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# MINUTES

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## **SPECIAL ELECTORS' MEETING**

**Monday 29 March 2021  
6.30pm**

**City of Albany Council Chambers**

Administration Building

102 North Road  
Yakamia WA 6330

## CITY OF ALBANY COMMUNITY STRATEGIC PLAN (ALBANY 2023)



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## ELECTORS' MEETING PROCEDURE

The *Local Government Act 1995*, and *Local Government (Administration) Regulations 1996*, provides the rules and guidance on how to hold an Elector's special meeting.

### **Local Government Act 1995**

#### **5.28. Electors' special meetings**

- (1) A special meeting of the electors of a district is to be held on the request of not less than —
  - (a) 100 electors or 5% of the number of electors —  
whichever is the lesser number; or
  - (b) 1 /3 of the number of council members.
- (2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.
- (3) The request is to be sent to the mayor or president.
- (4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.

*[Section 5.28 modified: SL 2020/57 1M.]*

#### **5.29. Convening electors' meetings**

- (1) The CEO is to convene an electors' meeting by giving —
  - (a) at least 14 days' local public notice; and
  - (b) each council member at least 14 days' notice,  
of the time, date, place and purpose of the meeting.
- (2) (The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time the notice is first given and is to continue in the prescribed way until the meeting has been held.

*[Section 5.29 amended: No. 16 of 2019 s. 20.]*

#### **5.30. Who presides at electors' meetings**

- (1) The mayor or president is to preside at electors' meetings.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and —
  - (a) the office of deputy mayor or deputy president is vacant; or
  - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

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.

### **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.

### **5.34 When deputy mayors and deputy presidents can act**

If —

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

## ***Local Government Act (Administration) Regulations 1996***

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

#### ***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**

The presiding member, Mayor Dennis Wellington declared the Special Meeting of Electors open at 6.30pm and advised the electors:

*This Special Meeting of Electors has been convened in accordance with Section 5.28 of the Local Government Act 1995.*

*A petition was received by the City of Albany on Wednesday 10 March 2021, requesting that a Special Meeting of Electors be held to discuss DIS252: Telecommunications Infrastructure-Lot 141, 32 Allerton Street, Robinson.*

*At the Ordinary Meeting of Council held on 23 March 2021, Council resolved:*

*THAT this matter:*

*1. Be DEFERRED to allow time for staff, in consultation with the proponents, to review and consider alternative locations for the Telecommunications Infrastructure on the subject site at Lot 141, 32 Allerton Street, Robinson to lessen the impact on the landowner and lessee of the property to the North; and*

*2. Be RE-PRESENTED for consideration by Council at the Ordinary Council Meeting to be held on Tuesday 27 April 2021.*

**2. OPENING PRAYER**

The Mayor read the opening prayer and acknowledgement of country, being:

*“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 past, present and emerging”.*

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

**Mayor**

Dennis W Wellington

**Councillors:**

Breaksea Ward	R Hammond
Breaksea Ward	P Terry
Frederickstown Ward	G Stocks (Deputy Mayor)
Frederickstown Ward	Vacant
Vancouver Ward	T Sleeman
Vancouver Ward	J Shanhun
West Ward	A Goode JP
West Ward	S Smith
Yakamia	C Thomson
Yakamia	R Sutton

**Staff:**

Chief Executive Officer	A Sharpe
Executive Director Corporate & Commercial Services	D Olde
Manager Planning & Building Services	J Van der Mescht
Manager Governance & Risk	S Jamieson
Meeting Secretary	D Clark

**Public Gallery and Media:**

28 members of the public, above the age of 18, were in attendance.  
This included 2 members of the media who did not participate in the vote.

**Apologies/Leave of Absence:**

Kalgan Ward	E Doughty (Apology)
Frederickstown Ward	R Stephens (Tendered resignation)
Kalgan Ward	M Benson-Lidholm JP (Apology)
Executive Director Development, Infrastructure & Environment	P Camins (Apology)
Executive Director Community Services	N Watson (Apology)

#### **4. PUBLIC QUESTION AND STATEMENT TIME**

**6:32pm Mr Ian Peacock** – requested to speak later in the meeting.

**6:32pm Sharon Pearson, 333 Serpentine Road, Mt Melville**

**Summary of key points.**

Speaking against the tower. Would like to request that towers are placed further away from homes and farmlands – 2 to 3 kilometres. Would like wider community consultation between the community and the businesses that are involved. Would like a bush location or to see the tower located along coastal hills.

**6:34pm Ray Eskett, 98 Elphinstone Road, Robinson**

**Summary of key points.**

Speaking against the proposed tower. Feels that a 5G tower is unnecessary, reception is currently adequate, NBN is suitable and a tower will detract from the tourism appeal of the City.

**6:35pm Judy Hunt, 98 Elphinstone Road, Robinson**

**Summary of key points.**

Understands that the towers are needed and the need to take the congestion from Mt Melville tower, however, feels that there would be a more suitable location such as CSBP on Hanrahan Road, the Blue Gum plantation, Albany Race Club Robinson etc. Would like to request that the location be reconsidered. Is not supportive of having to view the tower from their residence, and is concerned about the possible harmful effects.

**6:37pm Annie Matherson 50 Stirling Street, Robinson**

**Summary of key points**

Speaking against the tower. Request that experts are employed to ensure regular readings are undertaken at various distances. Would like to stress that the City has a responsibility to ensure the safety of the residents. Believes that the tests undertaken are not relevant as they do not consider the volume of exposure to children and adults 24 hours a day 7 days a week. States that the anxiety and stress being caused to herself and other residences is the fault, and responsibility, of Telstra and the City of Albany.

**6:40pm Gary Richardson. 14 Parker Street, Lockyer**

**Summary of key points**

Speaking against the tower. Is very concerned about what the Government considers to be a safe level of exposure. Believes that there is a conflict of interest with those that set the safety standards.

**6:41pm Michelle Kinsella – no longer wishes to speak**

**6:41pm Loraine Holloway, 14 la Perouse Road, Goode Beach**

**Summary of key points.**

Speaking against the proposed tower. Outlined health issues that had occurred due to Electromagnetic Hypersensitivity (EHS). Would like to make council aware of the 1998 guidelines that are currently used and should be considered outdated as these were published before 3G and not relevant given 5G is now being considered.

Requests that the tower is kept a minimum of 2 kilometres away from people for safety reasons. Would encourage Council to review the material is widely available.

**6:45pm Yana Appleton, 42 Edinburgh Road, McKail**

**Summary of key points.**

Previously asked for research to be provided, particularly in relation to the impact of towers on the bee population. Received an officer response but was not provided with all the information she requested. Would like further information to be provided and would urge the council to research further and consider safety studies undertaken. Precautionary principle has been used by other Councils and would like the City of Albany to do the same. Would like the City of Albany to consider using Fibre optic cabling.

**6:48pm Brenda Villion, Lower King**

**Summary of key points**

Speaking against the tower. Concerned about the proposed tower at Lower King. Representing her children, grandchildren and great grandchildren. Believes that in other areas in the world 5G is being removed due to children developing cancer. Outlined health issues experienced, believed to be due to the use of towers.

**6:50pm Don Phillips 314 Frenchman Bay Road.**

Mr Phillips proposed the following notice of motion on behalf of the electors present:

**MOTION BY MR DON PHILLIPS**

**MOVED: MR DON PHILLIPS  
SECONDED: MR RAY ESKETT**

**THAT the electors of Albany, present at this Special Electors Meeting, direct the City of Albany to refuse consent for the application of telecommunications infrastructure for Lot 41, 32 Allerton Street, Robinson.**

**CARRIED 28-0**

**6:53pm Ross Williams, 4 Manni Road, Robinson  
Summary of key points.**

Mr Williamson spoke against the proposed tower. While his phone currently drops out at his home location, this will not be rectified by the location of the proposed tower. Feels that an alternative location is needed to enable better coverage for SES and Fire Brigade. Urge Council to look for an alternate site.

The Mayor asked if anyone would like to address Council.

No audible response was received or noted, therefore the Mayor declared the meeting closed at 6.54pm.

Post the declaration of closure of the meeting, attendees advised the Mayor they did not have time to respond and requested that the meeting be re-opened.

Attendees appealed to Mayor to re-open the meeting.

The Mayor approved the request and re-opened the meeting at 6:56pm.

Ms Hunt proposed the following motion:

**MOTION BY JUDY HUNT**

**MOVED: JUDY HUNT  
SECONDED: PATRICK FOSTER**

**THAT if the City of Albany supports the tower each councillor be held liable for any financial outlay for treatment of mental health disorders caused by this Telecommunication Tower at 32 Allerton Street, Robinson (i.e. doctors, psychologists, psychiatrists, counselling and medication)**

**CARRIED 28-0**

6:58pm Ms Hill proposed the following motion:

**MOTION BY MS HILL**

Request that Councillor Sutton explain why he would not like a 4 or 5 G tower near him as described at the first meeting held in March.

The CEO, Andrew Sharpe advised that it is a question for Councillor Sutton, and recommended that this is not accepted as a motion, as Council cannot speak on behalf of Councillor Sutton.

The CEO advised the question may be presented as a question to Councillor Sutton during public question time at the Ordinary Meeting of Council when this matter is considered.



Councillor Sutton advised the Mayor that he wished to respond.

Councillor Sutton stated that while he may not like the site of a tower on his property, as a councillor, his role was to consider the regulations that council have to work within. If the advice from the Federal and State Government states that the radiation level is safe, then as a councillor he must adhere to and make a judgement based only on this, and Council can only view this from a planning perspective.

7.01pm, Ms Hill proposed the following motion:

**MOTION BY MS LINDA HILL**

**MOVED: MS LINDA HILL  
SECONDED: MR DAVID ATHERSTON**

**THAT should a tower be approved, then the City of Albany employ an independent electromagnetic radiation expert to take weekly readings at 100m, 200m, 250m, 300m, 350m, 400m, 500m, and so on to ensure that the radiation levels stay well below allowable limits.**

**CARRIED 28-0**

7.02pm, Ms Appleton then requested to propose a motion for Council consideration at the next meeting, being:

**MOTION BY MS YANA APPLETON**

**MOVED: MS YANA APPLETON  
SECONDED: MR DAVID FOSTER**

**The electors would like to request that the City of Albany responds to each and every point that is raised, not a blanket yes or no response.**

**CARRIED 28-0**

7.03pm. Ms Appleton proposed the following motion:

**MOTION 5 BY MS YANA APPLETON**

**MOVED: MS YANA APPLETON  
SECONDED: MS LINDA HILL**

**That the City of Albany does not support the application on the grounds that it will devalue surrounding properties.**

**CARRIED 28-0**

**5. CLOSURE OF MEETING**

The Mayor asked if anyone wished to address the meeting.

No response was received.

Councillor Sutton sought a point of clarification. If the City of Albany refuse the application for the proposed tower, can members of tonight's group participate to defend the decision at the State Administration Tribunal (SAT)?

CEO, Andrew Sharpe, advised that there is no third party right of appeal, if Council does not support the application, independent representation will be required. SAT will only consider the issue on planning grounds. The City would have to detail their reason for refusing the approval based on planning grounds, and cannot deviate from this issue as a planning matter.

The Mayor advised that the State Administration Tribunal (SAT) has authority to override any decision made by the Local Government Authority.

There being no further business the Mayor declared the meeting closed at **7.06pm**.



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Dennis W Wellington  
**MAYOR**