

**XIV. MOTIONS WITH NOTICE**

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

**XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING**

**ITEM 16.1: MOTION BY MAYOR WELLINGTON**

This item will be dealt with behind closed doors in accordance with section 5.23 of the *Local Government Act 1995*:

*5.23 (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or part of the meeting deals with any of the following:*

- (a) A matter affecting an employee or employees;*
- (b) The personal affairs of any person; and*
- (c) A contract entered into, or which may be entered into, by the local government and which relates to the matter to be discussed at the meeting.*

**XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.**

Nil.

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

Nil.

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

**ITEM 16.1: MOTION BY MAYOR WELLINGTON**

**ITEM 16.1: RESOLUTION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR SUTTON**

**THAT Item 16.1-Motion by Mayor Wellington, be ACCEPTED as an urgent item.**

**CARRIED 10-0  
ABSOLUTE MAJORITY**

[7:22:38 PM](#)

**ITEM 16.1: MOTION  
VOTING REQUIREMENT SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR DUFTY**

**THAT the meeting move behind closed doors.**

**CARRIED 10-0**

All members of the public and media left the Chamber.

[7:35:19 PM](#)

**ITEM 16.1: MOTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR HAMMOND**

**THAT the meeting come out from behind closed doors.**

**CARRIED 10-0**

Members of the media and public returned to the Chamber.

**ITEM 16.1: MOTION BY MAYOR WELLINGTON  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR SUTTON**

**THAT:**

1. Council **APPOINT** Mr Graham Foster as the Acting Chief Executive Officer with the City of Albany commencing on 3 December 2012 for an initial period to 30 June 2013 with subsequent extensions to be negotiated to a maximum period of twelve months.
2. Council **ENDORSES** the Contract of Employment and incorporates a package of \$250,000 per annum, pro rata.
3. For the purposes of effective handover, Council **ENDORSES** a contract extension for Linda Hill to 21 December 2012 under the current contractual terms and conditions.
4. Council **NOTE** the following:

a. **Local Government Act 1995:**

**Section 5.36. Local government employees**

**(1) A local government is to employ —**

**(a) a person to be the CEO of the local government; and**

**(b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.**

**(2) A person is not to be employed in the position of CEO unless the council —**

**(a) believes that the person is suitably qualified for the position; and**

**(b) is satisfied\* with the provisions of the proposed employment contract.**

**\* Absolute majority required.**

b. **Section 5.39. Contracts for CEO and senior employees**

**(1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.**

**(2) A contract under this section —**

**(a) in the case of an acting or temporary position, cannot be for a term exceeding one year;**

**(b) in every other case, cannot be for a term exceeding 5 years.**

c. **Local Government (Administrative) Regulations 1996:**

**Reg 18F. Remuneration and benefits of CEO to be as advertised. The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).**

**CARRIED 9-1  
ABSOLUTE MAJORITY**

**Record of Vote**

Against the Motion: Councillor Bostock

**XX. NEXT ORDINARY MEETING DATE**

Tuesday 18 December 2012.

**XXI. CLOSURE OF MEETING**

**ITEM 21.0: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON**

**SECONDED: COUNCILLOR SUTTON**

**THAT Standing Order 3.1 be RESUMED to stop recording of proceedings.**

**CARRIED 10-0**

[7:37:09 PM](#) There being no further business the Presiding Member declared the meeting closed.

*(Unconfirmed Minutes)*

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Dennis W Wellington  
**MAYOR**

**STATUS REPORT ON DEFERRED ITEMS  
 FROM PREVIOUS MEETINGS**

<b>Meeting Date</b>	<b>Item Number</b>	<b>Details/Status</b>
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. <b>REQUIRES FURTHER CONSIDERATION BY COUNCIL PENDING THE COMPLETION OF THE AIRPORT MASTERPLAN/BUSINESS PLAN.</b>
19/04/2011	4.7	Audit Committee Recommendations. That Council request the Chief Executive Officer to further review the investment of Surplus Funds Policy through the Finance Strategy Committee, prior to recommendation to Council. <b>PENDING - AWAITING DEVELOPMENT OF FIVE YEAR (FINANCE) PLAN.</b>
17/07/2012	2.5	Development Application-Demolition (Single House Listed on Municipal Heritage Inventory)-Lot 49 (45) Seymour Street, Mira Mar <b>LAI D ON THE TABLE</b>
21/08/2012	2.11	Consideration of Amendments to Local Planning Scheme 1A and 3 Policy Manual for Policy 2A-Outbuildings. <b>TO BE CONSIDERED AT THE DECEMBER 2012 OCM.</b>
21/08/2012	15.1	Notice of Motion by Councillor Bostock- THAT when the final draft of TPS 1 is endorsed by Council, it shall not include any rezoning of freehold land into a category less advantageous to the owner than already exists in the current TPS1(a) or TPS3, without prior specific written agreement from the owner. Examples include the rezoning of land from the "Rural" to "Conservation" classification, or to "Parks and Recreation" from any other category. <b>LAI D ON THE TABLE TO ALLOW FURTHER CONSIDERATION OF SUBMISSIONS WHEN THEY ARE PRESENTED TO COUNCIL.</b>
16/10/2012	1.1	Committee Recommendation 3: THAT the Asset Research-Community Consultation Deregulated Trading Hours in the City of Albany Report-(August 2012), be forwarded to the Minister for Commerce for consideration to deregulate trading hours within the City of Albany. <b>THAT THIS RECOMMENDATION BE TABLED FOR SIXTY DAYS.</b>
16/10/2012	2.3	Development Application-Single House 43 Forsyth Glade, Kronkup. <b>THIS ITEM WAS WITHDRAWN AT THE REQUEST OF THE PROPONENT.</b>

**TABLED DOCUMENTS**

<b>NAME</b>	<b>REFERENCE</b>	<b>FILE</b>
Mr Tony Stanton	ALAC Disability Fees	GO.COM.3
Ms Anne Brandenburg	Item 2.3	GO.COM.3

**TABLED DOCUMENTS BY ELECTED MEMBERS**

<b>NAME</b>	<b>REFERENCE</b>	<b>FILE</b>
Mayor Wellington	Mayor's Report	GO.COM.3

**TABLED DOCUMENTS BY STAFF**

Nil

**TABLED ADDRESS BY MR TONY STANTON**

ALAC Disability Fees  
Address to Council  
20<sup>th</sup> November 2012

Tony Stanton, Little Grove  
Mr Mayor, Councillors

At the last Council elections the ACCI urged a vote for “hard-headed business” people. This appears to have happened, as strong silent types looking only for revenue increases seem to have prevailed. The attempts to raise the rental on community halls, the large increase in venue hire fees & doubling swim fees for the disabled are examples.

However, there are other “hard-headed business” people who can see more than monetary capital & include social capital in their outlook of the Albany picture. After last month’s Council Meeting, I was approached by the Great Southern Small Business Association which was concerned at the huge increase in swimming fees for the disabled. They knew it would mean financial hardship for families where someone has a disability & one partner stays home as a carer, losing the opportunity to work. Some people with disabilities work, but their weekly earnings are restricted by ability, plus loss of pension. The Small Business people understand this & have generously offered to cover the cost. They have extended their hand of help & their heart is in it. If Council won’t reduce the entry further, then I trust it will accept the Small Business offer. This seems a short sighted solution, placing your burden on them. Using your figures, the cost would approximate \$3000 pa, equal to 8 10<sup>ths</sup> of one cent per head of Albany’s community.

I cannot understand the logic behind the 150% increase in 1:1 fees that caused some of these people to stop swimming. Their fees were judged as, & I quote, “an inequitable provision of a large subsidy for one section of the community”.

The disabled can’t compete in the Olympics, so they have their own Paralympics. They can’t work like others. So, is there to be no “inclusion” because of their condition?

The stated “abuse” of the system doesn’t add up, as its control is in the City’s own hands. “Fair price increase negotiations” were claimed as taking place but the 150% increase was an “un-negotiated” Budget figure. It was reduced to a 90% increase after complaints caused a negotiation of sorts with one or two, not an advertised one. The statement that disabled “need to prove their worth” shows a lack of understanding their situation.

At your October Council Meeting you were asked to “Note” the City’s Access & Inclusion Plan. Whilst this is mainly to do with removing physical barriers to accessing buildings & other Council works & properties, it also carries the words “& Inclusion”. Did you not think the huge fee increase would “exclude” some people accessing ALAC? Did you not think that equating the fees for the disabled with fees for all other users would lead to “Exclusion?”

I ask Council, again, to rescind the high fee & replace it with no more than a 10% increase.

In Greco-Roman times, the great thinkers Plato, Socrates & Aristotle had the Roman Forum, Senate & Parthenon as their places for deliberations & decisions. Perhaps a change from the mundane title of Council may help with wiser decisions; perhaps a Greco-Roman sounding inspiration could be “The Patheticus”.

TABLED ADDRESS BY MS ANNE BRANDENBURG

**ADDRESS TO THE CITY OF ALBANY**

**OCM MEETING 20 NOVEMBER 2012**

**Re:** 2.3: FINAL ADOPTION OF AMENDMENT – PT LOT 50 NANARUP ROAD,  
KALGAN (AMD303)

**From:** Anne Brandenburg  
David Street, Albany

**Date:** 20 November 2012

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Good evening Councillors.

It is my wish to draw your attention to the **lack of congruency between AMD303 and State Planning Policy.**

Agenda document tells us under the heading “**POLICY IMPLICATIONS**” that:

***“Council is to have regard to any Western Australian Planning Commission Statements of Planning Policy... that apply to the scheme amendment.”***

Also that,

***“Any amendment to the Town Planning Scheme will be assessed by the Western Australian Planning Commission to ensure consistency with the following State and Regional Policies.”***

Agenda information tells us there are three main pieces of planning policy that apply to the activities of Local government. They are:

- 1 - SPP 1 the **State Planning Framework**,
- 2 - SPP 3 for **Urban Growth and Settlement**, and
- 3 - SPP 2.5 the **Agriculture and Rural Land Use Planning** policy.

Let us look first at **SPP 1**. This **State Planning Framework** policy “***establishes state-wide key land use planning principles and informs .... Local Government .... in the planning process in relation to sustainable land use and development across the State***”. It is a policy that is “***designed to ensure there is coordination and integrated decision-making across all spheres of planning.***” Surely, Councillors, this is something that the City of Albany



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**TABLED ADDRESS BY MS ANNE BRANDENBURG**

supports given its current focus on updating and integrating its various Town Planning Schemes?

**SPP 1** starts with a description of factors which represent good and responsible decision-making in relation to the **environment**. How is allowing the substantial AMD303 proposal and the other Special Residential developments for which it sets precedence protecting a **“significant historic, aesthetic and cultural”** area and such a site such as Candyup **“from inappropriate land use and development.”**? When we don’t have a fully integrated locality plan to work with, how will AMD303 and all that will implicitly follow, adopt a **“risk-management approach which aims to avoid or minimise environmental degradation and hazards”**? How will siting Special Residential living on 2000m2 lots adjacent to broad acre agricultural rural land use prevent **“environmental problems which might arise as a result of siting incompatible land uses close together”**? Isn’t the answer, “it most assuredly won’t?”

The **community** aspect of SPP 1 states that planning **“anticipates and responds to the needs”** of both **“existing and future communities through the provision of zoned and serviced land”** not just for housing allotments but for **“sustainable”** community living as well.

Councillors, how is it that extending the eastern development front another few kilometres from the CBD is going to **“reduce the need for transport, promote the use of public transport and reduce the dependence on private cars”**? What are the steps Council is going to take to integrate the need for a transport network given an extended residential land use?

What steps is Council taking to encouraging;

- **“safe environments”** when the bridge is still without a footpath,
- **“high standards of urban design”** when we are repeatedly faced with non-strategically implemented urban sprawl instead of urban in-fill,
- and a **“sense of neighbourhood and community identity”** when a proactive community is wilfully ignored in the planning process by its Council?

I’m drawn to answer, ‘none’!

The questions go on for the **economy** section of SPP 1.

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How will assigning prime agricultural land to residential living equate with “**protecting agricultural land resources from inappropriate uses**” and avoiding “**land use conflicts by separating sensitive and incompatible uses from industry and other economic activities with off-site impacts**”?

Again, Councillors, let’s be clear, it wont!

Turn that country over to Special Residential living and it will never be available as prime agricultural land again, and neither will be adjoining land either.

The economy section of SPP1 also requires that plans and policies are “**clear and certain**”. Let me also ask you Councillors, what is “**clear and certain**” about the last minute addition of Special Residential zoning in the Albany Local Planning Strategy for the lower Kalgan? See it inserted on p2 of the addendum under the cover of the ALPS document, before your even get to read the Table of Contents.

Surely issues as big as rezoning issues should have been done and dusted well within the five plus year period it took to develop ALPS.

To my mind, the final endorsement shouldn’t be presenting ANY new information at all. Realistically, Councillors, do you really expect a community to be supporting of rezoning planning application like AMD303 when the development process of the underlying strategic planning document is so fundamentally flawed? I think not!

Let’s move on to the **infrastructure** component of SPP 1. Here it is stated that, “**Planning should ensure that physical and community infrastructure by both public and private agencies is coordinated and provided in a way that is efficient, equitable, accessible and timely.**”

What plans does current Council have for “**economically**” providing “**urban infrastructure and human services**” to the existing Kalgan community and what plans does it have in place for servicing a MUCH larger Kalgan community if AMD303 and its subsequent development proposals are allowed to go ahead?

Will Council’s neglecting to ensure provision of a reticulated sewer system protect the Kalgan and Oyster Harbour environment?

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I ask you Councillors, can we not collectively plan, as an entire Kalgan community in holistic precinct planning process “**for land use and development in a manner that allows logical and efficient provision and maintenance of infrastructure**”? SPP1 indicates so.

**SPP 3** is the **Urban Growth and Settlement** state planning policy for which Council must also have regard. This policy:

**“sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.”**

Integral to this is:

- Promoting “a **sustainable and well planned pattern of settlement across the State....**”
- Building “**on existing communities**”, concentrating investment in improved “**services and infrastructure**, and enhancing “**the quality of life**” in communities
- Managing “**growth and development**” in response community needs and constraints.
- Promoting “**the development of a sustainable and liveable neighbourhood form....**”,  
and
- Coordinating “**the efficient, economic and timely provision of infrastructure and services**” to new development.

Can anyone please tell me with a straight face how the implementation of AMD303 will achieve any of these things? Certainly the underlying ALPS research told us there was **NO** demand for further rural residential lots and I’d reckon I could almost guarantee the upper Kalgan community hasn’t been consulted on what it thinks about the future of its “*Rural Village*” (as per ALPS, p101) development being compromised.

The third State Planning Policy I wish to discuss is **SPP 2.5**, the **Agriculture and Rural Land Use Planning** policy. Its four key objectives are summarised as follows, and I emphasise:

- To “**protect significant agricultural resources .... from inappropriate land use and development**”;
- To “**provide for sustainable rural settlement growth within community expectations and ensure adequate community service and infrastructure is available to support the growth**”;

**TABLED ADDRESS BY MS ANNE BRANDENBURG**

- To “***minimise potential land use conflicts between incompatible land uses***”;
- To “***manage natural resources and prevent land degradation***”.

More words sounding a lot like those already mentioned in relation to **SPP1** .... “***Protecting agricultural land***”; ***inappropriate uses***”; “***environmental degradation***”; “***land use conflicts***”; ***sustainable land use and development*** .... to name a few. They are all there, even if the City of Albany hasn’t been seeming to want to acknowledge them thus far.

I quote, from your agenda advice, “***The City contains land designated as Agricultural Priority Management Areas within State and these are required to be protected for future agricultural production purposes.***” The Department of Agriculture and Food points out in its submission on AMD303 “*the whole of Canduyp property as having greater than 60% of Priority 1 High Quality Agricultural Land*” and in a figure embodied in the submission shows that the land area for AMD303 falls almost entirely within this area of Priority 1 agricultural soil type, a soil type which “***is unique for the Albany region***”.

Councillors, how more clearly can it be stated? Council **DOES** have a responsibility for ensuring State Planning Policy objectives are achieved.

I ask you, are you confident you can achieve these objectives if choosing to support AMD303?

Are you convinced that you will be able to ensure that every one of the Schedule of Modification requirements of a supportive resolution will be put in place without requests for further compromise and negotiation by a developer with a record for lodging appeals with the State Administrative Tribunal?

Are you certain that on-site sewer systems will not affect environmental quality over time? You certainly won’t be able to ensure Priority 1 agricultural land will be protected if AMD303 is permitted to proceed.

Thank you for this opportunity to address Council. Again I urge you NOT to support AMD303.