

minutes

Special Meeting of Council

MEETING HELD ON

TUESDAY 18 FEBRUARY 2025

Acknowledgement of Traditional Custodians

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

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CITY OF JOONDALUP

COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP ON TUESDAY 18 FEBRUARY 2025

1 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

2 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Deputy Mayor declared the meeting open at 6.01pm.

Deputy Mayor:

CR ADRIAN HILL

Councillors:

CR LEWIS HUTTON	North Ward
CR DANIEL KINGSTON	North Central Ward
CR REBECCA PIZZEY	Central Ward
CR RUSS FISHWICK, JP	South Ward
CR JOHN RAFTIS	South Ward
CR PHILLIP VINCIULLO	South-West Ward
CR JOHN CHESTER	South-East Ward

Officers:

MR JAMES PEARSON	Chief Executive Officer
MR JAMIE PARRY	Director Governance and Strategy
MR MAT HUMFREY	Director Corporate Services
MR NICO CLAASSEN	Director Infrastructure Services
MR CHRIS LEIGH	Director Planning and Community Development
MR MATHEW PENNINGTON	Manager Waste Services
MRS KYLIE BERGMANN	Manager Governance <i>absent from 6.15pm to 6.16pm</i>
MRS VIVIENNE STAMPALIJA	Governance Coordinator
MRS DEBORAH GOUGES	Senior Governance Officer

There was one member of the public and no member of the press in attendance.

3 DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY

3.1 DISCLOSURES OF FINANCIAL INTEREST / PROXIMITY INTEREST

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

Name / Position	Mayor Albert Jacob, JP.
Meeting Type	Special Meeting of Council.
Meeting Date	18 February 2025.
Item No. / Subject	Item 8.1 - Confidential Tender 030/24 Provision of Domestic Waste, Garden Organics and Recycling Collection Services (Ward - All).
Nature of Interest	Financial Interest.
Extent of Interest	Mayor Jacob, JP works part-time for Thomson Geer Lawyers. Mayor Jacob, JP has done work in that capacity for one of the tenderers.

3.2 DISCLOSURES OF INTEREST AFFECTING IMPARTIALITY

Elected Members (in accordance with clause 22 of Schedule 1 of the *Local Government [Model Code of Conduct] Regulations 2021*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member / employee is also encouraged to disclose the nature of their interest.

Name / Position	Mr Mathew Pennington, Manager Waste Services.
Meeting Type	Special Meeting of Council.
Meeting Date	18 February 2025.
Item No. / Subject	Item 8.1 - Confidential Tender 030/24 Provision of Domestic Waste, Garden Organics and Recycling Collection Services (Ward - All).
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mr Pennington's father is the State Manager of one of the tenderers.

4 PUBLIC QUESTION TIME

The following summarised questions were submitted in writing prior to the Special Council Meeting:

M O'Byrne, Kinross:

Re: Item 8.1 – Confidential Tender 030/24 Provision of Domestic Waste, Garden Organics and Recycling Collection Services.

Q1 Can the City advise what is the total cost of this Special Meeting to the ratepayers of the City of Joondalup?

A1 It is estimated that officers spent 10-12 hours preparing the report and agenda for this meeting, which would have been required in any event if this report was submitted to an ordinary meeting of Council. The cost to ratepayers for officers' time in organizing and attending the meeting is not considered to be significant, as many of the officers attending the meeting were already scheduled to attend a separate workshop with Elected Members which has been scheduled to take place immediately after the Special Council Meeting. An advert was placed in the *PerthNow* publicising the meeting at a cost of \$679 (ex GST) and security costs for attendance at the meeting is \$255

Q2 *Can the City advise why did the City of Joondalup opt for a Special Meeting on this Item, when it could have been incorporated into the agenda of the Ordinary Council Meeting a week later at no extra cost to ratepayers?*

A2 The tender to be considered by Council is for the collection of domestic waste, garden organics and recycling to be delivered to the processing plant/s. The provision of domestic waste, garden organics and recycling collection services is a critical City service provided to residents. The City has no capacity to undertake the services, therefore has a requirement to engage an appropriately qualified and experienced contractor to undertake the collection services.

As per A1 above, the cost to hold a Special Council Meeting to consider this item is not considered to be significant and holding a Special Council Meeting maximises the time available for the successful contractor to enable a 1 July 2025 commencement date.

Q3 *Can the City advise how much Joondalup waste in tonnes will be diverted from Landfill if this Tender is adopted?*

A3 As per A2 above, the tender to be considered by Council and is for the collection of domestic and public waste, garden organics and recycling and associated services such as delivery of new and/or maintenance of existing bins. As such this question is not relevant to the item to be considered at the Special Council Meeting.

- Q4 *Can the City advise why is the City (potentially) moving forward on this tender without opening any part of the non-contractual information contained in the underlying report(s) to ratepayer scrutiny?*
- A4 This report is confidential in accordance with s5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:
- (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) *a matter that if disclosed, would reveal: (ii) information that has a commercial value to a person.*
- Q5 *Can the City advise what guarantee(s) has the City of Joondalup secured from the WA State Government, or any other source(s) to indemnify Joondalup ratepayers should a decision to adopt this tender now later result in a BioVision type of financial fiasco?*
- A5 As per A2 above, the tender is for the provision of domestic waste, garden organics and recycling collection services and as such, this question is not relevant to the item to be considered at the Special Council Meeting.

The following summarised questions were submitted verbally at the Special Council Meeting:

M O'Byrne, Kinross:

- Re: *Item 8.1 - Confidential Tender 030/24 Provision of Domestic Waste, Garden Organics and Recycling Collection Services (Ward - All).*
- Q1 *Once a Council decision is made this evening on the confidential item, will the confidential report and minutes of the meeting, minus the tender details, then be made publicly available to the rate payers at the City of Joondalup?*
- A1 The Director Governance and Strategy responded that the Special Council Minutes will have within it the resolution of the Special Council Meeting only.
- Q2 *Why call a special meeting tonight when the City of Joondalup will meet for its Ordinary Council Meeting next Tuesday?*
- A2 The Director Infrastructure Services responded that the City deemed it essential to provide the maximum time possible for the potential contractor to plan and organise the necessary resources to undertake the services.

5 PUBLIC STATEMENT TIME

The following summarised statement was submitted verbally at the Special Council Meeting:

M O'Byrne, Kinross:

Re: Item 8.1 - Confidential Tender 030/24 Provision of Domestic Waste, Garden Organics and Recycling Collection Services (Ward - All).

Ms O'Byrne addressed Council to raise concerns over the City causing confusion to residents by keeping discussions about domestic waste, garden organics, and recyclables out of the public eye, adding that the lack of transparency has led to concerns about significant changes to waste management being made without proper public consultation.

Ms O'Byrne noted that the situation might be influenced by past pressure from the State Government, which previously imposed waste management changes on local councils without consultation, causing frustration.

Ms O'Byrne stated that with no information available to the public, residents could wake up to news of costly changes without their input, which could lead to negative reactions and a damaged reputation for the City of Joondalup.

6 APOLOGIES AND LEAVE OF ABSENCE

6.1 APOLOGIES

Mayor Albert Jacob, JP.
Cr Christine Hamilton-Prime.
Cr Nige Jones.
Cr Christopher May, JP.
Cr Rohan O'Neill.

7 IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

- Item 8.1 - Confidential Tender 030/24 Provision of Domestic Waste, Garden Organics and Recycling Collection Services (Ward - All).

PROCEDURAL MOTION - THAT THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC (Resolution No: CJ001-02/25)

MOVED Cr Fishwick, SECONDED Cr Vinciullo that Council:

- 1** in accordance with Section 5.23(2) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, **RESOLVES** to close the meeting to members of the public to consider the following item:
 - 1.1** Item 8.1 - Confidential Tender 030/24 Provision of Domestic Waste, Garden Organics and Recycling Collection Services;

- 2** **PERMITS** the following employees to remain in the Chamber during discussion on Item 8.1 - Confidential Tender 030/24 Provision of Domestic Waste, Garden Organics and Recycling Collection Services while the meeting is sitting behind closed doors as detailed in Part 1.1 above:
 - 2.1** Chief Executive Officer, Mr James Pearson;
 - 2.2** Director Governance and Strategy, Mr Jamie Parry;
 - 2.3** Director Infrastructure Services, Mr Nico Claassen;
 - 2.4** Director Corporate Services, Mr Mat Humfrey;
 - 2.5** Director Planning and Community Development, Mr Chris Leigh;
 - 2.6** Manager Waste Services, Mr Mathew Pennington;
 - 2.7** Manager Governance, Mrs Kylie Bergmann;
 - 2.8** Governance Coordinator, Mrs Vivienne Stampalija;
 - 2.9** Senior Governance Officer, Mrs Deborah Gouges.

The Motion was Put and

CARRIED (7/1)

In favour of the Motion: Cr Hill, Cr Chester, Cr Fishwick, Cr Hutton, Cr Pizzey, Cr Raftis and Cr Vinciullo.

Against the Motion: Cr Kingston.

Members of staff (with the exception of the Chief Executive Officer, Director Governance and Strategy, Director Infrastructure Services, Director Corporate Services, Director Planning and Community Development, Manager Waste Services, Manager Governance, Governance Coordinator and Senior Governance Officer) and members of the public left the Chamber at this point; the time being 6.14pm.

Disclosure of Financial Interest / Proximity Interest

Name / Position	Mayor Albert Jacob, JP.
Meeting Type	Special Meeting of Council.
Meeting Date	18 February 2025.
Item No. / Subject	Item 8.1 - Confidential Tender 030/24 Provision of Domestic Waste, Garden Organics and Recycling Collection Services (Ward - All).
Nature of Interest	Financial Interest.
Extent of Interest	Mayor Jacob, JP works part-time for Thomson Geer Lawyers. Mayor Jacob, JP has done work in that capacity for one of the tenderers.

Disclosure of Interest Affecting Impartiality

Name / Position	Mr Mathew Pennington, Manager Waste Services.
Meeting Type	Special Meeting of Council.
Meeting Date	18 February 2025.
Item No. / Subject	Item 8.1 - Confidential Tender 030/24 Provision of Domestic Waste, Garden Organics and Recycling Collection Services (Ward - All).
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mr Pennington's father is the State Manager of one of the tenderers.

8 REPORTS**8.1 CONFIDENTIAL TENDER 030/24 PROVISION OF DOMESTIC WASTE, GARDEN ORGANICS AND RECYCLING COLLECTION SERVICES (WARD - ALL)**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Director Corporate Services
FILE NUMBER	111767
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with s5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (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) *a matter that if disclosed, would reveal:*
 - (ii) *information that has a commercial value to a person.*

A full report is provided to elected members under separate cover. The report is not for publication.

The Manager Governance left the Chamber at 6.15pm and returned at 6.16pm.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(Resolution No: CJ002-02/25)

MOVED Cr Hutton, SECONDED Cr Chester that Council ACCEPTS the tender submitted by Solo Waste Aust. Pty Limited as Trustee for Rico Family Trust trading as Solo Resource Recovery (Conforming Offer) for the provision of domestic waste, garden organics and recycling collection services for separable portions 1 to 5 as specified in Tender 030/24 for a period of five years with the option of two further terms of one year each, at the submitted rates, with any price variations subject to the percentage change in the Perth CPI (All Groups), subject to negotiation of final contract terms before entering into a contract.

The Motion was Put and

CARRIED (8/0)

In favour of the Motion: Cr Hill, Cr Chester, Cr Fishwick, Cr Hutton, Cr Kingston, Cr Pizzey, Cr Raftis and Cr Vinciullo.

Against the Motion: Nil.

PROCEDURAL MOTION – THAT THE MEETING BE OPENED TO MEMBERS OF THE PUBLIC (Resolution No: CJ003-02/25)

MOVED Cr Hutton, SECONDED Cr Vinciullo that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the Special Council meeting now be REOPENED TO THE PUBLIC.

The Motion was Put and

CARRIED (8/0)

In favour of the Motion: Cr Hill, Cr Chester, Cr Fishwick, Cr Hutton, Cr Kingston, Cr Pizzey, Cr Raftis and Cr Vinciullo.

Against the Motion: Nil.

Doors opened at 7.15pm.

One member of the public and no members of the press entered the Chamber at 7.15pm. In accordance with Clause 5.2(6)(a) of the City's Meeting Procedures Local Law 2013, Deputy Mayor Hill read aloud the motion in relation to Item 8.1 - Confidential Tender 030/24 Provision of Domestic Waste, Garden Organics and Recycling Collection Services.

PROCEDURAL MOTION – THAT THE ORDER OF BUSINESS BE RESUMED (Resolution No: CJ004-02/25)

MOVED Cr Kingston, SECONDED Cr Hutton that that Council RESUMES the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*.

The Motion was Put and

CARRIED (8/0)

In favour of the Motion: Cr Hill, Cr Chester, Cr Fishwick, Cr Hutton, Cr Kingston, Cr Pizzey, Cr Raftis and Cr Vinciullo.

Against the Motion: Nil.

9 CLOSURE

There being no further business, the Deputy Mayor declared the meeting closed at 7.17pm the following Elected Members being present at that time:

CR ADRIAN HILL
CR LEWIS HUTTON
CR DANIEL KINGSTON
CR REBECCA PIZZEY
CR RUSS FISHWICK, JP
CR JOHN RAFTIS
CR PHILLIP VINCIULLO
CR JOHN CHESTER