



Special Council Minutes

UNCONFIRMED MINUTES

**SPECIAL COUNCIL MEETING
5.30pm, 29 SEPTEMBER, 2020
Council Chambers (Level 1), Civic Centre,
23 Dundobar Road, Wanneroo**



City of Wanneroo

UNCONFIRMED MINUTES OF SPECIAL COUNCIL MEETING

HELD ON TUESDAY 29 SEPTEMBER, 2020

CONTENTS

<u>ITEM 1</u>	<u>ATTENDANCE</u>	<u>1</u>
<u>ITEM 2</u>	<u>APOLOGIES AND LEAVE OF ABSENCE</u>	<u>2</u>
<u>ITEM 3</u>	<u>PUBLIC QUESTION TIME</u>	<u>2</u>
<u>ITEM 4</u>	<u>REPORTS</u>	<u>2</u>
<u>ITEM 5</u>	<u>CONFIDENTIAL</u>	<u>2</u>
SCR01-09/20	CITY OF WANNEROO V CLEANAWAY PTY LTD	3
<u>ITEM 6</u>	<u>LATE REPORTS</u>	<u>4</u>
<u>ITEM 7</u>	<u>DATE OF NEXT MEETING</u>	<u>4</u>
<u>ITEM 8</u>	<u>CLOSURE</u>	<u>4</u>

MINUTES

Deputy Mayor Cr Cvitan declared the meeting open at 5:30pm and read 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

Councillors:

NATALIE SANGALLI	North Coast Ward
LINDA AITKEN, JP	North Coast Ward
CHRIS BAKER	North Coast Ward
LEWIS FLOOD	North Coast Ward
FRANK CVITAN, JP	Central Ward (Chair)
JACQUELINE HUNTLEY	Central Ward
PAUL MILES	Central Ward
DOT NEWTON, JP	Central Ward
GLYNIS PARKER	South Ward
HUGH NGUYEN	South Ward (arrived 5:36pm)
VINH NGUYEN	South Ward
BRETT TREBY	South Ward

Officers:

DANIEL SIMMS	Chief Executive Officer
MARK DICKSON	Director, Planning & Sustainability
LIONEL NICHOLSON	Acting Director, Assets
DEBBIE TERELINCK	Director, Community & Place
NOELENE JENNINGS	Director, Corporate Strategy & Performance
MUSTAFA YILDIZ	Manager Governance & Legal
SIMONA EVERETT	Lawyer, Governance & Legal
TIAN KOTZE	Chief Operating Officer, Corporate Strategy & Performance
LIZ DEL BORRELLO	Manager Communications & Brand
ANGELE GRAY	Acting Manager, Council & Corporate Support
MADONNA ILIFFE	Minute Officer

Item 2 Apologies and Leave of Absence

TRACEY ROBERTS, JP	Mayor
DOMENIC ZAPPA	South Ward
SONET COETZEE	North Coast Ward

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

Item 3 Public Question Time

Nil

Item 4 Reports

Declarations of Interest by Elected 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

Moved Cr Baker, Seconded Cr Treby

That Council move into a Confidential Session to discuss items SCR01-09/20 under the terms of the *Local Government Act 1995*, Section 5.23(2).

CARRIED UNANIMOUSLY

The meeting was closed to the public and all recording ceased at 5:31pm.

SCR01-09/20 City of Wanneroo v Cleanaway Pty Ltd

File Ref: 11575 – 20/380257
Responsible Officer: Executive Manager Governance and Legal
Disclosure of Interest: Nil
Attachments: 4
Previous Items: CR01-05/20 - Contractual Dispute - Ordinary Council - 05 May 2020 6:00pm
CR02-02/20 - Commingled Recyclables Processing - Ordinary Council - 10 Feb 2020 7:00pm
CR02-12/19 - Comingled Recyclables Processing Agreement with Cleanaway - Ordinary Council - 10 Dec 2019 6.00pm

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*
- (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*
- (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*

Moved Cr Baker, Seconded Cr Huntley

That Council:-

- 1. AUTHORISES the Chief Executive Officer (and the Chief Executive Officer's nominee) to negotiate with Cleanaway Pty Ltd in accordance with the settlement parameters set out in this report;**
- 2. APPROVES the 'without prejudice' Settlement Offer as set out this report;**
- 3. INSTRUCTS the Chief Executive Officer (and the Chief Executive Officer's nominee) to present the 'without prejudice' Settlement Offer to Cleanaway Pty Ltd as soon as practicable;**
- 4. Should Cleanaway Pty Ltd accept the 'without prejudice' Settlement Offer, APPROVES the City entering into a Deed of Settlement which will document the terms upon which the parties agree to settle the current legal proceedings of City of Wanneroo v Cleanaway Pty Ltd; and**
- 5. AUTHORISES the Chief Executive Officer to execute the Deed of Settlement referred to above and all documentation necessary to effect the terms of the Deed of Settlement in accordance with the City's Execution of Documents Policy.**

CARRIED UNANIMOUSLY

Moved Cr Treby, Seconded Cr Newton.

That the meeting be reopened to the public.

CARRIED UNANIMOUSLY

The meeting was reopened to the public and all recording recommenced at 6:48pm.

Cr Cvitan read aloud the resolution carried on item SCR01-09/20.

Item 6 Late Reports

Nil

Item 7 Date of Next Meeting

The next Briefing Session has been scheduled for 6:00pm on Tuesday 13 October 2020.

Item 8 Closure

There being no further business, Deputy Mayor Cr Cvitan closed the meeting at 6:50pm.

In Attendance

Councillors:

NATALIE SANGALLI	North Coast Ward
LINDA AITKEN, JP	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
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BRETT TREBY	South Ward