



MINUTES

SPECIAL MEETING OF COUNCIL

Held on
Tuesday, 13th October 2009
at 3.00 pm
City of Albany Council Chambers

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The City of Albany warns that anyone who has an application lodged with the City of Albany must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the City of Albany in respect of the application.

1.0 DECLARATION OF OPENING

The Mayor declared the meeting open at 3:01:49 PM

In accordance with clause 3.1, City of Albany Standing Orders Local Law 2009: no person is to use any electronic visual or audio recording device or instrument to record the proceedings at any meeting without prior permission by resolution of the Council.

ITEM 1.0
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: CR PRICE
SECONDED: CR WOLFE

THAT Council Suspend Standing Order 3.1 – Recording of Proceedings to allow Council to record proceeding of he Council, except in the case where the Council closes the meeting to the public.

MOTION CARRIED 11-0
ABSOLUTE MAJORITY

2.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Mayor

M Evans, JP

Councillors:

Breaksea Ward	J Bostock
Breaksea Ward	VACANT
Frederickstown Ward	VA Torr
Frederickstown Ward	D Price
Kalgan Ward	J Walker
Vancouver Ward	K Stanton
Vancouver Ward	R Paver
West Ward	D Dufty
West Ward	D Wolfe
Yakamia Ward	G Kidman
Yakamia Ward	J Matla

Staff/Guests:

A/CEO / Executive Director Corporate & Community Services	WP Madigan
Executive Director Works & Services	K Ketterer
Executive Director Development Services	R Fenn
Executive Manager Planning Services	G Bride
Minutes Secretary	S Smith & K Evans
McLeods Lawyers	C Slarke
Planning Consultant	D Caddy

Public Gallery and Media:

1 member of public gallery was present.

Item 2.0 continued.

Apologies/Leave of Absence:

Chief Executive Officer	P Richards
Executive Manager Corporate Services	D Schober
Executive Manager Business Governance	S Jamieson

3.0 OPENING PRAYER

Cr Dufty read opening prayer.

“Heavenly Father, we thank you for the beauty and peace of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

4.0 PUBLIC QUESTION TIME

Nil

5.0 DECLARATIONS OF FINANCIAL INTEREST

Nil

6.0 ITEMS OF DISCUSSION

**ITEM 6.0 - DRAFT MOTION:
VOTING REQUIREMENTS: SIMPLE MAJORITY**

MOVED: CR PRICE

SECONDED: CR MATLA

THAT Council close the meeting to the public to consider:

6.1 State Administrative Tribunal Mediation – Holiday Accommodation – Lots 1 And 2 Frenchman Bay Road, Frenchman Bay (as part of the State Administrative Tribunal’s mediation process);

Purpose: For Council under Section 31 of the State Administrative Tribunal Act 2005 to consider a revised proposal as part of the SAT mediation process.

6.2 Review of subdivision condition for Western Australian Planning Commission (WAPC) Reference 139254 being Lot 100 Grey Street East, Albany (as part of the State Administrative Tribunal’s mediation process);

Purpose: To establish Council’s position in relation to a WAPC condition as part of the SAT mediation process.

6.3 Consideration of correspondence from the Joint Standing Committee on Delegated Legislation in relation to the City of Albany Keeping and Welfare of Cats Local Law 2008.

Purpose: To provide advice to the Joint Standing Committee on Delegated Legislation as to whether Council is willing to modify it’s Local Law.

In accordance with 5.23 (2)(d) of the Local Government Act 1995; being:

(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.

MOTION CARRIED 9-2

Record of Vote:

For the Motion: Mayor Evans, Crs Dufty, Kidman, Matla, Price, Stanton, Torr, Walker and Wolfe.

Against the Motion: Crs Paver and Bostock.

ITEM NUMBER: 6.1
ITEM TITLE: STATE ADMINISTRATIVE TRIBUNAL MEDIATION - HOLIDAY ACCOMMODATION – LOTS 1 AND 2 FRENCHMAN BAY ROAD, FRENCHMAN BAY

ITEM 6.1 – ALTERNATE MOTION 1 BY COUNCILLOR PAVER
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PAVER
SECONDED: CR BOSTOCK

If there is no clear outcome of the mediation process, and there is still some bargaining on the final position in relation to the deed, the contents of the deed and one other matter that constitutes the condition of the approval that is being presented.

I would like clarification on this prior to the alternate motion being presented.

MOTION LOST 5-6

Record of Vote:

For the Motion: Crs Paver, Bostock, Torr, Stanton and Kidman

Against the Motion: Mayor Evans, Crs Price, Matla, Wolfe, Walker and Dufty

ITEM NUMBER 6.1 – ALTERNATE MOTION 2 BY COUNCILLOR PAVER
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PAVER
SECONDED: CR BOSTOCK

THAT Council consider the proposal not to be an adequate outcome in terms of:

- i) the failure to integrate the eastern 3000 square metre area into the development proposal and to take advantage of the opportunities it presents, particularly in light of the refusal of the WAPC to grant approval to a subdivision creating a separate lot for that area;**
- ii) the extent to which the development will be visible from the beach;**
- iii) the development in the western part of the site within an area of potential bank instability and/or the catchment of the springs;**
- iv) conformity with the objectives of the City’s Residential Design Codes Policy;**
- v) development setbacks and conformity with State Planning Policy 2.6; and**
- vi) failure to produce items required to be produced prior to reconsideration of the proposal under Council’s resolution of May 2009;**

and

in the circumstances the Council requests the SAT and the Applicant to refer the matter back to mediation.”

MOTION LOST 3-8

Record of Vote:

For the Motion: Crs Paver, Bostock and Torr

Against the Motion: Mayor Evans, Crs Dufty, Kidman, Matla, Price, Stanton, Walker and Wolfe.

Item 6.1 continued.

**ITEM 6.1 - AMENDED OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

MOVED: CR PRICE

SECONDED: CR MATLA

**THAT Council ADOPTS in full the amended recommendations contained within the
Consultant's Report. (detailed at pages 6-1 to 6-5)**

MOTION CARRIED 8-3

Record of Vote:

For the motion: Mayor Evans, Crs Dufty, Kidman, Matla, Price, Stanton, Walker and Wolfe.

Against the motion: Crs Torr, Bostock and Paver

Officers Reason:

The amendments represent changes recommended by Mr Caddy and Mr Slarke in response to questions received from elected members prior to the meeting.

Mr Slarke and Caddy left the Chambers at 4.02pm.

G Bride left the Chambers at 4.02pm

G Bride returned to Chambers at 4.03pm

REASON DATED: 22/11/2010.

The details of the resolution are no longer confidential as the State Administrative Tribunal proceedings have passed.

Note: Red & Blue font indicates changes made to the consultant's Report.

That Council ADOPTS in full the amended recommendations contained within the Consultant's Report (as follows):

RECOMMENDATION

THAT Council, having had due regard to the revised Plans and Elevations of Ross McDonald Architects Pty Ltd. dated September 2009 and marked P.01, P.02 and P.03:

- i) Accepts that the history of the matter indicates the fact that it is an anomaly that part of the land remains within the Parks and Recreation local scheme reserve.**
- ii) Determines that, in the circumstances, it is satisfied for the purposes of Clause 2.2(c) of the Scheme that the part of the development proposed on land within the Parks and Recreation reservation is consistent with the ultimate purpose intended for the reserve.**
- iii) Issues a Notice of Planning Scheme Consent for a "Holiday Accommodation" at Lots 1 and 2 Frenchman Bay Road, Frenchman Bay subject to the following conditions:**
 - a) Noting the significance of the Land as a 'Special Site' and the designation of the Land as a Local Strategic Site for Tourism, the Council is concerned that the absence of any development proposals in the eastern 3,000m² area makes it difficult to properly assess:**
 - (i) the extent to which the present development complies with the objectives and specific provisions contained in clause 6.2-Frenchman Bay of the City of Albany Residential Design Code Policy ("Policy");**
 - (ii) the extent to which the future development of the eastern 3,000m² area is capable of complying with the Policy; and**
 - (iii) whether the development of the land as a whole including the 3,000m² area is capable of complying with the Policy and achieving a tourist facility appropriate to and desirable for this significant tourism site.**

In order to address these concerns the approval of the development is contingent on the agreement by the owner of the land to enter into a Deed with the City prepared by the City's solicitors at the owner's cost, which addresses the principles to be applied to the future development of the eastern 3,000m² area. The Deed shall include provisions to the Council's satisfaction to the effect that:

- (i) that part of the area within 75 metres of the horizontal SETBACK datum calculated in accordance with State Planning Policy No. 2.6 will be subject to a Foreshore Management Plan, and will not be used for car parking or developed with any substantial structure (i.e. no structure which requires a building licence). It may be permissible to use the area for alfresco dining;**
- (ii) to the south of the area affected by the Foreshore Management Plan a 15 metre deep section of the land will only be capable of development AT a single storey HEIGHT. Any commercial facilities (e.g. café, restaurant, shop, subject to their permissibility under the Scheme) are to be developed in this section;**

- (iii) development TO A MAXIMUM HEIGHT OF 2 STOREY may be permitted behind the section which is limited to single storey development;
 - (iv) any future development will conform to the abovementioned principles;
 - (v) the land containing the eastern 3,000m² area is charged in favour of the City and the City is authorised to lodge an absolute caveat over that Land in order to ensure that any future purchaser of the Land is bound by the same development principles; and
 - (vi) neither the grant of planning approval nor the entry by the City into the Deed indicates that the City is in any way supportive of the future subdivision of the eastern 3,000m² area from the land.
- b) the western most four units of proposed Block 1 are to be deleted in accordance with the annotation in red on the approved plans and relocated elsewhere on the site in a location that does not require any substantial amendment of the proposed built form (eg. no 3 storey development) or compromise any other condition applying to the approval.
 - c) Reserve 21337 is to be widened in accordance with the plan received from the Department of Water (as attached), and the land shall be ceded to the Crown free of cost.
 - d) Internal driveways, car parking and vehicle manoeuvring spaces shall be designed, constructed, drained, sealed, kerbed and marked in accordance with the plans hereby approved, and shall thereafter be maintained throughout the life of the development to a standard consistent with the approved plans.
 - e) The fencing delineating the foreshore reserves from private land shall be constructed using post and wire or post and rail construction, (a solid fence is not permitted).
 - f) A detailed Vehicle Movement Plan is to be submitted to the City for approval, prior to the issuing of a building licence. The Plan shall include vehicle numbers, the design of crossovers, proposed improvements to the Council's verge and contributions to the City's road network. The development must thereafter comply with the approved Vehicle Movement Plan.
 - g) A detailed Stormwater Drainage and Nutrient Management Plan showing the water discharged to the south eastern portion of the land is to be submitted to the City for referral to the DOW for the Department's approval prior to the issuing of a building licence. Prior to granting approval, the City will refer the Plan to the Department of Water for its comments. The development shall thereafter comply with the approved Plan.
 - h) A Schedule of external colours, materials and architectural design features is to be submitted to and approved by the Council prior to the issue of a Building Licence. The schedule should include with preference given to low reflectivity colorbond © roofing, low reflectivity and glazing and dark wall colouring.
 - i) The development is to be connected to the reticulated sewerage system to the satisfaction of the Water Corporation in consultation with the Department of Health, prior to any occupation of the site.
 - j) Prior to the commencement of the use and the occupation of any building, the perimeter of the development site, and in particular the interfaces with the adjoining reserves, must be fenced to a standard approved by the City.
 - k) The development is to be connected to the reticulated water supply system to the satisfaction of the Water Corporation, prior to any occupation of the site.

- l) A Waste Management Plan being submitted to and approved by the Council prior to occupation, showing among other things, waste collection and storage areas and vehicle access and turning areas. Waste Management is to occur in accordance with the approved plan at the developer's cost;
- m) A Lighting Plan showing lighting to pathways and car parking areas is to be submitted to the City for approved prior to occupation of any building and the commencement of the use. All lighting is to be installed and operated in accordance with the approved Plan thereafter.
- n) A fauna management plan will be required to be approved by the Department of Environment and Conservation for the construction stage of the development prior to the issuing of a building licence. This will include management to minimize impact on fauna, measures to address injury to fauna, translocation of fauna under permit from the site where necessary, and identification of approved translocation sites for fauna.
- o) Prior to any construction taking place on site, a fauna spotter is to be engaged by the developer to inspect the site and liaise with the Department of Environment and Conservation in respect to any findings, and thereafter any agreed management measures shall be implemented to the satisfaction of the Council.
- p) **A Construction Management Plan ("CMP") specifying the manner in which construction issues (eg disposal of water run-off, dust management) are to be dealt with, together with** a Staging Plan and Programme for the development showing the construction of the proposed village centre within Stage 1 of the Programme must be prepared and lodged with the City for approval prior to the issuing of a building licence. The development must thereafter be carried out in accordance with the approved Programme. **unless the City subsequently agrees to a variation.** The City may require that the owner of the land enter into a legal agreement with the City to ensure that the Staging Plan and Programme is implemented. Any such legal agreement is to be prepared by the City's solicitors at the cost of the Applicant/owner, and may include a provision authorising the City to lodge and absolute caveat against the Certificate or Certificates of Title to the land the subject of this approval in order to ensure compliance with this condition.
- q) The Building Licence Application shall be accompanied by details that demonstrate compliance with the following key sustainability criteria included in the application:
 - i. a five star energy efficiency rating based on the first rate energy assessment;
 - ii. AAA rating for all plumbing fixtures;
 - iii. minimum of four star rating gas hot water systems;
 - iv. minimum of four star energy rating reverse cycle air conditioners; and
 - v. rainwater tanks integrated with buildings and plumbed to non-potable tap sources within the buildings where possible;
- r) A detailed Foreshore Management Plan being prepared by the applicant and submitted to and approved by the Council and the Heritage Council of Western Australia prior to a building licence being issued, which shall include:-
 - i. upgrading and facilities that respect and complement the existing Whalers Beach Management Plan;
 - ii. appropriate treatment of the interface between the development complex and the adjacent foreshore reserve in terms of fencing, pedestrian movement, landscaping including revegetation, signage and stabilisation of slope;
 - iii. monitoring of the existing foreshore track from the beach to the existing soak/spring to ensure no further erosion;

- iv. appropriate weed control measures for the vegetated slope area within the foreshore reserve; and
 - v. heritage interpretation for the remains of the whaling station to the satisfaction of the Heritage Council.
- s) A detailed Landscaping Plan being submitted and approved by the Council prior to the issuing of a building licence, which shall include:
- i. Revegetation of areas generally depicted on the Development Site Plan and identified as such in the Foreshore Management Plan;
 - ii. landscaping around proposed buildings and car parking areas;
 - iii. provision of one shade tree per four (4) non covered vehicle parking spaces;
 - iv. measures to ensure that exotic and non-local species cannot establish over the boundaries of the site into the adjoining national park and foreshore reserve which shall be agreed with the Department of Environment and Conservation; and
 - v. a Phytophthora dieback hygiene plan being submitted and agreed with the Department of Environment and Conservation;
- t) A detailed Fire Management Plan is to be prepared in accordance with the WAPC's Planning for Bush Fire (2001), following consultation with the Department of Environment and Conservation and FESA, is to be submitted for the City for approval. The requirements of the approved Fire Management Plan must be completed prior to the issue of a building licence except to the extent that the Plan incorporates building works.
- u) A detailed site investigation is to be undertaken to ascertain any ground contamination prior to any ground disturbance activities to the satisfaction of Council and the Department of Environment and Conservation.
- v) No clearing of native vegetation is to take place without the express consent of the Department of Environment and Conservation.
- w) A detailed Heritage Impact Assessment is to be submitted and approved by the Council and the Heritage Council prior to any works being undertaken within the foreshore reserve as part of the approved development.
- x) The holiday accommodation is to be used for short stay accommodation only, with a maximum stay of three months occupancy per annum by any single tenant.
- y) The amalgamation of [existing](#) Lots 1 and 2 (in their entirety) is to be finalised prior to the issue of a building licence for the approved development.
- z) No goods or materials are to be stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or service courts, where provided.
- aa) The loading and unloading of goods to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
- bb) No signs are to be erected on the lot without Council's approval, in accordance with the City of Albany's Signage Policy.
- cc) A recreational facilities plan is to be provided prior to the issue of a building licence to identify those recreational opportunities that will be provided for guests on site to reduce the pressure on the public foreshore.
- dd) Storage sheds and laundry facilities to accommodate the operation of the resort to be identified on the plans prior to the issue of a building licence.
- ee) All apartments referred to in the planning report and on the plans are to be designated as 'short stay units'.

- ff) The inclusion of a games room within the village centre shall be shown on the plans prior to the issue of a building licence.
- gg) This approval does not authorise the development site to be cleared in its entirety. Further approvals must be sought from the City for the clearing of the land at each stage identified in the approved Staging Plan and Programme. Subsequent approvals for the clearing of the land will be given to the extent necessary to carry out each stage of the development.
- hh) A resort management plan is to be prepared prior to the issue of a building licence to the satisfaction of Council and implemented thereafter which identifies the following:
- How check-in/check-out will be managed by the facility manager and confirmation that a written record of all bookings of each unit will be kept;
 - Internal fixtures/fittings and decor in each unit are to be provided and maintained to a specified appropriate standard suitable to tourist letting of the units; and
 - The onsite reception facility and tourist related users are to be subject to lease arrangements or ownership restrictions and disposal mechanisms linked to the facility management/operator function.
- ii) **This approval is valid for a period of two years only. If development is not substantially commenced within this period a fresh approval must be obtained before commencing or continuing the development.**

Advice Notes

- In relation to Condition (b), the proponent is advised that the relocation of the western accommodation block to the vacant eastern portion of the site is supported in principle (subject to an amended planning consent being lodged addressing the visual amenity and scale aspects of the development and having due regard to the requirements of the Deed).
 - **In relation to condition (m) all electrical reticulation within the site will be by way of underground cabling.**
 - In relation to Condition (r) Council will consult with DOW before endorsing the plan.
 - In relation to Condition (t) Council will seek advice from DEC on the suitability of the fence to protect the National Park and ensure minimal damage during wildfire.
 - In relation to Condition (m) lighting plan is to minimise light spill into the adjoining reserve and the use of light towers is to be avoided.
 - In relation to Condition (t) the Fire Management Plan is to ensure that any protection measures are contained within subject site and the plan shall not impact upon the adjacent reserves to any extent beyond a minimum fire access track (firebreak) at reserve boundary.
 - In relation to Condition (hh) the proponent should liaise with Council and Tourism WA prior to preparing the management plan. Should an application to strata the units be lodged and approved by the WAPC, additional requirements to those listed above may be required.
 - A separate application will be required regarding the liquor licensing of the village centre and associated facilities.
- iv) Instructs the staff to take appropriate steps to review the City's Residential Design Code Policy as it relates to the site and make recommendations to Council regarding amendments that may be necessary to reflect the development standards arising out of the Deed required at condition a).
- v) Instructs the staff to take appropriate steps to review Amendment 295 to TPS 3 once advertising is complete and make recommendations to Council regarding modifications that may be necessary to the amendment to reflect the development standards arising out of the Deed required at condition a).

ITEM NUMBER: 6.2
ITEM TITLE: STATE ADMINISTRATIVE TRIBUNAL MEDIATION – MCLEOD AND WESTERN AUSTRALIAN PLANNING COMMISSION – LOT 100 (10) GREY STREET EAST, ALBANY

ITEM NUMBER: 6.2 - ALTERNATE MOTION BY COUNCILLOR WOLFE
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR WOLFE
SECONDED: CR PRICE

THAT Council advise the State Solicitor's Office that, in regards to the subdivision of lot 100 Grey Street East, the City of Albany recommends the Western Australian Planning Commission accept a mediated outcome for the State Administrative Tribunal review (matter DR164 of 2009) sought by Ms J McLeod, based upon the following principles:

- **Condition 4 be modified in accordance with the wording contained in the letter from Minter Ellison and dated the 25th September 2009;**
- **That Council will accept a cash in lieu payment for the subdivision based upon the valuation being determined on 7.5% of the subdivisible area being ceded as Public Open Space, consistent with Council's policy;**
- **That the cash in lieu contribution for Public Open Space being made prior to a clearance being issued on the Diagram of Survey for the creation of lots within the subdivision; and**
- **Condition 9 be modified to reflect the aforementioned undertakings.**

MOTION CARRIED 11-0

ITEM NUMBER: 6.3
ITEM TITLE: CITY OF ALBANY KEEPING AND WELFARE OF CATS LOCAL LAW 2009 – JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

File Number or Name of Ward : SER 036 (All Wards)
Summary of Key Points : Undertake a written undertaking to comply with request from Legislative Committee Office
Proponent : City of Albany
Reporting Officer(s) : Executive Services Manager – Planning and Councillor Liaison (G Bride)
Disclosure of Interest : Nil
Previous Reference : Government Gazette, Tuesday 9 June 09, No. 99 Special.
 OCM 18/11/08 - Item 11.6.1 (Item 5)
Attachment(s) : Correspondence.
 City of Albany Keeping and Welfare of Cats 2008 Local Law.
Consulted References : Local Government Act 1995
 City of Albany Keeping and Welfare of Cats Local Law 2008

In accordance with 5.23(2)(g) of the Local Government Act 1995, being: information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971, Item 6.3 was discussed behind closed doors.

ITEM 6.3 - AMENDMENT TO THE OFFICER RECOMMENDATION 1 BY CR PAVER
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PAVER
SECONDED: CR WALKER

THAT ‘to the Joint Standing Committee of Delegated Legislation’ be inserted following the words ‘WRITTEN UNDERTAKING’ in line 1 of the recommendation.

AMENDMENT CARRIED 11-0

ITEM NUMBER 6.3 – OFFICER RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: CR PRICE
SECONDED: CR MATLA

THAT Council GIVE A WRITTEN UNDERTAKING to the Joint Standing Committee of Delegated Legislation that the City of Albany will affect the following amendments within the next two years and not rely or use the following clauses and subclauses in the interim, being:

- a. delete the definition of “*Sterilised*” in clause 3.1;
- b. delete clauses 4.2(e), 4.5, 5.1(c), and 5.5;
- c. delete the reference to sterilisation in the heading to clause 4;
- d. delete clause 4.3;
- e. amend the definition of “*Keeper*” in clause 3.1;
- f. delete the reference to clause 5.12, within clause 10; and
- g. amend clause 9, to include the provision for a cat owner to apply to have their details omitted from the register for their own protection or that of their family.\

MOTION CARRIED 11-0

Item 6.3 continued.

**ITEM NUMBER 6.3 – OFFICER RECOMMENDATION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: CR WALKER
SECONDED: CR MATLA**

THAT Council SETS the following fees for Cat Registration as per Clause 4.6 of the *City of Albany Keeping and Welfare of Cats Local Law 2008* for the 2009/10 financial year:

- 1 year unsterilised cat = \$30.00
- 3 years unsterilised cat = \$70.00

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

7.0 CLOSURE OF MEETING

**MOVED: CR WOLFE
SECONDED: CR DUFTY**

THAT Council come out from behind closed doors.

MOTION CARRIED 11-0

**MOVED: CR PRICE
SECONDED: CR WALKER**

THAT Council resume Standing Orders 3.1.

MOTION CARRIED 11-0

There being no further business, the Mayor declared the meeting closed at 4:12:07 PM

Confirmed as a true and accurate record of proceedings.

Milton John Evans, JP
MAYOR