



MINUTES

ANNUAL GENERAL MEETING OF ELECTORS

Held on
Thursday, 17th December 2009
6.00pm
City of Albany Council Chambers

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TABLE OF CONTENTS

1.0	Declaration of opening and announcements of visitors	1
2.0	Opening prayer	1
3.0	Record of attendance, apologies and leave of absence previously approved	1
4.0	Confirmation Of Minutes of Previous Meeting	2
4.1	Annual General Meeting of Electors 2007/08 held 4 th December 2008	
5.0	Receipt of Annual Report for the 2008/2009 Financial Year	2
6.0	General Business	2
6.1	Public question and statement time	2-5
7.0	Closure	5

ELECTORS' MEETING PROCEDURE

In accordance with the *Local Government Act 1995*, being:

5.31. Procedure for electors' meetings

The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

5.32. Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,

which ever happens first.

- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

The procedures for the conduct of an Electors' meeting are prescribed in the *Local Government (Administration) Regulations 1996*, being:

reg 15. Matters for discussion at general electors' meetings — s. 5.27(3). *For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.*

reg 17. Voting at electors' meetings — s. 5.31

- (1) *Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.*
- (2) *All decisions at a general or special meeting of electors are to be made by a simple majority of votes.*
- (3) *Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.*

reg 18. Procedures at electors' meetings — s. 5.31

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

1.0 DECLARATION OF OPENING AND ANNOUNCEMENTS OF VISITORS

The Mayor declared the meeting open at 6:03 pm.

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 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

Mayor MJ Evans JP

Councillors:

Frederickstown Ward	D Wellington
Frederickstown Ward	D Price
Kalgan Ward	M Leavesley
West Ward	D Dufty
West Ward	D Wolfe
Yakamia Ward	R Sutton
Yakamia Ward	J Matla

Staff:

Chief Executive Officer	P Richards
Executive Director Corporate & Community Services	WP Madigan
Executive Director Development Services	R Fenn
Executive Manager Business Governance	S Jamieson
Manager of Finance	P Wignall
Assistant Business Governance Officer	J Williamson

Public Gallery and Media:

No media representatives were in attendance and approximately 8 members of the public were in attendance.

Apologies/Leave of Absence:

Breaksea Ward	Cr J Bostock
Vancouver Ward	Cr D Bostock
Vancouver Ward	Cr R Paver
Executive Director Works & Services	K Ketterer

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Annual General Meeting of Electors 2007/2008 held on the 4th December 2008

**ITEM: 4.1 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR PRICE
SECONDED DEPUTY MAYOR WELLINGTON**

THAT the minutes of the Annual General Meeting Of Electors 2007/2008 held on the 4th December 2008, as previously distributed be confirmed as a true and accurate record of proceedings.

**MOTION CARRIED 12-0
MEMBERS OF THE PUBLIC VOTED**

5.0 RECEIPT OF ANNUAL REPORT FOR THE 2008/2009 FINANCIAL YEAR

**ITEM: 5.0 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR DUFTY**

THAT the City of Albany Annual Report for the 2008/2009 Financial Year be received.

MOTION CARRIED 8-0

6.0 GENERAL BUSINESS

The matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

Mayor requested members of the public to address Council on the annual report for previous year.

Nil

Other General Business

[6:09:03 PM](#) John O'Dea Bushby Road, Lower King

Mr O'Dea addressed the Council regarding his concerns about a number of issues he believes are going wrong. Mr O'Dea expressed concern over major projects undertaken by the City such as the AEC, and developments at Little Grove, Cull Road and Big Grove.

Item 6.0 continued.

Mr O'Dea felt that Councillors had every right to ask questions of staff, and that Local Government should not be a developer. Mr O'Dea hoped that in the coming year things would improve.

The Mayor responded that Council was addressing the issues that Mr O'Dea had raised.

Mr O'Dea expressed concern over the location of the toilet at Little Grove.

Through the Mayor, EDDS, Mr Fenn responded: Toilet had to be located in a position where it was overviewed by adjoining residences. There was limited space in the area to achieve this. The road closure was a procedural step as the sewer connection was on the adjoining reserve, and the two land parcels had to be amalgamated in order to allow the toilet to be connected to the sewerage. This is Crown Land, and as such there never would have been a road built there.

The Minutes of the General Meeting of Electors 2008 stated that this occurred as an administrative oversight as a justification for the building of the toilet.

6:18:14 PM Mrs Patricia Allan, Wilson Street, Little Grove

Mrs Allan addressed Council with regard to the Amendments to the Little Grove Structure Plan. Mrs Allen acknowledged that Council had voted against naming the land holders who may be affected by the resumption of privately owned land for Public Open Space.

Mrs Allan expressed concern that the WA Planning Commission in the new Amendment, had stated that they wanted 3000m² to 5000m² of contiguous land for Public Open Space. Mrs Allan said that in her opinion the only contiguous land available belonged to Mr and Mrs Allan and Mr and Mrs Nesbitt. Mrs Allan requested that Mr Fenn provide an explanation.

Through the Mayor, EDDS, Mr Fenn responded:

Council resolution was that any reference to your property be deleted on the plans or references as to where the Public Open Space should be located. The Amendments tabled at the last Council Meeting, were in fact instructions from WAPC to Council. WAPC drafted those words, not City staff. Council were required by WAPC to have a clear understanding of WAPC requirements, and the final location of the Public Open Space would be a decision made by WAPC at subdivision stage.

Mrs Allan expressed concern that the current development of 15 hectares nearby had only supplied two small areas for Public Open Space, and questioned why the developers had not provided an area of 3000m² to 5000m² as there was ample suitable land.

Through the Mayor, EDDS, Mr Fenn responded: The WAPC through the Department of Planning took the decision as to how Public Open Space would be provided within the subdivision.

Mrs Allan expressed concern that Council was receiving money in lieu of providing Public Open Space.

Item 6.0 continued.

Through the Mayor, EDDS, Mr Fenn responded: WAPC has instructed Council that they would not endorse the plan without some recognition that Public Open Space would be provided. WAPC approved the subdivision on adjoining land and approved the way that Public Open Space would be allocated on that subdivision.

Councillor Price offered some clarification relating to the May 2009 Committee Meeting, when (then) Cr Kim Stanton moved that Council resubmit the ODP to WAPC omitting to location of Public Open Space. This was carried unanimously by all Councillors.

Mrs Allan queried the clearing of the 5 metre verges in her neighbourhood.

Through the Mayor, CEO Mr Richards responded: Mr Richards offered to address Mrs Allans concerns over certain operational issues directly with Mrs Allan.

[6:27:07 PM](#) **John Shaylor, President of Friends of Emu Point**

Mr Shaylor thanked Council and staff on behalf of the Friends of Emu Point, for the work done on Cunningham Street.

Mr Shaylor attended the Council meeting on Tuesday night (15/12/09). The reason he attended was that he had heard second hand, that a group of Councillors had been isolated and that Council voted against anything that this group of Councillors moved.

Mr Shaylor was impressed by how efficiently the meeting last Tuesday night was run.

Mr Shaylor hoped that Council would judge each motion on its merit.

Mayor's response:

Thanked Friends of Emu Point for making him welcome at their meetings.

[6:30:25 PM](#) **John Jamieson, Bornholm**

Mr Jamieson made an observation as a ratepayer that some Councillors (up until October 2009) that did not do the job they were elected to do. Mr Jamieson complimented those Councillors elected since October 2009 on making Council a more co operative and effective unit.

Mr Jamieson also expressed concern that the Member for Kalgan did not intend to complete his term of office. Mr Jamieson felt that the cost of running the election to fill the vacancy should be paid by that Councillor.

Item 6.0 continued.

[6:32:19 PM](#) **Mrs Wendy Wood, Cull Road, Albany**

In response to Mayor's comments:

Mrs Wood would like Councillors and Staff to treat ratepayers with equal respect.

Mrs Wood stated that she would like to back up previous speakers, such as the Allan family, with regard particularly to lack of public consultation and clearing of road verges.

Mrs Wood felt that she and her husband had borne the brunt of the Cull Road Development, and Mrs Wood hoped that Council would listen to the electors.

[6:34:42 PM](#) **Mr John O'Dea, Bushby Road, Lower King**

Mr O'Dea stated that he was disappointed with the development of the groyne that has been established in the harbour.

Mr O'Dea hoped that the Council would build the full groyne (marina), not the compromised version.

Mayor's response:

Be assured that we are working diligently to achieve a good outcome.

Mr O'Dea responded: Would Council and staff please ensure that Albany receives the funding and development that we deserve.

Mayor's response: Thanked the members of the public for their comments and attendance.

7.0 CLOSURE

There being no further business the Mayor declared the meeting closed at [6:39:45 PM](#).

Confirmed as a true and accurate record of proceedings.

Milton John Evans, JP
MAYOR