

COUNCIL MINUTES

Unconfirmed Minutes Special Council Meeting

6:00pm 04 December 2024
Council Chamber (Level 1), Civic Centre,
23 Dundebur Road, Wanneroo

wanneroo.wa.gov.au



UNCONFIRMED MINUTES OF SPECIAL COUNCIL MEETING

HELD ON WEDNESDAY 04 DECEMBER 2024

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Minutes

Mayor Aitken declared the meeting open at 6:02pm and read the prayer.

Good evening Councillors, staff, ladies and gentlemen, this meeting today is being held on Whadjuck Nyoongar Boodjar and I would like to acknowledge and pay my respects to Elders, past, present and future. I thank all past and present members of the community that have supported the City to better understand and value Nyoongar culture within the City of Wanneroo.

I invite you to bow your head in prayer:

Lord, We thank you for blessing our City, our community and our Council. Guide us all in our decision making to act fairly, without fear or favour and with compassion, integrity, wisdom and honesty. May we show true leadership, be inclusive of all, and guide all of the City's people and many families to a prosperous future that all may share. We ask this in your name. Amen.

Item 1 Attendance

LINDA AITKEN, JP

Mayor

Councillors:

ALEX FIGG	North Ward (<i>electronic attendance</i>)
SONET COETZEE	North Ward (<i>arrived at 6:05pm</i>)
GLYNIS PARKER	North-East Ward
BRONWYN SMITH	North-East Ward (<i>arrived at 6:10pm</i>)
HELEN BERRY	Central-West Ward
PHIL BEDWORTH	Central-West Ward
MARIZANE MOORE	Central-East Ward
PAUL MILES	Central-East Ward
JACQUELINE HUNTLEY	Central Ward
JORDAN WRIGHT	Central Ward
NATALIE HERRIDGE	South-West Ward
JAMES ROWE, JP	South Ward
EMAN SEIF, JP	South Ward

Officers:

BILL PARKER	Chief Executive Officer
MARK DICKSON	Director, Planning & Sustainability
KIRSTIE DAVIS	Director, Community & Place
NOELENE JENNINGS	Director, Corporate Strategy & Performance
VICKI COLES	Executive Manager Governance & Legal
KIRSTEN THRUSH	Manager Community Safety & Emergency Management
ILZAMARIE EVANS	Lawyer
KEITH SOLLY	Administration Officer Legal
SUAD ALLIE	Coordinator Council Support
AMANDA BLYTH	Council Support Officer (Minutes)

Guests:

MARK GREGORY	Lawyer (M Gregory Legal)
KEN PETTIT	Barrister (Francis Burt Chambers)

01-12/24 Electronic Attendance – Cr Figg

That Council APPROVES Cr Figg to attend the Special Council Meeting via Electronic Attendance.

CARRIED UNANIMOUSLY
11/0

For the motion: Mayor Aitken, Cr Bedworth, Cr Berry, Cr Herridge, Cr Huntley, Cr Miles, Cr Moore, Cr Parker, Cr Rowe, Cr Seif and Cr Wright

Against the motion: Nil

Absent: Cr Coetzee, Cr Figg and Cr Smith

Mayor Aitken advised that Cr Figg was authorised by Council to attend this Special Council Meeting by electronic means in accordance with the details as signed in the documentation submitted on the request form dated 4 December 2024.

The following declaration was made by Cr Figg:

“In accordance with section 14CA(5) of the Local Government (Administration) Regulations 1996 I Alex Figg declare that I can maintain confidentiality whilst attending this Council meeting electronically.”

Cr Figg joined the meeting via Zoom at 6:04pm.

Item 2 Apologies and Leave of Absence

VINH NGUYEN

South-West Ward

There were no members of the public and no members of the press in attendance.

Item 3 Public Question Time

Nil

Item 4 Reports

Declarations of Interest by Council Members, including the nature and extent of the interest. Declaration of Interest forms to be completed and handed to the Chief Executive Officer.

Item 5 Confidential

Procedural Motion

Moved Cr Rowe, Seconded Cr Moore

That Council move into a confidential session under the terms of the Local Government Act 1995, Section 5.23 (2).

**CARRIED UNANIMOUSLY
12/0**

For the motion: Mayor Aitken, Cr Bedworth, Cr Berry, Cr Figg, Cr Herridge, Cr Huntley, Cr Miles, Cr Moore, Cr Parker, Cr Rowe, Cr Seif and Cr Wright

Against the motion: Nil

Absent: Cr Coetzee and Cr Smith

The meeting was closed to the public and all recording ceased at 6:05pm. Administration staff and guests who remained in the meeting were: Chief Executive Officer, Executive Manager Governance & Legal, Director Corporate Strategy & Performance, Director Community & Place, Director Planning & Sustainability, Acting Manager Council & Corporate Support, Manager Community Safety & Emergency Management, Lawyer, Administration Officer Legal, Mark Gregory and Ken Pettit.

*Cr Coetzee arrived at 6:05pm.
Cr Smith arrived at 6:10pm.*

SCR01-12/24 Legal Report - Property

File Ref: 5642V04 – 24/433402
Responsible Officer: Council Support Officer

This report is to be dealt with in confidential session, under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

Moved Cr Rowe, Seconded Cr Parker

That Council AUTHORISES the Chief Executive Officer to instruct the City's legal representative in accordance with Option 1 as outlined in the report.

**CARRIED
12/2**

For the motion: Mayor Aitken, Cr Bedworth, Cr Berry, Cr Coetzee, Cr Figg, Cr Herridge, Cr Moore, Cr Parker, Cr Rowe, Cr Seif, Cr Smith and Cr Wright

Against the motion: Cr Huntley and Cr Miles

SCR02-12/24 Legal Matter

File Ref: 5642V04 – 24/433408
Responsible Officer: Council Support Officer

This report is to be dealt with in confidential session, under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

(b) the personal affairs of any person

Moved Cr Herridge, Seconded Cr Miles

That Council ENDORSES the recommendations as contained under the “Recommendations for Council’s Consideration” heading in this report.

**CARRIED
9/5**

For the motion: Mayor Aitken, Cr Bedworth, Cr Figg, Cr Herridge, Cr Miles, Cr Moore, Cr Rowe, Cr Smith and Cr Wright

Against the motion: Cr Berry, Cr Coetzee, Cr Huntley, Cr Parker and Cr Seif

SCR03-12/24 Acquisition of Land from Lot 901 (150) Flynn Drive, Neerabup as Road Reserve

File Ref: 43718 – 24/396427
Responsible Officer: Acting Chief Executive Officer

This report is to be dealt with in confidential session, under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*
- (e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government*
- (e)(iii) a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government*

Moved Cr Figg, Seconded Cr Parker**That Council:-**

- 1. APPROVES the acquisition of a portion of Lot 901 (150) Flynn Drive, Neerabup (as identified in the Administration report) from Carmelo Borrello, Franklin John Borrello, Carl Albert Borrello, Adam Robert Borrello and Paul Anthony Borrello at the agreed amount (including ancillary costs), for dedication as road reserve;**
- 2. AUTHORISES:**
 - a) the Chief Executive Officer (or a nominee of the Chief Executive Officer) to negotiate terms, execute all documentation and comply with all applicable legislation in relation to Item 1. above; and**
 - b) the Chief Executive Officer to execute the Contract of Sale and any other associated documentation between the City and Carmelo Borrello, Franklin John Borrello, Carl Albert Borrello, Adam Robert Borrello and Paul Anthony Borrello to effect Item 1.**
- 3. APPROVES by ABSOLUTE MAJORITY the amendment to the 2024/25 Operational Budget for the proposed expenditure described in the Administration report (acquisition price plus ancillary costs), to be funded from Federal Government Grants sourced from PR-4347 Flynn Drive, Neerabup, Upgrade Wanneroo Road to Old Yanchep Road.**

**CARRIED BY ABSOLUTE MAJORITY
14/0**

For the motion: Mayor Aitken, Cr Bedworth, Cr Berry, Cr Coetzee, Cr Figg, Cr Herridge, Cr Huntley, Cr Miles, Cr Moore, Cr Parker, Cr Rowe, Cr Seif, Cr Smith and Cr Wright

Against the motion: Nil

SCR04-12/24 Acquisition of Land from Lot 900 (170) Flynn Drive, Neerabup as Road Reserve

File Ref: 43717 – 24/387108
Responsible Officer: Acting Chief Executive Officer

This report is to be dealt with in confidential session, under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*
- (e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government*
- (e)(iii) a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government*

Moved Cr Parker, Seconded Cr Seif

That Council:-

- 4. APPROVES the acquisition of a portion of Lot 900 (170 Flynn Drive, Neerabup (as identified in the Administration report) from Primeprivate Property Pty Ltd (ACN 667 462 544) at the agreed amount (including ancillary costs), for dedication as road reserve;**
- 5. AUTHORISES:**
 - c) the Chief Executive Officer (or a nominee of the Chief Executive Officer) to negotiate terms, execute all documentation and comply with all applicable legislation in relation to Item 1. above; and**
 - d) the Chief Executive Officer to execute the Contract of Sale and any other associated documentation between the City and Primeprivate Property Pty Ltd (ACN 667 462 544) to effect Item 1; and**
- 6. APPROVES by ABSOLUTE MAJORITY the amendment to the 2024/25 Operational Budget for the proposed expenditure described in the Administration report (acquisition price plus ancillary costs), to be funded from Federal Government Grants sourced from PR-4347 Flynn Drive, Neerabup, Upgrade Wanneroo Road to Old Yanchep Road.**

**CARRIED BY ABSOLUTE MAJORITY
14/0**

For the motion: Mayor Aitken, Cr Bedworth, Cr Berry, Cr Coetzee, Cr Figg, Cr Herridge, Cr Huntley, Cr Miles, Cr Moore, Cr Parker, Cr Rowe, Cr Seif, Cr Smith and Cr Wright

Against the motion: Nil

Procedural Motion

Moved Cr Herridge, Seconded Cr Bedworth

That the meeting be reopened to the public.

**CARRIED
12/2**

For the motion: Mayor Aitken, Cr Bedworth, Cr Berry, Cr Coetzee, Cr Figg, Cr Herridge, Cr Miles, Cr Parker, Cr Rowe, Cr Seif, Cr Smith and Cr Wright

Against the motion: Cr Huntley and Cr Moore

The meeting was reopened to the public and all recordings recommenced at 7:24pm.

Mayor Aitken read aloud the resolutions carried on items:

SCR01-12/24 *Legal Report - Property*
SCR02-12/24 *Legal Matter*
SCR03-12/24 *Legal Matter Property - Acquisition of Land from Lot 901 (150) Flynn Drive, Neerabup as Road Reserve*
SCR04-12/24 *Legal Matter Property - Acquisition of Land from Lot 900 (170) Flynn Drive, Neerabup as Road Reserve*

Item 6 Late Reports

Nil

Item 7 Date of Next Meeting

The next Ordinary Council Meeting has been scheduled for 6:00pm on Tuesday 10 December 2024 to be held at Council Chamber, 1st Floor, Civic Centre, 23 Dundobar Road, Wanneroo.

Item 8 Closure

There being no further business, Mayor Aitken closed the meeting at 7:30pm.

In Attendance

LINDA AITKEN, JP

Mayor

Councillors:

ALEX FIGG	North Ward
SONET COETZEE	North Ward
GLYNIS PARKER	North-East Ward
BRONWYN SMITH	North-East Ward
HELEN BERRY	Central-West Ward
PHIL BEDWORTH	Central-West Ward
MARIZANE MOORE	Central-East Ward

PAUL MILES	Central-East Ward
JACQUELINE HUNTLEY	Central Ward
JORDAN WRIGHT	Central Ward
NATALIE HERRIDGE	South-West Ward
JAMES ROWE, JP	South Ward
EMAN SEIF, JP	South Ward