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# MINUTES

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**For the Ordinary Meeting of Council  
Held on  
Tuesday 21 May 2013  
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](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

ORDINARY COUNCIL MEETING  
MINUTES – 21/05/2013  
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**TABLE OF CONTENTS**

	<b>Details</b>	<b>Pg#</b>
<b>I.</b>	<b>DECLARATION OF OPENING</b>	4
<b>II.</b>	<b>OPENING PRAYER</b>	4
<b>III.</b>	<b>ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION</b>	4
<b>IV.</b>	<b>RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC QUESTION TIME</b>	6
<b>V.</b>	<b>PUBLIC QUESTION AND STATEMENT TIME</b>	8
<b>VI.</b>	<b>RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED</b>	11
<b>VII.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	11
<b>VIII.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>	13
<b>IX.</b>	<b>DECLARATIONS OF INTEREST</b>	14
<b>X.</b>	<b>IDENTIFICATION OF MATTERS FOR WHICH COUNCIL MAY SIT BEHIND CLOSED DOORS</b>	15
<b>XI.</b>	<b>PETITIONS, DEPUTATIONS AND PRESENTATIONS</b>	15
<b>XII.</b>	<b>ADOPTION OF RECOMMENDATIONS EN BLOC</b>	15
<b>XIII.</b>	<b>REPORTS</b>	
<b>1.0</b>	<b>OFFICE OF THE CEO</b>	
1.1.1	Governance Committee	1
1.2	Common Seal and Executed Documents under Delegation Report	2
<b>2.0</b>	<b>PLANNING AND DEVELOPMENT SERVICES</b>	
2.1	Planning and Development Committee-Nil	1
2.2	Planning and Building Reports-April 2013	2
2.3	Development Application-Change of Use to Tavern (Restricted)-222-226 Stirling Terrace, Albany	3-8
2.4	Final Approval of Amendment-Lot 116 Forsyth Glade, Kronkup	9-18

ORDINARY COUNCIL MEETING  
MINUTES – 21/05/2013  
\*\* REFER DISCLAIMER \*\*

<b>3.0</b>	<b>COMMUNITY SERVICES</b>	
3.1	Community Grants and Event Sponsorship Policy Adoption	1-9
<b>4.0</b>	<b>CORPORATE SERVICES</b>	
4.1	List of Accounts for Payment-April 2013	1-2
4.2	Financial Activity Statement-March 2013	3-4
4.3	Final Approval for New Lease-Mr Terry Charles Hulkes-Cheyne Beach Road, Cheynes	5-11
<b>5.0</b>	<b>WORKS AND SERVICES</b>	
5.1	Review of Asset Management Strategy	1-3
<b>XIV.</b>	<b>MOTIONS WITH NOTICE</b>	1
<b>XV.</b>	<b>MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING</b>	1
15.1	Notice of Motion by Councillor Attwell	
<b>XVI.</b>	<b>URGENT BUSINESS APPROVED BY DECISION OF THE MEETING</b>	1
<b>XVII.</b>	<b>REQUEST FOR REPORTS FOR FUTURE CONSIDERATION</b>	1
<b>XVIII.</b>	<b>ANNOUNCEMENT OF NOTICES OF MOTIONS TO BE DEALT WITH AT THE NEXT MEETING</b>	1
<b>IX.</b>	<b>ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC</b>	1
<b>XX.</b>	<b>NEXT ORDINARY MEETING DATE</b>	1
<b>XXI.</b>	<b>CLOSURE OF MEETING</b>	1

## I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at [6:00:10 PM](#)

## II. 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

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY**

**SECONDED: COUNCILLOR HOLDEN**

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

**CARRIED 12-0**

## III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

### [6:01:02 PM](#) **Councillor Stocks**

Summary of key points:

- Antiquated ADSL service means unreliable and intermittent internet connection, which is creating difficulties for business

### [6:02:51 PM](#) **Councillor Bowles**

Summary of key points:

- Volunteer sundowner
- Well done to everyone involved

### [6:03:28 PM](#) **Councillor Bostock**

Summary of key points:

- Attended Volunteer Sundowner as a volunteer
- Excellent evening

### [6:04:05 PM](#) **Councillor Holden**

Summary of key points:

- Attended volunteer sundowner

## **Mayor's Report**

Below is a brief summary of Mayoral Office activities since the last Council meeting held on Tuesday 16 April 2013.

- Community radio commitment
- Attend 100<sup>th</sup> Birthday celebrations for Mrs Hanna Waylor
- Quararup Memorial Service at Camp Quararup Grave Site
- Attend Anzac Day Service at Clarence Estate
- Address Seniors at the Middleton Beach Bowling Club
- Attend Kapyong Day at St Johns Church and War Memorial
- Host US Consul General Ms Aleisha Woodward at Motel Le Grande "Meet and Greet"
- Attend Dawn Service at the Desert Mounted Corps Memorial
- Attend Anzac Memorial Service at Anzac Peace Park
- Attend Official Opening at Amaroo Village on Pioneer Road
- Attend Opening of Albany Health Campus
- Attend celebration of New Roof at Strawberry Hill Farm
- Australia's Biggest Morning Tea at City of Albany offices
- Anzac Centenary Public Meeting at the Albany Town Hall
- Attend Friends of Emu Point and Middleton Beach Group meeting
- Attend Volunteer Sundowner at the Boatshed
- Two Citizenship Ceremonies with a total of 65 conferees
- Private Citizenship Ceremony on 21 May 2013

### **ITEM 3.0: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR HORTIN**

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

**CARRIED 12-0**

#### IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC

At the Special Council Meeting held on 30 April 2013, questions from Ms Faileen James were taken on notice. Those questions and the responses are as follows:

1. *Recently the City of Albany was accepting medical waste at its general landfill site including contaminated syringes, bloody operating theatre swabs and body tissue parts. Does this practice continue and what protections does the community have under the new scheme that waste contaminants such as HIV and hepatitis B and C are not a risk to the community by this land use?*

The City of Albany landfill site is licensed to accept Type 2 Special Waste (Biomedical Waste). This type of waste is classified as not requiring incineration and is approved for supervised burial. It does not include body parts. This type of waste is taken to the crematorium for disposal.

Strict procedures are followed in respect to burial of this type of waste. The practise is compliant with all requirements and is considered appropriate given the relatively small volume of this waste stream received annually.

2. *The Hanrahan Road waste site has for several years been leaching environmentally damaging poisons into surrounding lands and waterways adjacent to that site. What safeguards are within the new scheme to avoid this, and protect adjacent landholders and the community's waterways from contamination?*

Water monitoring data does not indicate any environmentally damaging "poisons" are leaching into surrounding lands and waterways at dangerous levels. The landfill is regulated by the DEC through the issue of a landfill licence and the conditions imposed by the licence. The City works closely with the DEC to ensure it meets the requirements of the licence and that environmental conditions are closely monitored. The new leachate system aims to contain all leachate within the site. The final stage of the leachate system will be complete next year.

3. *What safeguards are within the scheme to protect current listed heritage sites and sites not currently listed but of historical significance including indigenous heritage sites of cultural significance?*

Part 7 of draft Local Planning Scheme 1 sets out a process to establish and maintain a heritage list. A recommended modification to the Scheme allows for all places contained on the Schedule of Places of Heritage Value under TPS 1A deemed to be Heritage List under the new Scheme.

With regard to the protection of indigenous heritage sites, Section 10.6 lists matters to be considered by Local Government in considering an application for planning approval. A recommended modification to the Scheme requires that the conservation of any place that has been included on Department of Indigenous Affairs database of Aboriginal heritage site or any other Aboriginal Heritage Study adopted by the Local Government be considered.

4. *What safeguards are in the new scheme to ensure valuable agricultural land is maintained for food production?*

Valuable agricultural land has been identified by the Department of Agriculture and Food under the Lower Great Southern Strategy and shown in the Albany Local Planning Strategy. The draft LPS1 zones this land as Priority Agriculture. The objectives of this zone are to:

- i) Identify agricultural land resources that are considered to be of State and/or regional significance;
  - ii) Provide for sustainable intensive and extensive agriculture activities or rural industries that do not impact upon agricultural activities and protect those land uses from incompatible developments;
  - iii) Manage in a sustainable manner the soil and water resources available in the zone;
  - iv) Prevent land uses and development within the zone that may adversely impact on the continued use of the zone for agricultural purposes; and
  - v) Provide for value-adding opportunities to agricultural and rural products on-site.
5. *Has the City had regard to the policies of the Shire of Jerramungup which developed policies that have received state accolades for the protection of agricultural land?*

Section 2.2 of the draft LPS1 allows for the preparation of Local Planning Policies by the local government in respect of any matter related to the planning and development of the Scheme area. It was, however not the objective within the review process of planning schemes to develop local planning policies.

6. *How does the scheme ensure that the wonderful views of the harbour and the Sound, for which this community is prized, is retained for public enjoyment in perpetuity?*

LPS1 includes height controls in certain zones and appropriate R-codes to protect these significant areas. State planning policies and guidelines, like visual landscape planning in Western Australia, are taken into account when planning applications are assessed.

There is no established planning principle within the WA planning system that allows for the protection of views and hence it is not contained under Section 10.6 (Matters to be considered by Local Government) of draft LPS1. Where such a principle has been established (for example under the British planning system) only views to heritage buildings in public domain are protected, not landscape views. Should the people of Albany wish to introduce such a planning principle as a matter to be considered in the assessment of planning applications, it will require the process under Section 2.2 (Preparation of a Local Planning Policy) of draft LPS1 to be followed.



At the Special Council Meeting held on 30 April 2013, Ms Juliet Albany asked a question which was taken on notice. The question and response is as follows:

*“The adoption of the scheme gives legal weight to attached policies. In September 2011 Policy Manual published by Council included the conceptual District Structure Plan. A number of residents of Parade Street and Serpentine Road met to protest the values attached by this policy to their roads. Councillor Wellington attended this meeting and gave an undertaking that Council would work with the residents. How is this commitment to be undertaken now, with the new Town Planning Scheme? Is there a view of the Conceptual District Structure Plan planned, and in what time frame, and if not, why not?”*

*Local people are still waiting, we are still not happy and yet it looks as if we are not being heard.”*

The Conceptual District Structure Plan is only a conceptual guide. It is acknowledged that the Conceptual District Structure Plan requires more work, and discussions around refining this plan have commenced with the Department of Planning. These discussions will form part of the Albany Local Planning Strategy review process.

#### 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.

[6:07:22 PM](#) **Mr Barry Crane, Kronkup**

Summary of key points:

- Spoke in support of the Responsible Officer Recommendation for Item 2.4: Final Approval of Amendment-Lot 116 Forsyth Glade, Kronkup.

[6:10:18 PM](#) **Mr Tony Stanton, Little Grove**

Mr Stanton’s Tabled Address is detailed at Appendix B. Summary of key points:

- Fee increase at ALAC for people with disabilities

Executive Director Community Services provided the following response to Mr Stanton’s address:

The City and its dedicated, professional staff have achieved significant improvements and outcomes in the access and inclusion area more generally. A small sample of this work includes:

- Provision of beach wheelchairs at Emu Pt and Middleton Beach so people with disabilities can enjoy Albany’s two popular tourist beaches.
- A floating jetty at Emu Point.
- Infrastructure improvements at the ALAC which allow people with disabilities easy access to the pool.
- Wheelchair access throughout ALAC - daily
- Water wheelchair at ALAC
- Dry wheelchair at ALAC.
- Disability exercise classes taken in pool twice per week, enjoyed by approx 25 people per class.

ORDINARY COUNCIL MEETING  
MINUTES – 21/05/2013  
\*\* REFER DISCLAIMER \*\*

- Disability Games on Wednesday mornings in the ALAC basketball court area held weekly, enjoyed by 50 people per session.
- Universal access change rooms (x2) plus hoist at ALAC used daily & intensively
- Some machines in the ALAC gym are now able to cater for wheelies – e.g. arm ergometer, cable.
- Large Print, Adult literacy and Audio Book Collections, Home Library Service
- EBook, eAudio and alternative digital formats such as 'Daisy'
- Assistive technology, with SIMON Text to speech reader and CCTV Print-magnifier machine for the Vision-impaired
- Technology familiarisation sessions at the Library e.g. EBook devices, basic internet searching etc.
- Volunteer opportunities at Library – We have one volunteer with severe epilepsy help out at the library one hour per week
- Increase to borrowing entitlements for all users across all formats (previously had a number of restrictions)
- Increasing resources considering special needs e.g. e-audio books and physical resources acquired through building partnerships such as through a recent donation from Ladies Auxiliary wing of the Association for the Blind
- Room hire at the Vancouver Arts Centre which is currently used weekly by three organisations which provide services to people with disabilities.
- Improving accessibility at the Vancouver Arts Centre.
- Special rubbish collection service for eligible people with mobility and other impairments who cannot manoeuvre their wheelie bins without assistance.
- Establishing an Access and Inclusion Working Group which advises the City on improvements needed to its services, facilities and information in order to be more accessible.
- Working with the Disability Services Commission and the Princess Royal Sailing Club to deliver a 'sailability program'
- Recognising and celebrating 'Sportspeople with Disabilities' at the Sportsperson of the Year Awards.

Over time the City has developed excellent and productive working relationships with stakeholders in the disability services sector. These stakeholders are largely supportive of the work we do, and the professionalism of the City's staff. The City, its Executive and staff are always looking for ways to make our services and our information more accessible to people with disabilities, and this is not only appreciated by our stakeholders, but by people with disabilities and their carers/families who benefit from the services we deliver.

An example of this support from our stakeholders comes from the WA Disabled Sports Association, which has supported Council's decision to align the fees for 1:1 'special needs swim classes with the so-called mainstream classes. I quote Derek Mahady:

- *"For the record, our position regarding "special fees" or concessions is as follows:*
  - *Disability by itself does not warrant concession;*
  - *Each local authority determines its own policy on concessions/rates and which services, given individual circumstances and needs presented;*
  - *WADSA encourages concessions to those in need of them, whether they are disabled or not;*
  - *WADSA's support of this stance is we provide training awareness, support, modified activities, adaptive equipment and sustainable program advice successfully to a broad range of councils across the state, including an extensive program at ALAC, all free of charge."*

ORDINARY COUNCIL MEETING  
MINUTES – 21/05/2013  
\*\* REFER DISCLAIMER \*\*

The City is dedicated to the ongoing professional development of its staff. In relation to training, Section 5 of the current Enterprise Agreement states:

- *“Training shall be provided by the City to employees who work an average of 16 hours or more in each 4 week cycle.(regardless of them being permanent employees or casual employees)*
- *The parties agree that training for re-accreditation and other approved training shall be undertaken in paid time and the costs associated with the training shall be covered by the City”.*

The City’s Disability Access and Inclusion Plan (DAIP) was prepared with full consultation with the sector; with people with disabilities, their families and carers, and submitted with the Disability Services Commission prior to the expiration of the City’s previous DAIP. The Disability Services Commission has approved the current Access and Inclusion Plan.

The Albany Small Business Association have been consulted with in relation to their financial offer of support and are happy to work with the City to provide a more sustainable solution to this issue.

In summary, the City has a solid record of achievement in provision of services to people with disabilities, and in fostering collaborative working partnerships with various disability services stakeholders. In relation to the ALAC fees, the Council will next review all its fees and charges for the 2013/14 financial year at the June 2013 OCM.

**6:20:45 PM Mr Frank Ruggera, 69 Elizabeth Street, Lower King**

Summary of key points:

- Thanked Council and the City of Albany, in particular the Works and Services team, on behalf of the Lower King Progress Association for the work recently carried out on Elizabeth Street, Lower King.
- The road is now much safer for pedestrians and other road users.

**6:21:39 PM Ms Delma Baesjou, Ayton Baesjou Planning**

Summary of key points:

- Spoke in support of the Responsible Officer Recommendation for Item 2.4: Final Approval of Amendment-Lot 116 Forsyth Glade, Kronkup.

**6:24:52 PM Mr Jim Swann, Albany Legal**

Summary of key points:

- Item 2.3: Development Application-Change of Use to Tavern (Restrictex)-222-226 Stirling Terrace, Albany
- Addressed Council on behalf of the proponent and requested support for the application

**6:27:17 PM** There being no further speakers the Mayor declared the Public Question and Statement Time closed

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

Mayor D Wellington

**Councillors:**

Breaksea Ward	R Hammond
Breaksea Ward	V Calleja
Frederickstown Ward	C Dowling
Frederickstown Ward	G Stocks
Kalgan Ward	C Holden
Kalgan Ward	Y Attwell
West Ward	D Dufty
Yakamia Ward	R Sutton
Yakamia Ward	A Hortin JP
Vancouver Ward	S Bowles
Vancouver Ward	D Bostock

**Staff:**

Acting Chief Executive Officer	G Adams
Executive Director Planning & Development Services	D Putland
Executive Director Works & Services	M Thomson
Executive Director Community Services	C Woods
Minutes	J Williamson

**Apologies:**

West Ward	G Gregson (Leave of Absence)
Chief Executive Officer	G Foster (Apology)

Two members of the media and approximately 15 members of the public were in attendance.

**VII. APPLICATIONS FOR LEAVE OF ABSENCE**

**ITEM 7.0: RESOLUTION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Councillor Dowling be granted leave of absence from 27 May 2013 to 4 June 2013.**

**CARRIED 12-0**

**ITEM 7.0: RESOLUTION 2**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BOWLES**  
**SECONDED: COUNCILLOR DUFTY**

**THAT Councillor Calleja be granted leave of absence from 30 May 2013 to 4 June 2013.**

**CARRIED 12-0**

**ITEM 7.0: RESOLUTION 3**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR HORTIN**

**THAT Councillor Dufty be granted leave of absence from 18 June 2013 to 25 June 2013.**

**CARRIED 12-0**

**ITEM 7.0: RESOLUTION 4**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOWLING**  
**SECONDED: COUNCILLOR STOCKS**

**THAT Mayor Wellington be granted leave of absence from 18 June 2013 to 25 June 2013.**

**CARRIED 12-0**

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

**ITEM 8.0: RESOLUTION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR BOWLES**

**THAT the minutes of the Ordinary Council Meeting held on 16 April 2013, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 12-0**

**ITEM 8.0: RESOLUTION 2  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOWLING  
SECONDED: COUNCILLOR HORTIN**

**THAT the minutes of the Special Council Meeting held on 30 April 2013, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 12-0**

ORDINARY COUNCIL MEETING  
MINUTES – 21/05/2013  
\*\* REFER DISCLAIMER \*\*

**IX. DECLARATIONS OF INTEREST**

<b>Name</b>	<b>Item Number</b>	<b>Nature of Interest</b>
Councillor Attwell	4.1	<b>Financial.</b> Payment to JG Kelly and YW Attwell for the returned of a defect liability bond. Councillor Attwell left the Chamber and did not participate in the discussion or vote.
Councillor Stocks	4.1	<b>Financial.</b> Councillor Stocks is a shareholder of a company listed for payment. Councillor Stocks left the Chamber and did not participate in the discussion or vote.
Councillor Bowles	4.1	<b>Impartiality.</b> Councillor Bowles is the secretary of Great Southern Factor Inc. Paperbark Merchants have a sponsorship arrangement with 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.**