



## MINUTES

### CERTIFICATION OF CONFIRMATION OF COUNCIL MEETING MINUTES

6 February 2020

I, Cr Jai Wilson, hereby certify that the minutes from the Special Council Meeting held on 6 February 2020 pages (1) to (6) were confirmed at a meeting of Council held on 20 February 2020.



Signature

Cr Jai Wilson  
Person presiding at Meeting



# **MINUTES**

Special Meeting of Council

**6 FEBRUARY 2020**

## SPECIAL MEETING OF COUNCIL

### MINUTES

6 February 2020

(REF: D2019/01256)

A Special Meeting of Council was held at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 6 February 2020**. The meeting commenced at **6:00pm**.

### TABLE OF CONTENTS

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|    |                                                                                                                |   |
|----|----------------------------------------------------------------------------------------------------------------|---|
| 1  | <b>DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS</b>                                                     | 1 |
| 2  | <b>ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)</b>                                        | 1 |
| 3  | <b>DISCLOSURE OF INTERESTS</b>                                                                                 | 2 |
| 4  | <b>ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION</b>                                    | 2 |
|    | 4.1 <i>CHANGE TO THE ORDER OF BUSINESS</i>                                                                     | 2 |
| 5  | <b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b>                                                   | 2 |
| 6  | <b>PUBLIC QUESTION TIME</b>                                                                                    | 2 |
| 7  | <b>APPLICATIONS FOR LEAVE OF ABSENCE</b>                                                                       | 2 |
| 8  | <b>PETITIONS, DEPUTATIONS AND PRESENTATIONS</b>                                                                | 2 |
| 9  | <b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b>                                                 | 2 |
| 10 | <b>QUESTIONS BY MEMBERS WITHOUT NOTICE</b>                                                                     | 2 |
| 11 | <b>ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC</b>                     | 3 |
|    | 11.1 <i>CONTAINER DEPOSIT SCHEME (CDS) REFUND AND AGGREGATION POINTS</i>                                       | 3 |
| 12 | <b>BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING</b>                                                         | 3 |
| 13 | <b>REPORTS OF EMPLOYEES</b>                                                                                    | 3 |
|    | 13.1 <i>DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE OFFICER (CEO)</i><br><i>(Ref: D2020/01258)</i>          | 3 |
| 14 | <b>NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING</b> | 4 |
| 15 | <b>CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b>                                  | 4 |
|    | 15.1 <i>CONTAINER DEPOSIT SCHEME (CDS) REFUND AND AGGREGATION POINTS</i><br><i>(Ref: D2020/01257)</i>          | 4 |
| 16 | <b>FUTURE MEETINGS OF COUNCIL</b>                                                                              | 6 |
| 17 | <b>DECLARATION OF CLOSURE OF MEETING</b>                                                                       | 6 |

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## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 6:00pm, welcomed visitors and acknowledged the traditional custodians of the land on which the meeting was held and paid respects to the elders past, present and future.

## 2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

### Councillor Attendance

|                                          |             |                    |
|------------------------------------------|-------------|--------------------|
| Cr Jai Wilson ( <b>Chairman</b> )        | EMRC Member | Town of Bassendean |
| Cr Doug Jeans ( <b>Deputy Chairman</b> ) | EMRC Member | Shire of Mundaring |
| Cr Kathryn Hamilton                      | EMRC Member | Town of Bassendean |
| Cr Lorna Clarke                          | EMRC Member | City of Bayswater  |
| Cr Giorgia Johnson                       | EMRC Member | City of Bayswater  |
| Cr Janet Powell                          | EMRC Member | City of Belmont    |
| Cr Steve Wolff                           | EMRC Member | City of Belmont    |
| Cr Lesley Boyd                           | EMRC Member | City of Kalamunda  |
| Cr Dylan O'Connor                        | EMRC Member | City of Kalamunda  |
| Cr John Daw                              | EMRC Member | Shire of Mundaring |
| Cr Mel Congerton                         | EMRC Member | City of Swan       |
| Cr Charlie Zannino                       | EMRC Member | City of Swan       |

### Apologies

|                |                    |                    |
|----------------|--------------------|--------------------|
| Cr Amy Collins | EMRC Deputy Member | Shire of Mundaring |
|----------------|--------------------|--------------------|

### EMRC Officers

|                         |                                                         |
|-------------------------|---------------------------------------------------------|
| Mr Marcus Geisler       | Chief Executive Officer                                 |
| Mr Hua Jer Liew         | Chief Financial Officer                                 |
| Mr Steve Fitzpatrick    | Chief Project Officer                                   |
| Mrs Wendy Harris        | Chief Sustainability Officer                            |
| Ms Theresa Eckstein     | Executive Assistant to Chief Executive Officer          |
| Mrs Annie Hughes-d'Aeth | Personal Assistant to Chief Financial Officer (Minutes) |

### EMRC Observers

|                  |                                      |
|------------------|--------------------------------------|
| Mr David Ameduri | Manager Financial Services           |
| Mr Chris Snook   | Information Services Support Officer |
| Ms Kerry Wilson  | Waste Education Officer              |

### Observer(s)

|                                      |                                   |                   |
|--------------------------------------|-----------------------------------|-------------------|
| Cr Filomena Piffaretti (from 6:16pm) | EMRC Deputy Member                | City of Bayswater |
| Cr Cameron Blair                     | EMRC Deputy Member                | City of Kalamunda |
| Mr Doug Pearson                      | Director Works and Infrastructure | City of Bayswater |
| Ms Melanie Reid                      | Director Infrastructure Services  | City of Belmont   |
| Mr Brett Jackson                     | Director Asset Services           | City of Kalamunda |
| Mr Jim Coten                         | Executive Manager Operations      | City of Swan      |



**3 DISCLOSURE OF INTERESTS**

Nil

**4 ANNOUNCEMENTS BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION**

**4.1 CHANGE TO THE ORDER OF BUSINESS**

The Chairman announced that there would be a change to the order of business per *Standing Orders Local Law 2013* for Item 13.1 Delegation of Authority to the CEO will be dealt with after Confidential Item 15.1 Container Deposit Scheme (CDS) Refund and Aggregation Points in order to reflect whether item 13.1 is required subject to the decision of Council on Confidential Item 15.1.

**5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**6 PUBLIC QUESTION TIME**

Nil

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**8 PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Nil

**9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Questions were raised in relation to Confidential Item 15.1 with the Chairman advising that these questions would be discussed further when behind closed doors.

**10 QUESTIONS BY MEMBERS WITHOUT NOTICE**

Nil



**11 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC**

NOTE: Section 5.23(2) of the *Local Government Act 1995*, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters; security matters; among others.

The following report item is covered in Section 15 of this agenda:

11.1 CONTAINER DEPOSIT SCHEME (CDS) REFUND AND AGGREGATION POINTS

**12 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

Nil

**13 REPORT OF EMPLOYEES**

**13.1 DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE OFFICER (CEO)**

**REFERENCE: D2020/01258**

Due to the change to the order of business Item 13.1 will be discussed after Confidential Item 15.1 Container Deposit Scheme (CDS) Refund and Aggregation Points.



**14 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING**

In accordance with Clause 4.1(2) of the *EMRC Standing Orders Local Law 2013*, no business is to be transacted at a special meeting of Council other than that given in the notice as the purpose of the meeting.

**15 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

**RECOMMENDATION (Closing meeting to the public)**

That with the exception of ....., the meeting be closed to members of the public in accordance with Section 5.23(2) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

**COUNCIL RESOLUTION**

MOVED CR CONGERTON                      SECONDED CR HAMILTON

THAT WITH THE EXCEPTION OF THE CEO, CHIEF FINANCIAL OFFICER, CHIEF PROJECT OFFICER, CHIEF SUSTAINABILITY OFFICER, EMRC DEPUTY COUNCILLORS, WAC OFFICERS, MANAGER FINANCIAL SERVICES, INFORMATION SERVICES SUPPORT OFFICER, EXECUTIVE ASSISTANT TO THE CEO AND PERSONAL ASSISTANT TO THE CHIEF FINANCIAL OFFICER THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23(2) OF THE *LOCAL GOVERNMENT ACT 1995* FOR THE PURPOSE OF DEALING WITH MATTERS OF A CONFIDENTIAL NATURE.

**CARRIED UNANIMOUSLY**

The doors of the meeting were closed at 6:11pm and members of the public departed the Council Chambers.

The Chief Executive Officer, Chief Financial Officer, Chief Project Officer, Chief Sustainability Officer, EMRC Deputy Councillors, WAC Officers, Manager Financial Services, Information Services Support Officer, Executive Assistant to the CEO and Personal Assistant to the Chief Financial Officer remained in Council Chambers.

**15.1 CONTAINER DEPOSIT SCHEME (CDS) REFUND AND AGGREGATION POINTS**

**REFERENCE: D2020/01257**

This item is recommended to be confidential because it contains matters of commercial-in-confidence nature.

The Council considered the Confidential Item circulated with the Agenda under Separate Cover.

**RECOMMENDATION [Meeting re-opened to the public]**

That the meeting be re-opened, the members of the public be invited to return to the meeting and the recommendations passed behind closed doors be recorded.

**COUNCIL RESOLUTION**

MOVED CR HAMILTON                      SECONDED CR DAW

THAT THE MEETING BE RE-OPENED, THE MEMBERS OF THE PUBLIC BE INVITED TO RETURN TO THE MEETING AND THE RECOMMENDATIONS PASSED BEHIND CLOSED DOORS BE RECORDED.

**CARRIED UNANIMOUSLY**



Item 15 continued

The doors of the meeting were re-opened at 7:07pm and members of the public returned to the Council Chambers.

Recording of the resolutions passed behind closed doors, namely:

**15.1 CONTAINER DEPOSIT SCHEME (CDS) REFUND AND AGGREGATION POINTS**

**REFERENCE: D2020/01257**

Corrections as per Council resolution at the Ordinary Meeting of Council held 20 February 2020 Item 9.3 Minutes of Special Meeting of Council Held on 6 February 2020.

Cr O'Connor moved a procedural motion which was seconded by Cr Boyd.

*That the Director Asset Services of the City of Kalamunda be allowed to address the meeting.*

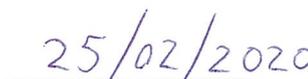
The Chairman put the procedural motion to the vote.

**PROCEDURAL MOTION**

THAT THE DIRECTOR ASSET SERVICES OF THE CITY OF KALAMUNDA BE ALLOWED TO ADDRESS THE MEETING.

**MOTION LOST 4/8**

  
Chief Executive Officer

  
Date

**COUNCIL RESOLUTION(S)**

MOVED CR CLARKE

SECONDED CR HAMILTON

THAT:

1. COUNCIL APPROVES THE ATTACHED CONTAINER DEPOSIT SCHEME (CDS) REFUND AND AGGREGATION POINTS BUSINESS PLAN 2020 FORMING A CONFIDENTIAL ATTACHMENT TO THIS REPORT.
2. COUNCIL BY ABSOLUTE MAJORITY, APPROVES UNBUDGETED EXPENDITURE FROM THE FUTURE DEVELOPMENT RESERVE, TO THE MAXIMUM VALUE OF \$5,035,151 EX GST FOR RELEVANT CDS PLANT, EQUIPMENT AND INFRASTRUCTURE.
3. COUNCIL AUTHORISES THE CEO TO ENTER INTO THE REFUND POINT AGREEMENT WITH WARRRL FOR THE NOMINATED REFUND/AGGREGATION POINTS AS OUTLINED IN THE BUSINESS PLAN.
4. COUNCIL AUTHORISES THE CEO TO ENTER INTO ANY LAND USE AGREEMENT(S) AS REQUIRED AS PART OF THE BUSINESS PLAN.
5. THE REPORT AND ATTACHMENT REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

**Motion lost 6/6  
Absolute Majority required**



Due to the change to the Order of Business, Item 13.1 Delegation of Authority to The Chief Executive Officer (CEO) was to be dealt with at this point in the meeting. The Chief Financial Officer withdrew Item 13.1 as it was no longer required due to the result of the motion being lost in Confidential Item 15.1 Container Deposit Scheme (CDS) Refund and Aggregation Points.

## 16 FUTURE MEETINGS OF COUNCIL

The next Ordinary meeting of Council will be held on **Thursday, 20 February 2020** at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, Belmont WA 6104 commencing at 6:00pm.

### Future Meetings 2020

|                       |                          |    |                            |
|-----------------------|--------------------------|----|----------------------------|
| Thursday              | 20 February              | at | EMRC Administration Office |
| Thursday              | 19 March                 | at | EMRC Administration Office |
| Thursday              | 23 April (if required)   | at | EMRC Administration Office |
| Thursday              | 21 May (if required)     | at | EMRC Administration Office |
| Thursday              | 18 June                  | at | EMRC Administration Office |
| Thursday              | 23 July (if required)    | at | EMRC Administration Office |
| Thursday              | 20 August (if required)  | at | EMRC Administration Office |
| Thursday              | 17 September             | at | EMRC Administration Office |
| Thursday              | 22 October (if required) | at | EMRC Administration Office |
| Thursday              | 3 December               | at | EMRC Administration Office |
| January 2021 (recess) |                          |    |                            |

## 17 DECLARATION OF CLOSURE OF MEETING

There being no further business, the meeting was closed at 7:08pm.