

# Minutes

## Special Council Meeting Tuesday 5 September 2023

*By signing these minutes I certify that they were confirmed at the Ordinary Council Meeting held on 31 October 2023 by resolution of Council*

---

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**

61 Broun Avenue  
Morley WA 6062

Postal Address:  
PO Box 467  
Morley WA 6943

[www.bayswater.wa.gov.au](http://www.bayswater.wa.gov.au)

Telephone: 08 9272 0622  
Fax: 089272 0665  
Email: [mail@bayswater.wa.gov.au](mailto:mail@bayswater.wa.gov.au)

**Nature of Council's Role in Decision Making**

<b>Advocacy:</b>	<b>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</b>
<b>Executive/Strategic:</b>	<b>The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</b>
<b>Legislative:</b>	<b>Includes adopting local law, town planning schemes and policies.</b>
<b>Review:</b>	<b>When Council reviews decisions made by officers</b>
<b>Quasi-Judicial:</b>	<b>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.</b>

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.

*City of Bayswater Standing Orders Local Law 2021***6.9 DEPUTATIONS**

- (1) Allowance has been established for deputations to be heard at Agenda Briefing Forums the week prior to the Ordinary Council Meeting by any person or group wishing to be received. A deputation may be heard at the Council meeting, Agenda Briefing Forum or a Committee meeting open to the public at the discretion of Council, and the depute is to either-
  - (a) apply, before the meeting, to the CEO for approval and can be considered in both a verbal and written format;
  - (b) with the approval of the Presiding Member, at the meeting; and-
  - (c) are to be received by 1.30pm on the day of the forum receiving the deputation.
- (2) Upon receipt of a request for a deputation the CEO must refer the request to the relevant Council meeting, Agenda Briefing Forum or a Committee meeting.
- (3) Unless the Presiding Member allows, a depute invited to attend the meeting is not to address the meeting for a period exceeding 5 minutes.
- (4) Unless given leave by the Presiding Member, only two members of the deputation may address the meeting, although others may respond to specific questions from Members.
- (5) For the purposes of this clause, unless Council, Agenda Briefing Forum or the Committee determines otherwise, a deputation is taken to comprise all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (6) Unless Council, Agenda Briefing Forum or the Committee resolves otherwise, any matter which is the subject of a deputation to the Council, Agenda Briefing Forum or a Committee open to the public is not to be decided by Council, Agenda Briefing Forum or the Committee until the deputation has completed its presentation.
- (7) The Presiding Member may require deputations to leave the meeting while other deputations are being heard in relation to that matter.
- (8) A member of the public who makes a deputation is to state his or her name and address, however only the name will be published in the minutes.

---

<b>1 OFFICIAL OPENING .....</b>	<b>5</b>
<b>2 ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>5</b>
<b>3 ANNOUNCEMENTS FROM THE PRESIDING MEMBER .....</b>	<b>5</b>
<b>4 ATTENDANCE .....</b>	<b>5</b>
4.1 Apologies .....	6
4.2 Approved Leave of Absence .....	6
4.3 Applications for Leave of Absence .....	6
<b>5 DISCLOSURE OF INTEREST SUMMARY .....</b>	<b>6</b>
<b>6 PUBLIC QUESTION TIME .....</b>	<b>7</b>
6.1 Public Question Time .....	8
<b>7 PRESENTATIONS .....</b>	<b>8</b>
7.1 Petitions .....	8
7.2 Deputations .....	9
<b>8 MEETING CLOSED TO THE PUBLIC .....</b>	<b>9</b>
8.1 Matters for Which the Meeting May be Closed .....	9
8.1.1 Chief Executive Officer Annual Performance Review 2022/23 .....	9
<b>9 CLOSURE .....</b>	<b>13</b>

**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 Tuesday 5 September 2023.

## 1 OFFICIAL OPENING

The Presiding Member, Cr Filomena Piffaretti, Mayor, declared the meeting open at 7:00 pm.

## 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, Cr Filomena Piffaretti, Mayor, 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

## 4 ATTENDANCE

In accordance with r14C(2)(b) of the Local Government (Administration) Regulations 1996, and the City of Bayswater Electronic Attendance Policy, Cr Filomena Piffaretti, Mayor, gave approval for Councillor Lorna Clarke to attend this meeting via electronic means.

### Members

#### North Ward

Cr Filomena Piffaretti, Mayor  
Cr Josh Eveson

#### Central Ward

Cr Assunta Meleca  
Cr Steven Ostaszewskyj  
Cr Sally Palmer

#### South Ward

Cr Elli Petersen-Pik

#### West Ward

Cr Dan Bull  
Cr Lorna Clarke (Attended by electronic means)  
Cr Giorgia Johnson

**Officers**

Mr Jeremy Edwards	Chief Executive Officer (From 7:00 pm to 7:10 pm and 7:52 pm to 7:57 pm)
Ms Amanda Albrecht	Manager Governance & OPD (From 7:00 pm to 7:12 pm and 7:45 pm to 7:57 pm)
Ms Rebecca McKrill	Governance Officer (Minute-taker)

**Observers**

Press - 0  
Public - 2

**4.1 Apologies**

Cr Catherine Ehrhardt, Deputy Mayor  
Cr Michelle Sutherland

**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 Elli Petersen-Pik from 24 September to 28 September 2023 inclusive.

Cr Sally Palmer Moved, Cr Assunta Meleca Seconded

**CARRIED UNANIMOUSLY: 9/0**

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

**Against:** *Nil*

**5 DISCLOSURE OF INTEREST SUMMARY**

In accordance with section 5.65 of the *Local Government Act 1995*:

A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

The following disclosures of interest were provided prior to the meeting:

Name	Item No.	Type of Interest	Nature of Interest
Mr Jeremy Edwards, Chief Executive Officer	8.1.1	Financial	Mr Jeremy Edwards has declared a financial interest in this report as he holds the position of Chief Executive Officer and this report relates to his performance and remuneration.
Ms Amanda Albrecht, Manager Governance and Organisational Planning and Development	8.1.1	Impartial	Ms Albrecht has declared an impartiality interest in this item as she is a direct report to the Chief Executive Officer.

The following disclosures of interest were made at the meeting:

Name	Item No.	Type of Interest	Nature of Interest
Cr Lorna Clarke	8.1.1	Impartial	A number of the members of parliament listed in one of the Confidential Attachments are known to Cr Clarke.
Cr Sally Palmer	8.1.1	Impartial	Cr Palmer is Chairperson of the Bayswater Child Care Association, at 13 Roberts St, which is leased by the City, and referenced in Attachment 3 of the report.

## 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 7:02 pm.*

The following questions were submitted verbally:

**Greg Smith, Bayswater**

**Question 1**

What will happen if the CEO doesn't meet his key performance indicators?

**Response 1**

Cr Filomena Piffaretti, Mayor responded that this will be a decision for the Council.

**Question 2**

Are options probation and/or termination?

**Response 2**

Cr Filomena Piffaretti, Mayor responded that the CEO has completed his probationary period, and that the rest of the question would be taken on notice.

**Further response 2**

The CEO performance review process is set out in the City of Bayswater Model Standards for CEO Recruitment, Performance and Termination and also the Council Policy on the CEO Performance Review.

These standards, and policy, set out the options available to the Council if the CEO does not meet the desired level of performance. A performance assessment must be evidenced based, and if any issues are identified, the Council must work with the CEO to address and manage those issues in the first instance through a performance improvement plan.

Further information about this process can be found on the City's website: [Chief Executive Officer KPIs - City of Bayswater](#)

*Public Question Time closed at 7:03 pm.*

**7 PRESENTATIONS**

**7.1 Petitions**

Nil.

**7.2 Deputations**

Nil.



**8 MEETING CLOSED TO THE PUBLIC****8.1 Matters for Which the Meeting May be Closed****8.1.1 Chief Executive Officer Annual Performance Review 2022/23**

<b>Responsible Branch:</b>	Governance and Organisational Planning and Development
<b>Responsible Directorate:</b>	Office of the Chief Executive Officer
<b>Authority/Discretion:</b>	Legislative
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL - Attachment 1 - CEO Performance Review 2023-23 with attachments - 21.07.23.</li> <li>2. CONFIDENTIAL - Attachment 2 - Performance Appraisal Report 2022-23 - Learning Horizons - August 2023 - Replacement Report</li> <li>3. CONFIDENTIAL - Attachment 3 - Draft CEO KPIs 2023-24</li> <li>4. CONFIDENTIAL - Attachment 4 - Revised Draft CEO KPIs 2023-24</li> </ol>

**MR JEREMY EDWARDS DECLARED A FINANCIAL INTEREST**

*Mr Jeremy Edwards has declared a financial interest in this report as he holds the position of Chief Executive Officer and this report relates to his performance and remuneration.*

**MS AMANDA ALBRECHT DECLARED AN IMPARTIAL INTEREST**

*This report has been prepared by Ms Amanda Albrecht, Manager, Governance and Organisational Planning and Development (MGOPD). The Chief Executive Officer has been consulted in the drafting of this report. Ms Albrecht has declared an impartiality interest in this item as she is a direct report to the Chief Executive Officer.*

**CR LORNA CLARKE DECLARED AN IMPARTIAL INTEREST**

*In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Lorna Clarke declared an impartial interest in this item as she has an association with a number of members of parliament who are referenced in a confidential attachment to the report. Cr Lorna Clarke remained in the meeting via electronic means and voted on this item.*

**CR SALLY PALMER DECLARED AN IMPARTIAL INTEREST**

*In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Sally Palmer declared an impartial interest in this item as she is the Chairperson of the Bayswater Child Care Association at 13 Roberts St, which is reference in one of the confidential attachments to this report. Cr Sally Palmer remained in the Council Chambers and voted on this item.*

**REASON FOR CONFIDENTIALITY**

*This is a CONFIDENTIAL REPORT in accordance with section 5.23(2) of the Local Government Act 1995 (WA), which permits the meeting to be closed to the public for the business relating to:*

- (a) a matter affecting an employee or employees;

**COUNCIL RESOLUTION**

That the meeting be closed to the public and the live streaming be suspended.

**Cr Sally Palmer Moved, Cr Assunta Meleca Seconded**

**CARRIED: 8/1**

**For:** *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.*

**Against:** *Cr Steven Ostaszewskyj.*

*At 7:06 pm, the meeting closed to the public and the live streaming was suspended.*

*At 7:10 pm, Mr Jeremy Edwards, Chief Executive Officer, withdrew from the meeting.*

*At 7:12 pm, Ms Amanda Albrecht, Manager, Governance & OPD, withdrew from the meeting.*

Cr Lorna Clarke confirmed that, in accordance with Regulation 14CA(5) of the Local Government (Administration) Regulations 1996, she was able to maintain confidentiality during items discussed behind closed doors.

Cr Filomena Piffaretti, Mayor moved an alternative motion:

**MOTION**

That the Committee recommendation, as contained in the "Confidential Report" be adopted, with an amendment to Limb 6 as follows:

6. **Makes the final resolution of Council available in the public minutes, retaining limb 4 (a), (b), and (c) as confidential, but releasing the Total Remuneration Package figure as shown in limb 4(d).**

**Cr Filomena Piffaretti, Mayor Moved, Cr Josh Eveson Seconded**

Cr Dan Bull moved an amendment:

**AMENDMENT**

That confidential limb 4(a) be amended, as contained in the confidential minutes.

**Cr Dan Bull Moved**

***LAPSED FOR WANT OF A SECONDER***

Cr Elli Petersen-Pik moved an amendment:

*At 7:45 pm, Ms Amanda Albrecht, Manager, Governance & OPD was invited by the Council to return to the meeting.*

**AMENDMENT**

That Limb 6 to read as follows:

6. Makes the final resolution of Council available in the public minutes.

Cr Elli Petersen-Pik Moved, Cr Sally Palmer Seconded

LOST: 2/7

**For:** Cr Elli Petersen-Pik and Cr Dan Bull

**Against:** Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Lorna Clarke and Cr Giorgia Johnson.

As the amendment lost, debate returned to the substantive motion.

**COUNCIL RESOLUTION**

That Council:

1. Receives and notes the formal Performance Report July 2023 (Confidential Attachment 1) submitted by the Chief Executive Officer;
2. Endorses the Performance Appraisal Report (Confidential Attachment 2) prepared by the independent consultant and endorsed by the CEO Performance Review Committee;

**ABSOLUTE MAJORITY REQUIRED**

3. Confirms that the CEO has met the required level of performance for 2022/23;

**ABSOLUTE MAJORITY REQUIRED**

4. Considers the CEO's total remuneration package (with reference to the most recent determination by the Salaries and Allowances Tribunal) and makes the following adjustments:
  - (a) Retained as confidential - as contained in the confidential report
  - (b) Retained as confidential - as contained in the confidential report
  - (c) Retained as confidential - as contained in the confidential report
  - (d) All other components remain the same, bringing the Total Remuneration Package to \$375,956.51.
5. Endorses the Key Performance Indicators for 2023/24, as amended by the Committee in revised Confidential Attachment 4, and requests that the CEO publishes these on the City's website; and
6. Makes the final resolution of Council available in the public minutes, retaining limb 4 (a), (b), and (c) as confidential, but releasing the Total Remuneration Package figure as shown in limb 4(d).

Cr Filomena Piffaretti, Mayor Moved, Cr Josh Eveson Seconded

**CARRIED UNANIMOUSLY: 9/0**

**For:** Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.

**Against:** Nil.

**REASON FOR CHANGE**

To clarify exactly what information was to be released in the public Council Resolution and what information was to be retained as confidential.

**COUNCIL RESOLUTION**

That Council suspends the *City of Bayswater Standing Orders Local Law 2021* to allow the Council to provide the CEO with feedback on his performance.

Cr Filomena Piffaretti, Mayor Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY: 9/0

**For:** Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.

**Against:** Nil.

At 7:52 pm, Standing Orders were suspended.

At 7:52 pm the Chief Executive Officer was invited by the Council to return to the meeting.

**COUNCIL RESOLUTION**

That Council reinstates the *City of Bayswater Standing Orders Local Law 2021*.

Cr Filomena Piffaretti, Mayor Moved, Cr Dan Bull Seconded

CARRIED UNANIMOUSLY: 9/0

**For:** Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.

**Against:** Nil.

At 7:56 pm, Standing Orders were resumed.

**COUNCIL RESOLUTION**

That the meeting be reopened to the public and the live streaming be resumed.

Cr Steven Ostaszewskyj Moved, Cr Josh Eveson Seconded

CARRIED UNANIMOUSLY: 9/0

**For:** Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.

**Against:** Nil.

At 7:57 pm, the meeting was reopened to the public and the live streaming resumed.

**9 CLOSURE**

There being no further business to discuss, the Chairperson, Cr Filomena Piffaretti, Mayor, declared the meeting closed at 7:57 pm.