

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 5 JUNE 2007, COMMENCING AT 6.40PM.

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MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 3 JULY 2007, COMMENCING AT 6.33PM.

195. DECLARATION OF OPENING OF MEETING

The Mayor declared the meeting open.

195.1 Present

Mayor J O'Neill	Presiding Member
Cr S Dobro	
Cr A Ferris	
Cr D Martin	
Cr R Olson	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Ms S Cocks	Principal Environmental Health Officer (To 7.20pm)
Ms J May	Executive Secretary

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

There were no members of the public in the gallery.

197. PUBLIC QUESTION TIME

Nil.

198. RECORD OF APPROVED LEAVE OF ABSENCE

Cr J Harrington.

199. RECORD OF APOLOGIES

Nil.

200. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

201. APPLICATIONS FOR LEAVE OF ABSENCE

201.1 Cr Wilson

Cr Wilson sought leave of absence for the Council Meeting on 17 July 2007.

Cr Martin – Cr Ferris

That leave of absence be granted to Cr Wilson for the Council Meeting on 17 July 2007. CARRIED

202. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

202.1 Council Meeting – 19 June 2007

Cr Dobro – Cr Ferris

That the Minutes of the Council Meeting held on 19 June 2007 be received and confirmed. CARRIED

203. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

3 July 2007

MINUTES

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

Nil.

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

205.1 Mayor O'Neill – Town Hall/Old Police Station

Mayor O'Neill – Cr Martin

That the Chief Executive Officer prepare a report on the status of the upgrade of the Town Hall and Old Police Station buildings. CARRIED UNANIMOUSLY

206. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

207. ORDER OF BUSINESS

Cr Martin – Cr Dobro

That the order of business be changed to accommodate the Principal Environmental Health Officer in terms of the officer being able to leave the meeting at the first opportunity following consideration of the report relating to proposed changes to waste management and recycling. CARRIED

208. HEALTH & GENERAL PURPOSE ITEM

208.1 Proposed changes to the waste management and recycling services at the Town of East Fremantle

By Shelley Cocks Principal Environmental Health Officer on 28 June 2007

PURPOSE

The purpose of this report is to provide further information in respect of recommendations made in relation to implementing Zero Waste Plans and complying with the proposed Waste Avoidance and Resource Recovery (WARR) Bill which is mooted to be debated at the Spring session of Parliament in 2007

BACKGROUND

Council at its meeting of 5 June 2007 considered an officer's report on this issue which recommended the following:

“That

1. *the Draft Zero Waste Plans Structure and anticipated Timeline Document, and the RRRC Operational Report be noted,*
2. *Council:*
 - (i) *cease providing tip passes and green waste passes on an annual basis,*
 - (ii) *reduce bulk verge collections from twice per year to once per year following expiry of the current contract,*
 - (iii) *reduce the rubbish rate for residents who wish to exchange their 240 litre mobile garbage bin to a 120 litre mobile garbage bin,*
 - (iv) *subsidise the provision of compost bins and worm farms to residents,*
 - (v) *provide an additional recycling bin to residents, on request,*
 - (vi) *provide recycling bins to commercial properties,*
 - (vii) *allocate monies saved from items (i) (eg 2006/7 - \$15,420) and (ii) (\$7,700) to cover the costs associated with items (iii) to (iv).”*

Several issues were raised in relation to the proposed motion and varying opinions regarding including the existing level of service to the community, and whether this

represented over servicing of the community; how to provide the best service to the community and meet community expectations; and environmental, contractual and financial issues. It appeared recognised that the role of Council in waste management needed to be considered in the context of changes occurring at a State, National and International level, particularly with the impact of solid waste management and recycling on greenhouse gas emissions and resultant climate change.

In light of these discussions, the Chief Executive Officer suggested that the item be deferred to allow further advice from the Principal Environmental Health Officer with regard to the above issues, in respect of:

- financial cost implications
- contractual implications
- environmental implications
- social implications (eg elderly)
- implementation issues

Crs Harrington and Ferris subsequently withdrew the above motion and the following resolution was passed:

“That this item be deferred to allow matters raised at this meeting together with the environmental, economic, social and contractual implications, and implementations issues to be addressed.”

REPORT

See attached table which sets out the economic, social, contractual and environmental implications associated with changes to waste management. **ATTACHMENT**

RECOMMENDATION(S)

That Council:

- (i) cease providing tip passes and green waste passes on an annual basis,
- (ii) reduce bulk verge collections from twice per year to once per year following expiry of the current contract, and consider reducing green waste collections to twice per year,
- (iii) provide a compost bin or worm farm to residents who wish to exchange their 240 litre mobile garbage bin to a 120 litre mobile garbage bin,
- (iv) facilitate community workshops on worm farming and composting,
- (v) determine an equitable charge for recycling services (for example \$125 per annum per bin per fortnightly collection) and further determine whether Council will allow one recycling bin per premises for free and charge for additional services, whether they be to commercial or residential premises.

Cr Wilson – Cr Martin

That Council:

- (i) *review the issue of providing tip passes and green waste passes on an annual basis in December 2007*
- (ii) *review the issue of reduce bulk verge collections from twice per year to once per year following expiry of the current contract, and consider reducing green waste collections to twice per year in December 2007*
- (iii) *provide a compost bin or worm farm to residents who wish to exchange their 240 litre mobile garbage bin to a 120 litre mobile garbage bin,*
- (iv) *facilitate community workshops on worm farming and composting,*
- (v) *determine an equitable charge for recycling services (for example \$125 per annum per bin per fortnightly collection) and further determine whether Council will allow one recycling bin per premises for free and charge for additional services, whether they be to commercial or residential premises.*

General discussion ensued following which Crs Wilson and Martin agreed to withdraw their proposed motion.

Cr Ferris – Cr Olson

That Council:

- (i) consider ceasing the provision of tip and green waste passes on an annual basis from 2007/2008
- (ii) consider reviewing the frequency of bulk verge and green waste collections in light of the proposal to discontinue the provision of tip and green waste passes.
- (iii) facilitate community workshops on worm farming and composting and investigate the possibility of providing subsidised worm farms and compost bins to residents to reduce mixed solid waste.
- (iv) consider a report at the 4 December 2007 Council Meeting that includes the current costs of both recycling and mixed solid waste disposal. This report to examine whether further charges should be implemented to residential and/or commercial properties.
- (v) consider including in the December 2007 newsletter an outline of the above program and reasons for its implementation. CARRIED

The Principal Environmental Health Officer left the meeting at 7.20pm.

209. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) ITEMS

- 209.1** *Preston Point Road No 122 (Lot 4961)*
Applicant & Owner: A & S Donaldson
Application No. P87/2007
By Chris Warrener, Consultant Town Planner on 27 June 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for additions to 122 Preston Point Road comprising a new pergola adjacent to an existing pergola at the front, a 10m long X 5m wide below ground swimming pool, and a front fence visually impermeable up to 1.8m high.

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3) – Residential R12.5
Local Planning Strategy – Richmond Hill Precinct (LPS)
Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 142 – Residential Development (LPP 142)
Local Planning Policy No. 143 – Fencing (LPP 143)

Documentation

Plans and relevant forms date stamp received on 20 April 2007

Date Application Received

20 April 2007

Any Relevant Previous Decisions of Council and/or History of an Issue or Site

15 November 1984	Town Clerk grants approval to reticulate the verge;
19 June 1995	Council grants approval for a reduced setback from 1.5m to 1m for a pergola;
20 June 1995	Building Licence issued for a pergola;

- 30 January 1997 Building Licence issued for internal alterations comprising the enclosure of the family room & a small addition to the kitchen;
- 19 June 2007 Council decides to defer consideration of an application for a pergola, pool & non-compliant front fence pending a site inspection.

CONSULTATION

Site Inspection

By Consultant Town Planner & Councillors on 26 June 2007

REPORT

Issues

Fencing

The application proposes a masonry front fence visually non-permeable up to 1.8m high.

LPP 143 states:

"Part 3 - Fence Design

Council requires front fences and walls above 1.2m to be visually permeable defined as:
Continuous vertical gaps of at least 50mm width occupying not less than 60% of the face in aggregate of the entire surface that is at least 60% of the length of the wall must be open.
(Note: This differs from the 'R' Codes)"

Discussion

At its meeting on 19 June 2007 Council decided to defer consideration of this application pending a site visit to ascertain the impact of the proposed 1.8m high fence.

On 26 June 2007 Crs Martin, Dobro and O'Neill in consultation with Council's Town Planner met with the property owners on site.

The owners had marked out the front boundary, erected staffs, and string-lines to illustrate the location and height of the proposed fence.

Bearing in mind the slope of the subject land, its exposure to what seemed to be a very busy 4-way roundabout controlled intersection (at the time of inspection – 5:30pm), it was agreed on-site that a reasonable compromise would be to allow a fence a maximum of 1.5m high. This would allow the fence to match in height the brick pier for the front fence of 120 Preston Point Road, next to the northwest corner of 122 Preston Point Road.

In this way the attractive presentation of the property, and its positive contribution to the local streetscape would be maintained.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following variation to Local Planning Policy 143 for a front fence being visually impermeable between 1.2m and 1.5m high for the construction of additions to 122 Preston Point Road comprising a new pergola adjacent to an existing pergola at the front, a 10m long X 5m wide below ground swimming pool, and a front fence in accordance with the plans date stamp received on 20 April 2007 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in

compliance with the conditions of this planning approval unless otherwise amended by Council.

4. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
5. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
6. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
7. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
8. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
9. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
10. the proposed additions are not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

Mayor O'Neill – Cr Ferris

That Council exercise its discretion in granting approval for the following variation to Local Planning Policy 143 for a front fence being visually impermeable between 1.2m and 1.5m high for the construction of additions to 122 Preston Point Road comprising a new pergola adjacent to an existing pergola at the front, a 10m long X 5m wide below ground swimming pool, and a front fence in accordance with the plans date stamp received on 20 April 2007 subject to the following conditions:

1. **the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
2. **the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
3. **the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval**

- unless otherwise amended by Council.
4. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
 5. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
 6. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
 7. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
 8. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
 9. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
 10. the proposed additions are not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

CARRIED

209.2 *Riverside Road No 61 (Zephyr Café) – Bravura Design
(Application No. P20/2007)
By Chris Warrener Consultant Town Planner on 29 June 2007*

BACKGROUND**Description of Proposal**

An Application for Approval of Development in the Swan River Trust's Management Area for additions to the Zephyr Café comprising an enclosed store to the north side of the public toilets, and the provision of additional undercover areas to the north and west sides through the introduction of more roof cover.

The application does not propose to increase seating areas rather its intention is to extend the building roof on 2 sides to provide more weather cover for the existing seating areas.

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3) – Metropolitan Region Scheme Reserve for Parks and Recreation

Swan River Trust Act 1988

Documentation

Plans and relevant forms date stamp received on 1 February 2007.

Date Application Received

1 February 2007

Comment from CEO

A report on this application was prepared for the March 2007 Town Planning & Building Committee meeting however was withdrawn at the request of the CEO due to some related vesting and lease issues, which have since been addressed or are being dealt with separately.

Any Relevant Previous Decisions of Council and/or History of an Issue or Site

March 2003	Swan River Trust approves demolition of "Leeuwin Chewin" and construction of the "Zephyr Café" on Reserve 45025 (61 Riverside Road);
24 September 2004	Lease of Reserve 45025 between the Town of East Fremantle and Lawrence Evans and Amanda Foley commences;
18 July 2006	Council decides to "maintain the terms and conditions of the current lease Agreement with Lawrence Evans and Amanda Foley as prepared by Godfrey Virtue & Co", in response to an application to change the use of the kiosk to a licenced restaurant.

CONSULTATION

Referral to Other Authorities

Swan River Trust
State Land Services

Site Inspection

By Consultant Town Planner on 5 February 2007

REPORT

Decision-making Process

This application is for development on land in the Swan River Trust (SRT) Management Area (MA) therefore the SRT is the primary decision making authority.

Pursuant to the approval process defined in Part 5 of the Swan River Trust Act the local government is invited to provide comments to the SRT on applications made in its MA.

In addition State Land Services (SLS) would need to approve the roof extensions because they involve encroachments into A-Class Reserve 31403 ("John Tonkin Park").

Furthermore, the Lease between the café proprietors and the Town of East Fremantle states the following:

"Alterations

2.5 *not to make or permit to be made any alterations, additions or installations in or to the leased premises or the Lessor's fixtures without the prior written consent of the Lessor nor to mark or deface any part of the leased premises and notwithstanding any consents given by the Lessor, the Lessee shall if so required by the Lessor and at the expense of the Lessee at the expiration of this Lease reinstate the leased premises to their state as at the commencement of this Lease;"*

Therefore, the authority of the SRT and the SLS notwithstanding, the application requires Council approval to proceed.

Discussion

The proposed alterations to the Zephyr Café are considered to improve the amenity of the cafe for customers, and the proposed store room will assist the lessees in their ongoing management of the café.

The application does not involve any additions to the area available for tables or patrons it simply improves the amenity of the premises.

The design and materials proposed for the roof extensions will complement the appearance of the existing structure, and are supported.

RECOMMENDATION

That Council advise the Swan River Trust that subject to advice from State Land Services regarding the encroachment into A-Class reserve 31403, it supports the additions to the Zephyr Café comprising an enclosed store to the north side of the public toilets, and additional undercover areas to the north and west sides through the introduction of more roof cover in accordance with the plans date stamp received on 1 February 2007 subject to the following conditions:

1. the Lessee is not to store any chemicals, inflammable liquids, acetylene gas or volatile or explosive fluids or substances in the proposed store room other than in connection with the specified use of the leased premises approved by the Lessor.
2. the works to be constructed in conformity with the drawings and written information accompanying the application for approval of development.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this approval unless otherwise amended by Council.
4. the proposed additions are not to be utilised until all conditions of the approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.

Cr Dobro – Cr Wilson

That Council advise the Swan River Trust that subject to advice from State Land Services regarding the encroachment into A-Class reserve 31403, it supports the additions to the Zephyr Café comprising an enclosed store to the north side of the public toilets, and additional undercover areas to the north and west sides through the introduction of more roof cover in accordance with the plans date stamp received on 1 February 2007 subject to the following conditions:

1. **the Lessee is not to store any chemicals, inflammable liquids, acetylene gas or volatile or explosive fluids or substances in the proposed store room other than in connection with the specified use of the leased premises approved by the Lessor.**
2. **the works to be constructed in conformity with the drawings and written information accompanying the application for approval of development.**
3. **the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this approval unless otherwise amended by Council.**
4. **the proposed additions are not to be utilised until all conditions of the approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**

3 July 2007

MINUTES

5. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence. CARRIED

210. FINANCE COMMITTEE

210.1 Finance Committee Meeting - 27 June 2007 – Adoption

Cr Martin – Cr Ferris

That the recommendations contained in the Minutes of the Finance Committee meeting held on 27 June 2007 be adopted except for the recommendation pertaining to the following, which will be considered separately

F24.2 MB Ref 210.2 128 & 128A George Street

CARRIED

210.2 F24.2 128 & 128A George Street

Cr Martin – Cr Ferris

The adoption of the Committee's recommendation which is as follows:

That Council give in principle support to the development potential associated with Option 4, however, seek the following further information:

1. Detailed costs associated with the sale and subdivision
2. On site parking being considered with the retained shops
3. Refurbishment requirements for the retained shops to achieve the proposed rental income.
4. Information related to the heritage aspect of the shops
5. Detailed proposals of anticipated utilisation of released funds provided for in Option 4 eg:
 - (i) Town Hall
 - (ii) Police Station
 - (iii) Town Centre – Masterplan
 - (iv) East Fremantle Oval.

CARRIED UNANIMOUSLY

211. REPORTS OF OFFICERS

211.1 Chief Executive Officer's Reports

Mayor O'Neill declared an interest in the following item as he lives opposite East Fremantle Oval and left the meeting at 7.35pm.

In the absence of the Mayor, Cr Dobro (Deputy Mayor) assumed the Chair.

(A) East Fremantle Oval Precinct Master Plan

Two meetings have been held between the Steering Committee and the consultants.

The Chief Executive Officer has had separate meetings with the consultants regarding background history and issues, and also provided relevant material.

The consultants advised the Steering Committee today that of the copious documentation provided, the most useful information was a comprehensive report previously prepared by the Chief Executive Officer for elected members, which summarised the history of the site/Club and current issues.

The next stage will be a public consultation stage. Copies of draft questionnaires are attached for the information of elected members. **ATTACHMENT**

A workshop for elected members has been tentatively planned for 25 September 2007 and a general community workshop for 21 October, subject to the draft plan being ready at that stage.

Meanwhile it remain the case that Council is currently faced with significant costs, as is the Club, albeit less so.

The consultants and the Department of Sport & Recreation and WA Football Commission representatives have all expressed the view that of all the WAFL Clubs – almost all of which are undergoing some form of review or another – the situation at East Fremantle is the most difficult one to deal with.

In part this is because of its unique A Class Reserve status, and in part because of other issues.

RECOMMENDATION

That the Chief Executive Officer’s report be received.

Cr Martin – Cr Ferris

That the Chief Executive Officer’s report be received.

CARRIED

Mayor O'Neill returned to the meeting at 7.45pm and resumed the Chair. It was noted he did not speak or vote on the previous motion.

212. CONFIDENTIAL BUSINESS

Nil.

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

Nil.

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

Nil.

215. CLOSURE OF MEETING

There being no further business, the meeting closed at 7.55pm.

I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 3 July 2007, Minute Book reference 195. to 215. were confirmed at the meeting of the Council on

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Presiding Member