



MINUTES

SPECIAL MEETING OF COUNCIL

**Held on
Wednesday, 26th November 2008
at 6.00 pm
City of Albany Council Chambers**

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1.0 DECLARATION OF OPENING

The Deputy Mayor declared the meeting open at 7.01pm.

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

Deputy Mayor (West Ward)	D Wolfe
Councillors:	
Breaksea Ward	J Bostock
Breaksea Ward	D Wiseman (arrived at 6.07pm)
Frederickstown Ward	D Price
Frederickstown Ward	Vacant
Kalgan Ward	J Walker
Kalgan Ward	R Buegge
Vancouver Ward	R Paver
Vancouver Ward	K Stanton
West Ward	Vacant
Yakamia Ward	J Matla
Yakamia Ward	G Kidman
Staff:	
Acting Chief Executive Officer (Executive Director Corporate & Community Services)	WP Madigan
Acting Executive Director Works & Services	Absent
Executive Director Development Services	R Fenn
Acting Minutes Secretary	S Smith

3.0 OPENING PRAYER

The Deputy Mayor read the 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

Council’s Standing Orders Local Laws provide that each Special 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 His Worship the Mayor on matters relating to the business listed on the agenda.

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.

Item 4.0 continued.

Speaker One

Ms Judy Goodall – Gledhow

Ms Goodall addressed Council in regards to report item 6.1, point 5 of the Alternate Motion.

“ v) Detailed plans and specifications of the proposed method of stormwater disposal is to be submitted for approval by the Executive Director Works and Services prior to the issue of a building licence. Such plans should identify the invert levels, cover levels and pipe size and grade for the drainage.”

Ms Goodall asked would Council guarantee they would police the conditions set upon the applicant to ensure there would be no on-going odour problems at Kitson Road.

Response: Executive Director Development Services advised that if the applicant does not comply with the conditions imposed, Council has the power to issue an infringement notice under the Environmental Protection Act, followed by an Environmental Pollution Notice (EPN). The EPN would effectively close the business until the problem had been rectified.

What system is in place to rectify any problems that may arise?

Response: Executive Director Development Services responded and advised that holding tanks can be installed or the property can be connected to sewer.

Speaker Two

Ms Lee-Ann Sugg – Albany

Ms Sugg requested Council support to rescind the motion.

Ms Sugg advised that 63 homes will be affected by the Seafood Processing Plant. Ms Sugg outlined outstanding issues that had not been rectified by Council in the past and believed that Council would not take the appropriate action to rectify any issues that may arise in regards to conditions set upon this application. Ms Sugg also raised the issue of scaling and guttering of fish and advised that residents had not been informed of condition changes.

Speaker Three

Mr Ian Skalko – Albany

Mr Skalko addressed Council in favour of the Issue of Planning Consent. Mr Skalko supports local businesses and supports Central Business District operations.

Item 4.0 continued.

Speaker Four

Mr Roy Winslow – Harley Survey Group

Mr Winslow confirmed two issues in regards to the item 6.1.

1. The proprietor is not the owner of the Kitson Road property; and
2. Gutting and Scaling condition was identified within the original proposal submitted to Council and Advertised.

Response: The Deputy Mayor thanked Mr Winslow for his comments, and advised that Council is aware of these issues.

Speaker Five

Mr Jim Monahan – Albany Lifestyle Village

Mr Monahan addressed Council in regard to Item 6.1 and advised that when he purchased his property within the Village is was on the understanding that no commercial operation such as fish processing plant would operate within the vicinity of the village.

Mr Monahan asked Council two questions in regard to breach of conditions.

1. Who is responsible for the enforcement of conditions?
2. Can the factory be closed down?

Response: Executive Director Development Services responded to Mr Monahan's questions. EDDS advised that infringement notices can be issued and the factory may be closed down if odour becomes a problem in the future.

5.0 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.]

Nil.

6.0 REPORTS

6.1 – RESCIND A MOTION - 11.1.1 – Development Application – Use Not Listed – Seafood Processing with Retail Sales – 37 Hercules Crescent, Centennial Park, Alternate Motion passed at the 18th November 2008, Ordinary Council Meeting.



RESCIND A MOTION

In accordance with Regulation 10(1a) of the Local Government (Administration) Regulations 1996, we the undersigned hereby move to have the **Alternate Motion of Report Item 11.1 - DEVELOPMENT APPLICATION – Use Not Listed – Seafood Processing with Retail Sales – 37 Hercules Crescent, Centennial Park** which was moved at the Ordinary Council Meeting held on **18th November 2008**, be reconsidered.

<u>J.M. Wankel</u> Name	<u>J.M. Wankel</u> Signature	<u>19-11-08</u> Date
<u>JILL BOSTOCK.</u> Name	<u>J Bostock.</u> Signature	<u>19.11.08.</u> Date
<u>GORDON KIDMAN</u> Name	<u>G.P. Kidman</u> Signature	<u>19.11.08</u> Date
<u>ROLAND PAYER</u> Name	<u>Roland Payer</u> Signature	<u>19.11.08</u> Date
<u>JES WOLFE.</u> Name	<u>J. Wolfe.</u> Signature	<u>19.11.08</u> Date

Item 6.1 continued.

PROCEDURAL MOTION – SUSPEND ORDER OF CALL IN DEBATE
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BOSTOCK

THAT Council SUSPEND clause 6.5 – Order of call in debate of the Standing Orders Local Law 2000.

MOTION LOST 3-7

Reason: To allow open discussion.

Councillor Bostock addressed Council in regards to Item 6.1. A copy of Councillor Bostock's address is detailed at appendix A.

ITEM 6.1 – RESCIND A MOTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR BOSTOCK

THAT THE MOTION passed at item 11.1.1 at Ordinary Council Meeting dated 18th November 2008 as follows:

“THAT Council resolves to issue a conditional Notice of Planning Scheme Consent for a 'Use Not Listed - Seafood Processing with Retail Sales' at 37 Hercules Crescent, Centennial Park, subject to the following conditions:

- i) All development shall be undertaken in accordance with the information and plans submitted with the Application for Planning Approval, except where modified by a condition attached to the Notice of Planning Scheme Consent.***
- ii) The processing capacity of the approved development shall not exceed 200 tonnes per annum, unless with the prior written approval of Council.***
- iii) All vehicular parking, manoeuvring and circulation areas indicated on the approved plan are to be constructed, properly drained and sealed to the satisfaction of Council. All parking spaces are to be line marked and maintained in good repair.***
- iv) All runoff from impervious surfaces is to be contained within the property and disposed of, via a trapped sump located within the property, by connection to the existing drainage system.***
- v) Detailed plans and specifications of the proposed method of stormwater disposal is to be submitted for approval by the Executive Director Works and Services prior to the issue of a building licence. Such plans should identify the invert levels, cover levels and pipe size and grade for the drainage.***

Item 6.1 continued.

- vi) ***A landscape plan, showing the size, species, location and reticulation of the trees and shrubs to be planted or retained, is to be submitted to the Manager Planning and Ranger Services for approval prior to the issue of a building licence.***
- vii) ***All of the land indicated as landscaped area on the approved plan is to be landscaped prior to, or concurrently with the practical completion of the building to the satisfaction of the Manager Planning and Ranger Services.***
- viii) ***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 building.***
- ix) ***All liquid waste generated by the approved land use shall be disposed of within the Water Corporation sewer main, with appropriate pre-treatment of the waste.***
- x) ***A detailed cleaning plan is to be submitted and approved by the Manager of Health and Building Services prior to the issuing of a building licence and the approved development is to be maintained in accordance with that plan thereafter operation.***
- xi) ***All solid waste produced on-site is to be collected daily, placed into air tight containers, refrigerated and disposed of to the satisfaction of the Manager of Health and Building Services on a frequency no longer than weekly.***
- xii) ***All refrigeration plant, air conditioners and other external plant attached to the approved building shall be installed and operated in accordance with the Environmental Protection (Noise) Regulations 1997.***
- xiii) ***Fish requiring gutting on-site must not exceed 30 tonnes per annum (15% of entire capacity) unless with the prior written approval of Council.***
- xiv) ***There shall be no further processing of fish on the site, which includes frying or smoking of fish without the written consent of the City's Environmental Heath Section.***
- xv) ***The retail sale of seafood from the site shall be limited to seafood which is delivered whole and processed on the site by the owners/proprietors, unless otherwise agreed in writing by the Council."***

MOTION LOST 4-6

Note: Section 5.25 (1)(e) of the Local Government Act 1995 refers

7.0 CLOSURE OF MEETING

There being no further business the Deputy Mayor declared the meeting closed at 6.28pm.

Confirmed as a true and accurate record of proceedings.

D Wolfe
Deputy Mayor

Appendix:

A. Tabled Documents

TABLED DOCUMENTS

Councillor Bostock's tabled address:

Special Council Meeting 26 November 2008

Item 6.1 Rescission motion:

"Use not Listed Seafood Processing with Retail Sales" 37 Hercules Crescent, Centennial Park.

Mayor and Councillors I am so sorry that we are back here this evening grappling with this difficult issue. The pain I am sure is because each of us is striving to reach the best possible outcome for the applicant and the community.

In this case however, the decision making process has been compromised and it is therefore essential that the matter is re-examined.

My initial concern is that immediately prior to our meeting last week, it was suggested to one of our new councillors that he may have a conflict of interest with regard to the fish factory item. This resulted in that councillor, declaring a financial interest and leaving the chamber, but had he remained, the motion would have been lost.

The councillor had NO financial interest and this fact has been confirmed by the Department of Local Government.

My second concern is that I believe councillors have been influenced by confusing information. It was suggested that the impact of this fish factory would be negligible. To support this statement a comparison was made to Bevans, a much bigger establishment which has been operating for many years without complaint.

I have spoken to Mr Bevan personally and have established the pertinent issue, that his business is completely different to that under our consideration.

Mr. Bevan's business handles NO FRESH FISH the entire operation is with frozen products. I think we can all appreciate that the storage and distribution of frozen fish, bears no relation to a wet fish processing plant and any comparison is not only irrelevant but unhelpful.

Last week I detailed the planning imperatives that determine why this application for a fish processing establishment should be refused. Mindful of your valuable time I will not reiterate my argument, suffice it to say this application is inconsistent with TPS 1A and at least 6 Local and State Planning Policies and its approval would constitute a complete disregard of the first planning principal, to ensure best possible land use and avoid conflict between differing uses.

Councillor Jill Bostock.