

Minutes

Special Council Meeting

Wednesday 25 October 2023

7:00pm

By signing these minutes I certify that they were confirmed at the Ordinary Council Meeting held on Tuesday 21 November 2023 by resolution of Council

MAYOR FILOMENA PIFFARETTI
PRESIDING MEMBER

Meeting Procedures

1. All Council meetings are open to the public, except for matters dealt with under 'Confidential Items'.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. Members of the public may ask a question during 'Public Question Time'.
4. Meeting procedures are in accordance with the City's *Standing Orders Local Law 2021*.
5. To facilitate smooth running of the meeting, silence is to be observed in the public gallery at all times, except for 'Public Question Time'.
6. Persons are not permitted to record (visual or audio) at the Council meeting without prior approval of the Council.
7. Council meetings will be livestreamed in accordance with the resolution of 24 August 2021. Images and voices may be captured and streamed. If you have any issues or concerns regarding the live streaming and recording of meetings, please contact the City's Governance team.
8. In the event of an emergency, please follow the instructions of City of Bayswater Staff.

City of Bayswater

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Nature of Council's Role in Decision Making

Advocacy: When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

Executive/Strategic: The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Legislative: Includes adopting local law, town planning schemes and policies.

Review: When Council reviews decisions made by officers

Quasi-Judicial: When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

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Minutes of the Special Council Meeting of the Bayswater City Council which took place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on Wednesday 25 October 2023 at 7:00 pm.

WELCOME TO COUNTRY

At 6:45pm a Welcome to Country was given by Mr Vaughn Joshua Maguire.

SWEARING-IN CEREMONY

The Chief Executive Officer welcomed Elected Members, members of the public and staff to the swearing-in ceremony.

In accordance with section 2.29(1) of the Local Government Act 1995, a person elected as the Mayor or as a Councillor is to make a declaration in the prescribed form as set out in Form 7 of the *Local Government (Constitution) Regulations 1995* before acting in the office.

The Chief Executive Officer called upon Freeman of the City, Mr Barry McKenna to officiate the Swearing in ceremony for the Mayor and Councillors.¹

The Mayor and Councillors were sworn in by Mr Barry McKenna, as follows:

- Mayor Filomena Piffaretti made the declaration of office in the prescribed form.
- Councillor Steven Ostaszewskyj (Central Ward) made the declaration of office in the prescribed form.
- Councillor Michelle Sutherland (North Ward) made the declaration of office in the prescribed form.
- Councillor Nat Latter (South Ward) made the declaration of office in the prescribed form.
- Councillor Dan Bull (West Ward) made the declaration of office in the prescribed form.

¹ Mr McKenna is an authorised witness for statutory declarations under Schedule 2 of the *Oaths Affidavits and Statutory Declarations Act 2005*.

SEAT ALLOCATION

Councillors were allocated seats by the Chief Executive Officer, in accordance with clause 8.1 of the *City of Bayswater Standing Orders Local Law 2021*:

“8.1 Members to be in their proper places

- (1) At the first meeting held after each Election Day, the CEO is to allot, alphabetically by ward, a position at the Council table to each Member.*
- (2) Each Member is to occupy his or her allotted position at each Council meeting and at each Committee meeting open to the public.”*

Following the allocation of seats, Mr Jeremy Edwards, Chief Executive Officer invited the Mayor to officially open the Special Council Meeting.

1 OFFICIAL OPENING

The Presiding Member, Mayor Filomena Piffaretti, declared the meeting open at 7:02pm.

2 ACKNOWLEDGEMENT OF COUNTRY

In accordance with the City of Bayswater's Reflect Reconciliation Action Plan November 2019-November 2020, the Presiding Member will deliver the Acknowledgement of Country.

Noongar Language

Ngalla City of Bayswater kaatanginy baalapa Noongar Boodja baaranginy, Wadjuk moort Noongar moort, boordiar's koora koora, boordiar's ye yay ba boordiar's boordawyn wah.

English Language Interpretation

We acknowledge the Traditional Custodians of the Land, the Whadjuk people of the Noongar Nation, and pay our respects to Elders past, present and emerging.

The Presiding Member, Mayor Filomena Piffaretti acknowledged the Traditional Custodians of the land, the Whadjuk people of the Noongar nation, and paid respects to Elders past, present and emerging.

3 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 Mayor's Address

Mayor Filomena Piffaretti congratulated the newly elected and re-elected members and made a short opening address.

“I would like to take this opportunity to congratulate all of the Elected Members here tonight on their formal appointment as Councillors of the City of Bayswater.

It is also my absolute privilege to have been re-elected Mayor, this time by my own community.

I am looking forward to working together with my fellow Elected Members to deliver the best possible outcomes for the community.

I am proud of the strong partnership that has been forged between Council and the Administration following the appointment of experienced CEO Jeremy Edwards last year.

I look forward to continuing to work together to deliver a better Bayswater.”

4 ATTENDANCE

Mayor Filomena Piffaretti

Central Ward

Cr Assunta Meleca
Cr Steven Ostaszewskyj

North Ward

Cr Josh Eveson
Cr Michelle Sutherland

South Ward

Cr Nat Latter
Cr Elli Petersen-Pik

West Ward

Cr Dan Bull
Cr Lorna Clarke
Cr Giorgia Johnson

Officers

Mr Jeremy Edwards	Chief Executive Officer
Ms Bianca Sandri	Director Community Services
Mr Luke Botica	Director Infrastructure and Assets
Ms Kym Leahy	Director Corporate Services
Ms Amanda Albrecht	Manager Governance and Organisational Planning
Ms Rebecca McKrill	Governance Officer
Ms Linda McIntosh	Elected Member Support Officer
Ms Chelsea Beavington	Executive Assistant to the Chief Executive Officer
Mr Vaughn Joshua McGuire	Community Development Officer Reconciliation
Ms Kirsten Hyam	Senior Communications Officer

Special Guests

Mr Barry McKenna	Honorary Freeman of the City of Bayswater
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Observers

Public - 23

Press - 0

4.1 Apologies

Nil.

4.2 Approved Leave of Absence

Nil.

4.3 Applications for Leave of Absence

COUNCIL RESOLUTION

That Leave of Absence be granted as follows:

Cr Steven Ostaszewskyj for 26 October 2023 inclusive.

Cr Elli Petersen-Pik Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY: 10/0

For: *Mayor Filomena Piffaretti, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland, Cr Nat Latter, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson*

Against: *Nil*

5 DISCLOSURE OF INTEREST SUMMARY

There were no disclosures of interest.

6 PUBLIC QUESTION TIME

In accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *City of Bayswater Standing Orders Local Law 2021* the following procedures relate to public question time:

1. A member of the public who raises a question during question time, is to state his or her name and address.
2. Each member of the public with a question is entitled to ask up to 3 questions. **At a Special Council Meeting these questions must relate to the purpose of the meeting.**
3. The minimum time to be allocated for public question time is 15 minutes.
4. Questions from the public must relate to a matter affecting the local government, and at a Special Council Meeting, the purpose for which that meeting has been called
5. A summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.
6. Where a question is taken on notice at the meeting, a summary of the response to the question will be provided in writing to the member of public and included in the agenda for the following meeting.

6.1 Public Question Time

Public Question Time commenced at 7:04pm.

The following question was submitted verbally:

Aileen O'Rourke - Bayswater

Question 1

Should you not, Madam Mayor, in good faith, prioritise the need of the Council and not your own political interest and support somebody as Deputy Mayor who is not in your faction?

Response 1

Mayor Filomena Piffaretti advised that the Council would take that into consideration during the voting process.

Public Question Time closed at 7:06pm

7 ELECTION OF DEPUTY MAYOR

At 7:07pm, Mayor Filomena Piffaretti invited Mr Jeremy Edwards, Chief Executive Officer to conduct the election of the Deputy Mayor and to commence the proceedings.

Mr Jeremy Edwards informed the meeting that he had received the following nominations in writing for the Office of the Deputy Mayor:

- Cr Assunta Meleca nominated Cr Josh Eveson. Cr Josh Eveson accepted the nomination.
- Cr Giorgia Johnson nominated Cr Elli Petersen-Pik. Cr Elli Petersen-Pik accepted the nomination.

Mr Jeremy Edwards asked if there were any further nominations:

- Cr Dan Bull nominated Cr Steven Ostaszewskyj. Cr Steven Ostaszewskyj declined the nomination.

Mr Jeremy Edwards, again called for further nominations. As there were no further nominations received, Mr Jeremy Edwards closed nominations.

In accordance with regulation 11A of the *Local Government (Constitution) Amendment Regulation 1998*, ballot papers were prepared by the Mr Jeremy Edwards with the nominated Councillors listed in alphabetical order. Mr Jeremy Edwards authenticated each ballot paper by signing it, in accordance with regulation 11B of the *Local Government (Constitution) Amendment Regulation 1998*.

RESULTS

Ballot papers were distributed by the Manager, Governance, and Elected Members undertook a secret ballot. The votes were collected and then counted by the CEO.

The results were as follows:

- Cr Josh Eveson - 5 votes
- Cr Elli Petersen-Pik - 5 votes

As the results were tied, in accordance with Schedule 2.3 clause 9(1) of the *Local Government Act 1995*, the count was discontinued.

A new Special Council Meeting was called by Mayor Filomena Piffaretti, to commence at 7:30pm, Wednesday 25 October 2023, for the purpose of electing and swearing-in a deputy mayor.

8 CLOSURE

There being no further business to discuss, the Chairperson, Mayor Filomena Piffaretti, declared the meeting closed at 7:21pm.

Following the meeting, in accordance with section 5.5(2) of the *Local Government Act 1995*, Mr Jeremy Edwards, Chief Executive Officer, gave notice to all Elected Members that a Special Council Meeting had been called for 25 October 2023 at 7:30pm to be held at the City of Bayswater Civic Centre, 61 Broun Avenue, Morley for the purpose of electing and swearing-in the Deputy Mayor.