



Special Meeting of Council

AGENDA

to be held on
Thursday, 6 February 2020
at **6:00pm**, at the
EMRC Administration Office
1st Floor, 226 Great Eastern Highway
BELMONT WA 6104

Meeting Room: Council Chambers

*** Please note that a meal will be provided ***

**EASTERN METROPOLITAN REGIONAL COUNCIL
SPECIAL MEETING OF COUNCIL**

NOTICE OF MEETING

Dear Councillors

I wish to advise that a Special Meeting of Council will be held at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 6 February 2020**, commencing at **6:00pm**.



MARCUS GEISLER
Chief Executive Officer

31 January 2020

Please Note

If any Councillor/officer has a **query regarding a report item** or requires additional information in relation to a report item, please **contact the responsible Officer** (SOURCE OF REPORT) prior to the meeting.

EMRC Council Members

Cr Jai Wilson (Chairman)	EMRC Member	Town of Bassendean
Cr Doug Jeans (Deputy Chairman)	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

EMRC Council Deputies

Cr Hilary MacWilliam	EMRC Deputy Member	Town of Bassendean
Cr Filomena Piffaretti	EMRC Deputy Member	City of Bayswater
Cr Phil Marks	EMRC Deputy Member	City of Belmont
Cr Cameron Blair	EMRC Deputy Member	City of Kalamunda
Cr Amy Collins	EMRC Deputy Member	Shire of Mundaring
Cr Ian Johnson	EMRC Deputy Member	City of Swan

SPECIAL MEETING OF COUNCIL

AGENDA

6 February 2020

(REF: D2019/01256)

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

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

3 DISCLOSURE OF INTERESTS

4 ANNOUNCEMENTS BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 PUBLIC QUESTION TIME

7 APPLICATIONS FOR LEAVE OF ABSENCE

8 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

10 QUESTIONS BY MEMBERS WITHOUT NOTICE



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 items e 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 REPORTS OF EMPLOYEES

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

REFERENCE: D2020/01258

PURPOSE OF REPORT

The purpose of this report is to seek Council approval for the Chief Executive Officer (CEO) to be delegated authority to approve and acquire assets, including accepting tenders in relation to the implementation of the Container Deposit Scheme (CDS) Refund and Aggregation points.

KEY POINTS AND RECOMMENDATION(S)

- The EMRC was advised by the CDS Coordinator (Western Australia Return Recycle Renew Limited (WARRRL)) in late December 2019 of its success in the EMRC's application for nominated Refund and Aggregation Points.
- The EMRC will need to proceed immediately to acquire plant and equipment in order to meet the start-up date of 2 June 2020.
- Approval for the expenditure on the CDS implementation is subject to a separate report at this meeting.
- Council has previously delegated authority to the CEO to accept tenders to \$400,000 ex GST (delegation no. C5/2016).
- If an exemption from tender requirements is utilised under r.11(2)(e) of the *Local Government (Functions and General) Regulations 1996*, then the delegation no. C5/2016 does not extend to purchases outside of a tender.
- Additionally, it has been identified some assets will be in excess of the \$400,000 limit of the delegation no. C5/2016.
- In order to avoid the necessity to hold a special meeting(s) of Council, it would be more efficient to delegate an authority to the CEO to acquire any asset (building, plant and equipment) including accepting tenders up to the total value of capital expenditure in relation to the implementation of the CDS Refund and Aggregation Points Business.

Recommendation(s)

That Council, by absolute majority, in accordance with s.5.42(1) of the *Local Government Act 1995* delegates authority to the Chief Executive Officer to approve and acquire any asset, including accepting tenders in relation to implementation of the Container Deposit Scheme.

SOURCE OF REPORT

Chief Financial Officer



Item 13.1 continued

BACKGROUND

At the Ordinary meeting of Council on 24 March 2016, Council resolved that (Ref: D2016/03708):

3. *BY ABSOLUTE MAJORITY IN ACCORDANCE WITH SECTION 5.45 OF THE LOCAL GOVERNMENT ACT 1995, AMENDS DELEGATION C1/2014 INCREASING THE AUTHORITY LIMIT OF THE CHIEF EXECUTIVE OFFICER TO ACCEPT TENDERS TO \$400,000 EXCLUDING GST.*

The delegation was provided to assist and support Council having to not deal with lower value tenders, allowing Council to focus on the more strategic and higher value procurement decisions.

This delegation is subject to the tender being for a budgeted purpose, as approved by Council in the annual budget setting process.

REPORT

Council has currently delegated authority for the CEO to accept tenders up to \$400,000 excluding GST under delegation no. C5/2016. This delegation applies to accepting the procurement of goods and/or services specifically from tenders only.

If an exemption from tender requirements is utilised under r. 11(2)(e) of the *Local Government (Functions and General) Regulations 1996*, then the delegation C5/2016 does not extend to purchases outside of a tender. That means that the CEO currently does not have the delegated power to purchase any items above \$150,000 up to \$400,000 unless the purchase is under a tender.

Additionally, this matter will be especially pertinent with the implementation on the CDS. The EMRC will need to commence the procurement of plant and equipment in order to be ready for the 2 June 2020 commencement date of CDS. Based on feedback from suppliers, some capital equipment will require an extended lead time to manufacture (up to 18 weeks) in addition to any backlog of orders as well as delivery and installation timeframes.

It has been identified some assets will be in excess of the \$400,000 limit of the delegation no. C5/2016.

This will create a challenge unless authority is provided to the CEO with delegated power to acquire assets up to the value of the capital expenditure identified in the business plan for the implementation of the CDS Refund and Aggregation Points Business Plan.

As tender requirements under r.11 of the *Local Government (Functions and General) Regulations 1996* will still apply to any such acquisitions, the normal process of seeking Council approval for awarding tenders above \$400,000 ex GST, this will add four (4) to six (6) weeks to the timeframe to complete the tenders. While it may be possible to hold a special meeting of Council, this has its own unique challenges of accommodating the schedule of respective member Councils' meetings as well as public notice requirements (s.1.7 of the *Local Government Act 1995*). It would be more efficient to delegate the authority to the CEO in what is essentially an operational delivery of a strategic outcome, up to a capped value determined by Council should Council approve to proceed with the CDS project.

Therefore, Council approval is sought for delegated authority to the CEO to acquire any assets (building, plant and equipment items) including accepting tenders up to the total value of capital expenditure in relation to the implementation of the CDS Refund and Aggregation Points Business Plan.



Item 13.1 continued

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 1 – Environmental Sustainability

- 1.1 To provide sustainable waste disposal services
- 1.2 To improve regional waste management

FINANCIAL IMPLICATIONS

Expenditure on the Container Deposit Scheme implementation is subject to Council approval, the matter which is dealt with in a separate report at this meeting.

SUSTAINABILITY IMPLICATIONS

The implementation of a Container Deposit Scheme is an important aspect of the State Government's Waste Strategy and its waste reduction targets and is therefore an important part of the EMRC's waste reduction strategy and environmental sustainability.

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION(S)

That Council, by absolute majority, in accordance with s.5.42(1) of the Local Government Act 1995 delegates authority to the Chief Executive Officer to approve and acquire any asset, including accepting tenders in relation to implementation of the Container Deposit Scheme.

COUNCIL RESOLUTION(S)

MOVED CR

SECONDED CR



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

SECONDED CR

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 a commercial-in-confidence nature.

See 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

SECONDED CR

Recording of the resolutions passed behind closed doors, namely:

15.1 CONTAINER DEPOSIT SCHEME (CDS) REFUND AND AGGREGATION POINTS

REFERENCE: D2020/01257

COUNCIL RESOLUTION(S)

MOVED CR

SECONDED CR



16 FUTURE MEETINGS OF COUNCIL

The next Ordinary meeting of Council will be held on **Thursday, 20 February 2020** at the EMRC Administration Office, 1st 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