

**RESOURCE RECOVERY GROUP
MINUTES
SPECIAL MEETING OF COUNCIL**

THURSDAY 2 NOVEMBER 2023

**RESOURCE RECOVERY GROUP
9 Aldous Place BOORAGOON**

Our Purpose: *We deliver innovative and sustainable waste management solutions*

On behalf of our Participant Local Government



Resource Recovery Group formerly Southern Metropolitan Regional Council

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairperson welcomed everyone in attendance and declared the meeting open at 4.05pm.

"I respectfully acknowledge the traditional owners of the land on which this meeting is taking place today – the Nyungar people of Western Australia and pay our respects to their elders' past and present".

2. RECORD OF ATTENDANCE / APOLOGIES

PRESENT

Cr Doug Thompson (Chairperson)
Cr Karen Wheatland (Deputy Chairperson)
Cr Andrew White (via telephone)
Mr Mick McCarthy (REG Member)
Mr Graham Tattersall (REG Member)
Mr Nick King
Mr Tim Youé
Mr Keith Swift
Ms Ann Johnson
Ms Pratigya Pandeya

City of Fremantle
City of Melville
Town of East Fremantle
City of Melville
City of Fremantle
Town of East Fremantle
RRG, Chief Executive Officer
RRG, Executive Manager RRRC Operations
RRG, Executive Manager Governance & Culture
RRG, Manager Finance

APOLOGIES

Mr Peter Kocian (REG Member)
Mr Brendan Doherty

Town of East Fremantle
RRG, Executive Manager Strategic Projects

3. DISCLOSURE OF INTERESTS:

Nil

4. PUBLIC QUESTION TIME

Nil

5. ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING PERSON

Nil

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

7. ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC

9.1 Capital Expenditure Approval for Fire System & Civil Works

9.2 Grant application to the Recycling Modernisation Fund (RMF) for materials recovery facility (MRF) upgrade to address export bans on paper and cardboard

9.3 Withdrawal Town of East Fremantle

8. BUSINESS NOT DEALT WITH FROM PREVIOUS MEETING

Nil

9. REPORTS OF THE CEO

23.11-01 MOVED: CR D THOMPSON SECONDED: CR K WHEATLAND

THAT THE MEETING GO BEHIND CLOSED DOORS TO DISCUSS CONFIDENTIAL ITEMS 9.1, 9.2 AND 9.3 IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1995 SECTION 5.32 (2)(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 AND ALLOW MR TATTERSALL, MR MCCARTHY AND MR KING, OFFICERS OF MEMBER PARTICIPANT COUNCILS, TO REMAIN IN THE MEETING.

CARRIED 3/0

9.1. CAPITAL EXPENDITURE APPROVAL FOR FIRE SYSTEM & CIVIL WORKS

Cr Thompson proposed that recommendation one be dealt with separately.

23.11-02 Moved: Cr D Thompson Seconded: Cr K Wheatland

CEO RECOMMENDATION/ COUNCIL RESOLUTION:

1. THAT COUNCIL ENDORSE THE FOLLOWING ACTION OF THE CEO - NO TENDERS ACCEPTED ON THE BASIS THAT THE RESPECTIVE PERIODS OF TENDER VALIDITY EXPIRING DURING THE CURRENT REVIEW BEING UNDERTAKEN BY MEMBER COUNCILS:
 - T2023-02 Civil and Building Works for Waste Transfer Station;
 - T2023-03 Fogo Processing Facility (FPF) Fire Services Upgrade; and
 - T2023-04 Provision of Services for the Sale of Australian Carbon Credit Units (ACCU's).

CARRIED 3/0

23.11-03 Moved: Cr K Wheatland Seconded: Cr A White

CEO RECOMMENDATION:

2. THAT COUNCIL TERMINATE THE FOLLOWING PROJECTS:
 - SUBLEASE OF VACANT AREA WITHIN THE FOGO PROCESSING FACILITY TO CHAIRAY PLASTICS FOR RECYCLABLE PLASTICS PROCESSING;
 - SUBLEASE OF VACANT AREA WITHIN THE FOGO PROCESSING FACILITY TO SCIPHER TECHNOLOGIES FOR SOLAR PV PANEL RECYCLING AND DECLINES RELATED DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION (DWER) INFRASTRUCTURE GRANTS PROGRAM FUNDING;
 - CONSTRUCTION OF TRANSFER STATION CIVIL WORKS FOR TRANSFER OF GENERAL AND RESIDUAL WASTES TO THE AVERTAS WASTE TO ENERGY FACILITY IN KWINANA;
 - FOGO PROCESSING FACILITY ODOUR UPGRADES PROJECT AND RELATED DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION (DWER) GRANT FUNDING;
 - INSTALLATION OF SOLAR PANELS FOR GENERATION OF ELECTRICITY TO POWER FOGO PROCESSING FACILITY; AND
 - GENERATION AND SALE OF AUSTRALIAN CARBON CREDIT UNITS FROM THE COMPOSTING OF SOURCE SEPARATED ORGANIC WASTE.

3. THAT THE CEO DECLINE THE OFFER OF AND ANY FURTHER NEGOTIATIONS RELATING TO UPFRONT LUMP SUM SUBLEASE PAYMENT OF \$800,000 IN ADVANCE FROM CHAIRAY PLASTICS.
4. THAT THE CEO ADVISE DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION (DWER) REGARDING THE TERMINATION OF THE SCIPHER TECHNOLOGIES, CHAIRAY PLASTICS AND FOGO ODOUR UPGRADES PROJECTS AND DECLINE OF THE RELATED \$700,000.00 DWER FUNDING GRANTS AWARDED FOR THE PROJECTS.
5. THAT THE CEO MAKE APPLICATION TO DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION (DWER) TO CANCEL AND REVERSE THE LICENCE AMENDMENTS AND CURRENT APPLICATIONS RELATED TO THE CHAIRAY PLASTICS AND SCIPHER TECHNOLOGIES PROJECTS.
6. THAT THE CEO REVIEWS ORGANISATIONAL PLANS AND STATUTORY REQUIREMENTS IMPACTED BY THE TERMINATION OF MAJOR PROJECTS INCLUDING:
 - CORPORATE BUSINESS PLAN;
 - LONG TERM FINANCIAL PLAN;
 - ASSET MANAGEMENT PLAN;
 - STRATEGIC COMMUNITY PLAN;
 - RISK REGISTER; AND
 - WASTE PLAN (WARR ACT).

Cr Thompson proposed an amendment to the item by adding:

7. COUNCIL NOTES THE CHRONOLOGY OF THE STRATEGIC DECISIONS MADE BY RRG IN COLLABORATION WITH MEMBER COUNCIL OFFICERS AND THE EFFORTS MADE BY THE RRG AND THE CEO TO IMPLEMENT THESE STRATEGIC DECISIONS.
8. COUNCIL NOTES THE MEMBER COUNCILS RECENT CONCERNS IN RELATION TO THE RRG STRATEGIC DIRECTIONS AND REQUESTS THE MEMBER COUNCILS TO PROVIDE WRITTEN ADVICE AS SOON AS PRACTICABLE TO THE RRG WITH THEIR RECOMMENDATIONS ON THEIR PREFERRED STRATEGIC DIRECTIONS.
9. ON RECEIPT OF THIS ADVICE COUNCIL DIRECT THE CEO TO HOLD A SPECIAL MEETING OF THE RRG TO CONSIDER AND RESPOND TO THE PREFERRED STRATEGIC DIRECTIONS AND ANY ASSOCIATED IMPACTS ON ORGANISATIONAL PLANS AND STATUTORY REQUIREMENTS LISTED IN RECOMMENDATION 6.

CARRIED 3/0

Recommendation as amended:

23.11-03 Moved: Cr K Wheatland Seconded: Cr A White

COUNCIL RESOLUTION:

2. THAT COUNCIL TERMINATE THE FOLLOWING PROJECTS:
 - SUBLEASE OF VACANT AREA WITHIN THE FOGO PROCESSING FACILITY TO CHAIRAY PLASTICS FOR RECYCLABLE PLASTICS PROCESSING;
 - SUBLEASE OF VACANT AREA WITHIN THE FOGO PROCESSING FACILITY TO SCIPHER TECHNOLOGIES FOR SOLAR PV PANEL RECYCLING AND DECLINES RELATED DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION (DWER) INFRASTRUCTURE GRANTS PROGRAM FUNDING;

- CONSTRUCTION OF TRANSFER STATION CIVIL WORKS FOR TRANSFER OF GENERAL AND RESIDUAL WASTES TO THE AVERTAS WASTE TO ENERGY FACILITY IN KWINANA;
 - FOGO PROCESSING FACILITY ODOUR UPGRADES PROJECT AND RELATED DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION (DWER) GRANT FUNDING;
 - INSTALLATION OF SOLAR PANELS FOR GENERATION OF ELECTRICITY TO POWER FOGO PROCESSING FACILITY; AND
 - GENERATION AND SALE OF AUSTRALIAN CARBON CREDIT UNITS FROM THE COMPOSTING OF SOURCE SEPARATED ORGANIC WASTE.
3. THAT THE CEO DECLINE THE OFFER OF AND ANY FURTHER NEGOTIATIONS RELATING TO UPFRONT LUMP SUM SUBLEASE PAYMENT OF \$800,000 IN ADVANCE FROM CHAIRAY PLASTICS.
 4. THAT THE CEO ADVISE DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION (DWER) REGARDING THE TERMINATION OF THE SCIPHER TECHNOLOGIES, CHAIRAY PLASTICS AND FOGO ODOUR UPGRADES PROJECTS AND DECLINE OF THE RELATED \$700,000.00 DWER FUNDING GRANTS AWARDED FOR THE PROJECTS.
 5. THAT THE CEO MAKE APPLICATION TO DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION (DWER) TO CANCEL AND REVERSE THE LICENCE AMENDMENTS AND CURRENT APPLICATIONS RELATED TO THE CHAIRAY PLASTICS AND SCIPHER TECHNOLOGIES PROJECTS.
 6. THAT THE CEO REVIEWS ORGANISATIONAL PLANS AND STATUTORY REQUIREMENTS IMPACTED BY THE TERMINATION OF MAJOR PROJECTS INCLUDING:
 - CORPORATE BUSINESS PLAN;
 - LONG TERM FINANCIAL PLAN;
 - ASSET MANAGEMENT PLAN;
 - STRATEGIC COMMUNITY PLAN;
 - RISK REGISTER; AND
 - WASTE PLAN (WARR ACT).
 7. COUNCIL NOTES THE CHRONOLOGY OF THE STRATEGIC DECISIONS MADE BY RRG IN COLLABORATION WITH MEMBER COUNCIL OFFICERS AND THE EFFORTS MADE BY THE RRG AND THE CEO TO IMPLEMENT THESE STRATEGIC DECISIONS.
 8. COUNCIL NOTES THE MEMBER COUNCILS RECENT CONCERNS IN RELATION TO THE RRG STRATEGIC DIRECTIONS AND REQUESTS THE MEMBER COUNCILS TO PROVIDE WRITTEN ADVICE AS SOON AS PRACTICABLE TO THE RRG WITH THEIR RECOMMENDATIONS ON THEIR PREFERRED STRATEGIC DIRECTIONS.
 9. ON RECEIPT OF THIS ADVICE COUNCIL DIRECT THE CEO TO HOLD A SPECIAL MEETING OF THE RRG TO CONSIDER AND RESPOND TO THE PREFERRED STRATEGIC DIRECTIONS AND ANY ASSOCIATED IMPACTS ON ORGANISATIONAL PLANS AND STATUTORY REQUIREMENTS LISTED IN RECOMMENDATION 6.

Cr Wheatland and Cr White spoke for the recommendation. Cr Thompson spoke against the motion recommending that RRG should continue to follow the strategic plan and is concerned that this decision disadvantages the organisation and has the potential to impair the asset.

CARRIED 2/1
For: Cr K Wheatland, Cr A White. **Against:** Cr D Thompson

9.2. GRANT APPLICATION TO THE RECYCLING MODERNISATION FUND (RMF) FOR MATERIALS RECOVERY FACILITY (MRF) UPGRADE TO ADDRESS EXPORT BANS ON PAPER AND CARDBOARD

23.11-04 Moved: Cr D Thompson Seconded: Cr K Wheatland

CEO RECOMMENDATION/COUNCIL RESOLUTION:

THAT COUNCIL ENDORSE THE APPLICATION MADE FOR RECYCLING MODERNISATION FUND (RMF) GRANT FUNDING TO ADDRESS NEW RULES CONTROLLING THE EXPORT OF PAPER AND CARDBOARD.

CARRIED 3/0

9.3. WITHDRAWAL TOWN OF EAST FREMANTLE

23.11-05 Moved: Cr D Thompson Seconded: Cr K Wheatland

CEO RECOMMENDATION:

- 1. THAT COUNCIL NOTE THE STATUS OF ACTIONS FOLLOWING THE WITHDRAWAL OF THE TOWN OF EAST FREMANTLE.**
- 2. THAT COUNCIL REQUEST THE CEO WRITE TO MEMBERS REITERATING THE MEMBER COUNCILS OBLIGATIONS TO REQUEST AN AMENDED BUSINESS PLAN UNDER THE AGREEMENTS.**

Cr White proposed an alternate recommendation:

- 1. THAT COUNCIL NOTE THE STATUS OF ACTIONS FOLLOWING THE WITHDRAWAL OF THE TOWN OF EAST FREMANTLE.**
- 2. THAT COUNCIL REQUEST THE CEO WRITE TO MEMBERS, AND SUBJECT TO THE RECEIPT OF THE FORMAL NOTIFICATION OF THE MEMBER COUNCILS OF THE STRATEGIC DIRECTION OF THE RRG BY 30 NOVEMBER 2023, REMINDING THE MEMBER COUNCILS OBLIGATIONS TO REQUEST AN AMENDED BUSINESS PLAN UNDER THE AGREEMENTS.**

Resolution as amended:

23.11-05 Moved: Cr A White Seconded Cr K Wheatland

COUNCIL RESOLUTION:

- 1. THAT COUNCIL NOTE THE STATUS OF ACTIONS FOLLOWING THE WITHDRAWAL OF THE TOWN OF EAST FREMANTLE.**
- 2. THAT COUNCIL REQUEST THE CEO WRITE TO MEMBERS, AND SUBJECT TO THE RECEIPT OF THE FORMAL NOTIFICATION OF THE MEMBER COUNCILS OF THE STRATEGIC DIRECTION OF THE RRG BY 30 NOVEMBER 2023, REMINDING THE MEMBER COUNCILS OBLIGATIONS TO REQUEST AN AMENDED BUSINESS PLAN UNDER THE AGREEMENTS.**

CARRIED 3/0

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
Nil

11. **DECLARATION OF CLOSURE OF MEETING**

There being no further business, the Chairperson thanked those present for their attendance and the meeting was declared closed at 4.21pm.

I hereby certify that the Minutes of the Special Council Meeting held on 2 November 2023 were confirmed on 23 November 2023.



Presiding Member (Name & Signature)

or karen wheatland