



MINUTES

**For the Ordinary Meeting of Council
Held on
Tuesday, 20 September 2011
7.00pm
City of Albany Council Chambers**

CITY OF ALBANY STRATEGIC PLAN (2011-2021)

The City of Albany Strategic Plan was adopted by Council on 16 August 2011 and is available at www.albany.wa.gov.au

The Plan states our vision and values as:

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

The values of the City of Albany apply to elected members and staff who commit to:

- Results
- Ethical behaviour
- Accountability

Leadership

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1.6	REPORT OR BUSINESS RAISED BY COUNCIL MEMBER SUBSEQUENT TO DRAFT AGENDA Nil.		
2.0	REPORTS-PLANNING AND DEVELOPMENT SERVICES		
2.1	Revised City of Albany Local Planning Scheme No.1 – Adoption for Advertising	1	29
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2.3	Development Application – Oversize Outbuilding, Kelty View, Willyung	40	46
2.4	REPORT OR BUSINESS RAISED BY COUNCIL MEMBER SUBSEQUENT TO DRAFT AGENDA Nil.		

3.0 REPORTS-COMMUNITY SERVICES Nil.

3.1 REPORT OR BUSINESS RAISED BY COUNCIL MEMBER SUBSEQUENT TO DRAFT AGENDA Nil.

4.0 REPORTS-CORPORATE SERVICES

4.1	List of Accounts for Payment-August 2011	1	2
4.2	Financial Activity Statement-August 2011	3	13
4.3	Vodafone Hutchinson Australia Pty Ltd – New Licence – Portion of Reserve 2681, Mount Melville	14	20

4.4 REPORT OR BUSINESS RAISED BY COUNCIL MEMBER SUBSEQUENT TO DRAFT AGENDA Nil.

5.0 REPORTS – WORKS & SERVICES

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5.3	Albany Port Authority Proposal for Detour for Bridge over Rail Project	10	13

5.4 REPORT OR BUSINESS RAISED BY COUNCIL MEMBER SUBSEQUENT TO DRAFT AGENDA Nil.

XIV. MOTIONS WITH NOTICE

14.1	Motion with Notice from Councillor Wolfe-Roads to Recovery Program	1	
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XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING

XVI. URGENT BUSINESS APPROVED BY DECISION OF THE MEETING.

16.1	Motion by Councillor Wolfe-Extended Trading Hours Within the City of Albany	2	
16.2	Motion by Councillor Wellington-Anzac Centenary Infrastructure Projects	4	

XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION

XVIII. ANNOUNCEMENT OF NOTICES OF MOTIONS TO BE DEALT WITH AT THE NEXT MEETING

IX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC

19.1	McKail Street Drainage Works	5	
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XXI. CLOSURE OF MEETING 6

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Appendix B-Tabled Documents Page 8

I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 7.00PM

II. OPENING PRAYER

The Mayor 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 DUFTY

SECONDED: COUNCILLOR HOLDEN

- 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 10-0

III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

7.01PM Councillor Leavesley

Summary of key points:

- Pleased to learn of the success of the City of Albany Band, but was disappointed at the lack of support from the Council.

7.03PM Councillor Sutton

Summary of key points:

- Assured Council and the public present that he would leave the Chamber for discussion and voting on Item 2.2, in light of perceptions of a conflict of interest.

7.04PM Councillor Dufty

Summary of key points:

- Visited Wellstead for “Conversation with the CEO”
- Some roads in the area not graded in over a year, members of the public need to report maintenance issues to the City or to their Councillor
- Attended the first Municipal Heritage meeting.

7.05PM Councillor Holden

Summary of key points:

- Recently attended the Annual General Meeting of the Bayonet Head and Lower King Progress Association, and urged new Councillors to support the Association.

7.06PM Councillor Hammond

Summary of key points:

- Foreshadowed an amendment to Item 2.2, and would like to have the matter laid on the table.

7.07PM Mayor's Report-The Mayor's report is detailed at Appendix B.

ITEM 3.0: RESOLUTION

MOVED: COUNCILLOR LEAVESLEY

SECONDED:COUNCILLOR WOLFE

The Mayor's Report be RECEIVED.

CARRIED 10-0

IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC

Nil.

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.

7.13PM Ms Jay Klinac, Collingwood Heights

Tabled petition is detailed at Appendix B.

7.17PM Mr Trevor Hannig, Albany Soapbox Club

Summary of key points:

- Item 1.5: Uses and Design of Apex Drive for Anzac Centenary
- Thanked Council for considering the continued use of Apex Drive by the Club. He acknowledged that the Soapbox Club is a minority sport in Albany, and the Club acknowledges the mixed use of Apex Drive as the only access to what is becoming a major tourist destination in Albany.
- Club needs to keep community better informed of race days.

7.20PM Mr Rod Hedderwick, Serpentine Road

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

- Addressed Council regarding differential rates on vacant land
- Acknowledged the change in GRV on vacant land

7.24PM Mr Tony Harrison, Little Grove

Summary of key points:

- Spoke in opposition to the Junkyard proposal on Ulster Road.
- Expressed concern over the external floor lighting at the Albany Entertainment Centre, which makes it difficult to see the ground on exiting the building.

7.27PM Mr Don Phillips, Frenchman Bay Road

Summary of key points:

- Asked if the \$50 Waste Levy was legal or illegal

CEO Ms Faileen James responded that the City is in negotiation with the Department of Local Government, and that legal advice received by the City advised that the Waste Levy was legal.

- Mr Phillips said that the Department of Local Government were maintaining that the Waste Levy is illegal

CEO Ms Faileen James responded that the Department of Local Government has provided the City with further information.

- Mr Philips asked if the matter had been settled

CEO Ms Faileen James responded that a definitive interpretation of the Act is not possible without a SAT hearing.

- Mr Phillips asked if the levy was found to be illegal, would ratepayers receive a refund

CEO Ms Faileen James reiterated that legal advice received by the City maintained that the Levy was legal.

7.31PM Ms Robyn Peterson, 35 Eclipse Drive, Collingwood Heights

Summary of key points:

- Addressed Council regarding Item 2.2 of the Agenda.
- Is concerned that visual amenity has been compromised, and asked if there had been a site inspection by staff or Councillors.
- Stated that Council should require landscaping to conceal the scrap heap, and a bond should be required to ensure that this was carried out.
- A site visit should have been carried out.

Executive Director of Planning and Development Services, Mr Bride, responded that the landowner had declined an invitation for a site visit.

7.34PM Mr Ross Chapman, Breaksea Crescent, Collingwood Heights

Summary of key points:

- Addressed Council regarding Item 2.2 of the Agenda. Expressed concern that the proposal could potentially affect an environmentally sensitive wetland and could be a serious fire risk to the area. May also attract vermin, with serious implications for bird life and native animals in the area
- Said that the proposal represented a significant risk of visual impact on surrounding properties, which are located in a rural residential area

7.36PM Mr Neil Smithson, Smithson Planning

Summary of key points:

- Acknowledged the dedication shown by Mayor Milton Evans to the City during his time as Mayor.
- Said that there would be challenges and opportunity ahead for the next Council

7.38PM Mayor closed the open forum.

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	J Matla
Yakamia Ward	R Sutton
Vancouver Ward	D Bostock
Vancouver Ward	Vacant
Staff:	
Chief Executive Officer	F James
Acting Executive Director Corporate Services	P Wignall
Executive Community Services	L Hill
Executive Director Planning & Development Services	G Bride
Minutes	J Williamson
Apologies:	
Breaksea Ward	J Bostock

Two members of the media and approximately 35 members of the public were in attendance.

VII. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ITEM 8.0: RESOLUTION

MOVED: COUNCILLOR WOLFE

SECONDED: COUNCILLOR MATLA

THAT the minutes of the Ordinary Council Meeting held on 16 August 2011, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor M Leavesley

ITEM 8.0: RESOLUTION

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR SUTTON

THAT the minutes of the Special Council Meeting held on 6 September 2011, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor M Leavesley

IX. DECLARATIONS OF INTEREST

Name	Item Number	Nature of Interest
Mayor Evans	1.1.4	Impartiality. The nature of the interest being that Mayor Evan's wife is a member of Albany Sinfonia. Mayor Evans remained in the Chamber and participated in the discussion and vote.
Councillor Leavesley	1.1.4	Impartiality. The nature of the interest being that Councillor Leavesley is a member of the Albany Club and Albany Racing Club. Councillor Leavesley remained in the Chamber and participated in the discussion and vote.
Councillor Leavesley	1.3	Impartiality. The nature of the interest being that Councillor Leavesley is a member of the Sporting Shooters Association. Councillor Leavesley remained in the Chamber and participated in the discussion and vote.
Councillor Hammond	2.2	Impartiality. The nature of the interest being that Councillor Hammond has a common business interest in an unrelated business activity with the proponent. Councillor Hammond remained in the Chamber and participated in the discussion and vote.
Councillor Sutton	2.2	Impartiality. The nature of the interest being that Councillor Sutton's brother is the proponent. Councillor Sutton has no financial interest in the timber salvage. Councillor Sutton left the Chamber and did not participate in the discussion or vote.
Councillor Wellington	16.1	Financial. The nature of the interest being that Councillor Wellington is a retailer in the City. Councillor Wellington left the Chamber and did not participate in the discussion or vote.

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

19.1: McKail Street Drainage Works

In accordance with section 5.23(2)(d) of the Local Government Act 1995; being legal advice obtained, or which may be obtained by the local government, this matter will be addressed behind closed doors.

XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS

ITEM 11: RESOLUTION

MOVED: MAYOR EVANS

SECONDED: COUNCILLOR DUFTY

THAT the petition tabled by residents in opposition to the proposed Junkyard on Ulster Road be presented to the CEO.

CARRIED 10-0

XII. ADOPTION OF RECOMMENDATIONS EN BLOC

Nil.

RISK MANAGEMENT FRAMEWORK

The City of Albany Organisational Risk Management Framework, which will be used as a Reference Document for the “Risk Identification and Mitigation” Section for all Papers in the Agenda, has been previously distributed to all Elected Members.