



MINUTES

SPECIAL MEETING OF COUNCIL

Held on
Tuesday 6 December 2011
6.30 pm
City of Albany Council Chambers

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1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at **6.32PM**

ITEM 1.0: RESOLUTION

MOVED: COUNCILLOR HOLDEN

SECONDED: COUNCILLOR DUFTY

THAT Council:

- **SUSPEND Standing Order clause 3.1 to allow recording of proceedings;**

CARRIED 11-0

2.0 OPENING PRAYER

The Mayor 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.”

3.0 PUBLIC QUESTION AND STATEMENT 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.

There were no members of the public in attendance.

4.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Mayor

D Wellington

Councillors:

Breaksea Ward	R Hammond
Breaksea Ward	V Calleja
Frederickstown Ward	Vacant
Frederickstown Ward	G Stocks
West Ward	J Gregson
West Ward	D Dufty
Kalgan Ward	C Holden
Vancouver Ward	D Bostock
Vancouver Ward	S Bowles
Yakamia Ward	R Sutton
Yakamia Ward	A Hortin

Staff:

Chief Executive Officer	F James
Acting Executive Director Corporate Services	P Wignall
Manager Finance	D Olde
Senior Leasing Officer	T Catherall

Minutes	J Williamson
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Public Gallery and Media:

1 member of the media was in attendance.

Apologies/Leave of Absence:

Kalgan Ward	Y Attwell
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5.0 DECLARATION OF INTEREST

[Elected members of Council and staff are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the presiding member prior to the conduct of the meeting]

Name	Item Number	Nature of Interest
Councillor Bowles	6.1	Impartiality. Councillor Bowles is a member of Great Southern Factor Inc which was named as a referee for one of the proponents for the lease of the former Calamari's site. Councillor Bowles remained in the Chamber and participated in the discussion and vote.

RESOLUTION

**MOVED: COUNCILLOR CALLEJA
SECONDED: COUNCILLOR HOLDEN**

THAT Item 6.2 of the Agenda be dealt with prior to the meeting going behind closed doors to discuss Item 6.1.

CARRIED 11-0

6.1: NEW LEASE – COMMERCIAL CAFE AND RESTAURANT (FORMERLY CALAMARI'S) – RESERVE 26149, MIDDLETON BEACH

ITEM 6.1: RESOLUTION

**MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR BOWLES**

THAT the City of Albany employees, Manager of Finance and Senior Leasing Officer, remain in the Chamber as the meeting moved behind closed doors.

CARRIED 11-0

ITEM 6.1: RESOLUTION

**MOVED: COUNCILLOR CALLEJA
SECONDED: COUNCILLOR BOWLES**

THAT the meeting move behind closed doors to discuss Item 6.1.

CARRIED 11-0

ITEM 6.1: RESOLUTION

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR CALLEJA

THAT Standing Order 4.4 Order of Debate, be SUSPENDED to allow discussion.

CARRIED 11-0

Councillor Dufty left the meeting at 6.58pm.

ITEM 6.1: RESOLUTION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HOLDEN

THAT Council come out from behind closed doors.

CARRIED 10-0

ITEM 6.1: RESOLUTION

MOVED: COUNCILLOR CALLEJA

SECONDED: COUNCILLOR HOLDEN

THAT Council APPROVE a new lease to The Marwick Family Trust for the purpose of commercial cafe and restaurant on portion of Crown Reserve 26149 and being portion of Lot 651 on Deposited Plan 191343, Middleton Beach subject to:

- 1. Lease term being twenty one years.**
- 2. Lease commencement date being 14 December 2011.**
- 3. Initial lease rental as determined by a current market valuation provided by an independent Certified Practising Valuer (currently valued at \$68,000 plus GST per annum).**
- 4. Lease rent reviews being every five years by market valuation with Consumer Price Index applied for intervening years. (Next market valuation due 2016 year).**
- 5. Lease area being approximately 1174 square metres.**
- 6. Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Land's consent is obtained.**
- 7. All costs associated with the operations and maintenance of the lease premises (other than structural and electrical wiring maintenance) and variable outgoings to be payable by the lessee.**
- 8. All costs associated with the development, execution and completion of the Deed of Lease are met by the lessee.**
- 9. Lease being consistent with Council Policy – Property Management – Leases.**

**CARRIED 8-2
ABSOLUTE MAJORITY**

Record of Voting

Against the Motion: Councillors Hammond and Bostock