



MINUTES

CERTIFICATION OF CONFIRMATION OF SPECIAL COUNCIL MEETING MINUTES

7 September 2017

I, Cr Steve Wolff, hereby certify that the minutes from the Special Council Meeting held on 7 September 2017 pages (1) to (6) were confirmed at a meeting of Council held on 21 September 2017.



Signature

Cr Steve Wolff
Person presiding at Meeting

SPECIAL MEETING OF COUNCIL

MINUTES

7 September 2017

(REF: D2017/13658)

An Ordinary Meeting of Council was held at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 7 September 2017** The meeting commenced at **5:05pm**.

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chief Executive Officer notified members that the Chairman would be arriving late to the meeting and therefore in accordance with section 3.3 of the EMRC Standing Order and section 5.6(3) of the *Local Government Act 1995*, Council is to choose a councillor present to preside at the meeting.

The CEO called for nominations for the appointment of a councillor to preside at the meeting.

Cr McDonnell nominated himself.

There being no further nominations Cr McDonnell assumed the role of the Presiding Member at 5:05pm.

The Presiding Member officially opened the meeting at 5:05pm and welcomed Mr Laurie James from Kott Gunning Lawyers, Mr John King from Talis Consulting and Mr Kevin Donnelly from Stantons International.

2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Councillor Attendance

Cr David Färdig (Chairman) (from 5:13pm)	EMRC Member	City of Swan
Cr Paul Bridges	EMRC Member	Town of Bassendean
Cr Michael Lewis (from 5:08pm)	EMRC Member	Town of Bassendean
Cr Michelle Sutherland	EMRC Member	City of Bayswater
Cr Steve Wolff	EMRC Member	City of Belmont
Cr Geoff Stallard	EMRC Member	City of Kalamunda
Cr Andrew Waddell (from 5:39pm) (Deputising for Cr O'Connor)	EMRC Deputy Member	City of Kalamunda
Cr John Daw	EMRC Member	Shire of Mundaring
Cr Bob Perks	EMRC Member	Shire of Mundaring
Cr David McDonnell	EMRC Member	City of Swan

Apologies

Cr Terry Kenyon (Deputy Chairman)	EMRC Member	City of Bayswater
Cr Janet Powell	EMRC Member	City of Belmont
Cr Dylan O'Connor	EMRC Member	City of Kalamunda
Cr Catherine Ehrhardt	EMRC Deputy Member	City of Bayswater

EMRC Officers

Mr Peter Schneider	Chief Executive Officer
Mr Hua Jer Liew	Director Corporate Services
Mr Stephen Fitzpatrick	Director Waste Services
Mrs Wendy Harris	Director Regional Services
Mr Dave Beresford	Manager Resource Recovery
Mrs Annie Hughes-d'Aeth	Personal Assistant to Director Corporate Services (Minutes)

Observers

Cr Lynn Fisher	EMRC Deputy Member	Shire of Mundaring
Mr Simon Stewert-Dawkins	Director Operational Services	Town of Bassendean
Mr Doug Pearson	Director Technical Services	City of Bayswater
Mr Dennis Blair	Director Asset Services	City of Kalamunda
Mr Shane Purdy (from 5:52pm)	Director Infrastructure Services	Shire of Mundaring
Mr Chris Thompson	Manager Asset & Waste Operations	City of Kalamunda



Item 2 continued

Guests

Mr Laurie James
Mr John King
Mr Kevin Donnelly

Kott Gunning Lawyers
Talis Consulting
Stantons International

3 DISCLOSURE OF INTERESTS

Nil

4 ANNOUNCEMENT BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION

Nil

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 PUBLIC QUESTION TIME

Nil

7 APPLICATION FOR LEAVE OF ABSENCE

Nil

8 PETITIONS, DEPUTATIONS AND PRESENTATIONS

A confidential presentation was presented at Item 19.1 by Mr King from Talis Consulting.

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

N/A

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

11 QUESTIONS WITHOUT NOTICE

Cr Lewis entered the meeting at 5:08pm.



12 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH THE MEETING 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 19 of this agenda:

12.1 RESOURCE RECOVERY FACILITY REQUEST FOR TENDER 2016-005

13 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

N/A

14 REPORTS OF EMPLOYEES

Nil

15 REPORTS OF COMMITTEES

Nil

16 REPORTS OF DELEGATES

Nil

17 MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

N/A

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

N/A



19 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) (c) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

COUNCIL RESOLUTION

MOVED CR LEWIS

SECONDED CR WOLFF

THAT WITH THE EXCEPTION OF THE CEO, DIRECTOR CORPORATE SERVICES, DIRECTOR WASTE SERVICES, DIRECTOR REGIONAL SERVICES, MANAGER RESOURCE RECOVERY, MR JAMES, MR KING, MR DONNELLY, CR FISHER, THE DIRECTOR OPERATIONAL SERVICES, TOWN OF BASSENDEAN, DIRECTOR TECHNICAL SERVICES, CITY OF BAYSWATER, DIRECTOR ASSET SERVICES, CITY OF KALAMUNDA, DIRECTOR INFRASTRUCTURE SERVICES, SHIRE OF MUNDARING, MANAGER ASSET & WASTE OPERATIONS, CITY OF KALAMUNDA AND PERSONAL ASSISTANT TO THE DIRECTOR CORPORATE SERVICES THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23 (2) (C) OF THE *LOCAL GOVERNMENT ACT 1995* FOR THE PURPOSE OF DEALING WITH MATTERS OF A CONFIDENTIAL NATURE.

The meeting was closed to the public at 5:16pm.

19.1 RESOURCE RECOVERY FACILITY REQUEST FOR TENDER 2016-005

REFERENCE: D2017/12794

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

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

Cr Waddell entered the meeting at 5:39pm.

Mr Purdy entered the meeting at 5:52pm.

RECOMMENDATION [Meeting re-opened to the public]

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

COUNCIL RESOLUTION

MOVED CR STALLARD

SECONDED CR PERKS

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

CARRIED UNANIMOUSLY

The doors of the meeting were re-opened at 6:16pm and members of the public returned to the Council Chambers.



Item 19 continued

Recording of the resolutions passed behind closed doors, namely:

19.1 RESOURCE RECOVERY FACILITY REQUEST FOR TENDER 2016-005

REFERENCE: D2017/12794

COUNCIL RESOLUTION(S)

MOVED CR LEWIS

SECONDED CR WOLFF

THAT:

1. COUNCIL CONFIRMS THAT THE PREFERRED TENDERER FOR REQUEST FOR TENDER (RFT) 2016-005 – RESOURCE RECOVERY FACILITY (RRF) IS A CONSORTIUM COMPRISING HITACHI ZOSEN INOVA AG, NEW ENERGY CORPORATION PTY LTD AND TRIBE INFRASTRUCTURE DEVELOPMENT PTE LTD (HZI CONSORTIUM).
2. COUNCIL CONFIRMS THAT HZI CONSORTIUM INTENDS TO ESTABLISH AN ENERGY FROM WASTE FACILITY IN EAST ROCKINGHAM TO PROCESS MUNICIPAL WASTE FROM THE EMRC, MRC AND COMMERCIAL CUSTOMERS.
3. COUNCIL ADOPTS THE WASTE SUPPLY AGREEMENT BETWEEN EMRC AND HZI CONSORTIUM FORMING AN ATTACHMENT TO THIS REPORT.
4. THE CHAIRMAN AND THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN THE WASTE SUPPLY AGREEMENT WITH HZI CONSORTIUM UNDER THE COMMON SEAL.
5. COUNCIL ADOPTS THE FINANCIER SIDE DEED WITH THE SECURITY TRUSTEE AND EACH OF THE EMRC MEMBER COUNCILS FORMING AN ATTACHMENT TO THIS REPORT.
6. THE CHAIRMAN AND THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN THE FINANCIER SIDE DEED WITH THE SECURITY TRUSTEE UNDER THE COMMON SEAL.
7. COUNCIL ADOPTS THE PARTICIPANTS AGREEMENT FOR A WASTE SUPPLY AGREEMENT WITH EACH OF THE EMRC MEMBER COUNCILS.
8. THE CHAIRMAN AND THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN THE PARTICIPANTS AGREEMENT FOR A WASTE SUPPLY AGREEMENT UNDER THE COMMON SEAL WITH EACH OF THE EMRC MEMBER COUNCILS.
9. THE CEO BE AUTHORISED IN CONSULTATION WITH THE CHAIRMAN AND ON LEGAL ADVICE TO MAKE MINOR CHANGES TO THE AGREEMENTS FORMING ATTACHMENTS TO THIS REPORT.
10. EMRC MEMBER COUNCILS BE REQUESTED TO ADOPT AND SIGN THE PARTICIPATION AGREEMENT FOR A WASTE SUPPLY AGREEMENT.
11. EMRC MEMBER COUNCILS BE REQUESTED TO ADOPT AND SIGN THE FINANCIER SIDE DEED.
12. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

CARRIED 9/1

For Vote: Cr Färdig, Cr Lewis, Cr Sutherland, Cr Wolff, Cr Stallard, Cr Waddell, Cr Perks, Cr Daw, Cr McDonnell.

Against Vote: Cr Bridges.



20 FUTURE MEETINGS OF COUNCIL

The next meeting of Council will be held on **Thursday 21 September 2017** at the EMRC Administration Office, 1st Floor, Ascot Place, 226 Great Eastern Highway, Belmont WA 6104 commencing at 6:00pm.

Future Meetings 2017

Thursday	21 September	at	EMRC Administration Office
Thursday <i>(Special Meeting of Council)</i>	9 November	at	EMRC Administration Office
Thursday January 2018 (recess)	7 December (if required)	at	EMRC Administration Office

21 DECLARATION OF CLOSURE OF MEETING

There being no further business, the meeting was closed at 6:17pm.
