



MINUTES

**For the Ordinary Meeting of Council
Held on
Tuesday, 19 April 2011
7.00pm
City of Albany Council Chambers**

ORDINARY COUNCIL MEETING
MINUTES – 19/04/2011
** REFER DISCLAIMER **

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I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at [7:03:12 PM](#)

II. OPENING PRAYER

Councillor Dufty 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 1

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR HAMMOND

- 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.**

CARRIED 12-0

III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

[7:05:49 PM](#) **Councillor Hammond**

Summary of key points:

- Spoke in support of the Albany Soapbox Club and its importance to the local community in promoting respect, structure, discipline and safety for young people.
- The concerns of the Club have not fallen on ‘deaf ears’ and the matter is being actively investigated.

7:06:16 PM Councillor Paver

Summary of key points:

- Informed Council that at the State Council meeting of WALGA held on 18 February 2011 did not support the recommendation that the Minister for Local Government have the power to suspend Councils. There was however, support for a recommendation that the Minister has the power to suspend individual Councillors.
- The State Administrative Tribunal already has the power to suspend individual Councillors and Councillor Paver did not understand why WALGA would seek to give a discretionary power in that regard to the Minister. Councillor Paver requested that the City of Albany monitor the situation.

7:07:57 PM Councillor D Bostock

Summary of key points:

- Encouraging to observe such a large turnout this evening of electors and residents concerned over the development approved by Council for Grove Street, Little Grove. Indicates that there is a vibrant, concerned and committed community in Albany which is essential for a flourishing democracy.
- Expressed concern that once the various issues have been resolved, whether to their satisfaction or not, he would like all electors to bear in mind a simple question: “not what the City can do for me, but what can I do for the City?”. This is particularly pertinent in view of the fact that Local Government elections are coming up this year.

7:08:52 PM Councillor Dufty

- Deputised for Mayor at a recent function held at Quaranup. Expressed concern that the road to Quaranup is not totally sealed, and encouraged the lease holders to apply for funding to seal this section and improve accessibility to the site.
- The Soapbox Club Championships should be recognised as an iconic event in Albany.

The Mayor then presented his report, which is detailed at Appendix B.

ITEM 3.0: RESOLUTION

MOVED: COUNCILLOR WOLFE

SECONDED: COUNCILLOR LEAVESLEY

The Mayor’s Report be RECEIVED.

CARRIED 12-0

IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC

Nil unanswered questions.

V. PUBLIC QUESTION AND STATEMENT TIME

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.

7:29:08 PM Mr Peter Bell, Little Grove

Summary of key points:

- Grove Street development - expressed concern over the lack of public consultation in approving the development.
- The petition tabled this evening consisted largely of people living in the area and directly affected by the development. The City of Albany has no right to approve development without public consultation, particularly this style of development which will impact greatly on the area.
- Expressed concern over the lack of provision for visitor parking, earthworks, non complying setback, outdoor living areas, retaining wall issues, traffic management and the proximity of the development to the local primary school.

7:33:41 PM Ms Diane Curlewis, Little Grove. Ms Curlewis' tabled address is detailed at Appendix B.

Summary of key points:

- Grove Street West Development and a previous assurance from Council that future developments in Little Grove would involve public consultation and notification.
- On behalf of the Little Grove Community Group, presented a petition to Council, asking for the previous decision of Council to be rescinded.

7:38:22 PM Mr Paul Dollery, Collingwood Heights, Albany

Summary of key points.

- The need for and importance of the democratic process, and openness and accountability within the City.
- Proposed Ulster Road development for a junkyard and landfill, the properties involved are adjacent to each other
- Public comment has been made against the proposals on the grounds of noise, loss of aesthetics, damage and pollution issues for the Yakamia floodplain, and the proximity of the proposed junkyard and landfill to St Joseph's School. The area is classified rural and special rural and this development is unsuitable for the area.
- Concern that pits for dumping on the proposed landfill site were excavated last year and dumping from the hospital site has been occurring. Noise pollution has occurred due to the movement of trucks. Dumping should cease immediately, and material which has been dumped should be removed from the site.

7:42:15 PM Ms Jane Mouritz, Middleton Beach, Albany

Summary of key points:

- Supported the original Responsible Officer Recommendation for Item 1.1.
- Middleton Beach Users Group has considered the future of the whole Middleton Beach precinct and recently held a planning forum which was well attended.
- Esplanade Key Initiative Group is currently canvassing for funds to conduct a study for the development of a plan for the precinct. More flexibility in the zoning mix is required before any developer would be interested in the site.
- Any future developer must consider public opinion, with a mix of tourism and permanent residential

7:46:48 PM Mr Neil Smithson, Middleton Loop, Albany

Summary of key points:

- ANZAC celebrations, and concerned for the current lack of accommodation in Albany for these events
- Recommended that the City of Albany should approach state or federal funding bodies for funding to install a line of flagpoles along Princess Royal Drive as an entry statement.
- Questioned the response provided to the question taken on notice regarding planning and strategic planning costs for the City over the last 13 years, and noticed that salary costs for 1998, 1999, 2000 and 2001. Was there any particular reason why?

Executive Director Planning and Development Services, Mr Graeme Bride, acknowledged that the amounts were unclear for the period in question. Mr Smithson said that he was satisfied with the response and did not require further information.

- It has been 13 years and \$13 million and there is still no new planning scheme for the City of Albany. Considered that the City is not investing in planning, either statutory or strategic.
- Requested an itemised list of the strategic planning projects and their cost.

7:50:44 PM Mr Rod Hedderwick, Harley Global Pty Ltd, Albany

Mr Hedderwick's tabled address is detailed at Appendix B. Summary of key points:

- Spoke in support of Item 1.2. on behalf of the land owner.
- Thanked Council and Executive Director Planning and Development Services, Mr Graeme Bride, for their hospitality in hosting the Planning Institute Conference recently.
- Sought the support of Council for the Alternate Motion by Councillor Dufty

[7:55:25 PM](#) **Mr Graham Harvey, ACCI**

Summary of key points:

- The Esplanade site is a prime tourism site which has been a victim of the global downturn. There is now an opportunity for the City to develop a Masterplan for the Middleton Beach precinct as a basis for a tourism strategy. Time should be spent in determining the long term prospect for this site.
- A change of usage mix in zoning to increase the permanent residency component would increase the value of the Esplanade site, but the site should be retained as a prime tourism site

ITEM 5.0: RESOLUTION

MOVED: MAYOR EVANS

THAT Public Question and Statement Time be extended.

**CARRIED 12-0
BY SHOW OF HANDS**

[7:58:29 PM](#) **Mr Trevor Hannig, President, Albany Soapbox Club.**

Mr Hannig's tabled address is detailed at Appendix B.

Summary of key points:

- The Albany Soapbox Club formed in 1962, and meets every Sunday
- The Australian National Championships have been held by the Club for the past 49 years, this is in large part due to the fantastic track.
- Agreed that the avenue needs beautifying, but the Club would like the City to consider their needs before installing kerbing, which would pose a danger to those participating in the Soapbox racing.
- There are no other suitable locations in Albany. The Club qualifies as a major user of the site and should have been consulted about changes to the road.
- The car park at the bottom of the hill negates the need for kerbing along the road, and if necessary Club members would volunteer as traffic marshalls for Anzac Day.

[8:02:23 PM](#) **Mr Paul Terry, Robinson, Albany**

Summary of key points:

- Spoke in support of the Amended Officer Recommendation for Item 1.1, specifically regarding the Esplanade site
- The precinct needs a plan, including the Esplanade site. A more coherent structure plan is required.
- The strong Australian dollar is affecting tourism, and if the status quo remains nothing will happen in the near future. There are no hotel rooms of a suitable standard to accommodate dignitaries and visitors for Anzac celebrations.

8:05:21 PM Ms Betty McCarthy, Bayview Drive, Little Grove

- Spoke against Grove Street West development
- Council needs to think more deeply, as the whole area of Little Grove will be affected
- Council should take care of people's needs-this development should not proceed. Local residents consider that the development will mean a danger to children attending the Little Grove Primary School, which is in close proximity to the development. Council has not given enough thought to the development and the effect it may have on the community.

8:09:05 PM Ms Kim Stanton, on behalf of the South Coast Progress Association

Ms Stanton's tabled address is detailed at Appendix B. Summary of key points:

- Spoke in support of the completion of the footpath network in Little Grove, which in her opinion was long overdue.
- Spoke against the Grove Street West development.

8:13:53 PM Mr Murray Field, Middleton Beach, Albany

Summary of key points:

- Spoke against the zoning change for the Esplanade site and concurred with Ms Mouritz-we need an international resort in Albany.
- A total overall planning strategy for Middleton Beach is needed, including the Old Golf Club site. Albany needs an international hotel, and an international airport to attract development and tourists.
- Urged Council not to change for short term gain.

8:16:10 PM Ms Judy English, Collingwood Heights, Albany

Summary of key points:

- Spoke against the proposed junkyard and landfill site on Ulster Road.
- Expressed concern over acid sulphate soils and damage to the Yakamia floodplain
- Expressed concern that no community consultation had been conducted, and that one key issue had been bypassed-the surrounding land use is residential, and that land use should not be changed.

Executive Director Planning and Development Services, Mr Graeme Bride, responded that applications would be coming before Council in May or June, and public submissions would be included. Mr Bride assured Council that a Stop Work notice had been issued to stop dumping on the proposed landfill site. Mr Bride also assured Council that a City of Albany staff member would carry out a site inspection on Wednesday 20 April to ensure that the notice had been complied with.

8:21:13 PM The Mayor closed the Open Forum.

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

Mayor MJ Evans

Councillors:

Breaksea Ward	R Hammond
Breaksea Ward	J Bostock
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
Vancouver Ward	R Paver

Staff:

Chief Executive Officer	F James
A/Executive Director Corporate Services	P Wignall
Executive Community Services	L Hill
Executive Director Works & Services	K Ketterer
Executive Director Planning & Development Services	G Bride
Minutes	J Williamson

Apologies:

VII. APPLICATIONS FOR LEAVE OF ABSENCE

ITEM 7.0: RESOLUTION

THAT Leave of Absence be granted to Councillor Leavesley for August 2011.

CARRIED 12-0

VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ITEM 8.0: RESOLUTION 1

**MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR WELLINGTON**

THAT the minutes of the Ordinary Council Meeting held on 15 March 2011, as previously distributed, be CONFIRMED as a true and accurate record of proceedings, pending the following amendments:

- **Two tabled documents from Ms Vera Torr be included in Appendix B of the minutes**
- **A Declaration of Interest by Councillor R Sutton be recorded for Item 2.5 as follows:
*Impartiality. The nature of the interest being that Councillor Sutton has other business interests with the Contractor (not in the tourism industry).***

CARRIED 10-2

Record of Vote

Against the Motion: Councillors Paver and D Bostock

ITEM 8.0: RESOLUTION 2

**MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR DUFTY**

THAT the minutes of the Special Council Meeting held on 5 April 2011, as previously distributed, be CONFIRMED as true and accurate record of proceedings.

CARRIED 10-2

Record of Vote

Against the Motion: Councillors Paver and Hammond

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IX. DECLARATIONS OF INTEREST

Name	Item Number	Nature of Interest
Councillor Leavesley	1.5	Impartiality. The nature of the interest being that the owner of Yaran Pty Ltd, Mr Gorgy, is a past customer of Councillor Leavesley. Councillor Leavesley does not currently trade with Mr Gorgy and does not expect to in the future. Councillor Leavesley remained in the Chamber and participated in the discussion and vote.
Councillor Leavesley	1.1	Financial. (minor) The nature of the interest being that Middleton Beach Caravan Park is a customer of Councillor Leavesley. Councillor Leavesley remained in the Chamber and participated in the discussion and vote.
Councillor Leavesley	1.1	Impartiality. The nature of the interest being that Councillor Leavesley gains income from the tourist industry. Councillor Leavesley remained in the Chamber and participated in the discussion and vote.
Mayor Evans	3.4	Impartiality. The nature of the interest being that Mayor Evans is the Chair of Regional Development Australia, Great Southern. Mayor Evans left the Chamber and did not participate in the discussion or vote.
Councillor Wolfe	3.4	Impartiality. The nature of the interest being that Councillor Wolfe is a member of Regional Development Australia, Great Southern. Councillor Wolfe left the Chamber and did not participate in the discussion or vote.
Councillor D Bostock	4.7	Financial. The nature of the interest being that Councillor Bostock is party to legal action. Councillor Bostock left the Chamber and did not participate in the discussion or vote.
Councillor Paver	4.7	Financial. The nature of the interest being that Councillor Paver is party to a writ involving the City of Albany. Councillor Paver left the Chamber and did not participate in the discussion or vote.
Councillor J Bostock	4.7	Financial. The nature of the interest being that Councillor Bostock is closely related to Recommendation 3 of the item. Councillor Bostock left the Chamber and did not participate in the discussion or vote.

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Name	Item No.	Nature of Interest.
Councillor Wellington	4.7	Proximity. The nature of the interest being that Councillor Wellington is party to legal action CIV276/2010. Councillor Wellington remained in the Chamber and participated in the discussion and vote.

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

1.5 Revocation Motion- Grove Street West Development

XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Petition received on 11/04/2011-Grove Street West Development
Tabled at the meeting-Petition for completion of the Bay View Drive Footpath.

XII. ADOPTION OF RECOMMENDATIONS EN BLOC