guidelines for maintaining a safe verge are:

- Vegetation must be kept clear of vehicle and pedestrian site lines.
- Vegetation must be maintained so it doesn’t present a hazard and is clear of paths, crossovers, roads and service infrastructure.
- Irrigation must be maintained so it doesn’t present a hazard.
- Mulch levels must be below the top of the adjacent kerbs and surrounding hard surfaces such as paths and driveways.
- A bin pickup zone must be maintained free from obstructions including overhead trees.
- Vegetables, fruits and nuts must be harvested regularly and collected off the ground to prevent issues associated with decomposing vegetation.
- Where a fruit or nut tree is approved for installation, the City will give tree maintenance requirements, specific to the species and location, at the time of approval.
- Where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb in accordance with the Activities in Thoroughfares and Public Places and Trading Local Law 2005.

Street Trees
The City is responsible for planting, maintenance and removal of all street and reserve trees in accordance with the Street and Reserve Tree Policy. Residents can request a street tree to be planted or maintained by contacting the City who will consider the request.

Care is to be taken during the installation of a verge treatment to preserve the root zone and protect the trunk and canopy of trees.

Non-compliance
Non-compliance with this Policy will result in the City requesting the adjacent
resident to undertake works, remove items to meet the requirements of the Policy or the City to undertake works at the resident’s expense.

Verge reinstatement
The verge has a primary function to act as a corridor for services and utilities. Periodically, works will be undertaken in the verge to service this infrastructure which may damage or disturb verge gardens. The resident is responsible for reinstatement of the verge garden following any works by the City, utility providers or other authorised parties.

CARRIED: 6/1

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REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION
The heading was amended to include the word ‘Garden’ to better suit the intent of the policy.
FPOL1709-11 CHANGE TO OCTOBER COUNCIL AND COMMITTEE MEETINGS

Meeting Date: 13 September 2017
Responsible Officer: Manager Governance
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

The purpose of this report is to change the Council and Committee Meeting Schedule for the month of October 2017, to hold an additional Ordinary Meeting of Council on Wednesday, 11 October 2017 in place of the Finance, Policy, Operations and Legislation (FPOL) Committee Meeting.

BACKGROUND

Council at its meeting held on 28 June 2017, adopted the Council and Committee Meeting Schedule for July 2017 to June 2018. Within the schedule adopted by Council the following meetings and dates were adopted for the month of October 2017.

<table>
<thead>
<tr>
<th>Week</th>
<th>Council Meeting</th>
<th>Date</th>
<th>Time</th>
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<tbody>
<tr>
<td>1</td>
<td>Planning Committee</td>
<td>4 October 2017</td>
<td>6.00pm</td>
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<tr>
<td>2</td>
<td>Strategy and Project Development Committee</td>
<td>9 October 2017</td>
<td>6.00pm</td>
</tr>
<tr>
<td>3</td>
<td>Finance, Policy, Operations and Legislation (FPOL)</td>
<td>11 October 2017</td>
<td>6.00pm</td>
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<tr>
<td>4</td>
<td>Special Meeting of Council (Swearing in Ceremony)</td>
<td>23 October 2017</td>
<td>6.00 pm</td>
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<tr>
<td>4</td>
<td>Ordinary Meeting of Council</td>
<td>25 October 2017</td>
<td>6.00pm</td>
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</tbody>
</table>

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Section 5.4 of the Local Government Act 1995 allows for Council to decide when a Council Meeting is to be held. Regulation 12(2) of the Local Government (Administration) Regulations 1996, requires the local government to give local public notice of any changes to the meeting date, time or place of any council or committee meetings adopted by Council.

CONSULTATION

The community will be notified of the changes to the meeting schedule through the local newspaper, City of Fremantle website and relevant notice boards.
OFFICER COMMENT

The existing schedule would mean that a new Council, with potentially new Elected Members would be called on to make decisions based on recommendations made by the previous Council.

As is consistent with previous election year meeting schedules, and in order to assist the transition of potential new Elected Members, and for the current Council to finalise the consideration of existing recommendations, it is considered practical to adjust the Meeting Schedule to allow this to happen.

It is recommended that Council adopt the proposed changes to the Meeting Schedule as outlined in this report and authorised officers to advertise the meeting changes to the public, as required in the Local Government Act 1995.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required.

COMMITTEE AND OFFICER’S RECOMMENDATION

MOVED: Cr A Sullivan

Council:

1. Approve the holding of an additional Ordinary Meeting of Council on the 11 October 2017.

2. Approve the cancellation of the 11 October 2017, Finance, Policy, Operations and Legislation Committee Meeting.

3. Authorise the advertisement of these changes to the Meeting Schedule, as required by the Local Government (Administration) Regulations 1996.

CARRIED: 7/0

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</tbody>
</table>
CONFIDENTIAL MATTERS

Nil.

CLOSURE OF MEETING

Prior to closing the meeting, Presiding Member, Cr Andrew Sullivan acknowledge this was the last Finance, Operations and Legislation Committee meeting before the elections and thanked the Committee members and staff for their hard work over the past two years.

THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 6.52 PM.
SUMMARY GUIDE TO CITIZEN PARTICIPATION AND CONSULTATION

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.

<table>
<thead>
<tr>
<th>How consultative processes work at the City of Fremantle</th>
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<tbody>
<tr>
<td><strong>The City’s decision makers</strong></td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>Various participation opportunities</strong></td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>Objective processes also used</strong></td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>All decisions are made by Council or the CEO</strong></td>
</tr>
<tr>
<td>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).</td>
</tr>
<tr>
<td><strong>Precinct focus is primarily local, but also city-wide</strong></td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>All input is of equal value</strong></td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>Decisions will not necessarily reflect the majority view received</strong></td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>Decisions made for the overall good of Fremantle</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Diversity of view on most issues</td>
</tr>
<tr>
<td>City officers must be impartial</td>
</tr>
<tr>
<td>City officers must follow policy and procedures</td>
</tr>
<tr>
<td>Community engagement processes have cut-off dates that will be adhered to.</td>
</tr>
<tr>
<td>How consultative processes work at the City of Fremantle</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Citizens need to check for any changes to decision making arrangements made</strong></td>
</tr>
<tr>
<td><strong>Citizens are entitled to know how their input has been assessed</strong></td>
</tr>
<tr>
<td><strong>Reasons for decisions must be transparent</strong></td>
</tr>
<tr>
<td><strong>Decisions posted on the City’s website</strong></td>
</tr>
</tbody>
</table>
Issues that Council May Treat as Confidential

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

1. Subject to subsection (2), the following are to be open to members of the public -
   a) all council meetings; and
   b) all meetings of any committee to which a local government power or duty has been delegated.

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

3. A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.