



MINUTES

**For the Ordinary Meeting of Council
Held on
Tuesday, 15 March 2011
7.00pm
City of Albany Council Chambers**

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The following Committees have not met since February 2011 OCM:

- Albany Tourism Marketing Advisory Committee Meeting
- Local Emergency Management Committee
- Airport Emergency Management Committee
- Albany Entertainment Centre (AEC) Operational Advisory Committee Meeting
- Bushcarers Advisory Committee Meeting
- Bush Fire Management Committee

I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 7.02pm

II. OPENING PRAYER

Councillor Wolfe read the opening prayer.

“Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

ITEM 2.0: RESOLUTION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR DUFTY

- 1. THAT Standing Order 3.1 be SUSPENDED to allow recording of proceedings.**
- 2. THAT Standing Order 4.2(4)-Seating at Meetings of Council-be SUSPENDED to allow CEO Faileen James to be seated on the Mayor’s right.**
- 3. THAT filming of the meeting by WIN television be allowed.**

CARRIED 10-0

III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

7.05 Councillor D Bostock

Summary of key points:

- Spoke of a recent visit to Perth and his enjoyment of the magnificent public open spaces of beautifully kept parkland.
- New suburbs have huge amounts of Public Open Space
- Recommended future provision of funding for the purchase of land for Public Open Space.

7.07 **Councillor Dufty**

Summary of key points:

- Pleased to represent Council at Planning Institute Australia conference in Hobart and felt that Albany was doing quite well in many areas of planning
- Highlight was the visit to the Savage River Mine, and pleased that there was a clear expression of intent from the company to start mining at Wellstead as soon as possible. All machines operated remotely-very impressive
- Took exception to the comments of MLA Peter Watson in Hansard claiming credit for the AEC, and stated that Mr Watson should be concerned about the backlash of cost of running the AEC
- Perceived loss of staff from the City is a fallacy

7.11 **Councillor Sutton**

Summary of key points:

- Congratulated previous Council on their decision to approve the new fish processing plant. This is a state of the art facility and a credit to Albany.

MAYOR'S REPORT TO COUNCIL – TUESDAY, 15TH MARCH 2011

Since the last Council meeting held on 15 February 2011 the Mayor has been engaged in the following activities in addition to scheduled Council/Committee meetings:

- ACCI Business After Hours event sponsored by LATRO Lawyers
- Discussions with the Endeavour Voyage Manager. HMB Endeavour will shortly embark on a circumnavigation of Australia and will visit Albany in January 2012. The Albany and regional community will have the opportunity to welcome and tour this magnificent replica vessel while it is in Albany.
- On 18 of February, as Chairman, attended the Regional Development Australia – Great Southern general meeting in Kojonup. Presentations were given by the Kojonup Shire CEO, the Woodanilling Shire President, and consultants for Mooney Hill Energy Pty Ltd on the Flat Rocks Wind farm proposed for the Kojonup area. GSDC CEO Bruce Manning gave a presentation on the proposed Bunbury to Albany gas pipeline.
- On 21 February attended a Community Leaders' luncheon hosted by Mike Smith, Chief Executive Officer of the ANZ bank.
- On 23 February - As Vice Patron of ACTIV Industries Albany, attended their 60th Anniversary celebrations.

Over the past 60 years, there have been massive improvements in the lives of people with disabilities and their families. The social stigma is dissipating. Today, individuals with a disability are much more respected, with their needs and desires, goals and aspirations as part of the broader community considered.

- On 25 February, attended the opening of the Great Southern Institute of Technology Environment and Primary Industries complex.
- On Friday, 25 February Council hosted a Civic Reception for the Collins Class Submarine, HMAS Waller. Twenty crew members, including officers and sailors represented the Waller in an exemplary manner.
- Attended Memorial Service was held in St John's Church for HMAS Perth (No.1)
- Attended small citizenship ceremony for five new Australian citizens.
- As Chairman of Regional Development Australia – Great Southern, I attended a conference in Canberra on 3 and 4 March, along with EO, Simon Lyas.
This was a very informative and productive conference which highlighted the availability of significant national funding (\$1.4 billion) for regional projects. Delegates were briefed on the importance of ensuring that projects marked for funding meet all funding criteria. Another important point raised at the Conference was the importance of regions being 'National Broad Band prepared' which would help to ensure early connection.
- On Saturday 5 of March officially opened New Arts Incorporated's Paperartzi Event , held on the grassy knoll with a skilful presentation from Southern Edge Arts.
- Official handover of two more Defibrillators to Albany Airport and Albany Public Library. This is a ground breaking initiative for Albany which has attracted huge community support. Particular thanks to Cr Ray Hammond, Albany Heart-smart Project instigator, who has been the driving force behind this initiative.
- On Thursday 10 March our CEO Ms James and I met with Alan Ferris, General Manager of the Perth Theatre Trust, and discussed current and future issues associated with the AEC.
- On the same day I was a guest at a Parliamentary lunch hosted by Minister John Day in recognition of the first visit to Western Australia by the Ambassador of France, His Excellency Mr Michel Henri Filhol.
- Attended Business Breakfast with Minister for Regional Development, Hon. Brendon Grylls MLA
- Briefing and tour of the Forts with the Liberal Party Member for the South West Region, The Hon. Minister Robyn McSweeney.
- It was a pleasure to attend a farewell function for long standing employee Pieter van de Brugge who retired on the 8 March after thirty five years with the Town and the City of Albany. Pieter is well known for his skill as a craftsman on such projects as the Brig Amity and the Town Hall Theatre.

ITEM 3.0: RESOLUTION

**MOVED: COUNCILLOR WOLFE
SECONDED COUNCILLOR LEAVESLEY**

The Mayor's Report be RECEIVED.

CARRIED 10-0

IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC

Nil.

V. PUBLIC QUESTION AND STATEMENT TIME

Councillor Hammond left the Chamber after declaring a financial interest in Item 2.5.

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.

7:20:43 PM Ms Karen Stone, Albany Inbound

Summary of key points:

- Addressed Council regarding Item 2.5, particularly paragraph nine of the paper regarding staff skills
- Informed Council that the on line booking system was much more complex than it would first appear, and that it would require far more than one week's training. The current operator undertakes many more tasks than simply operating the booking system
- Current staff work under extreme pressure at times, and this is not for everyone. New staff would need to have a passion for tourism and customer service
- Urged Council to promote and facilitate tourism in Albany
- Council should consider carefully who to employ in these positions, staff need the right skills to maintain profitability. Current staff at the Visitor Centre have many repeat clients
- Expressed concern that the City's CEO had recently visited the Centre and talked with the Manager, who has only been there a very short time.
- Staff at the Visitor Centre are very disappointed that the CEO has not met with them to discuss their role, even after an invitation was extended by Ms Lee Hammond.

CEO Ms Faileen James responded and clarified that her recent visit was not in any way related to the Albany Inbound matter. Ms James said that she visited that Centre as a City of Albany enterprise, as she is visiting every other centre of the City to meet with City staff and to learn and understand what they do in their jobs.

Ms James said that it is a fair comment that City staff do not have an understanding of the Albany Inbound business; they will need training. Ms James stated that the suggested training period of one week was based on information provided to the City by the owners of Albany Inbound.

Ms James also pointed out that it would not have been appropriate that the CEO of the City should approach private staff members of a private entity where no decision of Council has been made regarding the future of that entity's relationship with Council. After decisions have been made on Item 2.5, Ms James said that she would be looking at how the City moves forward appropriately on this, including meeting with the staff of that entity.

7:26:15 PM Ms Vera Torr, Sussex Street, Albany. Tabled documents detailed at Appendix B.

Summary of key points:

- Thanked the Mayor for forwarding the sympathy of the people of Albany to Japan
- Tabled two documents which had been previously tabled at the agenda briefing session, and asked if they could be distributed to Councillors

7:27:24 PM Mr Neil Smithson, Smithson Planning

Summary of key points:

- Mr Smithson asked about progress of his previous suggestion that Council have a Facebook page and asked if there was an estimate of when this will commence

CEO Ms Faileen James responded that a Facebook page was one element of Public Relations; it would be considered as part of a holistic City of Albany Communications Strategy, and may or may not be implemented

- Mr Smithson requested an estimate of operational expenses from 1998 to 2011 year by year for the Planning and Development Directorate on a year by year basis, and strategic planning expenses for the same period on a year by year basis

7:29:44 PM Ms Noeleen Evans, “The Rocks”, Albany

Summary of key points:

- Spoke in support of Albany Inbound
- Said that they have done an amazing job over the last five years to create very strong links with local tourism operators and Council should think seriously about their role in tourism in the district
- Said that this was a very serious business proposition for Council

7:31:11 PM Ms Christine Lowrie, Woody Grange Chalets

Summary of key points:

- Addressed Council regarding Item 2.5
- Said that she was unaware until very recently of the request for termination of the contract, and asked how many other tourism operators did not know about the request
- Council should conduct an open forum to discuss whether we need an accommodation booking service, operators are saving up to 18% commission by not using this service
- Stated that changes have been made to the Bookeasy website to favour the operator, at tourism operators expense
- The website is City of Albany’s property and was created to showcase Albany and tourism operators and “Stay Now” is an unnecessary duplication of this service
- City of Albany and the tourism industry should re evaluate the current system to ensure that the best booking system possible is offered

7.4.28PM Councillor Hammond returned to the Chamber.

7:34:30 PM Mr Tony Demarteau, Lorenzo Way

Summary of key points:

- Asked if the State government is still the owner of land at corner of Hardie Road and Angove Road, Spencer Park

Executive Director Development and Planning Mr Graeme Bride responded that the Department of Housing and Works owned this land.

- Mr Demarteau asked if a Development Application had been lodged for this land

Mr Bride responded that no application had been lodged and it was unlikely that development would take place in the near future.

- Mr Demarteau asked if a roundabout would be placed at the intersection of Hardie and Angove Roads if development took place

Mr Bride responded that this would be a requirement of any development and would be advertised for public comment

- Mr Demarteau asked “what has happened to the Bulletin?”

CEO Ms Faileen James responded that she had reviewed the amount of reading required of Council Members. The Planning and Building Reports and Common Seal Reports were now included in the agenda, and all correspondence previously included in the Bulletin was now available in the Councillor Meeting Room for viewing by Council. Ms James said that this would reduce paper use, and more efficiently utilise Council Members time.

- Mr Demarteau asked if copies of other documents usually contained in the Bulletin could be publically provided.

The CEO said yes, the City will make available a copy of these documents to the public. These documents will be available at the North Road Administration building reception area, contained in the same folder as the Agenda and Minutes.

- Mr Demarteau congratulated Council on the status quo decision of the ward boundary review

7:37:32 PM Mr Richard Vogwill, Goode Beach-Tabled Address is detailed at Appendix B

Summary of key points:

- Expressed his concern regarding the upcoming auction of the old Frenchman Bay Caravan Park site, and said that he found the advertising for this site disturbing as it was at variance with Council’s past decision on this site
- Asked if there were some truth to the advertisement, and was Council considering allowing residential development on site

Executive Director Planning and Development Services Mr Graeme Bride responded that the City was aware that a development application was to be lodged in the near future, but that the current Scheme did not allow for permanent residential on that site.

- Mr Vogwill said that the Frenchman Bay Association felt that Council has a duty to preserve this site for future generations, and that the tourism potential of this site should be promoted

7:42:10 PM Ms Pam Hoskin, Wilson Street, Little Grove

Summary of key points:

- Addressed Council regarding the proposed residential development at Grove Street West, Little Grove
- Asked Council why there had been no public consultation
- Potential for 56 cars from this development to be using the road only 100 metres from the Little Grove Primary School
- No family development, all single bedroom dwellings
- Deep sewerage has heralded more development in Little Grove. There are now three high density housing development proposals in the area
- There should be considered development with community consultation. Successful development will only be achieved with community consultation, consideration of the environment and care to preserve the “feeling of place” in Little Grove, which is why people wish to live there.
- This development may be the right development, but we should reach that conclusion together and involve the community and near residents

7:45:06 PM Mr John O’Dea Bushby Road, Lower King

Summary of key points:

- Urged Council to take the lead in recycling of glass and plastic bottles in the region
- Referred to a recent advertisement in the West Australian calling for builders, developers, architects and designers who had a concern with City of Armadale planning and building processes.
- There will be a conference on 1 April 2011 “Health Check for Planning in our Community”, and Mr O’Dea said that he would like everyone to be available on this day and attend
- Albany is being outstripped by regional centres such as Mount Barker and Denmark with regard to moving ahead with development
- Thanked CEO for her reply to his previous letter to Council; it is the first time ever that Mr O’Dea has had a reply to his correspondence to the City
- Endorsed the Mayor’s comments on the recent disaster in Japan

7:49:01 PM

ITEM 5.0: RESOLUTION

THAT Public Question and Statement Time be Extended.

CARRIED 10-0 BY A SHOW OF HANDS

7:49:12 PM Mr Tony Perrella, Albany City Kart Club

Summary of key points:

- Addressed Council with regard to the Club's application for funding from the Department of Sport and Recreation (CSRRF Grants). This funding would pay for the redevelopment and extension of the Club's current track
- Club has recently celebrated its twentieth anniversary and has been selected by Karting WA to host the 2011 State Championships, the fiftieth of the State, in October.
- By hosting a successful State Championship, the Club will be in a strong position to host the National Titles
- A successful grant application will enable the Club to expand and improve facilities and attract larger numbers of Kart enthusiasts to Albany. The State Titles this year are expected to attract between 320-400 drivers and over 500 support crew and family
- The Club has not approached the City in the twenty years of its operation for any financial assistance. This is due to the Club's capacity for fundraising, acquiring sponsorship and voluntary in kind contributions by members
- Track extension will allow the Club to enter a new era of expansion. Requested that Council consider ranking the Club at number one for funding through the Community Sporting and Recreation Facilities Fund small grant applications.

7:51:08 PM Ms Kim Stanton, Little Grove-Tabled Address is detailed at Appendix B

Summary of key points:

- Addressed Council regarding Item 1.2
- Council should either reject this Scheme Amendment Request or lay it on the table for an indefinite time frame
- This location has significantly important biodiversity and conservation values, with remnant vegetation with high ecological significance including a diverse range of flora and fauna some of which are listed as rare and critically endangered
- City should be consolidating and infilling all land approved for subdivision and Scheme Amendments
- Area is the site of an important aquifer, and Ms Stanton expressed concern over possible contamination of the aquifer. Studies on this issue need to be completed before any development takes place.

7:55:42 PM The Mayor closed Public Question and Statement Time.

VI. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Mayor	MJ Evans
Councillors:	
Breaksea Ward	R Hammond
Frederickstown Ward	Vacant
Frederickstown Ward	D Wellington
Kalgan Ward	C Holden
Kalgan Ward	M Leavesley
West Ward	D Wolfe
West Ward	D Dufty
Yakamia Ward	R Sutton
Yakamia Ward	J Matla
Vancouver Ward	D Bostock

Staff:	
Chief Executive Officer	F James
A/E/Director Corporate & Community Services	P Wignall
Executive Director Works & Services	K Ketterer
E/Director Planning & Development Services	G Bride
Executive Manager Business Governance	S Jamieson
Assistant Business Governance Officer	J Williamson

Apologies:

Vancouver Ward	R Paver
Breaksea Ward	J Bostock

Media and Public

Approximately forty members of the public and three media were in attendance.

VII. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ITEM 8.0: RESOLUTION 1

MOVED: COUNCILLOR WELLINGTON

SECONDED: COUNCILLOR MATLA

THAT the minutes of the Ordinary Council Meeting held on 15 February 2011, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 10-0

ITEM 8.0: RESOLUTION 2

MOVED: COUNCILLOR HOLDEN

SECONDED: COUNCILLOR WOLFE

THAT the minutes of the Special Council Meeting held on 22 February 2011, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 10-0

IX. DECLARATIONS OF INTEREST

Name	Item Number	Nature of Interest
Councillor M Leavesley	1.1	<p>Impartiality. The extent of the interest being that Faryar Gorjy has been a customer of Councillor Leavesley in the past. Councillor Leavesley has not traded with Mr Gorjy in the last five years and is not likely to in the near future.</p> <p>Councillor Leavesley remained in the Chamber and participated in the discussion and vote.</p>
Councillor D Wellington	1.3	<p>Impartiality. The extent of the interest being that the proponent of the Scheme Amendment Request contributed to Councillor Wellington's 2007 Mayoral campaign.</p> <p>Councillor Wellington remained in the Chamber and participated in the discussion and vote.</p>
Councillor M Leavesley	1.3	<p>Impartiality. The extent of the interest being that Mr London has been a customer of Councillor Leavesley in the past. Councillor Leavesley has not traded with Mr London in the last five years and is not likely to in the near future.</p> <p>Councillor Leavesley remained in the Chamber and participated in the discussion and vote.</p>
Councillor D Wellington	1.6	<p>Financial. The extent of the interest being that the proponent is in competition with Councillor Wellington on a retail basis.</p> <p>Councillor Wellington left the Chamber and did not participate in the discussion or vote.</p>
Councillor M Leavesley	2.5	<p>Impartiality. The extent of the interest being that Councillor Leavesley receives income from the tourist industry.</p> <p>Councillor Leavesley remained in the Chamber and participated in the discussion and vote.</p>
Councillor R Hammond	2.5	<p>Financial. The extent of the interest being that Councillor Hammond has a direct financial interest in the subject matter as he the owner of the business involved.</p> <p>Councillor Hammond left the Chamber and did not participate in the discussion or vote.</p>
Councillor R Sutton	2.5	<p>Impartiality. The nature of the interest being that Councillor Sutton has business interests with the contractor, although not related to the tourist industry.</p> <p>Councillor Sutton remained in the Chamber and participated in the discussion and vote.</p>

Name	Item Number	Nature of Interest
Councillor M Leavesley	2.8	Impartiality. The extent of the interest being that Councillor Leavesley obtains income from the tourism industry. Councillor Leavesley remained in the Chamber and participated in the discussion and vote.
Councillor R Hammond	2.8	Financial. The extent of the interest being that Councillor Hammond has a direct financial interest in the tourism sector and the owner of a business actively engaged in tourism. Councillor Hammond left the Chamber and did not participate in the discussion or vote.

Councillor Hammond left the Chamber after declaring a financial interest in Item 2.5.

X. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

Report Item 2.5 - Request from Contractor to Surrender Contract-Albany Visitor Centre, was considered behind closed doors, in accordance with section 5.23(2)(c) of the Local Government Act 1995, being: a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

ITEM 10: RESOLUTION

**MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR DUFTY**

THAT Item 2.5: Request from Contractor to Surrender Contract - Albany Visitor Centre be discussed behind closed doors after all other agenda items have been dealt with.

CARRIED 9-0

Councillor Hammond returned to the Chamber.

XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

XII. ADOPTION OF RECOMMENDATIONS EN BLOC