

A G E N D A

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 19th December 2006
7.00pm
City of Albany – Council Chambers**

City of Albany

**** Disclaimer ****

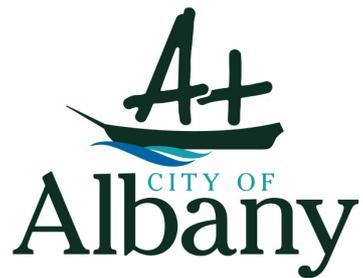
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Signed _____

Andrew Hammond
Chief Executive Officer

Date: 8th December 2006



NOTICE OF AN ORDINARY COUNCIL MEETING

Her Worship The Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday, 19th December 2006 in the Council Chambers, North Road, Yakamia commencing at 7.00 pm.

(Signed)

Andrew Hammond
CHIEF EXECUTIVE OFFICER

8th December 2006

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1.0 DECLARATION OF OPENING

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

3.0 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 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Council’s Standing Orders Local Laws provide that each Ordinary Meeting of the Council shall make available a total allowance of 30 minutes, which may be extended at the discretion of Council, for residents in attendance in the public gallery to address clear and concise questions to Her Worship the Mayor on matters relating to the operation and concerns of the municipality.

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer shall make copies of such questions available to Members) but questions may be submitted without notice.

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary & Special Council Meeting Minutes (as previously distributed).

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 21st November 2006;
 - Special Council meeting held on 5th December 2006;
- as previously distributed be confirmed as a true and accurate record of proceedings.

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

8.0 DECLARATIONS OF FINANCIAL INTEREST

[Members of Council are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the disclosure by 3.00pm on that day.]

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

12.7.3 Internal Review Committee meeting minutes – 6th November 2006
[Section 5.23 (2)(f) of the Local Government Act 1995 – impairment of investigation]

10. PETITIONS/DEPUTATIONS/PRESENTATIONS

11. REPORTS – DEVELOPMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 6-72]

12. REPORTS – CORPORATE & COMMUNITY SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on yellow – See Pages 73-93]

13. REPORTS – WORKS & SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 94-134]

14. REPORTS – GENERAL MANAGEMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Pages 135-144]

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment

File/Ward	:	FIN 040 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Council adopt the list of accounts for payment.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

COMMENTS / DISCUSSION

- The list of account for payment for the City of Albany is included within the Elected Members Report & Information Bulletin and contains the following:-

Municipal Fund			
Cheques		Totalling	\$168,481.27
Electronic Fund transfer		Totalling	\$1,581,169.72
Credit Cards		Totalling	\$9,291.27
Payroll		totalling	\$775,222.60
Total			<u>\$2,534,164.86</u>

- As at 5th December 2006, the total outstanding creditors, stands at \$1,241,324.76.

RECOMMENDATION

THAT the following City of Albany accounts be passed for payment:-
Municipal Fund Totalling \$2,534,164.86

Voting Requirement Simple Majority

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CORPORATE & COMMUNITY SERVICES REPORTS**12.1.2 Financial Activity Statement**

File/Ward	:	FIN 040 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Accounting Officer (M Brenton)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Note Financial Activity Statement
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

COMMENT/DISCUSSION

1. The Financial Activity Statement was introduced by the Department of Local Government from 1st July 2005. The change was implemented to provide elected members with a better idea of operating and capital revenues and expenditure. It was also intended to link operating results with balance sheet items and reconcile with the end of month cash balances.

STATUTORY REQUIREMENTS

2. Section 6.4 of the Local Government Act 1995 requires that financial reports be prepared and presented in the manner and form prescribed in the regulations. Regulation 34 has been amended to require that Councils report on the sources and applications of funds on a monthly basis, and that the report be noted by Council.

POLICY IMPLICATIONS

3. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

4. There are no financial implications relating to this item. The Financial Activity Statement is a report only.

STRATEGIC IMPLICATIONS

5. There are no strategic implications relating to this item.

Item 12.1.2 continued

COMMENT/DISCUSSION

6. The Financial Activity Statement and report on major variances follow.

RECOMMENDATION

THAT Council note the attached Financial Activity Statement.

Voting Requirement Simple Majority

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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

FINANCIAL ACTIVITY STATEMENT – NOV 06

	Actual Year to Date 30-Nov-06	Current Budget Year to Date 30-Nov-06	Budget Variance
OPERATING INCOME			
Rates	16,589,066.29	16,467,661	121,405
Grants & Subsidies	1,823,592.26	1,834,406	(10,814)
Contributions. Reimb & Donations	119,872.82	116,607	3,266
Fees & Charges	4,449,116.52	4,185,576	263,541
Interest Earned	398,999.21	411,686	(12,687)
Other Revenue / Income	405,393.84	403,960	1,434
Net Controlled Trust Revenue	(27,445.73)	(27,446)	
	23,758,595.21	23,392,450	366,145
OPERATING EXPENDITURE (excluding depreciation)			
Employee Costs	(4,634,293.29)	(4,577,359)	(56,934)
Utilities	(254,771.90)	(268,109)	13,337
Interest Expenses	(123,141.85)	(118,182)	(4,960)
Contracts & materials	(3,579,804.90)	(3,376,041)	(203,764)
Insurance expenses	(422,573.80)	(395,714)	(26,860)
Other Expenses	(626,629.84)	(593,618)	(33,012)
	(9,641,215.58)	(9,329,023)	(312,193)
CAPITAL INCOME			
Grants & Subsidies	1,297,287.82	1,280,627	16,661
Contributions. Reimb & Donations, Other	44,445.45	44,445	0
Proceeds from sale of assets	1,529,924.94	1,540,000	(10,075)
	2,871,658.21	2,865,072	6,586
CAPITAL EXPENDITURE			
Asset Masterplans	(1,238,413.71)	(1,168,682)	(69,732)
ALAC Redevelopment	(320,105.82)	(320,000)	(106)
Plant Replacement	(1,144,936.05)	(1,145,000)	64
Developers Subdivisions	0.00	0	-
Other Capital	(305,221.45)	(297,977)	(7,244)
	(3,008,677.03)	(2,931,659)	(77,018)
CASH FLOWS FROM FINANCING ACTIVITIES			
Loan Principal Repayment	(152,382.57)	(153,200)	817
Proceeds from Self Supporting Loans	12,850.51	12,965	(114)
Proceeds from new loans	0.00	0	-
	(139,532.06)	(140,235)	703
OTHER BALANCE SHEET ITEMS			
Change in stock position	325,998.36		
Change in Debtors	(2,200,288.90)		
Change in Creditors	(690,594.23)		
	(2,564,884.77)		
NET CASH FLOW	11,275,943.98		
Opening Cash balance	15,968,783.53		
NET CASH AT BALANCE DATE	27,244,727.51		

Cash Summary

Municipal Account	15,809,098.65
Reserve Account	8,543,678.10
Trust Account	2,891,950.76
Total Bank / Investments	27,244,727.51

Item 12.1.2 continued

Explanation of Variances on Financial Activity Statement – November YTD 2006

Nil variances of 10% or greater for the month.

12.1.3 Demographic Survey / Forecast

File/Ward	:	FIN066 (All Wards)
Proposal/Issue	:	Proposed demographic survey
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Corporate and Community Services (WP Madigan)
Disclosure of Interest	:	N/A
Previous Reference	:	Item 12.7.4 OCM 21/11/06
Summary Recommendation	:	That the proposed demographic survey be deferred for consideration in conjunction with the 2007/08 budget.
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. At the recent Sea Change Conference in Albany, representatives from the City of Mandurah noted that their municipality had commissioned a demographic survey (of population and age distribution), and had found the results to be invaluable. The City of Mandurah model is available on the internet at www.id.com.au/mandurah/forecastid
2. The City of Albany Strategic Finance Advisory Committee recommended at its October 2006 meeting that the City consider the commissioning of a detailed demographic survey and forecast for the future.
3. At the OCM of 21 September 2006, Council resolved -

“THAT Officers investigate the possible scope and cost of a demographic survey of the City and surrounding regional area, and proceed if the project can be completed under existing allocations.”

STATUTORY REQUIREMENTS

4. The Local Government Act , Section 6.8 (1) (a) sets out that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution (absolute majority required).

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.3 continued

5. Part 4 of the Local Government Act (Functions and General) Regulations Section 11 (1) requires that any project over \$50,000 be put to tender.

POLICY IMPLICATIONS

6. Nil

FINANCIAL IMPLICATIONS

7. There is no specific budget allocation to undertake a demographic survey.

STRATEGIC IMPLICATIONS

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A thriving City, Albany's community will enjoy economic growth and outstanding opportunities for our youth through...

- *excellent community infrastructure and services.*

Mission Statement:

The City of Albany is committed to....

- *Sustainably Managing Albany's municipal assets,*
- *Delivering excellent community services,*
- *Actively keep abreast of best practice;*
- *Respect the Communities Aspirations and resources.*

Priority Projects:

Nil”

COMMENT/DISCUSSION

9. The Sydney based firm, Informed Decision (ID) undertook the demographic survey on behalf of the City of Mandurah, and has undertaken forecasting work for other high growth local authorities such as Wanneroo and Swan.

10. An indicative quotation for a similar study on behalf of the City and proposed methodology has been obtained from ID as follows:

- Step 1: Profile the area (approx \$25,000)
Split the area into logical groups (say 10 for Albany) including regional context
Review census data for 1991, 1996, 2002 and 2006 if available
Interview key people in City and community
- Step 2: Develop a forecast for 20 years (approx \$30,000)
Create the forecasts by group
Assist in reviewing (& disputing if necessary) DPI assumptions
- Step 3: Annual Review (approx \$5,000 per year)

Item 12.1.3 continued

11. ID Consultants estimate that a forecast could be delivered in ten (10) weeks. The availability to commence work depends on their current workload. At present there would be a 2 - 3 month delay.

RECOMMENDATION

THAT the proposed demographic survey be deferred for consideration in conjunction with the City's 2007/08 budget.

Voting Requirement Simple Majority

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12.1.4 Funding – Albany Cemetery Board

File/Ward	:	REL141 (All Wards)
Proposal/Issue	:	Proposed funding for Allambie Park Cemetery & Crematorium and Albany Memorial Park Cemetery
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Corporate and Community Services (WP Madigan).
Disclosure of Interest	:	N/A
Previous Reference	:	Nil
Summary Recommendation	:	That Council support the establishment of a Reserve Account for the purpose of funding future Capital Works.
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. The Albany Cemetery Board has submitted a request to Council for ongoing funding assistance to meet forward, strategic capital requirements as set out in its Business Plan.
2. In the Albany Cemetery Board submission, The Chairman of the Board has stated that;

“An immediate need for up to \$200,00 has been identified to upgrade the funeral chapel and surrounding area; undertake essential grounds maintenance; upgrade plant and equipment including the need for a grave digging machine and refractories for the Cremator every 600 to 700 cremations.”

3. He adds that;

“Further injections of funds are required over the next years, to undertake essential building work to meet the ever increasing public demand for modern service facilities and improved road works.”

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.4 continued

4. The following areas have been identified as requiring immediate upgrade:
 - Cemetery Chapel upgrade
 - Chapel Air Conditioning
 - Replacement Aged Mower
 - Purchase Mechanical Grave Digger
 - Replacement aged Chapel seating
 - Chapel Audiovisual
 - Covered Mourners' meeting area
5. Some of these requirements have been satisfied from cash flow surpluses over the past 18 months and the Chairman has stated that the Board suffers from a tight cash flow, is under capitalised and needs to engage in capital funding to meet essential infrastructure and plant upgrades.
6. The Board has indicated it has exhausted all funding avenues from within normal Government channels.

STATUTORY REQUIREMENTS

7. The Cemeteries Act, 1986, provides that;

“Where an order is made or is deemed to have been made under section 5 vesting the care, control and management of a cemetery in a local government, the local government shall, subject to this Act and to any necessary modifications, perform and be subject to the duties imposed on Boards under this Act and may exercise the powers conferred on Boards under this Act; and references in this Act to a Board or Boards shall be construed accordingly in relation to such a local government as the case may require. (Section 6).”
8. Section 4 of the Albany Public Cemeteries Subsidies Act 1952 sets out that;
 - (1) For the purposes of this Act the local governments are each hereby authorised to make, levy and impose a special **rate to be known as a “Cemetery Rate”** upon all rateable land within their respective districts or upon all rateable land within a prescribed portion of their respective districts.
 - (2) Such **rate** may be levied upon either the unimproved capital value or the annual value and shall not exceed, in any one year, five twenty-fourths of a cent in the dollar on the unimproved capital value or five-sixths of a cent in the dollar on the annual value.
 - (3) Such **rate shall be in addition to any rate** imposed under the *Local Government Act 1995* and shall not affect any rating limit imposed by that Act.

POLICY IMPLICATIONS

9. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

10. No specific allocation has been included in the 2006/2007 budget for this purpose.

Item 12.1.4 continued

STRATEGIC IMPLICATIONS

11. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to sustainably managing Albany’s municipal assets and delivering excellent community services..

Priority Projects:

Nil.”

COMMENT/DISCUSSION

12. It is acknowledged that The Albany Cemetery Board provides a much needed community service through the operation of the Allambie Park Cemetery and Crematorium, and the Albany Memorial Park Cemetery.
13. It is also acknowledged that if the volunteer support of the Board wanes in the years to come, it is important that the Council is not left in a position of having to take over the organization and its assets in a poor state of repair.
14. It is therefore proposed that Council create a Reserve Account for future capital works for the Allambie Park Cemetery and Crematorium, and the Albany Memorial Park Cemetery for future capital works as identified in the Business Plan.
15. It is proposed that Council allocate an amount of \$25,000 to this Reserve Account towards immediate works and thereafter allocates an amount of \$50,000 per annum indexed in perpetuity that is available upon written request from the Board to fund only major capital works whether this be new assets or upgrades as identified in the Business Plan.
16. In relation to the proposed mechanical grave digging machine, it is proposed to withhold the Council back hoe which is due to be traded in August 2007 and which would be more than adequate to meet the needs of the Albany Cemetery Board and place this at the disposal of the Albany Cemetery Board. This machine would then be changed over with each subsequent trade-in (approximately 5 years). The Albany Cemetery Board would be responsible for the maintenance, with the City undertaking this function and the City would provide initial training on the operation of the machine.
17. It is proposed that the City also enter into a Memorandum of Understanding with the Albany Cemetery Boards that it is responsible for all operational aspects of the facility, with revenues being maximised through appropriate fees and charges

Item 12.1.4 continued

RECOMMENDATION

THAT Council

- i) establish a Reserve Account entitled "Cemetery Capital Works Reserve Account";**
- ii) the purpose of such Reserve Account be for undertaking future capital works at the Allambie Park Cemetery and Crematorium, and the Albany Memorial Park Cemetery as identified in the Business Plan;**
- iii) an initial amount of \$25,000 be allocated to this Reserve for immediate necessary capital works;**
- iv) an amount of \$50,000 per annum, indexed to CPI in perpetuity, be allocated to the Reserve Account, to be available upon written request from the Board to fund only major capital works whether this be new assets or upgrades as identified in the Business Plan**
- v) agree to withhold the Council back-hoe which is due to be traded in August 2007, and place this at the disposal of the Albany Cemetery Board, with such machine being changed over with each subsequent trade in (approximately 5 years); and**
- vi) enter into a Memorandum of Understanding with the Albany Cemetery Board that it is responsible for all operational aspects of the facility, with revenue being maximised through appropriate fees and charges**

Voting Requirement Absolute Majority

.....

12.2 ADMINISTRATION

Nil

12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

12.6 RECREATION SERVICES**12.6.1 Albany Leisure and Aquatic Centre Upgrade – Construction**

File/Ward	: CO6028 & MAN 167 (All Wards)
Proposal/Issue	: Albany Leisure and Aquatic Centre (ALAC) Upgrade
Subject Land/Locality	: Albany Leisure and Aquatic Centre (Barker Rd.)
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Executive Director Corporate and Community Services (WP. Madigan) Project Liaison Officer (W. Bergsma)
Disclosure of Interest	: Nil
Previous Reference	: OCM 17/06/03 - Item 12.2 OCM 07/08/03 - Item 12.2 OCM 12/12/03 - Item 12.2 OCM 15/06/04 - Item 12.6 OCM 15/02/05 - Item 12.6 OCM 19/04/05 - Item 12.6 OCM 16/08/05 – Item 12.6 OCM 20/12/05 – Item 12.6 OCM 20/06/06 – Item 12.6 OCM 17/10/06 – Item 12.6
Summary Recommendation	: That Council approve the appointment of the recommended Tenderer for construction of the Albany Leisure and Aquatic Centre upgrade
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. At the OCM 20th December 2005 Council awarded the contract for Supervising Architectural Services for the upgrade of the Albany Leisure and Aquatic Centre in Barker Road. This Contract was awarded to Donovan Payne Architects.
2. The Architects prepared a complete set of detailed Design Drawings based on the initial Design Brief, utilising extensive public feedback from consultation to date, and following extensive consultation with ALAC Management & Staff, the City of Albany Staff and all of the specialist sub-consultants engaged with the project.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

3. At the OCM 17th October 2006 Council adopted the Design Drawings submitted by Donovan Payne Architects for the upgrade of the Albany Leisure and Aquatic Centre, to be used as the basis for inviting tenders for construction of the project.

STATUTORY REQUIREMENTS

4. Part 4 of the Local Government Act (Functions and General) Regulations Section 11 (1) requires that any project over \$50,000 be put to tender.

POLICY IMPLICATIONS

5. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

6. At the OCM 15th August 2006 Council approved the funding proposal for the ALAC upgrade of \$14,267,000.
7. As per Local Government (Functions and General) Regulations 1996 acceptance of tender is subject to council determination.

STRATEGIC IMPLICATIONS

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Healthy City, Albany's Community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...

- *Diverse and affordable cultural, recreational and sporting opportunities.*

A Thriving City, Albany's community will enjoy economic growth and outstanding opportunities for our youth through...

- *Excellent community infrastructure and services.*

Mission Statement

The City of Albany is committed to...

- *Sustainably Managing Albany's municipal assets,*
- *Delivering excellent community services.*
- *Actively keep abreast of best practice;*
- *Respect the Communities aspirations and resources.*

Priority Projects

City Facilities Project 3 - Albany Leisure and Aquatic Centre.”

COMMENT/DISCUSSION

9. Tenders were issued for the Construction of the Albany Leisure and Aquatic Centre Upgrade.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

10. The invitation was advertised in the West Australian on Wednesday the 8th November 2006 and Saturday the 11th November 2006 and in the Albany Advertiser on Thursday 9th November 2006 with the tender period closing on 13th December 2006.
11. Tenders for Contract C06028 are to be evaluated by a panel consisting of the City of Albany Executive Director for Corporate and Community Services Peter Madigan, Kim Donovan of Donovan Payne Architects, and Trevor Sanders of Ralph Beattie Bosworth Quantity Surveyors, and a subsequent report and recommendation on the appointment of the successful tenderer will be circulated following the evaluation process.
12. Tenders received will be evaluated according to the following criteria:

Qualitative Criteria

Description of Qualitative Criteria		Weighting
(a)	Demonstrated competence and experience in completing similar projects.	20%
(b)	Skills and Experience of the Designated Builder	20%
(c)	Tenderers Resources	10%
(d)	Proposed project administration	10%
(e)	Price	40%
TOTAL		100%

RECOMMENDATION

THAT the City of Albany accepts the tender of () and enters into a formal contract for the specified services.

Voting Requirement Simple Majority

.....

12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.7.1 Albany Senior Advisory Committee meeting minutes – 16th November 2006

File/Ward	:	MAN 131 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Community Development Officer - Senior (S Richardson-Newton)
Summary Recommendation	:	That the Minutes of Albany Senior Advisory Committee held on 16th November 2006 be adopted.

RECOMMENDATION

THAT the minutes of Albany Senior Advisory Committee meeting of 16th November 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following representatives be formally appointed to the Committee, brought about by the resignations of Cyril Skinner and Kim Buttfield:

- **National Seniors Association – Margaret James**
- **General Community Representative – Bree Forsyth**

Voting Requirement Absolute Majority

.....

12.7.2 Albany Arts Advisory Committee meeting minutes – 8th November 2006

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 8th November 2006 be adopted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee meeting of 8th November 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

CORPORATE & COMMUNITY SERVICES REPORTS

12.7.3 Internal Review Committee meeting minutes – 6th November 2006

File/Ward	:	MAN 180 (All Wards)
Proposal/Issue	:	Internal Review Committee meeting minutes for Council consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Internal Review Committee held on 6 th November 2006 be adopted.

Item 12.7.3 is a CONFIDENTIAL matter in accordance with Section 5.23 (2)(f) of the Local Government Act 1995 – impairment of investigation. The report and recommendation(s) has been issued under separate, confidential cover.

12.8 COUNCIL REPRESENTATION

Nil

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 CITY ASSETS - ASSET MANAGEMENT

Nil

13.2 CITY SERVICES – WASTE MANAGEMENT

Nil

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil

WORKS & SERVICES REPORTS**13.4 CITY SERVICES – CONTRACT MANAGEMENT****13.4.1 Contract C06041 Upgrade Emu Point Swimming Facility**

File/Ward	:	C06041 (Breaksea Ward)
Proposal/Issue	:	Refurbishment of Emu Point Swimming Facility
Subject Land/Locality	:	N/AI
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director of Works & Services (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council not award the tender for this project.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Tenders were called for the design and construction of Emu Point Swimming Facility for 2006/2007.
2. A request for tenders was published in the Western Australian newspaper on 11th October 2006, and in the Albany Advertiser on 12th & 13th October 2006.
3. The Tender documents included Tender Evaluation Criteria, using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall points score for each Tender. The criteria used for this Tender is documented below.

Criteria	Weight
Cost	40
Relevant Skills & Experience	20
Safety Management	15
Reliability of Tenderer	15
Other Considerations	10
Total	100

4. Tenderers were provided with Technical Specifications provided by Opus International Consultants extensively detailing the work required.
5. Tenderers were requested to supply a Lump Sum Tender Price, supported by a "Per Day" Schedule of Rates for the Assessment of Claims and Variations only.

WORKS & SERVICES REPORTS

Item 13.4.1 continued

STATUTORY REQUIREMENTS

6. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000.
7. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
8. Regulation 19 requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

9. The City of Albany Regional Price Preference Policy is applicable to this item.

FINANCIAL IMPLICATIONS

10. \$250,000 has been allocated within the 2006/2007 budget.

STRATEGIC IMPLICATIONS

11. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles and a flourishing natural environment through diverse and affordable cultural, recreational and sporting opportunities.

Mission Statement:

The City of Albany is committed to delivering excellent community services and sustainably managing Albany’s municipal assets.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

12. A total of 5 specifications were issued, with one being received at Close of Tender, 2pm Wednesday 8th November 2006.
13. The following table summarises the submission received:

Tenderer	Total Lump Sum Price For Works
Engineered Water Systems	\$803,963

14. After evaluation of the tender submission received, it was concluded the Tender for Engineered Water Systems was above the budgeted value, it would be preferable not to accept the tender.
15. Council Staff are currently looking at alternatives to maintain the integrity of the existing facility within budget constraints.

Item 13.4.1 continued

RECOMMENDATION

THAT Council does not award a tender for the construction of the Emu Point Swimming Facility.

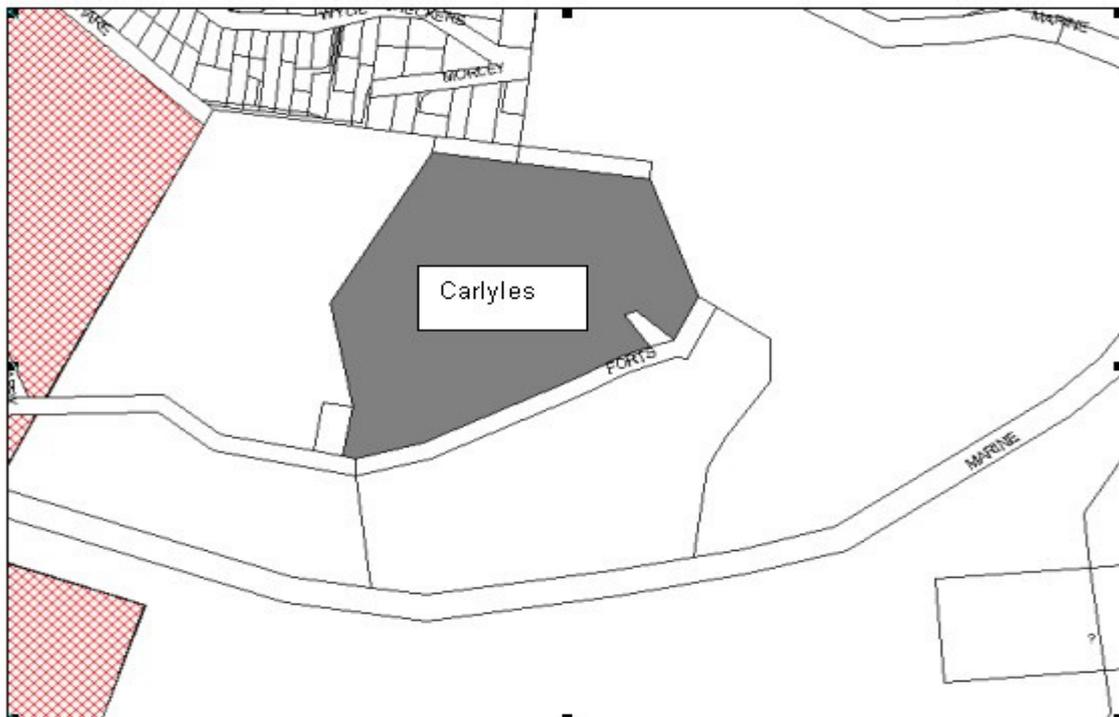
Voting Requirement Simple Majority

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13.5 CITY SERVICES – PROPERTY MANAGEMENT

13.5.1 Building Extension - Carlyles Function Centre

File/Ward	: PRO310 (Frederickstown Ward)
Proposal/Issue	: To allow for extensions to be built at Carlyles Function Centre, Mt Adelaide to cater for a dance floor
Subject Land/Locality	: Lot 1347, 'C' Class Reserve 38226 on Plan 7800 Crown Land Title Volume 3121 Folio 583
Proponent	: Proprietor – Lisa Scanlon
Owner	: Crown Land with Management Order to City of Albany.
Reporting Officer(s)	: Manager City Services (I Neil)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: To allow the Proponent to build onto the existing structure
Bulletin Attachment	: Nil
Locality Plan	:



WORKS & SERVICES REPORTS

Item 13.5.1 continued

BACKGROUND

1. On 18th April 2006 a meeting was held at Carlyles function centre between Mrs Lisa Scanlon, Proprietor of Carlyles, City of Albany's Manager City Services, Ian Neil and City of Albany Property Officer Helen Tasker. At the meeting Mrs Scanlon outlined in concept, a plan for building onto the existing al fresco structure of Carlyles to cater for a dance floor. Mrs Scanlon advised that a large number of her bookings come from wedding parties and to date she has lost business due to the lack of space available for patrons to dance. Mrs Scanlon advised that the current floor plan became difficult to manage and dangerous to staff and guests if dancing was carried out in the same area where food was being served. Mrs Scanlon's aim was to create an area specifically to house live musicians with an area set aside for dancing.
2. Carlyles function centre is located on Reserve 38226 part of the Historic Forts. The original building was a residence for Army staff based at the forts, and is of historic interest. The building was renovated many years ago and developed into a restaurant and function centre. At about that time, an al fresco area was added to the front of the building to allow for greater capacity and to capture the ambience of the location. The proposed extension will attach to the current al fresco area and not impact upon the original building.
3. In 2000 a lease of the building was developed between the City of Albany and Thomas Christopher and Sharon Elizabeth Bower with an initial term of 5 years from 1st July 2000 to 30th June 2005 and an option of a further 5-year term.
4. In October 2002, the lease was assigned to Mrs Scanlon, who chose to take up the further option when it fell due. This option remains in place until 30th June 2010 and Mrs Scanlon has indicated a keenness to continue her business from that location and negotiate a new lease at that time if possible. Under the current Management Order from the Department of Land Information, the City has the power to lease for a period up to 21 years.

STATUTORY REQUIREMENTS

5. The Local Government (Functions & General) Regulations 1996, Part 6 – Miscellaneous -

30. (2) A disposition of land is an exempt disposition if –
(a) the land is disposed of to an owner of adjoining land (in this paragraph called “the transferee”) and –

(i) its market value is less than \$5,000; and

(ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
6. This exemption allows for an increase to the lease area without the necessity to advertise through the media as is normally required for disposal of property.

POLICY IMPLICATIONS

7. There are no policy implications relating to this Item.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

FINANCIAL IMPLICATIONS

8. Nil cost to Council. All costs involved with this project to be covered by the Proponent.

STRATEGIC IMPLICATIONS

9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Albany’s community will enjoy economic growth and outstanding opportunities for our youth through innovative development complementing Albany’s unique character, natural environment and heritage.

Mission Statement:

At all times we will respect the Community’s aspirations and resources.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

10. Mrs Scanlon has employed David Heaver, Architect of Howard & Heaver Architects to provide plans for the proposed extension (see plans attached). Mr Heaver has contacted WA Heritage Commission with regard to the historic nature of the location and they have responded with preliminary approval for this extension due to the fact that it will not impact on the original historic building.
11. The Proponent is aware that an increase to the leased area will attract a higher lease rental.
12. Current rent as per Market Valuation of 20th May 2004 provided by Albany Valuation Services stands at \$55.00 per square metre. Verbal enquiry from Albany Valuation Services indicated this value would change little over the next five years, consequently rental increase would reflect the increase in floor area.
13. It is felt the City should support such a proposal as it increases the functionality of the site whilst not affecting its heritage value.
14. It is suggested that on the completion of the building, a survey be carried out to determine the exact size of the leased area, a new valuation carried out and these details used to form a variation to the existing lease and the lease updated accordingly.

Item 13.5.1 continued

RECOMMENDATION

THAT Council allow the Proponent to seek building approval for the proposed extension according to the plans submitted, on the proviso that;

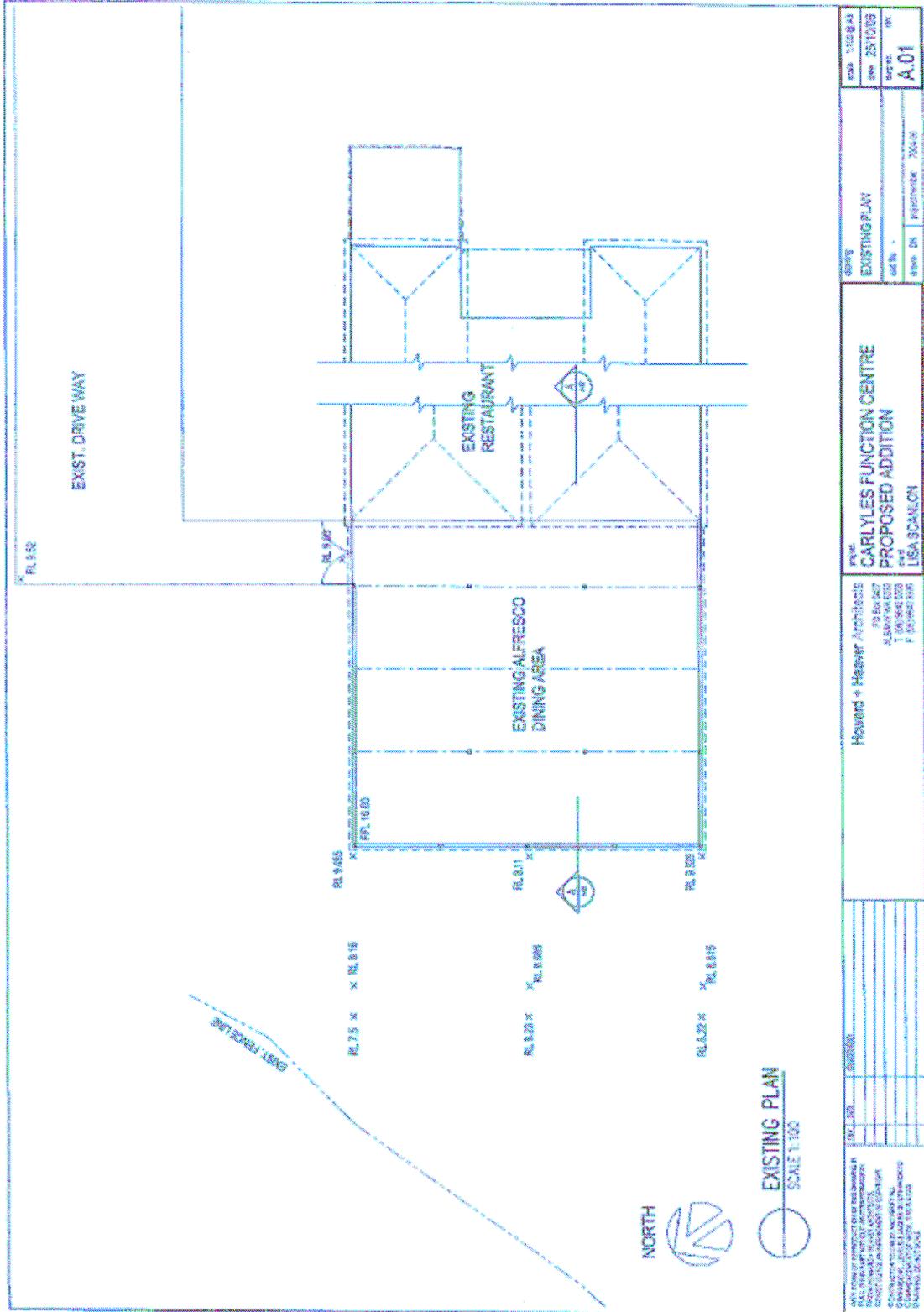
- i) all building approvals and regulations are met; and**
- ii) Ministerial approval is granted; and**
- iii) approval is given by the WA Heritage Commission; and**
- iv) on completion of the building, a new survey and valuation be carried out and a variation to the lease be developed to reflect the new area and rental; and**
- v) all fees, charges and costs, whether of a building, legal or any other nature are covered by the Proponent; and**
- vi) the City of Albany's Common Seal be attached to any variation to the lease document.**

Voting Requirement Simple Majority

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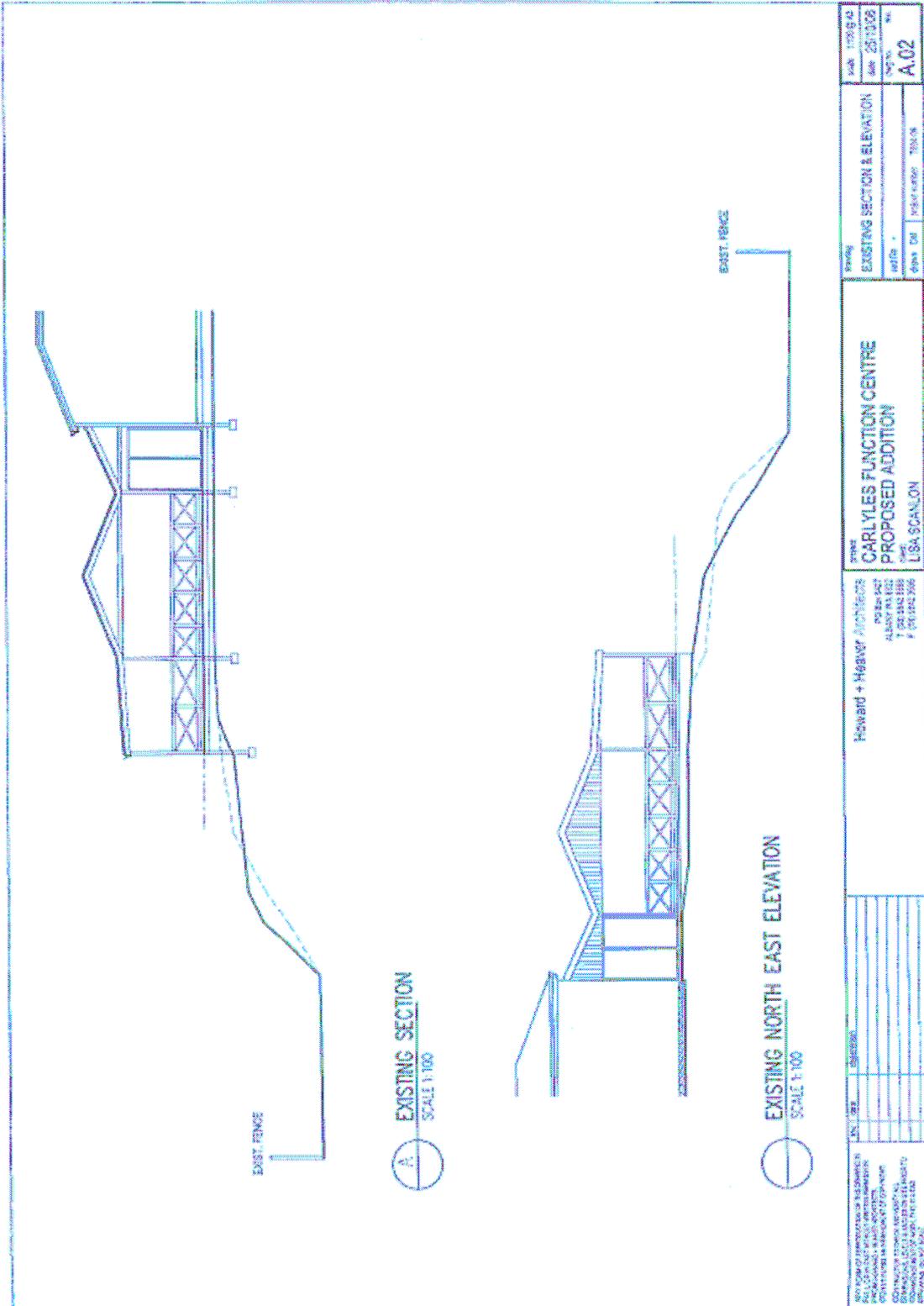
Item 13.5.1 continued



<p>HOWARD + HEAVER ARCHITECTS 10 BAYVIEW ALBERTA AVENUE T 081 943 033 F 081 943 199</p>	<p>PROJECT CARLYLES FUNCTION CENTRE PROPOSED ADDITION</p> <p>DATE 25/12/05</p> <p>SCALE A.01</p>
<p>DATE 25/12/05</p> <p>SCALE A.01</p>	<p>DATE 25/12/05</p> <p>SCALE A.01</p>

ORDINARY COUNCIL MEETING AGENDA –19/12/06
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 WORKS & SERVICES REPORTS

Item 13.5.1 continued



WORKS & SERVICES REPORTS

13.5.2 New Leases – Lotteries House

File/Ward	:	MAN071 (Frederickstown Ward)
Proposal/Issue	:	New Leases for Lotteries House
Subject Land/Locality	:	Lotteries House 211-217 North Road
Proponent	:	Lotteries House Management Committee
Owner	:	City of Albany
Reporting Officer(s)	:	Manager City Services (I Neil)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approve new leases for Lotteries House for a period of three years
Bulletin Attachment	:	Nil
Locality Plan	:	



WORKS & SERVICES REPORTS

Item 13.5.2 continued

BACKGROUND

1. In September 1996 a 'Deed of Trust' was entered into between the former Town of Albany and the Lotteries Commission for the management of Lotteries House, located on Albany Suburban Lots 304 & 305, North Road Albany. Clause 16 of the 'Deed of Trust' requested that a Management Committee be formed to oversee the management of the property.
2. Part 3 of the schedule contained within the 'Deed of Trust' requires the Trustee, being the City of Albany to make and keep available the property for organisations to use for benevolent or charitable purposes, through the administration of the Management Committee.
3. The lessees Albany Community Radio Inc, Albany Summer School Inc, Arthritis Foundation of WA, Association for the Blind Inc, Great Southern Family Violence Intervention Council Inc, Lower Great Southern Family Support Association Inc and Samaritan Befrienders Inc have previously held leases over a portion of Lotteries House that expired on 30 June 2006.
4. The Rainbow Coast Neighbourhood Centre Inc has previously held a lease over a portion of Lotteries House that expired on the 17 August 2006.
5. These lessees have requested new leases for a period of three years. The Lotteries House Management Committee has approved these leases.
6. Albany Halfway House Association Inc and The Neurological Council of WA are currently leasing a portion of Lotteries House.

STATUTORY REQUIREMENTS

7. Section 3.58 of the Local Government Act deals with the 'disposing of property' (includes leasing) and requires Council to either dispose of property at auction or by public tender to the person who, in the opinion of Council, makes the most acceptable tender.
8. Council is, however, able to dispose of property by other means, provided that it gives statewide public notice (2 weeks) of the disposition and invites submissions on the proposal.
9. Clause 30 of the Local Government (Functions & General) Regulations 96 provides an exemption to Council under Section 3.58 of the Act if the land is being disposed of to a body, whether incorporated or not if the object of which is of a charitable, benevolent, cultural, educational, recreational, sporting or other like nature.
10. The lessees are considered to be either charitable or benevolent organisations and therefore the proposed disposition of land is exempt from the provisions of Section 3.58 of the Act.

WORKS & SERVICES REPORTS

Item 13.5.2 continued

POLICY IMPLICATIONS

11. There are no policy implications relating to this matter.

FINANCIAL IMPLICATIONS

12. There are no financial implications as all rentals are paid to the Lotteries House Management Committee, for operating expenses. Lotteries House aims to be self-supporting.
13. Any costs associated with the leases are payable by the applicant.

STRATEGIC IMPLICATIONS

14. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

Community Vision:

Albany's community will enjoy economic growth and outstanding opportunities for our youth through excellent community and infrastructure and services.

Mission Statement:

The City of Albany will always be renowned for our customer focus.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

15. The lessees have requested approval to continue tenancy at Lotteries House under the same terms and conditions as previous leases, for a further term of three years. The Lotteries House Management Committee has approved these requests.
17. The Lotteries House Management Committee determines the rents by projecting operating expenses required for the financial year. These expenses are levied to each lessee, per square metre of leased area. These rents are reviewed annually on 1 July.

Item 13.5.2 continued

RECOMMENDATION

THAT Council agrees:

- i) To enter into new leases with the Albany Community Radio Inc, Albany Summer School Inc, Arthritis Foundation of WA, Association for the Blind Inc, Great Southern Family Violence Intervention Council Inc, Lower Great Southern Family Support Association Inc and Samaritan Befrienders for a term of three years retrospectively on 1st July 2006.**
- ii) To enter into a new lease with Rainbow Coast Neighbourhood Centre Inc for a term of three years retrospectively 18th August 2006.**
- iii) Rental be set per square metre of area leased as determined by the Lotteries House Management Committee, subject to GST, with rent reviews being carried out by the Lotteries House Management Committee annually on 1 July;**
- iv) That all costs associated with leases be payable by the applicant; and;**
- v) The Common Seal of the City of Albany be attached to all relevant documentation.**

Voting Requirement Simple Majority

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13.6 CITY WORKS – CAPITAL WORKS

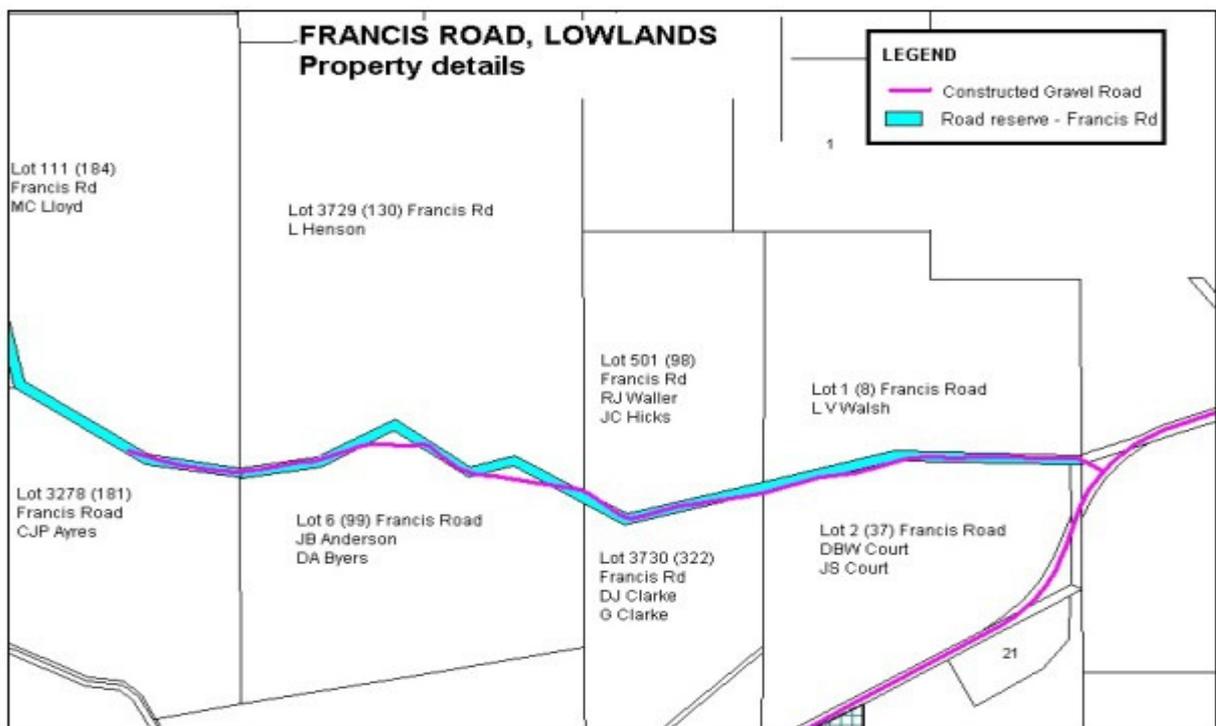
Nil

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

13.7.1 Realign Francis Road, Lowlands

File/Ward	:	SER088 (West Ward)
Proposal/Issue	:	Realign Francis Road, Lowlands to the current road reserve alignment
Subject Land/Locality	:	Francis Road, Lowlands
Proponent	:	City of Albany
Owner	:	Various
Reporting Officer(s)	:	Manager City Assets (D Morgan)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council proceed with realigning Francis Road Lowland to the correct alignment
Bulletin Attachment	:	Nil
Locality Plan	:	

BACKGROUND



WORKS & SERVICES REPORTS

Item 13.7.1 continued

1. Mr Byers and Ms Anderson applied to the City of Albany in February 2004 to erect an additional shed on their property at (Lot 6 Francis Road, Lowlands) and advised their concerns in regards to Francis Road, Lowlands intruding into the northern boundary of their property (Lot 6 Francis Road) and not along the allocated road reserve. (See attached plan).
2. Investigation revealed that Francis Road in several locations is out of the sectioned road reserve and runs through private land. The lots affected are 1, 2, 322, 501, 6, 3729, 3730 (See attached plan).
3. Concerns were raised regarding the issue of public liability if an accident occurs on a section of road, which is currently located on private land.
4. Officers previously sought comment from our insurance agency regarding insurance issues and also requested Denmark Survey & Mapping to investigate options to ensure the road is contained in the road reserve. This report was submitted to staff in November 2004 but unfortunately agreement for a solution could not be resolved.
5. Mr Byers & Ms Anderson approached the City again earlier this year requesting that this issue be resolved. City Assets arranged a meeting to be held with all residents of Francis Road to discuss a resolution to this issue.
6. At the meeting staff indicated support for leaving Francis Road on its current alignment. From the meeting the general consensus was that the residents are happy to leave the road along the current alignment and negotiate the required land resumptions and roads closures.
7. Mr Byers & Ms Anderson expressed reservations about keeping the road on the existing alignment and requested that the City explore an alternative solution adjacent to their property.
8. Denmark Survey and Mapping were commissioned to complete a proposal for the required land resumptions and road closures and also present an alternate solution adjacent to Mr Byers & Ms Anderson's property. (See attached surveys).
9. Mr Byers & Ms Anderson have advised they are seeking legal consultation in regards to the two proposals by Denmark Survey and Mapping.

STATUTORY REQUIREMENTS

10. Section 56 of the Land Administration Act 1997 sets out a process the Local Government must follow to dedicate a road.

(1) If in the district of a local government –

(a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;

(b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –

WORKS & SERVICES REPORTS

Item 13.7.1 continued

- (i) *the holder of the freehold in that land applies to the local government to do so; or*
- (ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*

or

- (c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years.*

and that land is described in a plan of survey, sketch plan or document, the local government may request the minister to dedicate that land as a road.

- (2) *If a local government resolves to make a request under subsection (1), it must –*
 - (a) *in accordance with the regulations prepare and deliver the request to the Minister; and*
 - (b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*
- (3) *On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then –*
 - (a) *subject to subsection (5), by order grant the request;*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in the direction; or*
 - (c) *refuse the request.*
- (4) *On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred the the Minister in considering and granting the request.*

WORKS & SERVICES REPORTS

Item 13.7.1 continued

- (5) *To be dedicated under subsection (3)(a), land must immediately before the time of dedication be –*
- (a) *unallocated Crown land or, in the case of a private road, alienated land; and*
 - (b) *designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.*
- (6) *If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.*

POLICY IMPLICATIONS

11. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

12. The City of Albany would be required to accept all associated legal and land resumptions costs to correct an anomaly, which has been in place for many years.

STRATEGIC IMPLICATIONS

13. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to sustainably managing Albany’s municipal assets.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

14. Residents of Francis Road have raised concerns with the issue of public liability in the case of an accident occurring on Francis Road where it runs through private land.
15. The majority of residents indicated that when they purchased their properties on Francis Road considered the fence line to be on the correct boundaries and on the correct alignment.

WORKS & SERVICES REPORTS

Item 13.7.1 continued

RECOMMENDATION

THAT Council in accordance with Section 56 of the Land Administration Act of 1997;

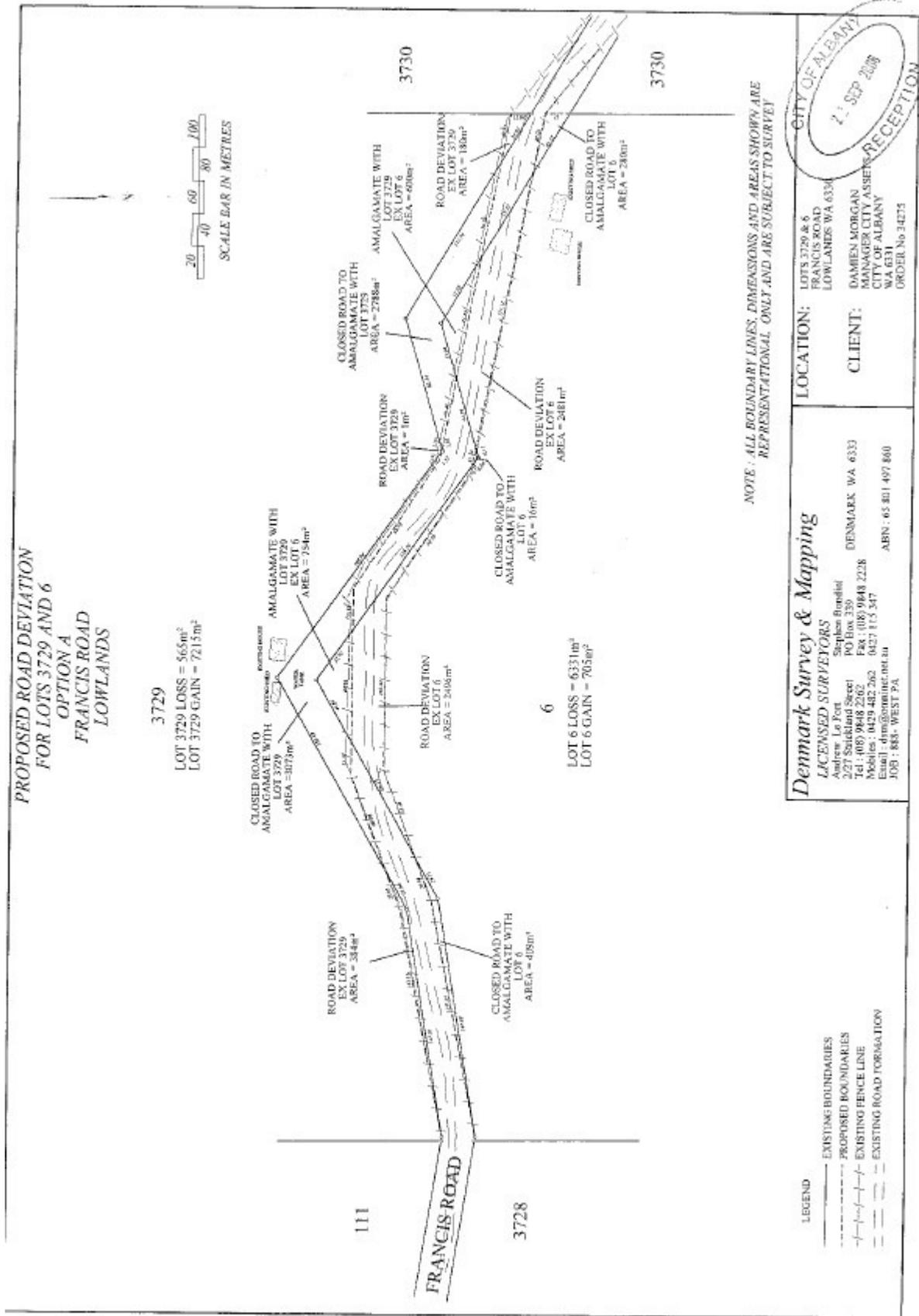
- i) Proceed with Francis Road, Lowlands becoming a dedicated public road with the associated land resumptions and road closures required.**
- ii) Delegate authority to Damien Morgan to negotiate with the landowners of Francis Road, Lowlands to proceed with Francis Road dedication.**
- iii) Reallocate funds for the associated legal costs required with the dedication of Francis Road, Lowlands at the quarterly budget review.**

Voting Requirement Absolute Majority

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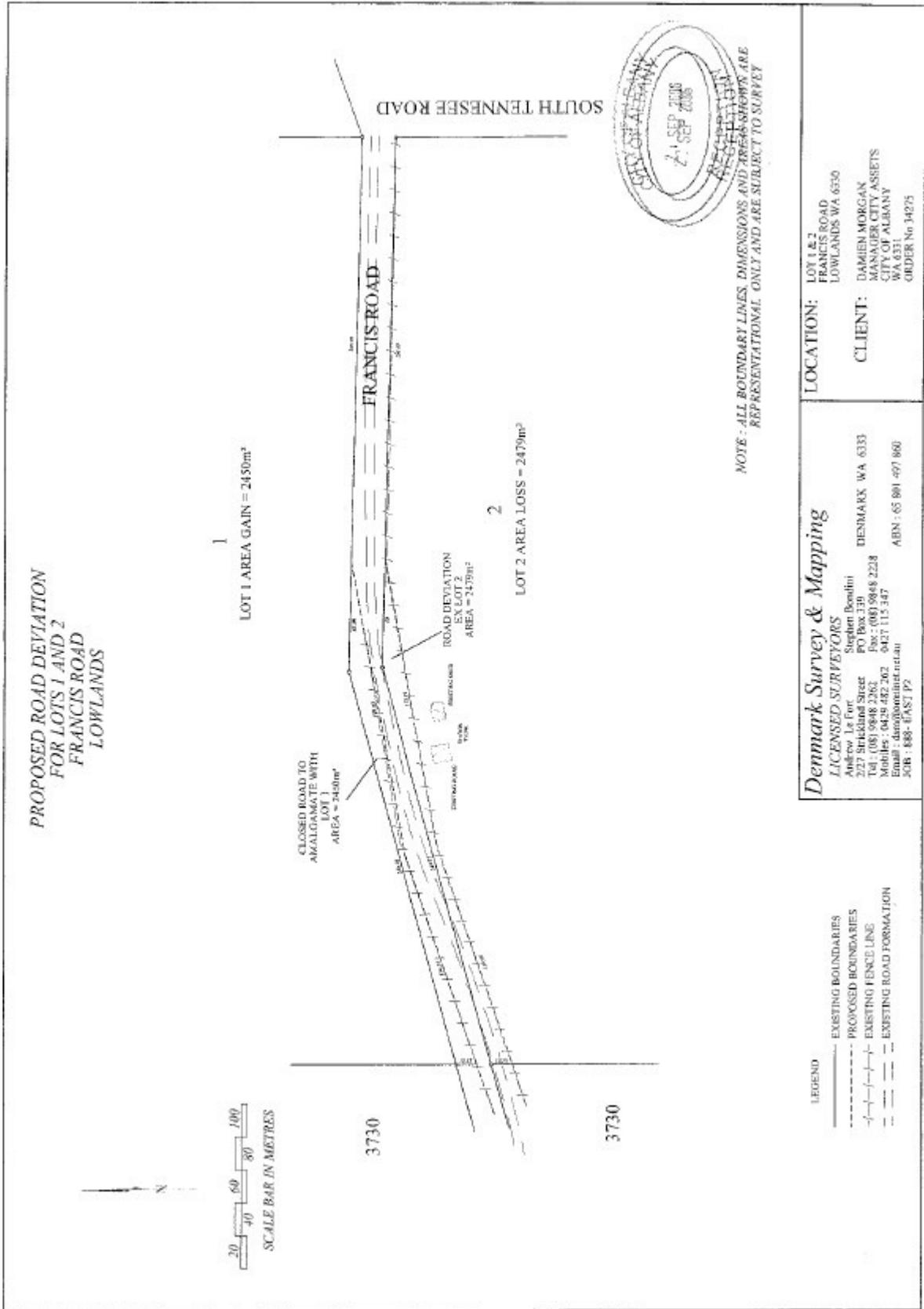
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Item 13.7.1 continued



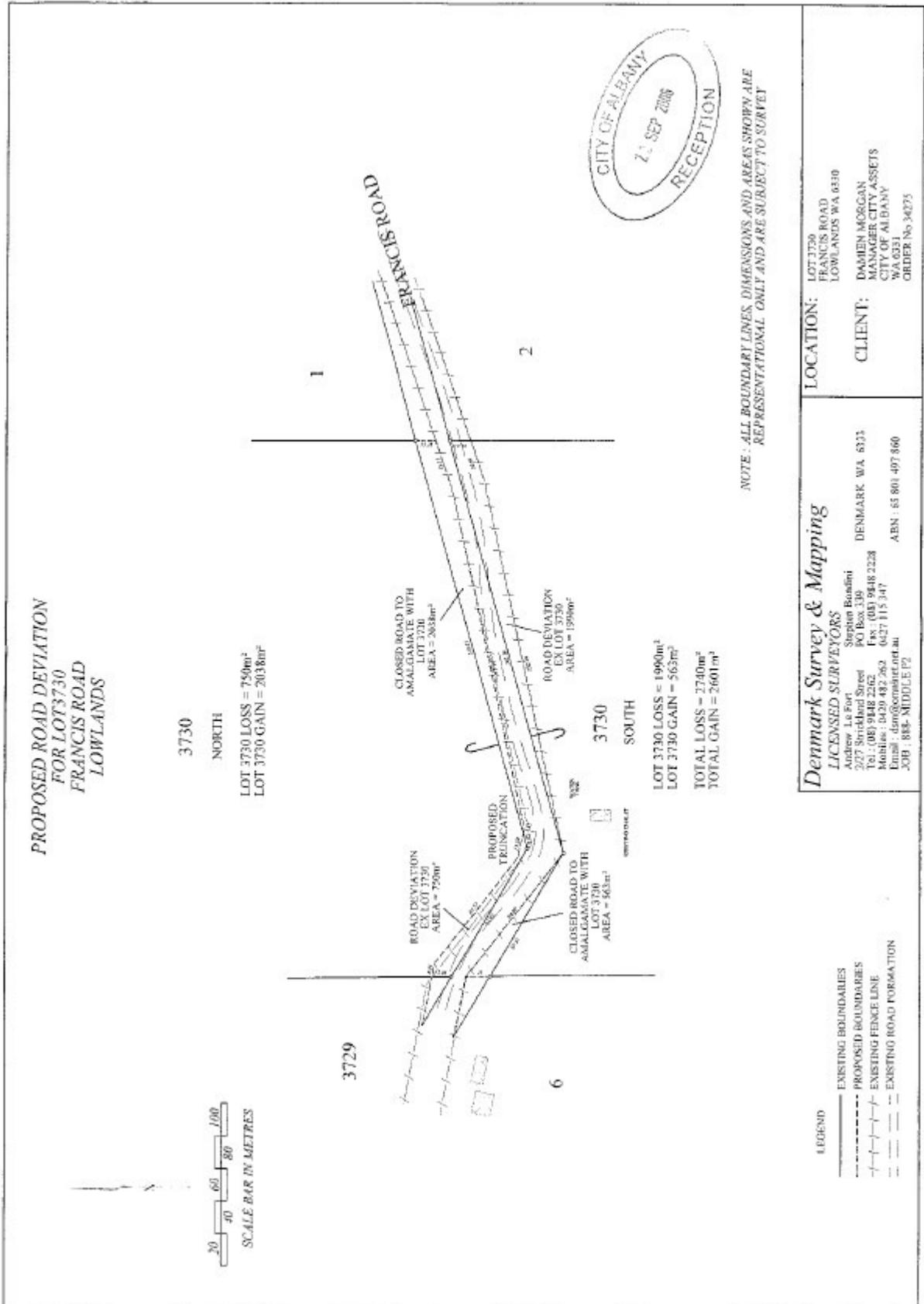
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Item 13.7.1 continued



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Item 13.7.1 continued



Denmark Survey & Mapping

LICENSED SURVEYORS

Andrew Le Fort
 207 Strickland Street
 Tel: (08) 9448 2262
 Mobile: 0420 482 263
 Email: dan@denmark.net.au

Simon Rosolini
 PO Box 339
 DENMARK WA 6133
 Fax: (08) 9448 2228
 6427 115 347

AEN: 65 801 497 860

LOCATION: LOT 3730
 FRANCIS ROAD
 LOWLANDS WA 6130

CLIENT: DAMIEN MORGAN
 MANAGER CITY ASSETS
 CITY OF ALBANY
 WA 6151
 ORDER No 34375

WORKS & SERVICES REPORTS

13.7.2 Proposed Road Closure - William Street, Little Grove

File/Ward	:	SER088 (Vancouver Ward)
Proposal/Issue	:	Request to temporarily close a section of road
Subject Land/Locality	:	Portion of William Street, Little Grove
Proponent	:	N/A
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Council support the temporary closure of the section of road
Bulletin Attachment	:	Nil
Locality Plan	:	



WORKS & SERVICES REPORTS

Item 13.7.2 continued

BACKGROUND

1. Concerns have been raised by local residents, that some traffic using William Street are causing a safety issue. There is a practice in place whereby 'hoons' are using this thoroughfare between Albert and George Streets, as a 'raceway'.
2. William Street is a short road with very little room for manoeuvrability, should other vehicles be speeding. Other users and pedestrians are forced to take evasive action, when these "hoons' are on the road.
3. After a site visit, staff have proposed the southern end of William Street which truncates on to Albert Street could be closed for a temporary period of four years, to curtail these unwelcome activities.

STATUTORY REQUIREMENTS

4. Section 3.50 of the Local Government Act 1995 provides for closing certain thoroughfares to vehicles, as follows:
 - (1) *A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.*
 - (1a) *A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.*
 - (2) *The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.*
 - [(3) *repealed*]
 - (4) *Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to*
 - (a) *give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;*
 - (b) *give written notice to each person who*
 - (i) *is prescribed for the purposes of this section; or*
 - (ii) *owns land that is prescribed for the purposes of this section;**and*
 - (c) *allow a reasonable time for submissions to be made and consider any submissions made.*
 - (5) *The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*

WORKS & SERVICES REPORTS

Item 13.7.2 continued

(6) *An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.*

[(7) *repealed*]

(8) *If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.*

5. The requirement in subsection (8) ceases to apply if the thoroughfare is reopened

POLICY IMPLICATIONS

6. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

7. The City of Albany would be required to accept costs associated with advertising the road closure.

STRATEGIC IMPLICATIONS

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services; and innovative development complementing Albany’s unique character, natural environment and heritage.

Mission Statement:

The City of Albany is committed to providing sound governance and promoting our Community’s vision for the future.

Priority Projects

Nil.”

COMMENT/DISCUSSION

9. Wilson Street is currently a formed road that links Albert Street and George Street in Little Grove.

10. It is considered that the installation of a rock barrier, would help reduce the concern of safety issues.

11. In accordance with the Local Government Act 1995, the most appropriate course of action is to invite submissions from the community and service authorities for the partial closure of William Street.

WORKS & SERVICES REPORTS

Item 13.7.2 continued

12. The rock barrier would be in place for a period of four years, which would act as an immediate deterrent for the 'hoon' behaviour and allow the locality to develop a more safety conscious attitude to traffic movement. The traffic-calming device could then be re-assessed as to its ongoing viability.

RECOMMENDATION

THAT Council;

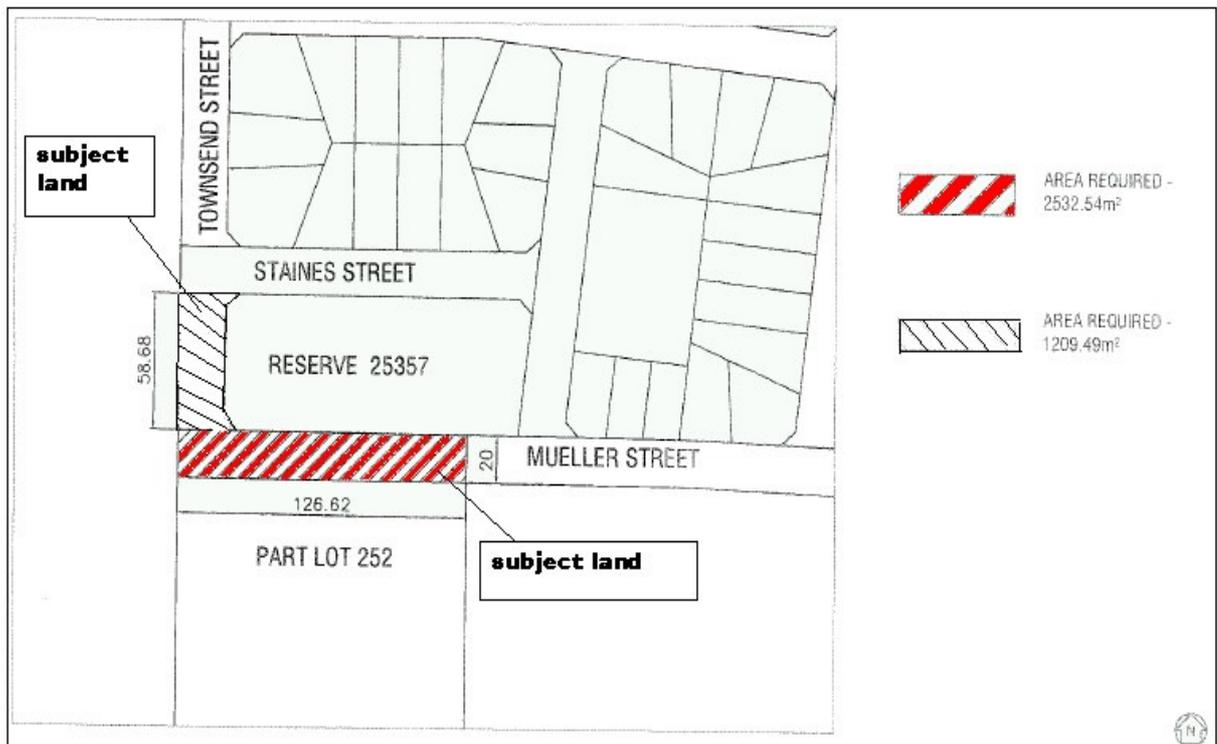
- i) **In accordance with Section 3.50 of the Local Government Act 1995, proceed with the temporary closure to traffic of that portion of William Street, Little Grove for a period of four years;**
- ii) **Ensure that the road is signed adequately to permit “Local Traffic Use Only” and advise that this is a “no through road”; and**
- iii) **Authorise staff to finalise the legislative requirements of the closure, should no objections be received.**

Voting Requirement Simple Majority

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13.7.3 Proposal to acquire land from Mueller Street

File/Ward	:	STR131 (Vancouver Ward)
Proposal/Issue	:	Proposal to acquire land from Pt Lot 252 Mueller Street and Reserve 25357 for road reserve
Subject Land/Locality	:	Pt Lot 252 Mueller Street and Pt Reserve 25357
Proponent	:	City of Albany
Owner	:	STV Investments Pty Ltd and Crown Land
Reporting Officer(s)	:	Executive Director Works and Services (L Hewer) and Executive Support Officer Grant Funding and Finance (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19.04.05 Item 13.3.5 OCM 20.06.06 Item 18.1
Summary Recommendation	:	That Council acquire land for road reserve purposes
Bulletin Attachment	:	Nil
Locality Plan	:	



WORKS & SERVICES REPORTS

Item 13.7.3 continued

BACKGROUND

1. At a Council progress meeting in February 2005, it was requested that Cull Road be upgraded. It was agreed at Council to redistribute funding from Cull Road to Mueller Street and construct access to Hanrahan Road.
2. Under the City's Roads Master Plan, funding was to be provided in the short term to reconstruct portion of Cumming Road to accommodate the vehicular traffic using that road: the long term stability of that road is problematic with the depth of peat that exists below the road reserve.
3. In April 2005, Ms Attwell and Mr J Kelly (the proponents) initially approached staff with a proposal to connect their future subdivision lot 247 Cull Road to the local road network via Cumming Road.
4. The City of Albany Town Planning Scheme 3 has identified an area between Cumming Road, Cull Road, Little Oxford Street and Wolfe Road within the "Residential Development" zone. The City of Albany Town Planning Scheme IA identifies an area to the east of Cull Road as "Future Urban" zone. The total land area is approximately 73ha. Development of those lots cannot proceed until an overall structure plan has been prepared. Because of the need to construct the western extension of Mueller Street (to link with Cull Road) and respond to the current demand for residential land, the preparation of that plan has been completed and is currently available for public comment. The area has the potential to be connected to all the necessary services.
5. There are two land deals required to address the road reserve needs, namely a request to the Crown to excise portion of Reserve 25357 and to the private landowners of lot 252 Mueller Street.
6. Council staff have attempted to negotiate with affected landowners to resolve the land acquisition necessary to complete the extension of Mueller Street, but have so far been unsuccessful due the sale of the land during negotiations.

STATUTORY REQUIREMENTS

7. Section 18 of the Land Administration Act, requires Council to seek Ministerial approval to excise portion of Reserve 25357 for road purposes. As staff have been unable to negotiate with the current landowners to acquire portion of lot 252 Mueller Street, it is recommended Council agree to compulsory acquisition action in accordance with Section 170 of the Land Administration Act.
8. Pursuant to Section 56 of the Land Administration Act, Council is able to dedicate the resultant land as a public road.

POLICY IMPLICATIONS

9. The City of Albany Town Planning Scheme 3 states that the broad objective for the Residential Development zone is *"to facilitate the orderly and equitable development for residential purposes of areas where the existing subdivisional pattern, multiple ownership, or other factors make this objective unobtainable by the normal methods of subdivision and development."*

WORKS & SERVICES REPORTS

Item 13.7.3 continued

FINANCIAL IMPLICATIONS

- 10. The City of Albany has budgeted for land development of the Council-owned Cull Road Subdivision, which includes the need for Mueller Street extension to be finalised. The compulsory acquisition costs will be funded from the Roads Masterplan Road Construction account Job number 1347.

STRATEGIC IMPLICATIONS

- 11. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision

Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through excellent community infrastructure and services.

Mission Statement

The City of Albany is committed to sustainably managing Albany’s municipal assets, and promoting our Community’s vision for the future.

Priority Projects

Nil.”

COMMENT/DISCUSSION

- 12. The road reserve, which forms the extension of Mueller Street is positioned within the concept plan to maximise the subdivision potential of the land. The construction of that road in the short term is likely to reduce illegal dumping on the land and improve marketing of future residential lots created from the land.
- 13. The improvement of road exposure for adjoining land parcels has economic advantages to local land owners and Council and has the potential to create another urban development front for consumers, in close proximity to the City centre.

RECOMMENDATION

THAT Council agrees to;

- i) proceed with compulsory acquisition of portion of lot 252 Mueller Street in accordance with section 170 of the Land Administration Act;**
- ii) seek approval for the excision of portion of Reserve 25357 from the Department of Land Information for road reserve purposes in accordance with section 18 of the Land Administration Act; and**
- iii) seek approval to dedicate the resultant land as road reserve in accordance with section 56 of the Land Administration Act.**

Voting Requirement Simple Majority

.....

WORKS & SERVICES REPORTS

13.7.4 Clearing in Council Controlled Land

File/Ward	:	SER174 (All Wards)
Proposal/Issue	:	Road side vegetation
Subject Land/Locality	:	All areas
Proponent	:	City of Albany
Owner	:	City of Albany, Crown Land
Reporting Officer(s)	:	Executive Director of Works & Services (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council adopt the Policy for Clearing in Council Controlled Land.
Bulletin Attachment	:	Environmental Code of Conduct – Guidelines for Works on Council Controlled Land
Locality Plan	:	Nil

BACKGROUND

1. In the past Local Government had little if any regulations to control roadside vegetation removal.
2. In 2005 the State Government legislated that all clearing including Local Government clearing of road verges was to have Department of Environmental & Conservation approval.

STATUTORY REQUIREMENTS

3. Environmental Protection Act 1986 – Environmental Protection (Clearing of Native vegetation) regulations 2004.

POLICY IMPLICATIONS

4. This Policy has been prepared in accordance with the 'Corporate Documents Policy' and if adopted, will result in a new policy, 'Clearing in Council Controlled Land Policy'.

FINANCIAL IMPLICATIONS

5. There are no financial implications relating to this item.

WORKS & SERVICES REPORTS

Item 13.7.4 continued

STRATEGIC IMPLICATIONS

- 6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles and a flourishing natural environment through restoration, and protection, of areas of high biodiversity within land, river and sea ecosystems.

Mission Statement:

The City of Albany is committed to sustainably managing Albany’s municipal assets.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

- 7. Council staff have taken pro-active steps in the last 2-3 years to ensure that all clearing is carried out to “Best Practice”.
- 8. Since the legislation has been enacted Council Staff have developed and adopted an Environmental Code of Conduct for clearing in Council controlled reserves (see attached Report/Information/Bulletin). Their code outlines all the requirements of the legislation, incorporating our Best Practice techniques

RECOMMENDATION

THAT Council adopt the Clearing in Council Controlled Land Policy as attached.

Voting Requirement Simple Majority

.....

Item 13.7.4 continued



Council Policy

Clearing in Council Controlled Land

© City of Albany, 2006

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference: P

102 North Road, Yakamia WA 6330
PO Box 484, Albany WA 6331
Tel: (+61 8) 9841 9333
Fax: (+61 8) 9841 4099
staff@albany.wa.gov.au
www.albany.wa.gov.au

WORKS & SERVICES REPORTS

Item 13.7.4 continued

1. Objective

To ensure that all vegetation cleared by the City of Albany is carried out in accordance with statutory legislation.

2. Scope

The management of road reserves, gravel pits and other Council controlled land.

3. Definitions

Vegetation Clearing:	Any clearing of vegetation including trees, remnant vegetation and small flora
-----------------------------	---

4. Policy Statement

"To minimise the environmental impacts that could be caused by works carried out on Council controlled land."

5. Legislative and Strategic Context

State Legislation states that all vegetation clearing by Local Government has to conform to State regulations.

The Council has produced a document titled "Environmental Code of Conduct – Guidelines for Works on Council Controlled Land" to incorporate all processes, procedures and operational requirements to further enhance the State regulations. The document has been reviewed and endorsed by the Department of Environment and Conservation.

This Policy conforms to the Environmental Protection Act 1986 – Environmental Protection (Clearing of Native Vegetation) Regulations 2004 and Environmental Protection (Environmentally Sensitive Area) Notice 2005.

The City of Albany is committed to sustainably managing Albany's municipal assets and delivering excellent community services.

6. Review Position and Date

Executive Director of Works & Services to review on or before 30/6/2009.

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference: P

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PO Box 484, Albany WA 6331
Tel: (+61 8) 9841 9333
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Item 13.7.4 continued

7. Associated Documents

- Environmental Code of Conduct – Guidelines for Works on Council Controlled Land

and

- Environmental Protection Act 1986 – Environmental Protection (Clearing of Native Vegetation) Regulations 2004

CEO Authorisation: _____

Date: ____/____/____

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference: P

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WORKS & SERVICES REPORTS

13.8 WORKS & SERVICES COMMITTEES

13.8.1 Bushcarers Advisory Committee Minutes – 8th September 2006

File/Ward	:	MAN121 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer	:	Reserves Officer (S Maciejewski).
Summary Recommendation	:	That the minutes of the Bushcarers Advisory Committee meetings held on the 8 th September 2006 be adopted.

COMMENT/DISCUSSION

1. The Department of Agriculture and Food has legislation dealing with plants that may pose a threat to agriculture or animals. In regards to “nuisance plants”, some Local Authorities in Western Australia has adopted Local Laws to deal with plant species that cause broader environmental concerns. The City of Albany does not currently have a Local Law that addresses Pest Plants. In order for the recommendation of the committee to be actioned (i.e. Victorian tea-tree to become a Pest Plant) a Local Law would need to be developed and adopted by Council.
2. Staff has provided an alternate recommendation in regards to Minute 5.4. The Committee has sought co-operation from several absentee landowners to remove Victorian Tea-tree from their properties without success.

COMMITTEE RECOMMENDATION

That the minutes of the Bushcarers Advisory Committee meetings held on the 8th of September 2006 be adopted (Copies of the minutes in the Elected Members’ Report/Information Bulletin).

- 5.4 That Victorian Tea-tree is declared as a Pest Plant in the area indicated on Map 1.
- 6.1 That Lawrie Anderson becomes a Committee member representing the Department of Environment and Conservation.
- 6.1 That Vernice Gilies becomes a Committee member representing the community.

Item 13.8.1 continued

RECOMMENDATIONS

1. **THAT the minutes of the Bushcarers Advisory Committee meetings held on the 8th of September 2006 be adopted with the exception of item 5.5.**
- 6.1 **That Lawrie Anderson becomes a Committee member representing the Department of Environment and Conservation.**
- 6.1 **That Vernice Gilies becomes a Committee member representing the community**

Voting Requirement Absolute Majority

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2. **THAT Council commence the process of preparing a Local Law to deal with Pest Plants within the City of Albany and that the Bushcarers Advisory Committee be advised accordingly.**

Voting Requirement Simple Majority

.....

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil.

GENERAL MANAGEMENT SERVICES REPORTS

14.2 ORGANISATIONAL DEVELOPMENT

14.2.1 Schedule of Ordinary Council Meetings and Agenda Briefings 2007

File/Ward	: MAN006 / All Wards
Proposal/Issue	: Schedule of Ordinary Council Meetings and Agenda Briefings 2007
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Corporate Governance Coordinator (JR Byrne)
Disclosure of Interest	: Nil.
Previous Reference	: Nil.
Summary Recommendation	: To adopt a schedule of dates, times and venues to hold Ordinary Council Meetings and Agenda Briefings during 2007
Bulletin Attachment	: Nil.
Locality Plan	: Nil.

BACKGROUND

The Council has previously established a schedule of holding one (1) Ordinary Council Meeting on the third Tuesday of each month, with Agenda Briefing Sessions held one (1) week prior on the second Tuesday of each month, in accordance with the Briefing and Meeting Arrangement Policy (copy attached).

Both Ordinary Council Meetings and Agenda Briefing Sessions are open to the public in accordance with the Local Government Act 1995.

In recent times, the Council resolved to amend the starting time of Ordinary Council Meetings from 7.30pm to 7.00pm.

STATUTORY REQUIREMENTS

Sections 5.3, 5.4 and 5.25 of the Local Government Act 1995 and Regulation 12 of the Local Government (Administration) Regulations 1996 apply. In essence, the Council must establish meetings dates and at least once each year give local public notice of the dates on which and the time and place at which ordinary council meetings are to be held in the next 12 months.

POLICY IMPLICATIONS

Briefing and Meeting Arrangement Policy.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

FINANCIAL IMPLICATIONS

Costs associated with the advertising of the Ordinary Council Meeting and Agenda Briefing Session times, dates and venues will be incurred and managed within the existing budget.

STRATEGIC IMPLICATIONS

This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Nil.

Mission Statement:

The City of Albany is committed to providing sound governance.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

This item seeks to establish a schedule of dates, times and venues for the holding of Ordinary Council Meetings and Agenda Briefing Sessions during the 2007 calendar year, which is consistent with past practice and the Council’s Briefing and Meeting Arrangement Policy. It is proposed that all meetings will be held in the Council Chambers, with Agenda Briefing Sessions to be held on the second Tuesday of each month commencing at 6.00pm and Ordinary Council Meetings to be held on the third Tuesday of each month commencing at 7.00pm. A table of dates follows:

Schedule of Meetings 2007

Agenda Briefings	Ordinary Council Meetings
9 January	16 January
13 February	20 February
13 March	20 March
10 April	17 April
8 May	15 May
12 June	19 June
10 July	17 July
14 August	21 August
11 September	18 September
9 October	16 October
13 November	20 November
11 December	18 December

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

RECOMMENDATION

THAT:

1. **The following Schedule of Agenda Briefing Sessions and Ordinary Council Meetings for 2007 be adopted, with Agenda Briefing Sessions to commence at 6.00pm and Ordinary Council Meetings to commence at 7.00pm:**

Schedule of Meetings 2007

Agenda Briefings	Ordinary Council Meetings
9 January	16 January
13 February	20 February
13 March	20 March
10 April	17 April
8 May	15 May
12 June	19 June
10 July	17 July
14 August	21 August
11 September	18 September
9 October	16 October
13 November	20 November
11 December	18 December

2. **All Agenda Briefing Sessions and Ordinary Council Meetings to be held in the Council Chambers at 102 North Road, Yakamia.**
3. **The adopted Schedule of Agenda Briefing Sessions and Ordinary Council Meetings for 2007 be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.**

Voting Requirement Simple Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

Briefing and Meeting Arrangement Policy

- i) Council shall conduct meetings on the third Tuesday of each month commencing at 7.30pm preceded by a meal commencing at 6.00pm for Councillors and senior staff;
- ii) Council shall conduct an Agenda briefing session on the second Tuesday of each month commencing at 6.00pm. The Agenda briefing is to be open to the public except for matters that are prescribed as 'behind closed doors items' in the Local Government Act;
- iii) Council shall provide an opportunity (maximum timeframe, one hour) for Councillors at the conclusion of the Agenda Briefing session to discuss relevant general interest items in a confidential forum;
- iv) Council shall conduct Concept briefing sessions on the first, fourth and fifth Tuesday of each month as required, behind closed doors commencing at 6.00pm;
- v) Council shall issue the Ordinary Council Meeting Agenda on the Friday afternoon prior to the Agenda Briefing Session; and
- vi) Briefing Session Guidelines for Members at Briefing sessions:
 - a. all discussion shall be channelled through the chair;
 - b. elected members shall not reveal their intention on how they will vote on the issue under discussion;
 - c. no opportunity shall be provided to create a collective Council decision;
 - d. elected members shall declare financial interests at concept briefings and may remain in the chamber and participate in the item concerned;
 - e. elected members shall declare financial interests at agenda briefings and may remain in the chamber and participate in the item concerned subject to approval of a majority of elected members present at the briefing;
 - f. chairing arrangements for briefings shall be the same as those for ordinary Council meetings; and
 - g. Agenda Briefing Session business shall be limited to matters listed for debate at the next ordinary Council Meeting and information arising from Councillor attendance at external Committee and Conference meetings.

Andrew Hammond
Chief Executive Officer

19 October 2004
OCM 19.10.2004
Item 14.2.2

GENERAL MANAGEMENT SERVICES REPORTS

14.3 ECONOMIC DEVELOPMENT

Nil

GENERAL MANAGEMENT SERVICES REPORTS

14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

14.4.1 Minutes of the Albany Tourism Marketing Advisory Committee

File/Ward	:	STR208 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Manager Economic Development (J.Berry)
Summary Recommendation	:	That the minutes of the Albany Tourism Marketing Advisory Committee held on 6 November 2006 and 4 December 2006 be received and recommendations adopted.

RECOMMENDATION

THAT the minutes of the Albany Tourism Marketing Advisory Committee meetings held on 6 November 2006 be received (*copy of minutes are in the Elected Members Report/Information Bulletin*) and the following recommendation be adopted.

- i) THAT Council endorse the preliminary design concepts for interior layout and new external features for the Albany Airport. (*copy of concepts attached to the meeting minutes in the Elected Members Report/Information Bulletin*)**

Voting Requirement Simple Majority

.....

- ii) THAT the minutes of the Albany Tourism Marketing Advisory Committee meetings held on 4 December 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin)**

Voting Requirement Simple Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

14.4.2 Minutes of the Special Meeting of Electors – 4th December 2006

- File/Ward** : MAN080 (All Wards)
- Proposal/Issue** : Minutes of Special Meeting of Electors for Council Consideration.
- Reporting Officer(s)** : Corporate Governance Coordinator (JR Byrne)
- Summary Recommendation** : That the minutes of the Special Meeting of Electors held on 4 December 2006 be received.

RECOMMENDATION

THAT the minutes of the Special Meeting of Electors' held on 4 December 2006 be received (*copy of minutes are in the Elected Members Report/Information Bulletin*).

Voting Requirement Simple Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

14.4.3 Minutes of the General Meeting of Electors – 5th December 2006

- File/Ward** : MAN080; REL113(All Wards)
- Proposal/Issue** : Minutes of General Meeting of Electors for Council Consideration.
- Reporting Officer(s)** : Corporate Governance Coordinator (JR Byrne)
- Summary Recommendation** : That the minutes of the General Meeting of Electors held on 5 December 2006 be received.

RECOMMENDATION

THAT the minutes of the General Meeting of Electors' held on 5 December 2006 be received (*copy of minutes are in the Elected Members Report/Information Bulletin*).

Voting Requirement Simple Majority

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15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin
DRAFT MOTION

THAT the Elected Member's Report/Information Bulletin, as circulated, be received and the contents noted.

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 Off Road Vehicles – Rescission Motion

Councillor Lionetti has provided the Chief Executive Officer with written advice that he intends to move the following motion at the 19 December 2006 Ordinary Council Meeting:

THAT Council rescind motion 11.2.1 of the Ordinary Council Meeting of 21/11/2006 and that the issue of Off Road Vehicles at Cheynes Beach be subjected to a 30 day community consultation period and reconsidered at the January 2007 Ordinary Council Meeting.

Absolute Majority Vote Required

.....

The written notice of motion was submitted in accordance with Clause 10.1 of the City of Albany Standing Orders Local Law and sub-regulations (1) (b) and (1a) of Regulation 10 of the Local Government (Administration) Regulations 1996.

Councillors Lionetti, Wiseman, Waterman, West and Marshall supported the rescission motion in writing.

17.0 MAYORS REPORT

DRAFT MOTION

THAT the Mayor's Report dated 19 December 2006 be received.

18.0 URGENT BUSINESS APPROVED BY MAYOR OR BY DECISION OF THE MEETING

19.0 CLOSED DOORS

12.7.3 Internal Review Committee meeting minutes – 6th November 2006

20.0 NEXT ORDINARY MEETING DATE

Tuesday 16th January 2007, 7.00pm

21.0 CLOSURE OF MEETING