



UNCONFIRMED

MINUTES

Special Meeting of Council

27 June 2019

SPECIAL MEETING OF COUNCIL

MINUTES

27 June 2019

(REF: D2019/08576)

A Special Meeting of Council was held at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday 27 June 2019**. The meeting commenced at **6:00pm**.

TABLE OF CONTENTS

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	1
2	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	1
3	DISCLOSURE OF INTERESTS	2
4	ANNOUNCEMENT BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION	2
	4.1 <i>CHANGE OF ORDER OF BUSINESS</i>	2
5	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
6	PUBLIC QUESTION TIME	2
7	APPLICATION FOR LEAVE OF ABSENCE	3
	7.1 <i>CRS DAVID LAVELL AND DYLAN O'CONNOR – LEAVE OF ABSENCE</i>	3
8	PETITIONS, DEPUTATIONS AND PRESENTATIONS	3
	8.1 <i>CONFIDENTIAL PRESENTATION – HITACHI ZOSEN INOVA (HZI) CONSORTIUM</i>	3
9	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	3
10	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	3
11	QUESTIONS WITHOUT NOTICE	3
12	ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	3
	12.1 <i>REQUEST FOR TENDER 2016-005 - RESOURCE RECOVERY FACILITY</i>	3
13	BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING	3
14	REPORTS OF OFFICERS	4
15	REPORTS OF COMMITTEES	4
16	REPORTS OF DELEGATES	4
17	MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	4
18	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PERSON PRESIDING OR BY DECISION OF MEETING	4
19	CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	4
	19.1 <i>REQUEST FOR TENDER 2016-005 - RESOURCE RECOVERY FACILITY</i> <i>(Ref: D2019/08734)</i>	5
20	FUTURE MEETINGS OF COUNCIL	6
21	DECLARATION OF CLOSURE OF MEETING	6



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.

The Chairman welcomed Councillors, EMRC Deputy Councillors, member Council CEOs and officers in attendance for the confidential report.

The Chairman welcomed representatives from the HZI consortium consisting of:

Tribe Infrastructure Group:	Mr Edward Nicholas (Executive Director)
	Mr Rajan Aggarwal (Associate Director)
New Energy Corporation:	Mr Jason Pugh (Chief Executive Officer)

The Chairman also welcomed Mr Brenton Oakley from Kott Gunning Lawyers.

2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Councillor Attendance

Cr David McDonnell (Chairman)	EMRC Member	City of Swan
Cr Dylan O'Connor (Deputy Chairman)	EMRC Member	City of Kalamunda
Cr Kathryn Hamilton (Deputising for Cr Mykytiuk)	EMRC Deputy Member	Town of Bassendean
Cr Barry McKenna	EMRC Member	City of Bayswater
Cr Sally Palmer	EMRC Member	City of Bayswater
Cr Janet Powell	EMRC Member	City of Belmont
Cr Steve Wolff	EMRC Member	City of Belmont
Cr Geoff Stallard	EMRC Member	City of Kalamunda
Cr David Lavell	EMRC Member	Shire of Mundaring
Cr Doug Jeans (Deputising for Cr Daw)	EMRC Deputy Member	Shire of Mundaring
Cr Adam Kovalevs	EMRC Member	City of Swan

Apologies

Cr Melissa Mykytiuk	EMRC Member	Town of Bassendean
Cr John Daw	EMRC Member	Shire of Mundaring
Cr Cameron Blair	EMRC Deputy Member	City of Kalamunda

EMRC Officers

Mrs Wendy Harris	Acting Chief Executive Officer
Mr Hua Jer Liew	Director Corporate Services
Mr Steve Fitzpatrick	Director Waste Services
Miss Izabella Krzysko	Manager Human Resources
Ms Theresa Eckstein	Executive Assistant to Chief Executive Officer
Mrs Annie Hughes-d'Aeth	Personal Assistant to Director Corporate Services (Minutes)



Item 2 continued

Observer(s)

Cr Filomena Piffaretti	EMRC Deputy Member	City of Bayswater
Cr Bob Brown	Councillor	Town of Bassendean
Mr John Christie	Chief Executive Officer	City of Belmont
Ms Rhonda Hardy	Chief Executive Officer	City of Kalamunda
Mr Jonathan Throssell	Chief Executive Officer	Shire of Mundaring
Mr Mike Foley	Chief Executive Officer	City of Swan
Mr Doug Pearson	Director Works and Infrastructure	City of Bayswater
Mr Brett Jackson	Director Asset Services	City of Kalamunda

Visitor(s)

Mr Edward Nicholas <i>(to 6:15pm)</i>	Executive Director	Tribe Infrastructure Group
Mr Rajan Aggarwal <i>(to 6:15pm)</i>	Associate Director	Tribe Infrastructure Group
Mr Jason Pugh <i>(to 6:15pm)</i>	Chief Executive Officer	New Energy Corporation
Mr Brenton Oakley	Consultant	Kott Gunning Lawyers

3 DISCLOSURE OF INTERESTS

Nil

4 ANNOUNCEMENT BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION

4.1 CHANGE TO ORDER OF BUSINESS

The Chairman advised that there would be a change to the Order of Business to allow the Confidential Item 19.1 Request For Tender 2016-005 – Resource Recovery Facility to be dealt with at Item 8 Petitions, Deputations and Presentations in order to allow the members of the HZI Consortium to provide a presentation.

The Chairman also advised that standing orders would be suspended after the presentation in order for discussion to take place. Members were reminded of the code of conduct during this time.

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 PUBLIC QUESTION TIME

Nil



7 APPLICATION FOR LEAVE OF ABSENCE

7.1 CRS DAVID LAVELL AND DYLAN O'CONNOR - LEAVE OF ABSENCE

COUNCIL RESOLUTION(S)

MOVED CR STALLARD SECONDED CR KOVALEVS

THAT COUNCIL APPROVE APPLICATION FOR LEAVE OF ABSENCE FOR, CR LAVELL FROM 30 JUNE 2019 TO 18 JULY 2019, INCLUSIVE AND CR O'CONNOR FROM 22 AUGUST 2019 TO 24 SEPTEMBER 2019, INCLUSIVE.

CARRIED UNANIMOUSLY

8 PETITIONS, DEPUTATIONS AND PRESENTATIONS

8.1 REQUEST FOR TENDER 2016-005 – RESOURCE RECOVERY FACILITY

Confidential Item 19.1 Request For Tender 2016-005 – Resource Recovery Facility was dealt with at this point in the meeting.

Representatives of the Hitachi Zosen Inova (HZI) consortium provided a confidential briefing on the progress of the East Rockingham Waste to Energy Project.

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Nil

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

11 QUESTIONS WITHOUT NOTICE

Nil

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 REQUEST FOR TENDER 2016-005 – RESOURCE RECOVERY FACILITY

13 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

Nil



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

Nil

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

Nil

19 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Confidential Item 19.1 Request For Tender 2016-005 – Resource Recovery Facility was dealt with at Item 8 Petitions, Deputations and Presentations in order to allow the members of the HZI Consortium to provide a presentation.

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 POWELL

SECONDED CR WOLFF

THAT WITH THE EXCEPTION OF THE ACTING CEO, DIRECTOR CORPORATE SERVICES, DIRECTOR WASTE SERVICES, EMRC DEPUTY COUNCILLOR MEMBERS, WAC MEMBERS, MEMBER COUNCIL CEOS, MR BRENTON OAKLEY, CONSULTANT, KOTT GUNNING LAWYERS, MANAGER HUMAN RESOURCES, HITACHI ZOSEN INOVA (HZI) CONSORTIUM, EXECUTIVE ASSISTANT TO THE CEO 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.

CARRIED UNANIMOUSLY

The doors of the meeting were closed at 6:09pm and members of the public departed the Council Chambers.



Item 19 continued

The Acting Chief Executive Officer, Director Corporate Services, Director Waste Services, EMRC Deputy Councillor Members, WAC Members, Member Council CEO's, Mr Brenton Oakley, Consultant, Kott Gunning, Hitachi Zosen Inova (HZI) consortium, Manager Human Resources, EA to the Acting Chief Executive Officer and Personal Assistant to the Director Corporate Services remained in Council Chambers.

19.1 REQUEST FOR TENDER 2016-005 – RESOURCE RECOVERY FACILITY

REFERENCE: D2019/08734

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.

HZI consortium departed the Council Chambers at 6:15pm.

Cr O'Connor moved the suspension of Standing Orders which was seconded by Cr Hamilton. This was carried unanimously.

The Chairman declared Standing Orders suspended at 6:16pm.

Cr Stallard moved the reinstatement of Standing Orders which was seconded by Cr Lavell. This was carried unanimously.

The Chairman declared Standing Orders reinstated at 7:10pm.

Following debate, to facilitate the redrafting of the proposed motion to be printed and distributed to Councillors, the Chairman declared a brief meeting adjournment at 8:11pm.

The Chairman re-convened the meeting at 8:29pm.

RECOMMENDATION [Meeting re-opened to the public]

That the meeting be re-opened, the public be invited to return to the meeting.

COUNCIL RESOLUTION

MOVED CR KOVALEVS SECONDED CR POWELL

THAT THE MEETING BE RE-OPENED, THE PUBLIC BE INVITED TO RETURN TO THE MEETING.

CARRIED UNANIMOUSLY

The doors of the meeting were re-opened at 8:29pm and members of the public returned to the Council Chambers.



Item 19 continued

19.1 REQUEST FOR TENDER 2016-005 – RESOURCE RECOVERY FACILITY

COUNCIL RESOLUTION(S)

MOVED CR MCKENNA

SECONDED CR PALMER

THAT:

1. COUNCIL NOTES THE CONTRACTOR'S ADVICE THAT FINANCIAL CLOSE FOR THE EAST ROCKINGHAM RESOURCE RECOVERY FACILITY (RRF) PROJECT WILL NOT BE REACHED BY 30 JUNE 2019 AS SPECIFIED IN THE WASTE SUPPLY AGREEMENT.
2. COUNCIL ADOPTS OPTION 6 AS CONTAINED IN THE BODY OF THE REPORT AND ADVISES THE CONTRACTOR ACCORDINGLY.
3. THE REPORT REMAINS CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

MOTION LOST 5/6

COUNCIL RESOLUTION(S)

MOVED CR WOLFF

SECONDED CR O'CONNOR

THAT:

1. COUNCIL NOTES THE CONTRACTOR'S ADVICE THAT FINANCIAL CLOSE FOR THE EAST ROCKINGHAM RESOURCE RECOVERY FACILITY (RRF) PROJECT WILL NOT BE REACHED BY 30 JUNE 2019 AS SPECIFIED IN THE WASTE SUPPLY AGREEMENT.
2. COUNCIL ADOPTS OPTION 5 AS CONTAINED IN THE BODY OF THE REPORT AND ADVISES THE CONTRACTOR ACCORDINGLY.
3. THE REPORT REMAINS CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

CARRIED 10/1

20 FUTURE MEETINGS OF COUNCIL

The next meeting of Council will be held on **Thursday 18 July 2019 (if required)** at the EMRC Administration Office, 1st Floor, Ascot Place, 226 Great Eastern Highway, Belmont WA 6104 commencing at 6:00pm.

Future Meetings 2019

Thursday	18 July (if required)	at	EMRC Administration Office
Thursday	22 August (if required)	at	EMRC Administration Office
Thursday	19 September	at	EMRC Administration Office
Thursday	5 December (if required)	at	EMRC Administration Office
January 2020 (recess)			

21 DECLARATION OF CLOSURE OF MEETING

There being no further business, the meeting was closed at 8:30pm.