



MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 4 DECEMBER 2007, COMMENCING AT 6.35PM.

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MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 4 DECEMBER 2007, COMMENCING AT 6.30PM.

376. DECLARATION OF OPENING OF MEETING

The Mayor declared the meeting open.

376.1 Present

Mayor A Ferris	Presiding Member
Cr D Arnold	
Cr C Collinson	
Cr B de Jong	
Cr S Dobro	
Cr R Olson	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Ms J May	Executive Secretary

377. ACKNOWLEDGEMENT OF COUNTRY

Mayor Ferris made the following acknowledgement:

"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."

378. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF

There were no members of the public in the gallery.

379. PUBLIC QUESTION TIME

Nil.

380. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

381. RECORD OF APOLOGIES

Nil.

382. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

382.1 Shona Hunter – Fairtrade Council

Ms Hunter addressed the meeting outlining:

- the meaning of "Fairtrade" and development of the Fairtrade movement
- Fairtrade products
- the five goals which need to be met by the Council in order to receive the Fairtrade Communities award from the Fairtrade Association of Australia and New Zealand.

Ms Hunter then answered questions from elected members.

Mayor Ferris thanked Ms Shona Hunter for her attendance, following which Ms Hunter left the meeting at 6.50pm.

At the request of the Mayor the Chief Executive Officer advised that an officer's report would be prepared in due course with regard to implementing the Town of East Fremantle becoming a Fairtrade Council, however, there would be no issue with Council adopting the principle of membership at this time.

Cr Collinson – Cr Olson

That Council supports becoming a Fairtrade Council in principle. This includes Council:

- (i) purchasing Fairtrade certified products (ie tea and coffee) to serve at its meetings and in its offices
- (ii) committing to working towards the goals of becoming a Fairtrade community.

CARRIED

383. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

It was noted that Crs Dobro, Collinson & Wilson have previously been granted Leave of Absence for the Council Meeting scheduled for the 18 December 2007 and Mayor Ferris and Crs Rico, Arnold, Olson and de Jong indicated they would be in attendance at this meeting.

384. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

384.1 Council Meeting – 20 November 2007

Cr de Jong – Cr Olson

That the Minutes of the Council Meeting held on 20 November 2007 be received and confirmed with the following correction to MB Ref 364.8 Council Policy on Non Approved Structures

That the words “Amended Council Meeting held 16 October 2007” be replaced with the words “Amended Council Meeting held 20 November 2007”.

CARRIED

385. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

385.1 Cr Harrington

Mayor Ferris read the following letter of resignation from Cr Harrington:

I would like to tender my notice of resignation as to today as Councillor for the Woodside Ward in the Town of East Fremantle.

At the beginning of November, Happenings Events Management was asked to undertake a very large project for a company in Sydney in a very short lead-time.

This project took more than my usual waking hours and with the other projects leading up to Christmas in my industry, rendered me little time to attend to my duties as Councillor in the Town of East Fremantle.

This same project for next year and other projects already on the horizon will see the same time limiting issues arising and therefore I have decided to devote the time I do have to my family and my business exclusively from now on.

What I have left I will enjoy at the farm.

My gratitude to all the officers and staff at the Town of East Fremantle for their patience, advice and assistance over the years I have been a Councillor, in particular to Janine.”

385.2 B Henderson

Mayor Ferris read an email from Mrs Henderson thanking Council for their prompt response in having the verge on the corner of Silas and George Streets mowed.

386. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS

Nil.

387. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS

Nil.

388. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

389. REPORTS OF CHIEF EXECUTIVE OFFICER

389.1 *Planning Approvals – Issue of Delegated Authority*

The Chief Executive Officer advised that Cr Arnold had submitted a request to have the issue of providing delegated authority to the Town Planner to approve fully compliant or planning applications involving minor discretions, discussed at this meeting.

The Chief Executive Officer noted that whilst Council meetings normally only involved discussion on Committee recommendations and officers' reports, (with "discussion type matters" generally being dealt with at the Informal Briefing meetings), given the particular circumstances in this case, he had included this item in the agenda.

The Chief Executive Officer outlined the current situation in respect of planning applications which currently go before Council for consideration and those which are dealt with under a form of delegated authority, albeit with elected members having a power of veto which, if exercised, means the matter is referred to the Town Planning & Building Committee (Private Domain) meeting and subsequent Council meeting.

The Chief Executive Officer noted that whilst it was commonly understood that an application which conformed with the R Codes and the *quantitative* provisions of Council's Town Planning Scheme (eg height limits, set backs etc) were "compliant" and therefore "had" to be approved (and hence the possible argument that there was thus little point in elected members being involved in the matter), this was not necessarily the case. This was because the Town was also legally obliged to take into account Section 10.2 of Town Planning Scheme No 3, which contained a number of *qualitative* or "subjective" provisions eg 10.2(o) "the preservation of the amenity of the locality" and 10.2(p) "the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal" which, in the Chief Executive Officer's view, if applicable, should arguably be seen as matters primarily for elected members to consider – given their particular responsibility in regard to being aware of, and representing community values and aspirations.

The Town was also obliged to take into account their Local Planning policies, any relevant submissions received on the application and a range of other matters which could also involve subjective judgements.

The Chief Executive Officer acknowledged that in the case of many larger local governments, all single residential applications (at least) were dealt with at officer level, however this was generally because the sheer volume of applications was held to preclude elected member involvement. However in the Chief Executive Officer's strong view, this did not apply to the Town of East Fremantle, with the number of applications being quite manageable at officer and elected member level.

In the Chief Executive Officer's view East Fremantle had the best of both worlds being officer expertise and recommendations, with the safeguard of elected member involvement, which also allowed a range of views to be brought to bear on any particular application. Further, this process allowed for more community involvement.

Cr Arnold thanked the Chief Executive Officer for his advice however advised that his request had arisen from the fact that he felt there were many non planning issues concerning the Town which were not being considered by elected members due to the amount of time they spent dealing with planning applications.

General discussion took place. Some of the issues raised were:

- the perceived duplication of planning applications being considered at both Committee and Council level.
- the perceived duplication whereby members of the public could address elected members at both Town Planning & Building Committee (Private Domain) meetings and then at Council meetings.
- possible time limits being imposed on members of the public addressing Council/Committee.
- the amount of delegated decision making which is already taking place which has already greatly reduced the time which used to be spent on planning matters at a Committee and Council level (with past midnight meetings once being common).

The Chief Executive Officer noted that in regard to the view that the consideration of planning issues was somehow preventing a consideration of other issues, because of Council's meeting structure and in particular arrangements of one non town planning Council meeting (1st Tuesday of month) and one town planning Council meeting (3rd Tuesday of month), there was ample opportunity to consider matters other than planning matters at the 1st Council meeting of each month, in addition to the Informal Briefing forum.

Cr Dobro noted that the period between the Committee meeting and the Council meeting gave applicants a chance to "rework" their proposals, where Council desired this and the applicant agreed.

Mayor Ferris advised that he had spoken to the Chief Executive Officer regarding Mike Horabin, being a consultant who he had experience with, providing training to elected members and staff on the respective roles of elected members and staff.

The general consensus was that the existing level of delegation of planning applications was working satisfactorily and elected members did not wish to provide further delegation to Council officers at this time, noting also that no such delegation had been sought by Council officers and was not recommended by the Chief Executive Officer.

389.2 East Fremantle Lawn Tennis Club Grant Application

The Chief Executive Officer tabled notes regarding the application and a recommendation to Council.

The Chief Executive Officer also verbally expressed views on the application and answered questions from elected members in respect of the application and related issues.

Considerable discussion took place regarding this application.



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Cr Rico – Cr Arnold

The Town of East Fremantle support the CSRFF grant application by the East Fremantle Lawn Tennis Club for \$291,000 for the western hard courts reconstruction project (Council's proposed contribution being \$97,000), with a project rating of "B", subject to:

- (i) the grant sought from Council being included in Council's adopted 2008/09 budget*
- (ii) Council's contribution not exceeding 1/3 of the total cost of the project*
- (iii) the CEO discussing with the Club means by which the East Fremantle community can obtain greater benefit from these Council funded facilities.*

Amendment

Cr Dobro – Cr Olson

That:

- the word "proposed" be replaced with the word "requested" in the third line of the motion
- that part (i) read as follows:
 - (i) the grant sought from Council be considered as part of the 2008/09 budget process and if successful, be included in Council's adopted 2008/09 budget.*

THE AMENDMENT WAS CARRIED AND NOW FORMS PART OF THE MOTION

Amendment

Cr Collinson – Cr de Jong

That the following become part (iv) of the motion:

"any lighting installation to be energy efficient."

THE AMENDMENT WAS CARRIED AND NOW FORMS PART OF THE MOTION

The motion, as amended, was put.

Cr Rico – Cr Arnold

The Town of East Fremantle support the CSRFF grant application by the East Fremantle Lawn Tennis Club for \$291,000 for the western hard courts reconstruction project (Council's requested contribution being \$97,000), with a project rating of "B", subject to:

- (i) the grant sought from Council be considered as part of the 2008/09 budget process and if successful, be included in Council's adopted 2008/09 budget**
- (ii) Council's contribution not exceeding 1/3 of the total cost of the project**
- (iii) the CEO discussing with the Club means by which the East Fremantle community can obtain greater benefit from these Council funded facilities.**
- (iv) any lighting installation to be energy efficient.**

CARRIED

390. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION (CONTINUED)

390.1 2007 East Fremantle Festival

Mayor Ferris advised that that East Fremantle Festival held in George Street on Sunday, 2 December 2007 from 2.00pm to 8.00pm had been an overwhelming success and he praised the efforts of the Festival Co-ordinator, Cynthia Williamson.

Cr Dobro – Cr Olson

That Council:

- 1. thanks the Festival Coordinator, Cynthia Williamson, for her planning, organisation and execution of the 2007 Festival;**
- 2. thanks the Principal Environmental Health Officer, Shelley Cocks, for the role she played in assisting Cynthia Williamson in co-ordinating this year's Festival;**



- 3. congratulates Cynthia Williamson and Shelley Cocks on the outstanding success of the 2007 East Fremantle Festival held in George Street on 2 December 2007. CARRIED

390.2 Pioneers' Christmas Lunch

Mayor Ferris advised that the 2007 Christmas Pioneers' Lunch had been held at the East Fremantle Yacht Club on Monday, 3 December 2007

Cr Wilson – Cr Rico

That Sue Limbert and her HACC staff and volunteers be thanked for their preparation and planning of the 2007 Christmas Pioneers' Lunch. CARRIED

391. CONFIDENTIAL BUSINESS

Nil.

392. NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

393. MOTIONS WITHOUT NOTICE OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil.

394. CLOSURE OF MEETING

There being no further business, the meeting closed at 8.30pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **4 December 2007**, Minute Book reference **376. to 394.** were confirmed at the meeting of the Council on*

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Presiding Member