



# **MINUTES**

## **ORDINARY MEETING OF COUNCIL**

**Held on  
Tuesday, 15<sup>th</sup> April 2008  
7.00pm  
City of Albany Council Chambers**

# City of Albany

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Signed \_\_\_\_\_

**Andrew Hammond**  
Chief Executive Officer

Date: 18<sup>th</sup> April 2008

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## 1.0 DECLARATION OF OPENING

The Mayor declared the meeting open at 7.03 pm.

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

Mayor -		MJ Evans, JP
Councillors -		J Bostock
	(Arrived at 8.40pm)	DR Wiseman
		DM Price
		RC Buegge
		R Paver
		EK Stanton
		DJ Wolfe
		NE Williams
		J Matla
		GA Kidman
Chief Executive Officer		A Hammond
Executive Director Works & Services		L Hewer
Manager Planning and Ranger Services		G Bride
Executive Director Corporate & Community Services		WP Madigan
Minute Secretary		S Jamieson

Approximately 25 members of the public were in attendance.  
2 media representatives.

### Apologies/Leave of Absence:

Councillor	JM Walker
Councillor	CA Morris
Executive Director Development Services	R Fenn

## 3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

## 4.0 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 His 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.

Item 4.0 continued

**\*Mr Graham Harvey, Albany Resident**

Mr Harvey addressed Council, as a resident, not as the CEO of the Chamber of Commerce, in relation to Item 14.5.4 - Corporate Strategy and Governance Strategy and Policy Committee meeting minutes of 20th March 2008.

Mr Harvey's raised his concern at the content of the Minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting minutes of 20th March 2008.

Mr Harvey's raised his concern that the document did not support a clear delineation between Councillors and Staff to ensure Councillors do not involve themselves with day to day management issues.

Mr Harvey expressed that he believed a Councillors role is to provide Governance and Strategic direction.

*Councillor Paver requested to make a personal explanation.  
The Mayor refused Councillor Paver's request.*

**\*Ms Juliet Albany, 54 Duke St Albany**

Ms Albany addressed Council in relation to the Opening Prayer, as follows:

The opening in prayer has little to do with local government.

While we should be grateful to the Almighty for our City and home we suggest that the following statement read aloud at the beginning of each meeting would be more relevant to Council matters and hopefully inspire the Councillors in their work:-

'May we remind ourselves as the City Council elected by the community that our activities and decisions are intended to result in:

- (a) better decision-making;
- (b) greater community participation in the decisions and affairs of this local government;
- (c) greater accountability of this local government to our community; and
- (d) more efficient and effective local government.

In carrying out its functions we as a local government will use our best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

*[Adapted from the Local Government Act 1995, Part 1 s1.3 the Intent of the Act  
Section 1.3 amended by No. 49 of 2004 s. 15]*

We would be grateful for you consideration of this proposal and give the serious attention that the Local Government Act 1995 requires,

Juliet Albany  
54 Duke St  
ALBANY 6330

Item 4.0 continued

**\*Ms Vera Torr, Sussex St, Albany**

Ms Torr addressed Council in relation to a number of issues, in particular, the sale of Francis St in Lower King to fund the sale of the Albany Leisure and Aquatic Centre (ALAC, the destruction to the environment as a result of the Barry Court Development, the destruction of the Sheok Forrest adjacent to Lower King Road.

The following details the questions submitted for OCM 15 April 2008 by Ms Torr, via email:

Please advise the details of properties held or managed by City of Albany that have been bought and/or sold since commencement of 2004 and the purpose of those sales i.e. ALAC Waterfront etc.

- Crown Land Reserve and Unclaimed.
- Freehold
- Bought
- Sold

Also Crown Land or State Government owned land that was freehold or been converted to freehold and sold or is to be sold.

I request these answers to be given at tomorrow night's OCM 15 April 2008.

The purpose of my request is to clarify details of past and pending transactions of the City of Albany since 2004. Details I have received from Council meetings records and other records seem to be confusing.

Regards  
Vera Torr

*Mayor Response: Questions tabled in email Taken on Notice.*

**\*Mr Warren Marshall, Cliff St, Mount Melville**

Mr Marshal addressed Council in relation to Item 12.1.2 – Financial Activity Statement (Investment in Grange Resources) and enquired if Council will be pursuing legal action. The following details Mr Marshall's address:

I refer to page 45 of the Agenda, Item 12.1.2

Q1. Mr Mayor. Given the City's Grange investment loss is now in the order of \$1.85 million, some \$65,000 more than was reported last month by the Albany Advertiser;

Given the Audit Committee of October '07 did not have a full Councillor representation complement at its meeting;

Given the Auditor is reported to have seen nothing untoward in the investment strategy in spite of very public industry warnings which commenced in '06/'07;

Given the DLGRD's recent '08 Bulletin requirement for more detailed reporting and accounting of Council investments; would it not be prudent for the CoA to review its auditing processes including the role and position of Auditor, especially as the auditor foreshadowed in October, and quite improperly in my view, an increase in auditing fees, and this at a time when he was not able to advise Council on the likely nature of the impending loss that the City would suffer and that he the auditor:

- "found Grange personnel to be very competent" and
- "the investment policy adequate"?



Item 4.0 continued

Q2. Given the Council's loss is now \$65,000 greater, what imperative does Council attach to its very public March statement to pursue legal action against Grange?

*Mayor Response: Questions Taken on Notice.*

**\*Mr Tony Demarteau, 24 Lorenzo Way**

Mr Demarteau addressed Council in relation to Item 14.5.4 - Corporate Strategy and Governance Strategy and Policy Committee meeting minutes of 20th March 2008. Mr Demarteau questioned Council as follows:

Mayor Evans and Mr Hammond

I would like to put forward the following at the public open forum on Tuesday night 15th April 2008 First of all can I please clarify the name of the committee this item refers to, as the title of the item is different to the Summary Recommendation and the actual minutes attached to the item?

Can the committee in respect to this item please consider the following at their next meeting, and I refer to item 6.2 and the Annex of their minutes of the meeting held on the 20th March 2008:

- Item 6.2 para 1 suggests that all councillors be invited to complete a short questionnaire - where would the questions for the questionnaire be drawn from and who would be constructing the questionnaire?
- Item 6.2 para 2 suggests that the committee compare the current City of Albany Standing Orders Local Law with examples of Standing Orders Local Laws from three leading WA based local government authorities. Which authorities will these be please?

The Annex to the minutes puts forward some reform measures suggested by one of our councillors:

- Question: Para 5 suggests council should examine whether staff and councillors should be precluded from dining or taking drinks together immediately before or after council meetings and forums - What is the suggested alternative to ensuring that both councillors and staff have had sufficient nourishment prior to a council meeting, and how is it proposed to segregate the two parties after council meetings?
- Question: Para 24 suggests the Mayor and the CEO should be in attendance at the council offices on all days between the date the agenda is distributed and the date of the council meeting to which it relates - Does this mean they must also be in attendance on the Saturdays and Sundays as well, and what are the proposed timeframes, and how do official functions and duties get carried out by these members?
- Question: In relation to Para 24, will times also be set aside for councillors to be available?

I would also like to ask the following two questions please:

- Question: Will the Standing Orders / Code of Conduct address issues such as smoking and dress code?
- Question: Will Legal or Local Government advice be sought on the draft review of the Standing Orders?

Tony Demarteau  
Resident and Ratepayer of Albany

Item 4.0 continued

*The CEO, Mr Hammond, responded as follows:*

- *The correct title for Item 14.5.4 is Corporate Strategy and Governance Strategy and Policy Committee meeting minutes of 20th March 2008.*
- *Questions raised would be addressed by the Corporate Strategy and Governance Strategy and Policy Committee.*

**\*Ms Barbara McAllister, 2/14 Verdi St, Mount Melville**

Mr McAllister addressed Council concerning two issues. The following details Ms McAllister's address:

Issue One.

Mayor and Councillors

First I want to make clear that I support any means by which energy is renewably generated.

However my immediate concern is not so sexy.

Repeatedly I have heard conservationists pointing out that we can reduce our energy use by 50% now by means of energy saving technology, and by adopting a mind set of consuming less.

How is Albany City showing leadership in setting an example by in house energy conservation, eg by not leaving computers in the offices overnight and over weekends on standby?

What is the City's policy regarding requiring new residential, commercial and industry development to incorporate energy saving technology?

More importantly, what policy does the City have for new developments, residential, commercial and industrial, requiring building design which reduces energy requirements?

How does the design of the enormous commercial building being constructed between Albany Highway and Stead Street measure up?

Is the City willing to encourage and educate the community to get into the habit of conserving energy, bearing in mind the considerable financial savings to be made?

We need to use less.

Barbara McAllister  
Mt Melville  
13 April 2008

Issue Two.

Mayor and Councillors

Has the City a policy regarding the protection of trees and bush on private land?

I am disturbed at the destruction of bushland for development when there is so much cleared unused farmland available.

Here are just two examples of what I consider unacceptable clearing.

A developer destroyed all but one of the huge ancient paperbarks on a site on the Esplanade at Oyster Harbour - and that tree was saved by the neighbours fearing for their fence. The developer has now put the land on the market after backing away from his proposed development. The bandicoots and possums of course have gone.

Item 4.0 continued

A current real estate advertisement claims "uninterrupted Oyster Harbour views". A friend tells me that this claim results from the clearing of paperbarks on the harbour side of the road in front of the house on the Esplanade.

This is not private land and I would like to know what the City proposes to do about this.

Has the City advertised for a replacement Environmental Officer, and if so is the salary offered sufficient to attract a top person, and will the City fully support such a person, uncomfortable as it may sometimes be?

The bush belongs to all of us and to future generations, whether in private hands or not. As one of 25 biodiversity hotspots in the world, it behoves us to take responsibility for what we have instead of giving the market a free hand.

Barbara McAllister  
Mt Melville  
14 April 2008

*Manager Planning and Ranger Services, Mr Bride, provided the following response:*

- *Energy Efficiency Standards Policy is provided by the Federal Government and used as a guide throughout Australia.*
- *Approval to clear land is the responsibility of the Department of Environment and Conservation.*

**\*Ms Elizabeth Barton, 45 Carbine Street**

Ms Carbine addressed Council on behalf of the Albany Ratepayers and Residents Association. The following details Ms Barton's address:

Elizabeth Barton 45 Carbine Street speaking on behalf of the Albany Ratepayers and Residents Association

I have a number of Questions that I am aware may not be able to be answered this evening. I would therefore like to table them so that formal answers can be provided to ARRA and attached to the meeting minutes for the benefit of the community.

**1. Correspondence**

ARRA has had problems with receiving acknowledgement of receipt of correspondence and the timeliness and relevance of responses to concerns raised when a formal response is received.

- What is the City of Albany timeliness standard for responses to correspondence?
- Does this apply to all letters that are received?
- What action should a correspondent take if the standard is not met and what action will be taken by the City of Albany?

Item 4.0 continued

## **2. Environmental**

As the City continues to experience rapid growth the local environment is being put under increasing pressure.

- When new developments and subdivision applications are made to the City of Albany, what are the Statutory Requirements that must be met if the application involves the clearing of vegetation?
- In what circumstance will the City notify the Department of Environment and Conservation?
- What approvals must a developer obtain before they can legally clear a block zoned as Residential land? For example - Is it lawful for a block to be cleared before a building licence has been issued and a building envelope established?
- What penalties apply for non compliance?
- How many complaints has the City received in relation to clearing of land in the last two years and has the City undertaken any punitive action in relation to non compliance with its policies in this area?

## **3. Parking Policies**

In light of the ad hoc decision made on parking for a development application presented at the last Council meeting and the potential for the CBD parking problem to become severely exacerbated by this sort of approach -

- What are the City of Albany Parking Policies and when were they last applied unamended as stated to a development application?
- With regard to amended applications of these policies - how many times in the last 5 years have these including the collection of any payment for parking space deficiencies and what is the total amount so collected?

## **4. Sale of Land**

- What land has the City of Albany sold or plans to sell to pay for ALAC and the AEC and what prices have been received or budgeted?

## **5. Bluegum Plantation industry**

- Does the City of Albany have a policy in place for the ongoing management of the Bluegum plantation industry?
- If so - is the CoA going to review this policy given the length of time that the industry has been established?
- If not - is the CoA going to assess the effect of this industry in areas where there are mass plantings eg. Community displacement, water decline, .

At the last Council Meeting in the Public Forum Mrs Bassan asked Council if a sign could be erected at the beginning of the footbridge to notify people that there is no Disabled access to the Visitor Centre from the bridge.

There doesn't appear to be any mention of this in the Minutes of that meeting.

- Will the minutes be amended to note Mrs Bassan's concerns? and
- Will a sign be placed as suggested so that people are made aware of this design deficiency before being inconvenienced?

*Mayor response, that Mrs Bassan's comments would be recorded in the minutes.*

*At 7.35pm, Question Time extended by show of hands.*

## **\*Mr Warren Marshall, Cliff Street, Mount Melville**

Q3. Supplementary question Mr Mayor. Given that the Auditor "found Grange personnel to be very competent"; what is the nature of the auditor's contract with the CoA; is it an annual contract?

*Mayor Response: Questions Taken on Notice.*

Item 4.0 continued

**\*Ms Vera Torr, Sussex Street**

Ms Torr addressed Council in relation to Item 18.2 - Wave Energy Feasibility Study.

Ms Torr asked is it Council's intent that if the feasibility studies prove to be successful, does this mean that the Wave Energy will be automatically accepted by the City and setup at the leased site.

*The CEO, Mr Hammond, provided the following response:*

The following details Ms Torr's tabled questions and response by the CEO, Mr Andrew Hammond post meeting:

RE: Ms Torr, email request dated 14 April 2008 relating to desalination questions.

1. Assurance that does not allow a backdoor approach to a desalination construction on the Sand patch Coastline?

*Response: Any application by Carnegie Corporation to obtain a lease on Crown Reserve 13773 will be open, transparent and subject to all relevant legislation including the Local Government Act, the Town Planning Development Act and the Environmental Protection Authority Act.*

2. Current class and purpose of Crown Reserve 13773 and is it under a management order?

*Response: Crown Reserve 13773 is under a management order vested in the care control and management of the City of Albany, as a 'C' Class reserve for the purposes of conservation, recreation, water supply and wind power generation.*

3. Rent of \$1 is only to Legalise the lease. Why isn't the lease the same as other commercial feasibility studies? These companies use shareholder funding i.e. Grange Resources.

*Response: Council is not entering into a lease with Carnegie Corporation; it is entering into an option to lease. Any lease would be subject to full commercial returns to the Council.*

4. The lease as explained in item 18.2 will allow no control over the issue or non-issue of this lease, it will be entirely up to the lessee.

*Response: This is not correct; the issue of any lease will be subject to normal negotiations between Council and the proponents and subject to the property disposition provisions of the Local Government Act 1995.*

5. What aspect of the lease was legal advice sought?

*Response: Legal advice was sought to ensure that the proposal met with compliance with the Local Government Act 1995.*

6. What was the advice?

*Response: The legal advice will not be released publicly.*

7. The lease will take on an undetermined lifespan of the project.

*Response: The term of the lease will be subject to negotiation between the Council and the proponents at a later time, if in fact the proponents wish to proceed with the application for a lease.*

8. What is the expected lifespan of the project?

*Response: This information will not be available until the feasibility study is undertaken.*

9. How much infrastructure is required for a desalination plant?

*Response: This information would not be available until a feasibility study is undertaken.*

Item 4.0 continued

10. How much infrastructure is required for a Wave energy station with or without a desalination plant?

*Response: This information would not be available until a feasibility study is undertaken.*

11. How will the energy be stored?

*Response: This information would not be available until a feasibility study is undertaken.*

12. How much access to the site and outlet route for the power generator will be needed i.e. roads, power?

*Response: This information would not be available until a feasibility study is undertaken.*

13. If green energy is not available, how much grid or wind power does it take to operate a desalination plant?

*Response: This information would not be available until a feasibility study is undertaken.*

14. Will the wind farm energy be deployed to the desalination plant?

*Response: This information would not be available until a feasibility study is undertaken.*

**\*Mr Warren Marshall, Cliff Street, Mount Melville**

Mr Marshall questioned why there was not an opening prayer. The following details Mr Marshall's question:

Why wasn't the payer read at the commencement of the meeting?

*The Mayor responded that the opening prayer has been in place before the Town and Shire amalgamated and will continue to be included in the meeting.*

Mr Marshall responded: But you haven't read the prayer, you forgot to read the prayer.

*In response the Mayor asked all present to be upstanding and requested Councillor Stanton read the prayer.*

**5.0 OPENING PRAYER**

The Mayor requested Councillor Stanton to 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."

**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 18<sup>th</sup> March 2008;

as previously distributed be confirmed as a true and accurate record of proceedings.

Item 4.0 continued

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR PAVER**

**THAT the following minutes:**

- **Ordinary Council Meeting held on 18<sup>th</sup> March 2008;**  
**as previously distributed be confirmed as a true and accurate record of proceedings, subject to the inclusion of the following statement:**

**Item 5.0 - Public Question Time:**

**Mrs Barbara Bassan requested Council to place a warning sign on the Stirling Terrace Footbridge warning that there is no disabled access to the visitors centre via the Footbridge.**

**MOTION CARRIED 10-0**

**7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR BOSTOCK**

**THAT Councillor Williams be granted a leave of absence from the 15<sup>th</sup> July 08 Ordinary Council Meeting and associated briefing session.**

**MOTION CARRIED 10-0**

**8.0 DISCLOSURE OF FINANCIAL INTERESTS**

Nil

**9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

9.1 Councillor Briefing. In accordance with Section 5.23(2)(a)(b) of the Local Government Act 1995 – matters affecting staff and councillors.

**10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**11.0 REPORTS – DEVELOPMENT SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 13 - 45]

**12.0 REPORTS – CORPORATE & COMMUNITY SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on yellow – See Pages 46 - 72]

**13.0 REPORTS – WORKS & SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 73 - 101]

**14.0 REPORTS – GENERAL MANAGEMENT SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Page 102 - 133]