



MINUTES

**For the Ordinary Meeting of Council
Held on
Tuesday, 17 July 2012
6.00pm
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

ORDINARY COUNCIL MEETING
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	WITHDRAWN	
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3.0 REPORTS-COMMUNITY SERVICES

Nil

4.0 REPORTS-CORPORATE SERVICES

4.1	List of Accounts for Payment-June 2012	1-2
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5.0 REPORTS – WORKS & SERVICES

5.1	Quotation-Supply and Delivery of Road Sweeper	1-3
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XIV. MOTIONS WITH NOTICE Nil.

XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING

XVI. URGENT BUSINESS APPROVED BY DECISION OF THE MEETING.

XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION

**XVIII. ANNOUNCEMENT OF NOTICES OF MOTIONS TO BE DEALT WITH AT THE
NEXT MEETING** 1

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

XX. NEXT ORDINARY MEETING DATE 2

XXI. CLOSURE OF MEETING 2

I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at [6:00:57 PM](#)

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 HOLDEN
SECONDED: COUNCILLOR ATTWELL**

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

CARRIED 9-0

III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

[6:02:25 PM](#) Mayors Report

ITEM 3.0: RESOLUTION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HAMMOND**

THAT The Mayor’s Report be RECEIVED.

CARRIED 9-0

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.

6:04:28 PM Mr Nick Ayton, 11 Duke Street, Albany

Summary of key points:

- Item 2.7: Endorsed the Officer Comment made in response to Councillor Bostock's Alternate Motion
- Item 2.9: Supported the Alternate Motion by Councillor Attwell, but queried the Officer's Comment regarding the use of Luke Lane.
- Closing access will reduce width of Luke Lane. This matter can be reviewed in the future.

6:08:18 PM Ms Diana Barrett, 37 Karrakatta Road, Goode Beach

Summary of key points:

- Addressed Council regarding Item 2.4
- Property has been running as holiday accommodation for long period of time
- More tenants in the last week occupying the house, despite assertions from the proponent that no further occupancy would occur until approval had been granted
- Difficult to make the business sufficiently non intrusive
- Negative impact on surrounding properties

6:10:16 PM Ms Megan Wright, 33 Karrakatta Road, Goode Beach

Summary of key points:

- Addressed Council regarding Item 2.4
- Long history of property being used for holiday accommodation
- If conditions can be complied with it will assist in making business more tolerable for surrounding residents
- Structure of the building in question provides a challenge for surrounding residents with regard to noise and visual intrusion

6:12:37 PM Mr Gordon Bragg, 121 Heytsbury Road, Subiaco

Summary of key points:

- Addressed Council regarding Item 2.4
- Apologised for the retrospective application for approval as holiday accommodation
- Surprised that neighbours had expressed such a negative attitude to the application
- No adverse comments directed to him as the owners
- No further additions to management plan submitted to Council, has a local resident to meet and greet visitors
- Supportive of town, residents and community
- Surprised at the adverse response
- In the last financial year the house was only used for 79 nights
- Shortage of short stay accommodation in the Goode Beach area
- Property attractive to family groups and young families

6:17:48 PM Mr Warren Marshall, Cliff Street, Albany

Summary of key points:

- Referred to the radio interview between Faileen James and ABC Radio on 27 June 2012
- Questioned comments made by Ms James regarding irreconcilable differences, lack of understanding of obligations, reporting Council to Department of Local Government and CCC
- On how many occasions did Faileen James report the Council to Department of Local Government as required under the Act? Question taken on notice.
- What is the status of the report to the CCC, is it resolved, is it ongoing, what is the nature of the report and what City's resources, if any, legal and otherwise are involved with this report?

Mayor Wellington responded that no City resources were being expended. Council is not permitted to comment on the report. Report is now the mandate of the CCC.

- In the radio interview, Faileen James said ...four months in breach of my employment contract, not complied with procedural steps. Is this true, and if so, is this breach not of itself a prima facie case for the City itself repudiating the position of the CEO rather than has been presented, that is the CEO, by speaking publically repudiating her contract.

Mayor Wellington responded that Council would not be making any comment.

- Faileen James stated that she was told her mandate by the then Council who employed her was to 'clean it up', and that was repeated a couple of times. She made reference to employee benefits that were not transparent and poor decisions coming home to roost. To date, how much money has the City lost on its investment, including losses attributed to having to try to recoup its investment through legal means?

Mayor Wellington responded that he was unable to give a specific answer, as the losses were incurred a long time before Faileen James came to the City. There is an Australia wide effort to recover funds from the collapse of Lehman Bros.

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Executive Director Corporate Services responded that he was in contact with those agencies attempting to recoup monies on behalf of the City. It is difficult to make a determination of how great the losses are, as some of those losses are still being negotiated and will not be finalised for some time yet.

- What legal advice did the City seek and receive prior to the public repudiation statement that was made

Mayor Wellington responded that legal advice had been sought and received.

- Why is the City so bloody minded and belligerent with respect to the CEO, when some grace and humility might just avoid the 'laughing stock' tag being revisited in 2012?

Mayor Wellington responded that the matter was both litigious and commercial in confidence. Council's side of the story is not able to put in the public arena at this stage. There are always two sides to every story and it would be prudent to wait until both sides of the story are revealed before making a judgement.

[6:24:49 PM](#) There being no further speakers, the Mayor declared the Public Question and Statement Time closed.

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

Mayor	D Wellington
Councillors:	
Breaksea Ward	R Hammond
Kalgan Ward	C Holden
Kalgan Ward	Y Attwell
West Ward	G Gregson
Yakamia Ward	R Sutton
Yakamia Ward	A Hortin JP
Vancouver Ward	D Bostock
Vancouver Ward	S Bowles

Staff:

Acting Chief Executive Officer	L Hill
Executive Director Community Services	C Woods
Executive Director Planning & Development Services	D Putland
Executive Director Works & Services	S Grimmer
Executive Director Corporate Services	G Adams
Minutes	J Williamson

Apologies:

Breaksea Ward	V Calleja
Frederickstown Ward	G Stocks
West Ward	D Dufty
Frederickstown Ward	C Dowling

VII. APPLICATIONS FOR LEAVE OF ABSENCE

ITEM 7.0: RESOLUTION

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR HAMMOND**

THAT Councillor Dowling be granted Leave of Absence from 16 July 2012 to 3 August 2012 (inclusive).

CARRIED 9-0

VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ITEM 8.0: RESOLUTION 1

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR SUTTON**

THAT the minutes of the Ordinary Council Meeting held on 19 June 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 9-0

ITEM 8.0: RESOLUTION 2

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR BOWLES**

THAT the minutes of the Special Council Meeting held on 5 June 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 9-0

ITEM 8.0: RESOLUTION 3

**MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR GREGSON**

THAT the minutes of the Special Council Meeting held on 28 June 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 9-0

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IX. DECLARATIONS OF INTEREST

Name	Item Number	Nature of Interest
Councillor S Bowles	4.1	Impartiality. Councillor Bowles has a sponsorship arrangement with Paper Bark Merchants through Great Southern Factor Inc. Councillor Bowles remained in the Chamber and participated in the discussion and vote.

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

Nil.

XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

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.