



MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 16th December 2008
7.00pm
City of Albany Council Chambers**

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1.0 DECLARATION OF OPENING

The Deputy Mayor declared the meeting open at 7.00pm.

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
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
West Ward	D Wolfe
Yakamia Ward	J Matla
Yakamia Ward	G Kidman
Staff:	
Chief Executive Officer	Paul Richards attended from 8.15pm
Executive Director Corporate & Community Services	WP Madigan
Acting Executive Director Works & Services	P Brown
Executive Director Development Services	R Fenn
Minutes Secretary	F Paech
Public Gallery and Media:	
2 media representatives were in attendance and approximately 41 members of the public.	
Apologies/Leave of Absence:	
Elected Members	
Mayor	MJ Evans, JP

3.0 OPENING PRAYER

Councillor Stanton 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 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 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.

Speaker One

Mr. Neil Smithson, Albany

Mr. Smithson addressed Council in regard to Item 14.3.2 – Expenditure of Grant Allocation.

A transcript of Mr Smithson’s address can be found in Appendix D.

Speaker Two

Mr. Peter Aspinall, Lower Kalgan

Mr Aspinall addressed Council in regard to Item 14.3.2 – Expenditure of Grant Allocation.

A transcript of Mr Aspinall’s address can be found in Appendix D.

Item 5.0 continued
Speaker Three

Mr. Ed Nelson, Albany

Mr Nelson spoke to Item 11.1.1 - Development Application – Proposed Caravan Park extension – Lot 4 (Number 550) Albany Highway, Milpara

He stated that spare land was available for the proposed Park Homes, that in 2005 it was deemed appropriate to develop the Park home in three stages. An agreement had been reached with the adjoining property owner to share the costs of deep sewerage.

Mr. Nelson also stated the application had been amended to comply with the 50/50 permanent/short stay requirement currently in force. He also requested that Council use the current policy - Tourism Philosophy - when considering the application.

Speaker Four

Mr Craig Pursey, Albany

Mr Pursey spoke in support of the Officer Recommendation for Item 11.1.2 - Development Application – Proposed residential buildings (x2) – 77 Stead Road, Albany.

Mr Pursey said that ACTIV have a commitment to Albany and that the approval of this Development would upgrade their facilities and services.

Mr Pursey also spoke in support of the Officer Recommendation Item 11.3.3 - Scheme Amendment – Final Approval – Lot 14 (Number 36-50) Spencer Street, Albany. In particular he supported Paragraph 16.

Speaker Five

Alastair Anderson, Albany

Mr Anderson spoke with regard to Item 11.3.3 - Scheme Amendment – Final Approval – Lot 14 (Number 36-50) Spencer Street, Albany. Mr Anderson resides opposite and said that if Council is to approve this Amendment it should remove Appendix D. He said that this does not support Council planning. He also stated that he was not against development but wished to retain the views from his property.

Speaker Six

Pat Kerriush, Middleton Beach

Ms Kerriush addressed Item 12.8.2 – Committee Recommendation 3: Item 5.2 – Competitive Neutrality Review – Gym and Group Fitness operations of the Albany Leisure & Aquatic Centre (October 2008).

Item 5.0 continued

Ms Kerriush stated that she has no interest in Body Care which is owned by her daughter. She enumerated several perceived flaws in the Neutrality Review and urged Council to reject it. Ms Kerriush asked Mr Madigan if the number of items of gym equipment at the ALAC gym was documented.

In response Mr Madigan replied that it was a documented Council decision in February 2007.

Ms Kerriush then addressed Item 12.8.2 Committee Recommendation 4. She asked if the gym was unsupervised why were ALAC staff saying it was supervised, and why was the Council seeking advice on this.

Ms Kerriush again urged Councillors to reject the Competitive Neutrality Review.

Speaker Seven

Mr Graham Harvey, Albany

Mr Harvey spoke to Item 12.8.2 Committee Recommendation 3: Item 5.2 – Competitive Neutrality Review – Gym and Group Fitness operations of the Albany Leisure & Aquatic Centre (October 2008). He urged Councillors to reject the Review stating it was a flawed document.

Mr Harvey also spoke to Item 12.8.2 – Committee Recommendation 5. He expressed doubts re the Memorandum of Understanding established with local Gym owners, and recommended Council to lay the Item on the table.

Council supported the extension of Public Question time by a show of hands.

Speaker Eight

Mr Roy Winslow, Harley Survey Group

Mr Winslow spoke to Item 11.3.2 -

Mr Winslow spoke on behalf of the owners of the property concerned. He said this was the first occasion on which the proposal had been considered on its own. He cited pages 138, 139 of the ALPS, para 17, saying that the Officer recommendation appeared to contradict this. He also mentioned page 141, saying the requested SAR would apply beyond the 10 year supply stated. He requested Council to accept Councillor Buegge's Alternate Motion.

Item 5.0 continued

Speaker Nine

Nick Ayton, Albany

Mr Ayton spoke to item 11.1.3. He stated that it was unfortunate that the correct approvals had not been obtained before the business had been commenced. He said that the owners believed the business was classed as Rural Use, and could apply for re-zoning. He said that relocation was financially unviable. He suggested that a site visit by councillors may be beneficial and urged Council to lay the item on the table until this could be achieved.

Speaker Ten

Tony Harrison, Little Grove

Mr Harrison urged Council to consider the construction of toilets at Surfers Beach with Govt funding obtained, as the closest toilets available are at Mutton Bird Beach. He then directed questions to Mr Brown re the erosion at Emu Point.

Mr Brown replied that the whole issue of Emu Point erosion and the shifting of the seabed was being studied and options being considered.

Mr Harrison then urged Council to disallow the development of Torbay Hill.

Council supported the extension of Public Question time by a show of hands.

Speaker Eleven

Mr Bob Swarbrick, Albany

Mr Swarbrick asked that ceremonial tree plantings not take place in Eyres Park.

He also said that the existing blue gums should be removed.

He then asked that the State Government be lobbied to impose a 5c levy on bottles to reduce littering.

Mr Swarbrick then said that the road drainage in Shorts Place was ineffective because the drains were above the road surface so the water was unable to drain.

He also urged the Council to check the ruling on floor levels in housing as he claimed many were too low and flooding was occurring.

The Deputy Mayor replied that Councillors may conduct a site visit to observe this.

Speaker Twelve

Mr Graeme Waugh, Little Grove

Mr Waugh spoke to Item 11.1.4. He tabled several documents that may be viewed in Appendix D. and urged Councillors to support the Officer Recommendation.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Councillor Buegge left the Chamber at 7.58pm and returned at 8.00pm
Councillor Bostock left the Chambers at 8.00pm

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

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR: PRICE

SECONDED COUNCILLOR: MATLA

THAT the following minutes:

- **Ordinary Council Meeting held on the 18th November 2008;**
- **Annual General Meeting of Electors held on the 4th December 2008; and**
- **Special Council Meeting held on the 4th December 2008**

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

MOTION CARRIED 9 - 0

Councillor Bostock left the Chamber at 8.00pm and returned at 8.01pm

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 DISCLOSURE OF FINANCIAL INTERESTS

[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.]

Name	Item Number	Nature of Interest
Councillor Wiseman	11.1.1	Financial. Councillor owns competing business for tourist accommodation. Councillor left the Chamber.
Councillor Paver	11.1.1	Impartiality. Councillor supplies gratuitous tourist information service to proponent. Councillor remained in the Chamber for the debate and vote.
Councillor Kidman	11.1.3	Financial. Councillor has a tenant who is a block manufacturer. Councillor left the Chamber.

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CEO Richards	11.1.4	Proximity. CEO rents property which is in close proximity to the proponents. CEO remained in the Chamber.
Councillor Wiseman	11.3.3	Proximity. Councillor owns property close to the subject site. Councillor left the Chamber.
Councillor Price	11.3.3	Proximity. Councillor owns property at 70 Spencer St., Albany. View from Councillors property may be affected by the development. Councillor left the Chamber.
Councillor Wiseman	11.6.1	Proximity. Councillor owns property detailed in Committee Meeting Minutes. Councillor left the Chamber.
Councillor Paver	12.8.2 Committee Recommendation 1	Financial. Councillor supplies marketing services to ALAC. Councillor left the Chamber.
Councillor Paver	12.8.2 Committee Recommendation 3	Financial. Councillor supplies marketing services to ALAC. Councillor left the Chamber.
Councillor Paver	12.8.2 Committee Recommendation 4	Financial. Councillor supplies marketing services to ALAC. Councillor left the Chamber.
Councillor Paver	12.8.2 Committee Recommendation 5	Financial. Councillor supplies marketing services to ALAC. Councillor left the Chamber.
Councillor Paver	14.3.1	Impartiality. Councillor supplies marketing services to city of Albany. Councillor remained in the Chamber for the vote.
Councillor Paver	14.3.3	Financial. Councillor supplies marketing services to ALAC. Councillor left the Chamber.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil