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# MINUTES

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**For the Ordinary Meeting of Council  
Held on  
Tuesday, 21 February 2012  
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](http://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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**I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

**7.01 Mayor Declared the Meeting Open**

**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**

**HOLDEN/DUFTY**

**THAT Standing Order 3.1 be SUSPENDED to allow recording of proceedings.**

**CARRIED 12-0**

**III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION**

**7.02pm Councillor Stocks**

Summary of key points:

- Congratulations to the CEO and Executive Team on the Regional Development Australia Centennial Precinct funding proposal. Fantastic submission with outstanding benefits to the community

**7.03pm Councillor Dufty**

Summary of key points:

- Attended the induction of the new Minister of Uniting Church on behalf of the Mayor, and the induction of the Freeman of the City, Mrs Annette Knight

**7.04pm Councillor Attwell**

Councillor Attwell’s tabled address is detailed at Appendix B.

**7.07pm Mayor’s Report**

The Mayor’s Report is detailed at Appendix B.

The Mayor welcomed Denmark Councillor visitors, and tabled Mayors Report

**ITEM 3.0: RESOLUTION**

**MOVED: MAYOR WELLINGTON**

**SECONDED: COUNCILLOR SUTTON**

**The Mayor's Report be RECEIVED.**

**CARRIED 12-0**

**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.

### ITEM 5.0: RESOLUTION

**MOVED: COUNCILLOR DUFTY**

**SECONDED: COUNCILLOR BOWLES**

**THAT Public Question and Statement Time be extended to allow all those wishing to speak the opportunity to do so.**

**CARRIED 12-0**

#### **7.11pm Mr Ian Alexander, 18 Rowley Street, Albany**

Summary of key points:

- Addressed Council as Chair of the Frederickstown Progress Association, which feels very strongly that the third party right of appeal for planning applications should be retained
- The state was unfairly pressuring the City, and the provisions of the third party right of appeal had served the City well to preserve amenity
- The City is right to challenge the WA Planning Commission ruling, and asked that Council lay Item 2.1 on the table for 90 days to allow the public to comment

#### **7.15pm Ms Juliet Albany**

Summary of key points:

- Supported Mr Alexander's stance on the third party appeal process, and said it was part of a democratic planning process
- Everybody should have a say in a democracy, and third party appeals may improve planning decisions, and ensure greater transparency of planning processes

#### **7.20pm Mr Graham Harvey, CEO, Albany Chamber of Commerce and Industry (ACCI)**

Summary of key points:

- Spoke in support of extended trading hours and said that the Executive of the ACCI supported deregulated trading in Albany
- The best way to assist small traders is to increase trading hours and promote free enterprise and freedom of choice for retailers and shoppers
- There needs to be a reversal of Albany's current reputation of being "closed" for business

**7.24pm Mr John Hetherington, 19a Coogee Street, Albany**

Summary of key points:

- Spoke in support of deregulated trading hours within the City of Albany, there would be long term benefits to the City, and the retail sector was currently in a slump and needed rejuvenation

**7.26pm Mr Michael Pemberton, Shorts Place, Mira Mar**

Summary of key points:

- There had been a long running and at times heated debate on deregulated trading hours within the City of Albany
- Current trading hours serve the City well, with extended trading hours on long weekends, school holidays and for visiting cruise ships
- ACCI represents a minority of retailers, and deregulated trading hours would be a disruption
- Urged Council to deny the request for deregulated trading hours and said that it would not be good for Albany

**7.30pm Mr Mark McAllister, 111 The Esplanade, Lower King**

Summary of key points:

- Did not see the merit of longer trading hours.
- Only a small percentage of retailers had responded to the ACCI survey
- Smaller businesses have the choice to trade on Sundays already, but there was no incentive for small business to open on Sundays

**7.34pm Mr Phillip Douglas, Clayton Street, Little Grove**

Summary of key points:

- The proposed rezoning of his land takes away land use controls
- Tabled address from Mr Douglas is detailed at Appendix B

**7.38pm Mr Mervyn Leavesley, Walford Road, Kalgan**

Summary of key points:

- Congratulated Council and Executive Director of Corporate Services on the conclusion of the EBA negotiations
- Mr Leavesley's tabled address is detailed at Appendix B

**7.42pm Mr Brian Gilliland, Metcalf Parade, Emu Point**

Summary of key points:

- The City should confer the right of choice on retailers and the public with regard to deregulated trading hours, and make this a proud and vibrant town



**7.46pm Mr Sam Harma, 17 Comet Court, Albany**

Summary of key points:

- Opposed to deregulated trading hours, and said that it would result in a loss of growth to individual business
- Small business is the cornerstone of the community, and generates jobs and growth

**7.48pm Mr Brian Wooldridge, Albany Highway, Albany**

Summary of key points:

- The loss of the third party right of appeal for planning applications would be the slow death of democracy

**7.49pm Ms Jenny Turnor, 16 Susan Court, Yakamia**

Summary of key points:

- Deregulated trading hours would provide a better shopping experience and be more suited to our lifestyle and employment
- Up to 60 new jobs would be created with Woolworths in Albany if deregulated trading hours were adopted
- Challenged the Mayor and Councillors to visit Bunbury on a Sunday, where they would find the town alive and vibrant and the biggest trading day of the week

**7.52pm Ms Vera Torr, Sussex Street, Albany**

Summary of key points:

- Asked if Reserve 3001 would be included in the 16.3ha of reserve

Executive Director Planning and Development Services, Mr Simon Lenton, responded that Reserve 3001 would be included in the 16.3ha of reserve. Mr Lenton took a question on notice from Ms Torr asking if clarification on this point could be provided through Landgate.

**7.55pm Mr Tony Harrison, Little Grove**

Summary of key points:

- Said that the South Coast Progress Association was opposed to the elimination of the third party right of appeal for planning applications, and it was residents democratic right to 'have a say'

**7.56pm Mr Paul Lionetti, Burt Street, Albany**

Summary of key points:

- Asked why the retailers of the City had not been consulted prior to this decision being taken by Council
- Said that tourists do not come to Albany to shop
- Democracy equals consultation, there was considerable community opposition to deregulated trading hours

**8.01pm Mr Claude Gliosca, Albany Highway, Albany**

Summary of key points:

- Spoke against deregulated trading
- Multinationals will fight for the market share
- Residents should decide

**8.03pm** The Mayor declared the public forum closed.

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

Mayor	D Wellington
<b>Councillors:</b>	
Breaksea Ward	V Calleja
Breaksea Ward	R Hammond
Frederickstown Ward	Vacant
Frederickstown Ward	G Stocks
Kalgan Ward	C Holden
Kalgan Ward	Y Attwell
West Ward	G Gregson
West Ward	D Dufty
Yakamia Ward	A Hortin JP
Yakamia Ward	R Sutton
Vancouver Ward	D Bostock
Vancouver Ward	S Bowles

**Staff:**

Chief Executive Officer	F James
Acting Executive Director Corporate Services	P Wignall
Acting Executive Director Community Services	L Hill
Acting Executive Director Planning & Development Services	S Lenton
Acting Executive Director Works & Services	S Grimmer
Minutes	J Williamson
Minutes	C Crane

**Apologies:**

**VII. APPLICATIONS FOR LEAVE OF ABSENCE**

**VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**ITEM 8.0: RESOLUTION**

**MOVED: COUNCILLOR GREGSON**

**SECONDED: COUNCILLOR HORTIN**

**THAT the minutes of the Ordinary Council Meeting held on 13 December 2011, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 12-0**

**ITEM 8.0: RESOLUTION**

**MOVED: COUNCILLOR DUFTY**

**SECONDED: COUNCILLOR BOWLES**

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

**CARRIED 12-0**

**IX. DECLARATIONS OF INTEREST**

<b>Name</b>	<b>Item Number</b>	<b>Nature of Interest</b>
Councillor Calleja	2.4	<b>Financial.</b> The proponent is a prospective contractor on a building development for Councillor Calleja at present being tendered. Councillor Calleja left the Chamber and did not participate in the discussion or vote.
Councillor Hortin	2.8	<b>Impartiality.</b> Councillor Hortin is the secretary/treasurer to the Uniting Church which adjoins the property. Councillor Hortin left the Chamber and did not participate in the discussion or vote.
Councillor Calleja	2.9	<b>Proximity.</b> The proposal abuts Councillor Calleja's residential property. Councillor Calleja left the Chamber and did not participate in the discussion or vote.
Mayor Wellington	3.1	<b>Impartiality.</b> Mayor Wellington is a retail trader. Mayor Wellington left the Chamber and did not participate in the discussion or vote.
Mayor Wellington	14.1	<b>Impartiality.</b> Mayor Wellington is a retail trader. Mayor Wellington left the Chamber and did not participate in the discussion or vote.
Councillor Attwell	5.2	<b>Impartiality.</b> Councillor Attwell's son is associated with one of the tenders. THIS ITEM WAS WITHDRAWN FROM THE AGENDA.
Councillor Attwell	5.4	<b>Impartiality.</b> Councillor Attwell's son is associated with one of the tenders. Councillor Attwell remained in the Chamber and participated in the discussion and vote.
Councillor Attwell	5.5	<b>Impartiality.</b> Councillor Attwell's son is associated with AD Contractors Pty Ltd Councillor Attwell remained in the Chamber and participated in the discussion and vote.
Councillor Bostock	1.5	<b>Financial.</b> Councillor Bostock declared a possible financial interest. Councillor Bostock 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**

Portion of Item 16.3

**XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Nil.

**XII. ADOPTION OF RECOMMENDATIONS EN BLOC**

**3.1, 14.1 AND CALLEJA/BOWLES CARRIED 12-0**

**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.