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# MINUTES

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## **SPECIAL ELECTORS' MEETING**

**Tuesday 8 December 2020**

**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.*

SPECIAL ELECTORS' MEETING  
MNUTES – 08/12/2020

**1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

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

A petition was received by the City of Albany on Tuesday 17 November 2020, requesting that a Special Meeting of Electors be held to discuss the proposed removal of 9 Norfolk Island Pine trees from the Flinders Parade Car Park, Middleton Beach.

**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 past, present and emerging".*

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

<b>Mayor</b>	Dennis W Wellington
<b>Councillors:</b>	
Breaksea Ward	R Hammond
Breaksea Ward	P Terry
Frederickstown Ward	G Stocks (Deputy Mayor)
Frederickstown Ward	R Stephens
Kalgan Ward	E Doughty
Kalgan Ward	M Benson-Lidholm JP
Vancouver Ward	T Sleeman
Vancouver Ward	J Shanhun
West Ward	A Goode JP
West Ward	S Smith
Yakamia	C Thomson
Yakamia	R Sutton
<b>Staff:</b>	
Chief Executive Officer	A Sharpe
Executive Director Corporate and Commercial Services	D Olde
Executive Director Development, Infrastructure and Environment	P Camins
Acting Executive Director Community Services	N Watson
Manager City Reserves	J Freeman
Meeting Secretary	J Williamson

**Public Gallery and Media:** 56 members of the public and media were in attendance. A list of attendees is appended to these minutes at Appendix A.

**Apologies/Leave of Absence:** Nil

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

**6.32pm Yana Appleton, 660 Lower King Road, Lower King**

**Summary of key points:**

Ms Appleton spoke in support of retaining the Norfolk Island pine trees in the centre of the Flinders Parade car park. Ms Appleton said that her opinion the City had not consulted with the community. Ms Appleton stated that she had found getting information from the City was very difficult for her.

**6.33pm Mr David Moss, 10 Wittenoom Street, Middleton Beach**

**Summary of key points:**

Mr Moss supports the removal of the nine Norfolk Island pine trees identified as being in poor condition to enable the upgrade to the Flinders Parade car park. Mr Moss stated that Norfolk Island pine trees are not endemic to Albany and it would be more beneficial to replace them with native species.

**6.36pm Ms Jane Mouritz, Barnett Street, Middleton Beach**

**Summary of key points:**

Ms Mouritz addressed Council in support of the removal of the nine Norfolk Island pine trees from the Flinders Parade car park. Ms Mouritz stated that the City had engaged extensively with the Middleton Beach community, and the Middleton Beach Group, as part of the consultation for the Foreshore Enhancement Project.

Ms Mouritz acknowledged that while the removal of pine trees from the Flinders Parade car park may not have been addressed specifically in previous community consultation, the opportunity to undertake further enhancement works to the foreshore was an opportunity to provide better parking and access to Middleton Beach as a result of the provision of additional funding from the State Government.

**6.40pm Mrs Pat Kerruish, Garden Street, Middleton Beach**

**Summary of key points:**

Mrs Kerruish spoke in favour of retaining the pine trees in the Flinders Parade car park. Mrs Kerruish asked what the cost of retaining the pine trees would be against the cost of planting new trees.

The Executive Director Development, Infrastructure and Environment responded that retaining the trees would have a cost which had not been determined at this time. In addition, retaining the trees would result in 24 less car parking bays, and the risk of being unable to complete the project within the timeframe of the funding agreement. If this was the case, the City would have to return the funding.

**6.43pm Ms MaryJane Gibbs, 4 Golf Links Road, Middleton Beach**

**Summary of key points:**

Ms Gibbs spoke in support of removing the pine trees. Ms Gibbs stated that she had attended a number of community meetings regarding the Foreshore Enhancement Project, and felt that the City of Albany had consulted widely with the community. Ms Gibbs said that as a resident of Middleton Beach, the WA Peppermints planted in the area were thriving.

SPECIAL ELECTORS' MEETING  
MNUTES – 08/12/2020

**6.44pm Patrick Foster, Bathurst Street, Mira Mar**

**Summary of key points:**

Mr Foster said that he wanted more transparency and accountability from Council when making decisions. Mr Foster supported the retention of the pine trees in the Flinders Parade car park.

**6.45pm Mr John Banks, 10 Yeo Court, Mira Mar**

**Summary of key points:**

Mr Banks spoke in support of removing the pine trees from the Flinders Parade car park.

**6.48pm Deborah Cufley, Collingwood Heights**

**Summary of key points:**

Ms Cufley spoke in support of retaining the pine trees in the Flinders Parade car park. Ms Cufley stated that Council had not engaged with the community at all on this matter, and she wanted to be engaged on any decisions regarding projects planned by the City.

**6.51pm Mr Tom Burton, Lower King Road, Lower King**

**Summary of key points:**

Mr Burton spoke in support of removing the pine trees from the car park. Mr Burton said that they did not belong in the car park. Mr Burton also stated that the pine trees on the grassed foreshore area dropped a lot debris on the ground making it unpleasant to sit under the trees. Mr Burton requested that the City release any reports done on the health of the trees to the public.

**6.52 Ms Sue Lushey, Collingwood Heights**

**Summary of key points:**

Ms Lushey spoke in support of removing the trees from the car park. Ms Lushey stated that while she had only been a resident of Albany since March 2020, she had already had the opportunity to attend several community meetings regarding the Foreshore Enhancement Project, and had also experienced other less formal interactions with City staff around improvements to the Middleton Beach precinct. Ms Lushey said that the City's website contained a large amount of information regarding the work being undertaken at Middleton Beach, which was available to everyone.

**6.55pm Michelle Kinsella, McKail.**

**Summary of key points:**

Ms Kinsella spoke in support of retaining the pine trees in the Flinders Parade car park. Ms Kinsella said that new plantings would also suffer being planted in a carpark.

There being no further speakers the Mayor declared Public Question Time Closed at **6.55pm**.

SPECIAL ELECTORS' MEETING  
MNUTES – 08/12/2020

**MOTION 1**

**MOVED: D CUFLEY  
SECONDED: P FOSTER**

**That the City of Albany submit documentation to the ratepayers of the City of Albany to substantiate claims that public consultation was undertaken with regard to removal of the pine trees.**

**CARRIED 28-22**

**MOTION 2**

**MOVED: D CUFLEY  
SECONDED: Y APPLETON**

**That the City of Albany publicly advertises the proposed tree removal at Middleton Beach, with plans that depict the trees to be removed, to provide an opportunity for public comment prior to removal.**

**CARRIED 28-22**

**MOTION 3**

**MOVED: Y APPLETON  
SECONDED: P FOSTER**

**THAT the City of Albany take no action to remove the 9 Norfolk Island Pine trees and amend plans to include them in the upgrades.**

**CARRIED 27-24**

**MOTION 4**

**MOVED: Y APPLETON  
SECONDED: D CUFLEY**

**THAT the City of Albany retain the Norfolk Island Pine Tree noting that it is an essential part of the history and character of Middleton Beach.**

**CARRIED 31-21**

**MOTION 5**

**MOVED: D CUFLEY  
SECONDED: S PEARSON**

**That the City of Albany employ a Norfolk Pine Specialist arborist to liaise and advise during the site works to ensure the health of the trees is not compromised.**

**CARRIED 30-18**

**MOTION 6**

**MOVED: P FOSTER  
SECONDED: Y APPLETON**

**That the City of Albany take immediate steps to nurture and care for the Norfolk Pine Trees.**

**32-20**

**MOTION 6-AMENDMENT BY MS JANE MOURITZ**

**MOVED: MS J MOURITZ  
SECONDED: MS MJ GIBBS**

**That the City of Albany take immediate steps to nurture and care for the Norfolk Pine Trees on the Foreshore.**

**LOST 20-28**

**MOTION 7**

**MOVED: P FOSTER  
SECONDED: D CUFLEY**

**That the City of Albany remove the asphalt from around the base of the Norfolk Island Pine trees in the carpark.**

**CARRIED 29-19**

Following the moving of this motion by Mr Foster, a question came from the public gallery asking for clarification of the extent of removal of asphalt from the base of the Norfolk Island Pine Trees in the carpark. Mr Foster responded that he was not an expert but would recommend a distance of one to two metres from the base of the trees.

**MOTION 8**

**MOVED: Y APPLETON  
SECONDED: D CUFLEY**

**THAT the City of Albany improve the drainage around the base of the Norfolk Island Pine Trees.**

**CARRIED 26-17**

**MOTION 9**

**MOVED: Y APPLETON  
SECONDED: D CUFLEY**

**That the City of Albany discontinue the use of glyphosate or other harmful substances around the Norfolk Island Pine Trees.**

**CARRIED 30-12**

**MOTION 10**

**MOVED: Y APPLETON  
SECONDED: D CUFLEY**

**THAT the City of Albany look at the Scarborough Beach development for guidance on how to successfully develop a car park.**

**CARRIED 28-15**

**MOTION 11**

**MOVED: MR P O'MEEHAN  
SECONDED: MS MJ GIBBS**

**THAT the City proceed with the car park development on Flinders Parade, including removal of the 9 Norfolk Island Pine Trees.**

**LOST 16-28**

**MOTION 12**

**MOVED: S PEARSON  
SECONDED: P FOSTER**

**That the City investigate the use of hot steaming to control weeds in the Flinders Parade car park.**

**CARRIED 30-8**

**At the request of Ms Deborah Cufley on 15 December 2020, these minutes were amended to include here the information contained on page 3 of these minutes which is:**

**5.32. Minutes of electors' meetings**

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- (d) 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**

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

whichever happens first.

- (4) 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.

**Reason for Amendment: Ms Cufley requested the inclusion of the information contained on page 3 of these minutes be added to the last page of the minutes, as she considered it was unclear to members of the public when Council would consider any motions from the Special Electors' Meeting.**

**5. CLOSURE OF MEETING**

There being no further business the Mayor declared the meeting closed at **7.28PM**.