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# MINUTES

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## ANNUAL GENERAL MEETING OF ELECTORS

Thursday 10 March 2016  
6.30pm  
City of Albany Council Chambers

ANNUAL GENERAL MEETING OF ELECTORS  
MINUTES - 10/03/2016

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## 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 the 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,

whichever 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 Act (Administration) Regulations 1996*, being:

#### ***reg 15. Matters for discussion at general electors meetings-s. 5.27(3).***

*For the purposes of the 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. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

[6:30:03 PM](#) The Mayor declared the meeting open.

**2. 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.”*

*“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.*

*We would also like to pay respect to Elders both past and present”.*

**3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE  
PREVIOUSLY APPROVED**

**Mayor**

Dennis W Wellington

**Councillors:**

Frederickstown Ward

G Stocks

Frederickstown Ward

C Dowling

Kalgan Ward

J Price

Kalgan Ward

B Hollingworth

Breaksea Ward

P Terry

Vancouver Ward

J Shanhun

West Ward

A Goode JP

West Ward

S Smith

Yakamia

A Moir

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate Services

M Cole

Executive Director Planning and Development

D Putland

Executive Director Works and Services

M Thomson

Executive Directors Community Services

A Cousins

Meeting Secretary

J Williamson

**Public Gallery and Media:**

**Apologies/Leave of Absence:**

Vancouver Ward

N Mulcahy (Apology)

Yakamia

R Sutton (Apology)

Breaksea Ward

R Hammond (Apology)

Executive Director Economic Development and  
Commercial Services

C Woods (Apology)

One media representative and five members of the public were in attendance.

#### 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The Mayor put to the Elector's meeting the minutes provided in the Attachment to the AGM of Electors Meeting Agenda.

##### ITEM 4.0: RESOLUTION

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

**THAT the minutes of the Annual General Meeting of Electors held on 19 March 2015, as previously distributed, be confirmed as a true and accurate record of proceedings.**  
**CARRIED**

**Record of Vote:** No members of the public or Council voted against the Motion.

#### 5. RECEIPT OF ANNUAL REPORT FOR THE 2014-15 FINANCIAL YEAR

##### ITEM 5.0: RESOLUTION

**MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: COUNCILLOR DOWLING**

**THAT the City of Albany Annual Report for the 2014-15 Financial Year be received.**  
**CARRIED**

**Record of Vote:** No members of the public or Council voted against the Motion.

#### 6. 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.*

##### 6.1 PUBLIC QUESTION AND STATEMENT TIME

[6:39:48 PM](#) **Mr Anthony Wood, 5 Cordillera Street, McKail**

- Mr Wood's tabled address is detailed at Appendix A.

Mr Wood asked that the following questions be taken on notice. Responses are included in italics.

##### **Visitor Centre**

Is the Visitor Centre confirmed to be relocating to the Library? If yes:

##### **What reasons for relocating?**

*Yes, it is proposed to relocate the Visitor Centre with funding to be considered by Council in the 2016-17 budget.*

*Relocation and enhancement of the Albany Visitor Centre will support the City of Albany's City Centre Revitalisation objectives by leveraging recent infrastructure improvements such as the Town Square.*

*This project will assist in this greater aim by reactivating Albany's town centre and facilitate growth in the region's tourism and local business sectors whilst also linking to the strong heritage aspects of the City.*

*In particular, there is an opportunity to leverage the exposure the region has received through the recent Anzac Centenary events in November 2014. The redevelopment and relocation is aligned to the 2010 CBD Master Plan and will act as a catalyst for urban renewal and greater private investment.*

*The City receives regular feedback that the current location is very difficult to find.*

*In brief, the key benefits and outcomes of this development will be:*

- *The relocation of the Albany Visitor Centre to a central location will increase length of stay and money spent by visitors.*
- *The development will revitalise the CBD and encourage increased retail spending by visitors.*
- *The new iconic building will showcase the region's unique food and wine options.*
- *A central location for the AVC will provide much better linkages to Albany's unique heritage assets, including the National Anzac Centre, Discovery Bay and Albany Heritage Park.*
- *Co-location of the AVC and the Library will enable the multi skilling of staff and provide a more sustainable business model for both services which are currently subsidised by the City of Albany.*
- *The central location is much easier to find.*
- *The possible relocation allows for the expansion of the Albany UWA campus.*

### **What is to become of the old Railway Station?**

*The relocation of the Albany Visitor Centre will also free up the current location to enable the possible expansion of the University of Western Australia's Albany campus.*

*An increase in student numbers and teaching and administrative personnel will have a further positive impact on the Albany region.*

### **Where is the TRANSWA bus going to depart from?**

*A number of options are being considered for the operation of the TRANSWA office with no final decision made at this stage.*

### **At what cost to relocate?**

*Total project cost is \$2.45 million. The City of Albany has been successful in securing significant government grant funding for the relocation of the Visitor Centre to the higher profile main street location. The City of Albany contribution is \$1 million towards this project.*

**What public consultation was used for this decision?**

*The redevelopment and relocation is aligned to the 2010 CBD Master Plan which involved considerable public consultation. Once a concept design for the Albany Tourism Information Hub is developed, community consultation will be undertaken as to the appropriateness of the design (approximately August 2016).*

**Rubbish Tip**

**How many years are left at the Hanrahan Road Site?**

*Twelve to fifteen years on current projections.*

**What are the options when Hanrahan Road closes?**

*The City is currently investigating an alternative site. City staff will brief Elected Members on this option in the near future, with a view to (if feasible) progressing development of a new site.*

**What funds have been put aside for a new site?**

*The City is projecting a balance of approximately \$2 million in Reserves at the end of the 2015-16 financial year.*

**“The Ridge” Cull Road**

Due to Stage 1 nearly all sold now;

**What is the total loss on this development?**

**What is the future direction of Stage 2 and 3 of this development?**

*As a number of lots remain unsold, to project an overall surplus/deficit is speculation, and outside the scope of the current Annual Report. Nothing materially has changed other than the market price of the lots dropping significantly.*

*Stage 2 and 3 are on hold until market conditions improve, and would require a further report to Council.*

**Seniors Rates**

**Can I have clarification on Seniors Rates for the next year? E.g. capped at \$500, just new seniors etc.**

*A capping to Pensioner and Commonwealth Senior rebates will be introduced by the State Government on 1 July 2016. Instead of receiving a full 50% rebate on the rates portion of their annual account, it will be capped at \$550.*

*This means eligible pensioners and Commonwealth seniors will receive an annual rates notice with a reduced rebate, meaning the amount they need to pay to the City will be substantially more than last year.*

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*There is no change to the 50% rebate on the Emergency Services Levy and no change to State Senior Card Holders, as a capping has been in place since a rebate was granted for State Seniors.*

**Mr Mervyn Leavesley**

Mr Mervyn Leavesley was unable to attend the AGM of Electors Meeting, however, the Mayor read Mr Leavesley's tabled address to the meeting, which contained the following questions:

1. How much of the rates (fees and charges) increases since 2010 have been used to pay back the debts on the Ridge Development?

*Response provided by the Executive Director Corporate Services. "Minimal. The proceeds from the Lehman Bros recovery and land sales have been applied to the loan repayment. See the table below."*

Year End/Financial Year	Loan Balance	Loan Repayments	Land Sales/proceeds	Investment Recovery
FY 10/11			\$282 k	
30/06/2011	\$3.3 mill			
FY 11/12		(\$1 mill)	\$812 k	
30/06/2012	\$2.3 mill			
FY 12/13		(\$800 k)	\$364 k	\$2.1 mill
30/06/2013	\$1.5 mill			
FY 13/14		(\$1.5 mill)	\$271 k	\$250 k
30/06/2014	Nil			
FY 14/15		Nil	\$433 k	
30/06/2015	Nil			

2. To undertake a Major Land Transaction Council has to approve a business plan. I cannot find any review having taken place of this business plan in subsequent years i.e. since 2008. If this is not the case, can you please give me information as to the Council Resolution?

*Response provided by the Executive Director Corporate Services. "The business plan was approved at the November 2006 Ordinary Council Meeting. The basis of that business plan has not significantly changed. Therefore, no new major land transaction has been entered into requiring the preparation of another business plan. Once the last land has sold, a full report, as per **Local Government (Financial Management) Regulations 1996, reg 47**, will need to be compiled. Until that point, given that lots remain unsold, to project an overall surplus/deficit is speculation, and outside the scope of the current Annual Report. Nothing materially has changed, just the market price for the lots has dropped significantly."*

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3. Council is also under the Act required to keep "separate accounts". This is not just to account separately, i.e. with an item number. Has the City complied with this requirement since 2008?

*Response provided by the Executive Director Corporate Services. "Separate management accounts are kept for every area and work team. However, these do not appear in a General Purpose Financial Report, such as the Financial Report is (see note 1 (a) in the report)."*

4. In light of the fact that you should be keeping separate accounts can you please now produce the retrospective figures for each year, as you should have in the first place?

*Response provided by the Executive Director Corporate Services. "Not applicable. See answers 2 and 3. Reg 47 stipulates the detail to be in the report upon the conclusion of the Major Land Transaction."*

5. With reference to r46(b) are the liabilities to the ratepayer included in the figures in this report. And if not why not? Surely the Development owes the ratepayers?

*Response provided by the Executive Director Corporate Services. "No liabilities exist. Loans were repaid a number of years ago. Detailed when required. Note 6 shows the current value of the land on hand. Note 33 in 2012-13 for example, included the notation on the Loan."*

## **7. CLOSURE OF MEETING**

There being no further business the Mayor declared the meeting closed at [6:45:13 PM](#)



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Dennis W Wellington  
**MAYOR**

**TABLED ADDRESS BY MR ANTHONY WOOD**

Anthony Wood

5 Cordillera St McKail

Visitors Centre

\*Is the Visitors Centre confirmed to be relocating to the Library?

If yes

\*What reasons for relocating?

\*What is to become of the old railway station?

\*Where is the TransWA bus going to depart from?

\*At what cost to relocate?

\*What public consultation was used for this discision?

Rubbish Tip

\*How many years left at the Hanrahan Rd site?

\*What are the options when Hanrahan Rd closes?

\*What funds have been put aside for a new site?

"The Ridge" Cull Rd

Due to stage 1 nearly all sold now

\*What is the total loss on this development?

\*What is the future direction of stage 2 and 3 of this development?

Seniors rates

\*Can I have clarification on seniors rates for next year? Eg. Capped at \$500?, just new seniors? Etc.

It is nice to see all the improvements to the City Centre. But please remember that there is more to Albany than just the City Centre. Ratepayers out there are paying top rates and still have open drains and no kerbs outside their houses in McKail and Lockyer. Some roads are also in disgraceful condition around the suburbs and rural areas. For example Townsend St in Lockyer which is probably past repairing.

**TABLED QUESTIONS FROM MR MERVYN LEAVESLEY**

I put on notice the following questions: -

1. How much of the rates, (fees and charges) increases since 2010 have been used to pay back the debts on the Ridges development?
2. To undertake a Major Land Transaction Council has to approve a business plan. I cannot find any review having taken place of this business plan in subsequent years, ie since 2008. If this is not the case, can you please give me information as to the Council resolution?
3. Council is also under the Act required to keep "separate accounts". This not just to account separately, ie with an item number. Has The City complied with this requirement since 2008?
4. In light of the fact that you should be keeping separate accounts can you please now produce the retrospective figures for each year, as you should have in the first place?
5. With reference to r46 (b) are the liabilities to the ratepayer included in the figures in this report? And if not why not? Surely the Development owes the ratepayer?

Thank you for your time and I look forward to your early reply.

Mervyn Leavesley - Kalgan

**TABLED ADDRESS FROM MR MERVYN LEAVESLEY**

*Unfortunately, I am unable to attend the elector's AGM. However, I will be grateful if my statement and questions can be read out at the appropriate time during the meeting and subsequently tabled.*

Once again I have cause to address an AGM of electors with reference to the reporting of the major land transaction known as The Ridges Cull Road.  
Financial regulation s S-6.4/ r46...

**46. Major land transactions, information about in annual financial report**

The annual financial report is to include, separately in relation to each major land transaction (according to nature or type classification) —

- (a) all income and expenditure; and
- (b) details of assets and liabilities at 30 June; and
- (c) such other information as is necessary to provide full and complete information on the transaction; and
- (d) if the transaction is to span more than one financial year, a brief statement showing the cash flows expected during the term of the transaction or the period covered by the plan for the future, whichever is the lesser.

This Major Land Transaction was entered into in October of 2008 all subsequent Annual Reports should have complied with these regulations - none have. In particular I bring your attention to (c) above and ask if anyone can tell me how this Annual report provides full and complete information?

Since 2013 I have been trying to get answers, I have asked: -

Finance Director

CEO

Councillors

Local Government Dept

Local Government Minister (and at his suggestion finally)

The Auditor – Moore Stephens (who referred me back to you guessed it, the Finance Director).

The losses to the ratepayers are in the millions and yet have never been reported in any Annual Report.

I sincerely ask this meeting to reject this Annual Report on the basis of this incomplete reporting.

Thank you for your time and I look forward to your early reply.

Mervyn Leavesley - Kalgan