



Council Minutes

UNCONFIRMED MINUTES

SPECIAL COUNCIL MEETING

6:00pm, 25 MAY, 2021

**Council Chambers (Level 1), Civic Centre,
23 Dundebur Road, Wanneroo**



City of Wanneroo

UNCONFIRMED MINUTES OF SPECIAL COUNCIL MEETING

HELD ON TUESDAY 25 MAY, 2021

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MINUTES

Mayor Roberts declared the meeting open at 6:00pm and reads the prayer.

Good evening Councillors, staff, ladies and gentlemen, we wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk people. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land and we acknowledge and respect their continuing culture and the contributions made to the life of this city and this region and I invite you to bow your head in prayer:

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

Please refer to agenda for details of full reports and attachments.

Item 1 Attendance

TRACEY ROBERTS, JP

Mayor

Councillors:

NATALIE SANGALLI	North Coast Ward
LINDA AITKEN, JP	North Coast Ward
SONET COETZEE	North Coast Ward
CHRIS BAKER	North Coast Ward
LEWIS FLOOD	North Coast Ward
FRANK CVITAN, JP	Central Ward
JACQUELINE HUNTLEY	Central Ward
PAUL MILES	Central Ward
DOT NEWTON, JP	Central Ward
GLYNIS PARKER	South Ward
HUGH NGUYEN	South Ward
BRETT TREBY	South Ward
DOMENIC ZAPPA	South Ward

Officers:

DANIEL SIMMS	Chief Executive Officer
MARK DICKSON	Director, Planning & Sustainability
HARMINDER SINGH	Director, Assets
DEBBIE TERELINCK	Director, Community & Place
NOELENE JENNINGS	Director, Corporate Strategy & Performance
MUSTAFA YILDIZ	Manager Governance & Legal
NATASHA SMART	Manager, Council & Corporate Support
NATSHA MUTCH	Manager, Communication Brand
MADONNA ILIFFE	Minute Officer

Item 2 Apologies and Leave of Absence

VINH NGUYEN

South Ward (apology)

There were six members of the public and one member 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.**

Cr Treby declared an impartiality interest in Item SCS01-05/21 due to being a continuing Council Member at the October 2021 elections and the motion proposes that he will be allocated to the newly proposed South Ward. (HPE21/219216)

Cr Baker declared an impartiality interest in Item SCS01-05/21 due to being a continuing Council Member at the October 2021 elections and the motion proposes that he will be allocated to the newly proposed North Ward.

Cr Cvitan declared an impartiality interest in Item SCS01-05/21 due to being a continuing Council Member at the October 2021 elections and the motion proposes that he will be allocated to the newly proposed Central Ward.

Cr Parker declared an impartiality interest in Item SCS01-05/21 due to being a continuing Council Member at the October 2021 elections and the motion proposes that she will be allocated to the newly proposed North-East Ward.

Cr Sangalli declared an impartiality interest in Item SCS01-05/21 due to being a continuing Council Member at the October 2021 elections and the motion proposes that she will be allocated to the newly proposed Central-West Ward.

Mayor Roberts declared an impartiality interest in Item SCS01-05/21 due to being a continuing Council Member at the October 2021 elections.

Cr Huntley declared an impartiality interest in Item SCS01-05/21 due to being a continuing Council Member at the October 2021 elections and the motion proposes that she will be allocated to the newly proposed Central-East Ward.

Corporate Strategy & Performance

Council & Corporate Support

SCS01-05/21 Consideration of Principles for the Allocation of Continuing Councillors to New Wards

File Ref: 41102V02 – 21/210966
Responsible Officer: Director, Corporate Strategy & Performance
Disclosure of Interest: Nil
Attachments: 2

Moved Cr Newton, Seconded Cr Parker

That Council BY ABSOLUTE MAJORITY:

1. **APPROVES** the tiered three principle system outlined in this report, to be applied for the allocation of continuing Councillors to new wards following the City of Wanneroo 2020 Review of Wards and Representation as follows:
 - a) **Principle 1 - Order of retirement from office of Councillors (Schedule 4.2 of the *Local Government Act 1995*);**
 - b) **Principle 2 - Commonality with the ward for which a continuing Councillor was initially elected;**
 - c) **Principle 3 - New ward proximity to residential property of continuing Councillor;**
2. **AUTHORISES** the Chief Executive Officer to advise the Local Government Advisory Board, through the Department of Local Government, Sports and Cultural Industries, of the proposed allocation of continuing Councillors as an outcome of the application of the tiered three principle system.

Motion to Amend

Moved Cr Huntley, Seconded Cr Baker

That part 1(c) of the recommendation be amended to add new tiered sub-principles as follows:

That Council BY ABSOLUTE MAJORITY:

1. *APPROVES the tiered three principle system outlined in this report, to be applied for the allocation of continuing Councillors to new wards following the City of Wanneroo 2020 Review of Wards and Representation as follows:*
 - a) *Principle 1 - Order of retirement from office of Councillors (Schedule 4.2 of the Local Government Act 1995);*
 - b) *Principle 2 - Commonality with the ward for which a continuing Councillor was initially elected;*
 - c) *Principle 3;*
 - i. *residential property of continuing Councillor being located within a new ward;*
 - ii. *proximity of residential property of continuing Councillor within a straight line distance to a new ward;*

Procedural Motion**Moved Cr Baker, Seconded Cr Aitken****That an extension of time to speak be granted to Cr Huntley for three minutes.****CARRIED UNANIMOUSLY***Cr Domenic Zappa left the meeting, the time being 6:56pm**Cr Domenic Zappa returned to the meeting, the time being 6:57pm***Procedural Motion to Adjourn****Moved Cr Zappa, Seconded Cr Treby****That Council adjourn the meeting for ten minutes to allow external guests to present to the Audit & Risk Committee Members on item 4.1 on the Audit & Risk Committee Agenda.****CARRIED UNANIMOUSLY***In accordance with Standing Orders Local Law 2008 part 7.6 the Council Members who spoke to Item SCS01-05/21 prior to the Motion to adjourn were: Cr Huntley, Cr Baker, Cr Parker, Cr Aitken, Cr Newton, Cr Treby and Cr Miles.**The meeting was adjourned at 6:58pm**Mayor Roberts declared the meeting open at 7:08pm***Procedural Motion to Resume Debate****Moved Cr Newton, Seconded Cr Treby****That debate on the proposed amendment to Item SCS01-05/21 be resumed.****CARRIED UNANIMOUSLY***The debate resumed at 7:08pm*

The Motion to Amend was put and

**LOST
6/8****For the motion:** Cr Aitken, Cr Baker, Cr Coetzee, Cr Huntley, Cr Miles and Cr H Nguyen**Against the motion:** Cr Cvitan, Cr Flood, Cr Newton, Cr Parker, Mayor Roberts, Cr Sangalli, Cr Treby and Cr Zappa**The Substantive Motion was put and****CARRIED BY ABSOLUTE MAJORITY
14/0**

Item 5 Confidential

Nil

Item 6 Late Reports

Nil

Item 7 Date of Next Meeting

The next Council Members' Briefing Session has been scheduled for 6:00pm on Tuesday 8 June 2021, to be held at Council Chambers, Civic Centre, 23 Dundobar Road, Wanneroo.

Item 8 Closure

There being no further business, Mayor Roberts closed the meeting at 7:20pm.

In Attendance

TRACEY ROBERTS, JP

Mayor

Councillors:

NATALIE SANGALLI	North Coast Ward
LINDA AITKEN, JP	North Coast Ward
SONET COETZEE	North Coast Ward
CHRIS BAKER	North Coast Ward
LEWIS FLOOD	North Coast Ward
FRANK CVITAN, JP	Central Ward
JACQUELINE HUNTLEY	Central Ward
PAUL MILES	Central Ward
DOT NEWTON, JP	Central Ward
GLYNIS PARKER	South Ward
HUGH NGUYEN	South Ward
BRETT TREBY	South Ward
DOMENIC ZAPPA	South Ward

Appendix 1 Special Council Agenda – 25 May 2021

Attached is a copy of the Special Council Agenda for 25 May 2021 as required by the Local Government Regulations Amendment Regulations (No. 2) 2020 11(g) *“Minutes, content of - “The content of minutes of a meeting of a council or a committee is to include.... (g) each document attached to an agenda relating to a council or committee meeting unless the meeting or that part of the meeting to which the documents refers is closed to members of the public”.*



Council Agenda

SPECIAL COUNCIL MEETING

6:00pm, 25 May 2021

**Council Chambers (Level 1), Civic Centre,
23 Dundebur Road, Wanneroo**

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

- To ensure there is a process in place to outline the access to recorded Council Meetings.
- To emphasise that the reason for recording of Council Meetings is to ensure the accuracy of Council Meeting Minutes and that any reproduction of these Minutes are for the sole purpose of Council business.

Implications

City of Wanneroo Strategic Community Plan 2017/2018 to 2026/2027:

“4 Civic Leadership

4.2 Good Governance

4.2.1 Provide transparent and accountable governance and leadership”

Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the *State Records Act 2000*.

Implementation

This Policy shall be printed within the Agenda of all Council Meetings which include:

- Ordinary Council Meeting;
- Special Council Meeting;
- Annual General Meeting of Electors; and
- Special Electors Meeting.

To advise the public that the proceedings of the meeting are recorded.

Evaluation and Review Provisions

Recording of Proceedings

1. Proceedings for Council Meetings; as well as Deputations and Public Question Time during these meetings shall be recorded by the City on sound recording equipment, except in the case of a meeting where Council closes the meeting to the public.
2. Notwithstanding subclause 1, proceedings of a Council Meeting, which is closed to the public, shall be recorded where the Council resolves to do so.
3. No member of the public is to use any audio visual technology or devices to record the proceedings of a Council or Committee Meeting, without the written permission of the Mayor or the Mayors Delegate.

Access to Recordings

4. Members of the public may purchase a copy of the recorded proceedings or alternatively, listen to the recorded proceedings at the Civic Centre. Costs of providing a copy of the recorded proceedings to members of the public will include staff time to make the copy of the proceedings; as well as the cost of the digital copy for the recording to be placed on. The cost of staff time will be set in the City's Schedule of Fees and Charges each financial year.
5. Council Members may request a copy of the recording of the Council proceedings at no charge.
6. All Council Members are to be notified when recordings are requested by members of the public, and of Council.
7. Transcripts can be produced on the request of the Chief Executive Officer and will include staff time set by the City's Schedule of Fees and Charges.



City of Wanneroo

Notice is given that the next Special Council Meeting will be held in the Council Chambers (Level 1), Civic Centre, 23 Dundobar Road, Wanneroo on **Tuesday 25 May, 2021** commencing at **6:00pm**.

D Simms
Chief Executive Officer
20 May, 2021

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A G E N D A

Good evening Councillors, staff, ladies and gentlemen, we wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk people. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land and we acknowledge and respect their continuing culture and the contributions made to the life of this city and this region and I invite you to bow your head in prayer:

Lord

We ask for your blessing upon our City, our community and our Council. Guide us in our decision making to act fairly, without fear or favour and with compassion, integrity and honesty. May we show true leadership, be inclusive of all, and guide the City of Wanneroo to a prosperous future that all may share. We ask this in your name.

Amen

Item 1 Attendances

Item 2 Apologies and Leave of Absence

Item 3 Public Question Time

In accordance with Section 7(4)(b) of the *Local Government (Administration) Regulations 1996*, a Council at a Special Meeting is not required to answer a question that does not relate to the purpose of the meeting. It is therefore requested that only questions that relate to items on the agenda be asked.

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.

Council & Corporate Support

SCS01-05/21 Consideration of Principles for the Allocation of Continuing Councillors to New Wards

File Ref:	41102V02 – 21/210966
Responsible Officer:	Director, Corporate Strategy & Performance
Disclosure of Interest:	Nil
Attachments:	2

Issue

To consider the principles of allocation of continuing Councillors to new Wards as a result of the City's ward and representation review.

Background

At its meeting held 14 December 2020, the Council resolved as follows:

"That Council:-

1. *NOTES the outcomes of the community consultation and modelling options for the review of Wards and Representation 2020;*

2. *BY ABSOLUTE MAJORITY RECOMMENDS to the Local Government Advisory Board as per Clause 9 of Schedule 2.2 of the Local Government Act 1995, the making of an order under sections 2.2, 2.3 and 2.18 of the Local Government Act 1995 to change the wards and representation of the City of Wanneroo to consist of seven ward boundaries as shown on the map included in Attachment 6 to this report, as follows:*
 - a) *Establish a North Ward with two Councillors;*
 - b) *Establish a North-East Ward with two Councillors;*
 - c) *Establish a Central-East Ward with two Councillors;*
 - d) *Establish a Central-West Ward with two Councillors;*
 - e) *Establish a Central Ward with two Councillors;*
 - f) *Establish a South- West Ward with two Councillors;*
 - g) *Establish a South Ward with two Councillors;*
3. *REQUESTS the Local Government Advisory Board that these changes be implemented for the 2021 Local Government Elections, and that Councillors whose terms expire in 2023 be allocated equally to the proposed new Wards.*

CARRIED BY ABSOLUTE MAJORITY"

The Department of Local Government, Sport and Cultural Industries (**DLG**) has contacted the City of Wanneroo requesting information in regards to the proposed allocation of continuing Councillors to the new wards of the district.

Detail

The final step in the review process is the making of an Order (the **Order**) that is then published in the Government Gazette. The Parliamentary Counsel's Office is responsible for drafting the Orders that go to the Executive Council for final consideration and approval of the Order.

The *Local Government (Wanneroo - Change to Wards) Order 2021* will need to include a provision on how the continuing Councillors will be allocated to the proposed new wards. The City of Wanneroo is requested to provide advice to the DLG (and subsequently the Parliamentary Counsel's Office) on how this will be done.

In the late afternoon on Thursday, 13 May 2021, the DLG advised the City of Wanneroo that a recommendation on this matter is required from Council by no later than 1 June 2021, in order to meet the timeframes to gazette the Order.

Principles for Allocation to New Wards

The Council's resolution of 14 December 2020 is clear, in that:

- Each of the new seven wards will consist of 2 Councillors per ward (a total of 14 Councillors); and
- Continuing Councillors (those whose terms expire in 2023) will be allocated equally to the proposed new Wards.

It is anticipated that this part of the resolution will form part of the Order published in the Government Gazette.

For the preparation of this report, confidential legal advice (**Confidential Attachment 2**) was obtained in regards to the authority to determine, and the process to consider, the individual allocation of continuing Councillors. Key considerations for the allocation is to ensure that the process complies with and delivers on the intent of the *Local Government Act 1995*, is free

from bias or perceived bias, and aligns with part 3 of Council's resolution of 14 December 2020, being that continuing Councillors will be allocated "*equally*".

Therefore, a set of guiding principles have been developed as a tiered system approach for the allocation of continuing Councillors to each of the new wards. The tiered system enables priority consideration according to the three principles, to ensure that a diligent and equitable approach to allocation is assured. The tiered principles are proposed to be applied in the following order.

Principle 1	Order of retirement from office of Councillors (Schedule 4.2 of the <i>Local Government Act 1995</i>)
Principle 2	Commonality with the ward for which a continuing Councillor was initially elected
Principle 3	New ward proximity to residential property of continuing Councillor

Further information in regards to the principles and their description against the tiered three principle approach, is detailed in the table below.

Principle	Description
<p>Principle 1</p> <p>Order of retirement from office of Councillors (Schedule 4.2 of the Act)</p>	<p>This principle is applied as the first priority for consideration.</p> <p>Schedule 4.2 deals with the Order of retirement from office of Councillors. In summary, this section states that if the district is divided into wards, as near as practicable to ½ of the Councillors representing each ward as the returning officer determines are to retire every two years in an election year.</p> <p>The next local government election will see seven out of 14 Councillors continuing in their current term of office (with expiry due 2023). Therefore, seven vacancies will arise at the 2021 local government ordinary elections from current Councillors with terms due to expire in 2021. Those seven vacancies have been applied equally across the seven new wards.</p> <p>Each new ward will have one vacancy and one continuing Councillor as at the 2021 local government election.</p> <p>With this approach the Council applies the allocation of individual Councillors to new wards, rather than allocating via groups (or by former wards). This is because the increase from three wards to seven wards does not provide for a logical distribution of groups of Councillors.</p>
<p>Principle 2</p> <p>Commonality with the ward for which a continuing Councillor was initially elected</p>	<p>The second tier principle is applied following consideration of principle one.</p> <p>Allocation as far as practicable to wards that had the most area / electorate in common with the ward for which they were initially elected.</p> <p>Due to the extent of the changes to ward boundaries and the uneven distribution and retirement numbers within those wards, it will be necessary for at least one Councillor allocation to move representation to a ward that does not</p>

Principle	Description
	contain original electors from which that Councillor was elected.
Principle 3 New ward proximity to residential property for which the continuing Councillor is registered on the state electoral roll.	The third tier principle is applied following consideration of principle two. Allocation to align with proximity to residential property for which the continuing Councillor is registered on the state electoral roll. This third-tier principle was developed on the basis of potential local knowledge and community connection of a Councillor to the vicinity of their residential dwelling.

The legal advice confirms that the tiered 3 principle approach developed by the City would constitute a reasonable basis for the City to determine how it proposes that the allocation should be made.

Based on the tiered principle system, the result of the proposed continuing Councillor allocation to new wards is:

Allocation to Current Wards:

Name	Term ends	Current Ward	Location of Residential Property	Continuing Councillors (old wards)
Cr Linda Aitken	2021	North Coast Ward	-	2 out of 5
Cr Chris Baker	2023	North Coast Ward	Yanchep	
Cr Sonet Coetzee	2021	North Coast Ward	-	
Cr Lewis Flood	2021	North Coast Ward	-	
Cr Natalie Sangalli	2023	North Coast Ward	Quinns Rocks	
Cr Frank Cvitan	2023	Central Ward	Madeley	2 out of 4
Cr Jacqueline Huntley	2023	Central Ward	Wanneroo	
Cr Paul Miles	2021	Central Ward	-	
Cr Dot Newton	2021	Central Ward	-	
Cr Hugh Nguyen	2021	South Ward	-	3 out of 5
Cr Vinh Nguyen	2023	South Ward	Darch	
Cr Glynis Parker	2023	South Ward	Quinns Rocks	
Cr Brett Treby	2023	South Ward	Marangaroo	
Cr Domenic Zappa	2021	South Ward	-	

Proposed Allocation to New Wards following assessment of the tiered principle system:

Name	Current Ward	Term ends	New Ward	Continuing Councillors (new wards)
Cr Chris Baker	North Coast Ward	2023	North Ward	1 out of 2
Cr Glynis Parker	South Ward	2023	North-East Ward	1 out of 2
Cr Natalie Sangalli	North Coast Ward	2023	Central-West Ward	1 out of 2
Cr Jacqueline Huntley	Central Ward	2023	Central-East Ward	1 out of 2
Cr Frank Cvitan	Central Ward	2023	Central Ward	1 out of 2
Cr Vinh Nguyen	South Ward	2023	South-West Ward	1 out of 2
Cr Brett Treby	South Ward	2023	South Ward	1 out of 2

A map of the outcome of the continuing Councillor allocation is provided in **Attachment 1** (HPE 21/181186).

In regards to the authority to make the determination for the allocation of continuing Councillors, the following options are provided for Council's consideration:

That:

1. Council resolves the principles for allocation of continuing Councillors to new wards and instructs the CEO to apply these principles to produce the outcome, with that recommendation being provided to the DLG; or
2. Council resolves the principles for allocation of continuing Councillors to new wards including resolving the outcome of the principles by naming the Councillors/wards within the resolution, with that recommendation being provided to the DLG.

In either circumstance, the result of the resolution will be sent to the DLG as a recommendation for the Local Government Advisory Board and subsequently as information to be provided to the Parliamentary Counsel's Office in consideration for the making of the Order to be published in the Government Gazette. As the Order is required to be made prior to 30 June 2020, the City must provide a response to the DLG as soon as possible. The DLG advised on 13 May 2021, that the deadline for this response from the City of Wanneroo is 1 June 2021.

Consultation

Nil

Comment

The tiered three principle system approach has been deemed to constitute a reasonable basis for Council's Allocation Decision to meet the legislative provisions and the criteria of part 3 of the 14 December 2020 Council resolution. The Allocation Decision would not be subject to the consultation provisions of Schedule 2.1 of the Local Government Act 1995 (which provides the legislative framework for conducting ward and representation reviews).

It is prudent for the Council to make a resolution on this matter and any resolution should be made by absolute majority decision to be consistent with the previous Council resolution.

Statutory Compliance

Schedule 2.2 and Schedule 4.2 of the *Local Government Act 1995*.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“4 Civic Leadership

4.2 Good Governance

4.2.1 Provide transparent and accountable governance and leadership”

Risk Management Considerations

Risk Title	Risk Rating
ST-S23 Stakeholder Relationships	Low
Accountability	Action Planning Option
Chief Executive Officer	Manage

Risk Title	Risk Rating
CO-C01 Compliance Framework	Low
Accountability	Action Planning Option
Executive Manager Governance and Legal	Manage

The above risks relating to the issue contained within this report have been identified and considered within the City's Strategic and Corporate risk registers. Action plans have been developed to manage these risks to support existing management systems. Alignment with the following risk appetite statements should be considered for 4.2 Good Governance.

The City places a high priority on the importance of maintaining good governance and has no appetite for deliberate act or omission by any party that jeopardises this. The City provides appropriate systems and processes to realise its values and achieve good governance. Decisions are aligned to policy to ensure non-compliance impacts are reduced as low as reasonably practicable (ALARP) and reputational damage is restricted to low. Therefore, the City accepts low or ALARP of compliance and governance risk.

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Absolute Majority


Recommendation

That Council BY ABSOLUTE MAJORITY:

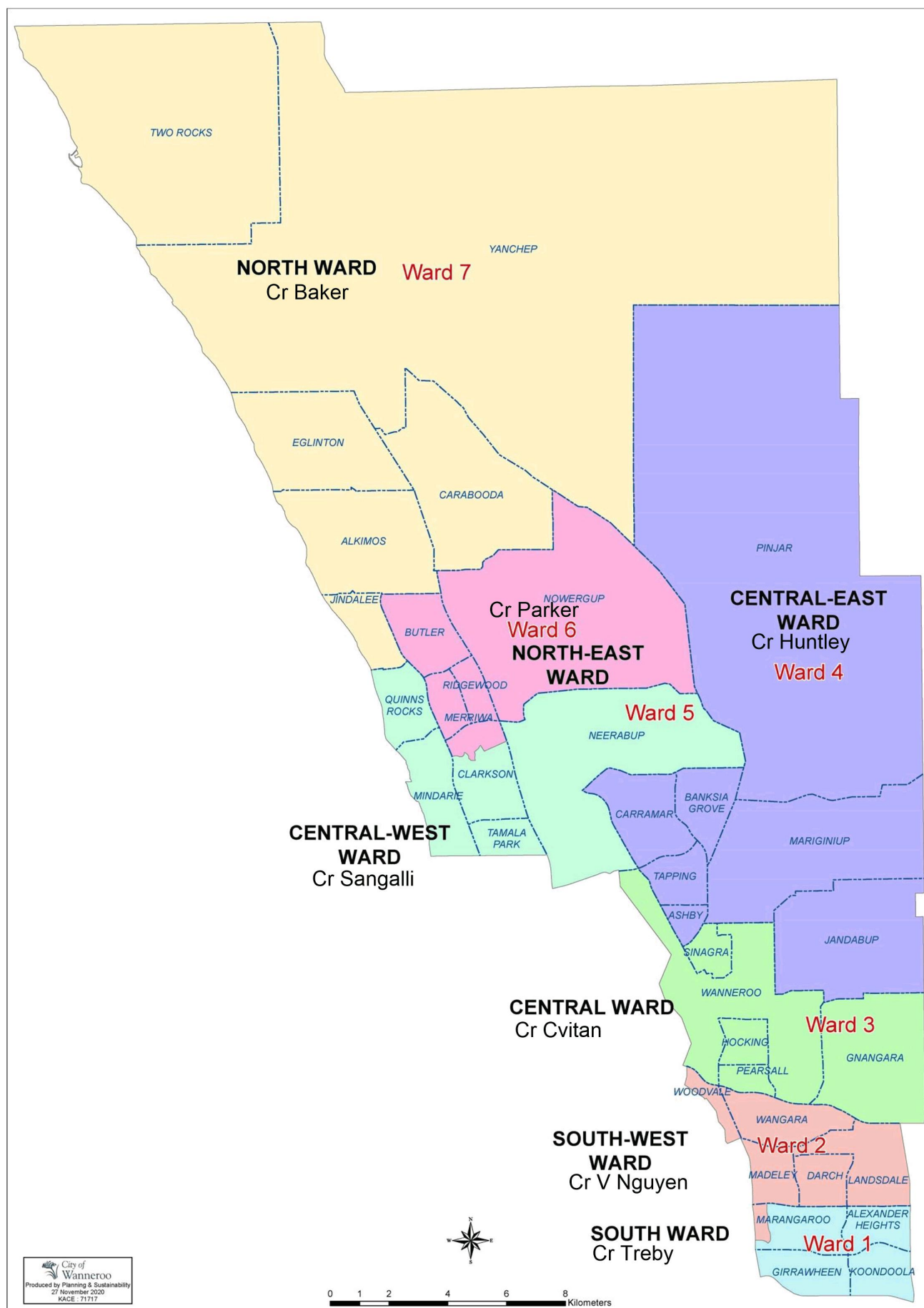
1. **APPROVES** the tiered three principle system outlined in this report, to be applied for the allocation of continuing Councillors to new wards following the City of Wanneroo 2020 Review of Wards and Representation as follows:
 - a) **Principle 1 - Order of retirement from office of Councillors (Schedule 4.2 of the *Local Government Act 1995*);**
 - b) **Principle 2 - Commonality with the ward for which a continuing Councillor was initially elected;**
 - c) **Principle 3 - New ward proximity to residential property of continuing Councillor;**

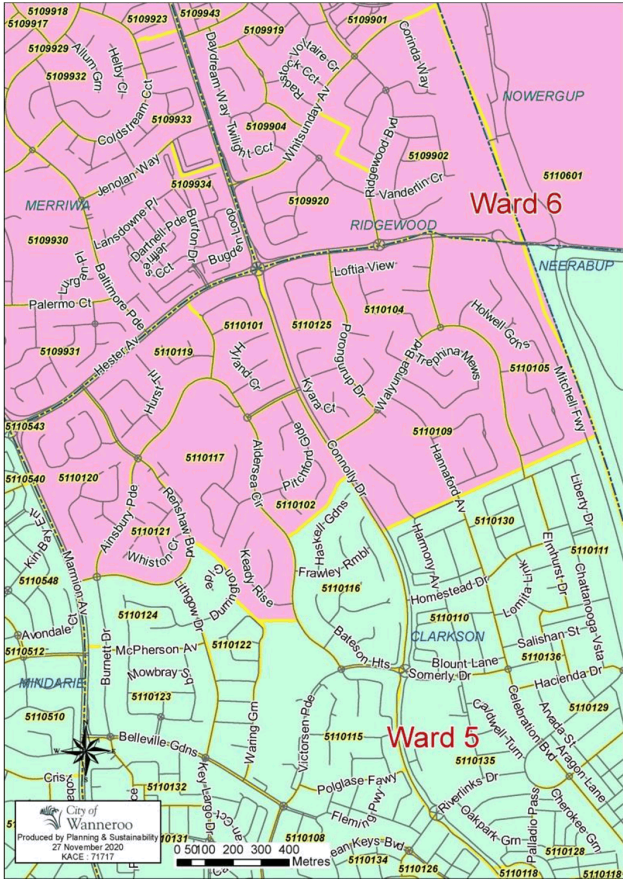
- 2. AUTHORISES the Chief Executive Officer to advise the Local Government Advisory Board, through the Department of Local Government, Sports and Cultural Industries, of the proposed allocation of continuing Councillors as an outcome of the application of the tiered three principle system.**

Attachments:

1.  Attachment 1 - Proposed allocation of Crs - 71717 Proposed Seven Wards 21/181186
2. Confidential - Legal Advice - Allocation of Continuing Councillors to New Wards Confidential

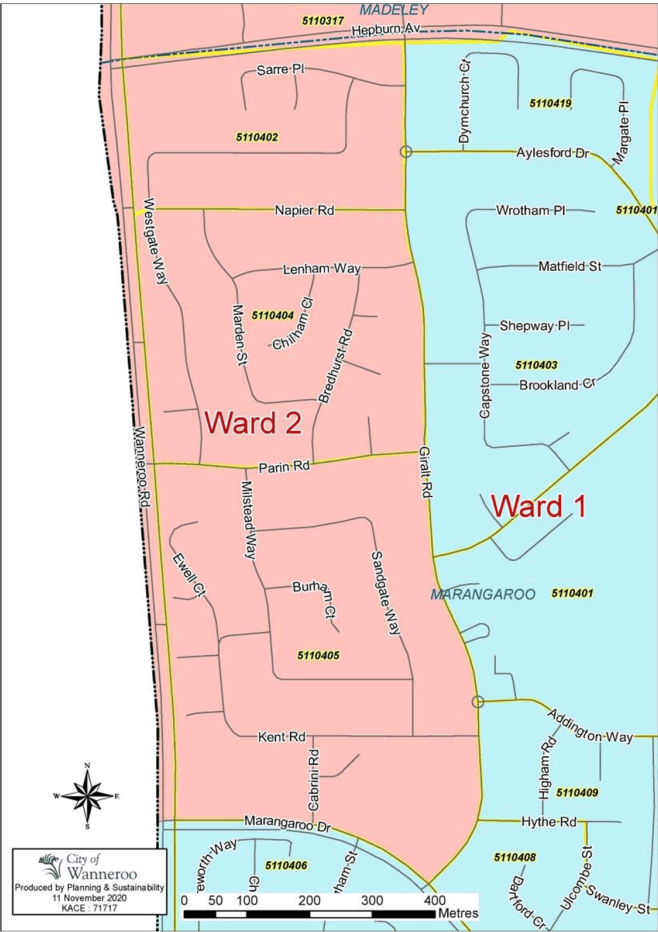
Map: 7 Wards





Enlargement Map of Clarkson
– Ward 6 and Ward 5

Enlargement Map of Marangaroo –
Ward 1 and Ward 2



Attachment 2 – Confidential - Legal Advice - Allocation of Continuing Councillors to New Wards

This attachment is confidential and distributed under separate cover to all Council Members.

Administration Use Only
Attachment 2 – Confidential

Item 5 Confidential

Nil

Item 6 To Be Tabled

Nil

Item 7 Date of Next Meeting

The next Council Members' Briefing Session has been scheduled for 6:00pm on Tuesday 8 June 2021 to be held at Council Chambers, Civic Centre, 23 Dundobar Road, Wanneroo.

Item 8 Closure



COUNCIL CHAMBERS SEATING DIAGRAM

