



MINUTES

SPECIAL MEETING OF COUNCIL

**on
Tuesday, 27th July 2004
6.00pm
Mercer Road Council Chambers**

City of Albany

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Signed _____

Date: 28th July 2004

Peter Madigan

Acting Chief Executive Officer

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1.0 DECLARATION OF OPENING

Her Worship the Mayor declared the meeting open at 6.00pm and extended a welcome to all present.

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

Mayor	-	A Goode, JP
Councillors	-	MJ Evans, JP
	-	SM Bojcun
	-	DJ Wolfe
	-	DW Wellington
	-	JD Williams
	-	RH Emery
	-	J Waterman
	-	E Barton
	-	J Jamieson
	-	G Sankey
	-	I West
	-	P Lionetti (arrived at 6.01pm)
	-	AHM Demarteau
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	B Joynes
Executive Director Development Services	-	R Fenn
Minute Secretary	-	SM Day
Approximately 21 members of the public		
4 media representatives		
<u>Apologies / Leave of Absence:</u>		
Councillor	-	R Paver
Chief Executive Officer	-	AC Hammond

3.0 OPENING PRAYER

Mayor Goode 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.”

GWN requested to video the Special Meeting of Council.

**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR EVANS**

**THAT GWN be permitted to video record the Special Meeting of Council.
MOTION CARRIED 13-0**

Councillor Lionetti arrived at 6.01pm.

4.0 DISCLOSURE OF INTEREST

- Councillor Barton – Item 6.1 Retail Trading Hours
Nature of Interest: Employee within the Retail Industry
- Councillor Wellington – Item 6.1 Retail Trading Hours
Nature of Interest: Involved within the Retail Industry
- Councillor Waterman – Item 6.1 Retail Trading Hours
Nature of Interest: Involved within the Retail Industry
- Councillor Lionetti – Item 6.1 Retail Trading Hours
Nature of Interest: Involved within the Retail Industry

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.

***J Lynn – King Open Pty Ltd**

Mr Lynn addressed Council in regard to Item 6.0 retail trading hours and raised the following questions?

1. What did you, as a Councillor think was the intent of the motion on seven day trading, at the last meeting?
2. Was it to maintain the current status of trading in the City and gradually 'ease in' further changes during summer months over the next three years?
3. Was it to change the present criteria and close down all trading on Thursday nights and Sunday's between May and November for the next three years?
4. By voting against the motion, was it to stop all trading for stores employing more than ten staff on the floor to cease trading on a Sunday during the period May to November?
5. By voting against the motion, was it your intention to support the Officer Recommendation?
6. A motion that can allow such a wide interpretation of its intention is poorly drafted and should be rescinded.

***P Hines – Milpara**

Mr Hines addressed Council in regard to Item 6.0 Retail Trading Hours and asked Council not to support seven day trading.

***A Bergsma – Endeavour Way, Albany**

Mr Bergsma addressed Council in regard to Item 6.0 Retail Trading Hours and asked Council not to support seven day trading.

*** C Plowman – Retravision**

Mr Plowman addressed Council in regard to Item 6.0 Retail Trading Hours and asked Council not to support seven day trading.

***D Dufty – Mt Barker**

Mr Dufty addressed Council in regard to Item 6.0 Retail Trading Hours and asked Council to take time and consider an option that is fair to all.

***B Cameron – Harpe Road**

Mr Cameron addressed Council in regard to Item 6.0 Retail Trading Hours and asked Council to consider Albany’s trading hours. Farm Fresh were granted seven day trading under different circumstances. Small businesses are the heart of the town, and the ones who count.

***P Spanbroek**

Mr Spanbroek addressed Council in regard to Item 6.0 Retail Trading Hours and advised that Sunday was the biggest trading day for Farm Fresh. He asked Council to rescind motion and consult further in this regard.

6.0 RETAIL TRADING HOURS

COUNCILLOR MOTION

Supported by Mayor Goode, Councillor Evans, Sankey, Demarteau & Bojcun.

THAT Council rescind the decision take at the Ordinary Council Meeting on Tuesday 20th July 2004, at item 12.2.5 which states:-

“THAT Council recommend to the Minister for Consumer and Employment Protection to extend the retail trading hours for the municipality of the City of Albany for three years until 30th April 2007 as follows:

December 1st to April 30th. (Summer period)

Monday to Friday 0800 a.m. - 6.00 p.m.

Saturday 0800 a.m. - 6.00 p.m.

Sunday 10.00 a.m. – 6.00 p.m.

Public holidays (excluding Good Friday and Christmas Day) 12.00 p.m. - 6.00 p.m.

May 1st to November 30th (Winter period)

Monday to Saturday including Public Holidays 0800 a.m. - 6.00 p.m.”

Voting Requirement Absolute Majority

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Councillor’s Barton, Lionetti, Wellington and Waterman declared an interest in this item and left that Chambers at 6.17pm.

The nature of their interest is that all Councillors work within the retail industry.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR DEMARTEAU**

THAT Council rescind the decision take at the Ordinary Council Meeting on Tuesday 20th July 2004, at item 12.2.5 which states:-

“THAT Council recommend to the Minister for Consumer and Employment Protection to extend the retail trading hours for the municipality of the City of Albany for three years until 30th April 2007 as follows:

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Friday and Christmas Day) 12.00 p.m. - 6.00 p.m.

May 1st to November 30th (Winter period)

Monday to Saturday including

Public Holidays 0800 a.m. - 6.00 p.m.”

**MOTION CARRIED 10-0
ABSOLUTE MAJORITY**

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WEST**

THAT consideration of any future motion for seven (7) day trading within the City of Albany be deferred until a Council working party and Council Officer prepare a suitable motion for consideration by Council. This motion is to be circulated to the public and members of the public including businesses invited to submit comments following which the motion will be presented to Council for consideration.

MOTION CARRIED 9-1

Reason:

To rush into consideration of a motion on seven (7) day trading this evening would be folly for the Council and as businesses have had an opportunity to have input into the trading hours question, this motion will provide members of the public with a similar opportunity to comment.

Councillor’s Barton, Lionetti, Wellington and Waterman returned to the Chambers at 6.34pm.

7.0 CLOSURE OF MEETING

The meeting closed at 6.35pm.