



MINUTES

CERTIFICATION OF CONFIRMATION OF TECHNICAL ADVISORY COMMITTEE MINUTES

2 February 2017

I, Mr Ric Lutey, hereby certify that the minutes from the Technical Advisory Committee Meeting held on 2 February 2017 pages 1 to 24 were confirmed at a Committee meeting held on 4 May 2017.



Signature

Mr Ric Lutey
Person presiding at Meeting

TECHNICAL ADVISORY COMMITTEE

MINUTES

2 February 2017

(REF: D2017/00826)

A meeting of the Technical Advisory Committee was held at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 2 February 2017**. The meeting commenced at **4:05pm**.

TABLE OF CONTENTS

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	1
2	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	1
3	DISCLOSURE OF INTERESTS	1
4	ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION	1
5	PETITIONS, DEPUTATIONS AND PRESENTATIONS	
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	1
6.1	<i>MINUTES OF THE TECHNICAL ADVISORY COMMITTEE MEETING HELD ON 8 SEPTEMBER 2016 (Ref: D2016/13456)</i>	1
7	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	1
8	QUESTIONS BY MEMBERS WITHOUT NOTICE	1
9	ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC	1
10	BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING	1
11	REPORTS OF EMPLOYEES	3
11.1	<i>NATIONAL GREENHOUSE AND ENERGY REPORTING (SAFEGUARD MECHANISM) RULE 2015 AND IMPLICATIONS FOR EMRC (Ref: D2017/00827)</i>	3
11.2	<i>LAND ALLOCATION FOR WEST GIDGEGANNUP VOLUNTEER BUSH FIRE BRIGADE FIRE STATION (Ref: D2017/00837)</i>	6
11.3	<i>INTERCONNECT CABLE – DEED/LICENCE WITH MAIN ROADS WA AND PERTH AIRPORT PTY LTD (Ref: D2017/00875)</i>	18
11.4	<i>ITEMS CONTAINED IN THE INFORMATION BULLETIN (Ref: D2017/00859)</i>	23
12	REPORTS OF DELEGATES	23
13	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING	23
14	CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	23
15	FUTURE MEETINGS OF THE TECHNICAL ADVISORY COMMITTEE	23
16	DECLARATION OF CLOSURE OF MEETING	24



1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 4:05pm.

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

Committee Members

Mr Doug Pearson (Chairman)	Director Technical Services	City of Bayswater
Mr Ric Lutey (Deputy Chairman)	Director Technical Services	City of Belmont
Mr Simon Stewert-Dawkins	Director Operational Services	Town of Bassendean
Mr Dennis Blair	Director Asset Services	Shire of Kalamunda
Mr Shane Purdy	Director Infrastructure Services	Shire of Mundaring
Mr Jim Coten	Executive Manager Operations	City of Swan
Mr Peter Schneider	Chief Executive Officer	EMRC

EMRC Officers

Mr Stephen Fitzpatrick	Director Waste Services
Mr Hua Jer Liew	Director Corporate Services
Mr Dave Beresford	Manager Resource Recovery
Ms Giulia Bono	Administration Officer (Minutes)

3 DISCLOSURE OF INTERESTS

Nil

4 ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION

Nil

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 MINUTES OF THE TECHNICAL ADVISORY COMMITTEE MEETING HELD ON 8 SEPTEMBER 2016

That the Minutes of the Technical Advisory Committee meeting held on 8 September 2016, which have been distributed, be confirmed.

TAC RESOLUTION(S)

MOVED MR COTEN

SECONDED MR LUTEY

THAT THE MINUTES OF THE TECHNICAL ADVISORY COMMITTEE MEETING HELD ON 8 SEPTEMBER 2016 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

CARRIED UNANIMOUSLY



7 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

8 QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil

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

Nil

10 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

Nil



11 REPORTS OF EMPLOYEES

11.1 NATIONAL GREENHOUSE AND ENERGY REPORTING (SAFEGUARD MECHANISM) RULE 2015 AND IMPLICATIONS FOR THE EMRC

REFERENCE: D2017/00827

PURPOSE OF REPORT

The purpose of this report is to update Council on how the EMRC is managing carbon emissions reporting in accordance with the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015.

KEY ISSUES AND RECOMMENDATION(S)

- The National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015 came into effect on 1 July 2016.
- In accordance with the Safeguard Mechanism, the Clean Energy Regulator made a determination that the reported-emissions baseline number for the Red Hill Waste Management Facility is 116,767 tonnes of carbon dioxide equivalent (tCO₂e) per annum.
- This emission baseline number is for non-legacy waste emissions for which the Red Hill Waste Management Facility cannot exceed in order to prevent the purchase of carbon credits.
- Current and projected waste tonnages, in addition to the future development of a Resource Recovery Facility at Red Hill, are anticipated to sustain carbon emissions below the assigned baseline number for the Red Hill Facility.

Recommendation(s)

That Council note the report on carbon emission reporting under the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015.

SOURCE OF REPORT

Director Waste Services

BACKGROUND

The EMRC has been reporting under the *National Greenhouse and Energy Reporting Act 2007* (NGER) to the Federal regulator (Department of Climate Change and Energy Efficiency and later the Clean Energy Regulator) since 2008. The scheme provides information to the Federal Government on Australia's industrial greenhouse gas emissions and energy production/consumption figures.

Until 2012, only "constitutional corporations" were required to report under the NGER Act, and as the EMRC is a local government body rather than a constitutional corporation, it had been reporting on a voluntary basis until that time. However, with the passing of carbon price legislation (Clean Energy Act 2011), organisations that fall under the definition of a "person", which includes local government bodies, became potentially liable entities.

Data reported under NGER used to feed into the carbon price mechanism for emission liability determination, which made reporting under the NGER scheme mandatory for the EMRC beginning 2012/2013. This legislation was later repealed on 1 July 2014 after a change in government, with the EMRC reporting on a voluntary basis for the Hazelmere and Ascot Place operations. Compulsory reporting was still required for the Red Hill Waste Management Facility (Red Hill), as emissions from this facility are greater than 100,000 tCO₂e per annum.



Item 11.1 continued

REPORT

Under the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015 which came into effect on 1 July 2016, the Red Hill operation is designated a “large facility” and therefore reporting is compulsory. The Safeguard Mechanism has been put in place to prevent Australia’s total greenhouse gas emissions increasing while the government attempts to reduce overall emissions through the Emissions Reduction Fund.

In accordance with the Safeguard Mechanism, the Clean Energy Regulator made a determination in October 2016 that the reported emissions baseline number in relation to the Red Hill Waste Management Facility is 116,767 tCO₂e per annum. This emission baseline number is for non-legacy waste emissions for which the Red Hill Facility cannot exceed in order to prevent the purchase of carbon credits. The Clean Energy Regulator determined the reported baseline number from the highest level of scope 1 covered emissions for Red Hill reported over a five year period (2009-10 to 2013-14) including an additional adjustment factor to reflect current global warming potential. This reported emissions baseline number has effect from the 1 July 2016 financial period and will continue to have effect unless it is replaced with a new baseline determination.

A new baseline determination would be required if for example there was a change in the global warming potential of the greenhouse gas components of landfill gas, or if the EMRC requested a change or if there was a new method of calculating the emissions from landfills which has been foreshadowed from 2020.

To draw an example for the 2015/2016 period, the Red Hill Facility would have reported 30,452 tCO₂e which is considerably under the assigned baseline number of 116,767 tCO₂e per annum. Waste tonnages received at Red Hill, especially from the commercial sector, have shown a decreasing trend of approximately 26% over the past two years. Given this, and in addition to the development of a future Resource Recovery Facility and ongoing resource recovery initiatives which will divert waste from landfill, it is anticipated that future reported emissions from the Red Hill Facility will be sustained under the assigned baseline number.

The EMRC will continue to manage carbon emission reporting obligations, through annual NGER reporting, in accordance with the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015.

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 1 – Environmental Sustainability

- 1.1 To provide sustainable waste disposal operations
- 1.2 To investigate leading edge waste management practices

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

The EMRC monitors greenhouse gas emissions under its reporting obligations for NGER and through landfill gas recovery for energy generation and ongoing resource recovery initiatives will continue to manage and reduce its environmental impact.



Item 11.1 continued

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That Council note the report on carbon emission reporting under the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015.

TAC RECOMMENDATION(S)

MOVED MR BLAIR

SECONDED MR LUTEY

That Council note report on carbon emission reporting under the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015.

CARRIED UNANIMOUSLY



11.2 LAND ALLOCATION FOR WEST GIDGEGANNUP VOLUNTEER BUSH FIRE BRIGADE FIRE STATION

REFERENCE: D2017/00837

PURPOSE OF REPORT

The purpose of this report is to seek in principle Council approval for the allocation of land on Lot 12 or some other suitable location at Red Hill Waste Management Facility for the establishment of a fire station for the West Gidgegannup Volunteer Bush Fire Brigade.

KEY ISSUES AND RECOMMENDATION(S)

- The EMRC has received a request from the City of Swan to allocate approximately 1 hectare of land to locate a fire station for the West Gidgegannup Volunteer Bush Fire Brigade (VBFB) at the Red Hill Waste Management Facility.
- Currently the West Gidgegannup VBFB does not have a fire station and its appliances are stored on a number of private properties.
- The City of Swan is wanting to prepare an application for submission to the Department of Fire and Emergency Services (DFES) in March 2017 for funding support for a fire station located in the north-east corner of Lot 12, Red Hill Waste Management Facility.
- This application would require in principle support from the EMRC to be considered by DFES.
- The City of Swan propose to fund the siteworks, fencing and parking, whereas DFES would fund the facility itself (buildings, meeting rooms, control room, change rooms/toilets, office and incident room).
- The proposed location is in the landfill buffer zone between Barbarich Estate to the east and landfilling operations on Lot 12 and would have direct access onto Toodyay Road.
- The one hectare area of land required is currently valued at approximately \$27,000 and would be the subject of a long term peppercorn lease agreement with the City of Swan.
- There may be potential benefits to the EMRC in having a fire station located on site including the response time to on-site incidents, goodwill within the local community and reduced likelihood of a closure of Toodyay Road in a fire emergency.

Recommendation(s)

That Council approves in principle support for a peppercorn lease of approximately 1 hectare of land within Lot 12 Toodyay Road for the establishment of a fire station for the West Gidgegannup Volunteer Bush Fire Brigade.

SOURCE OF REPORT

Director Waste Services



Item 11.2 continued

BACKGROUND

The EMRC met with officers from the City of Swan and the West Gidgegannup VBFB in 2016 to discuss possible location of a fire station at Red Hill Waste Management Facility. Following that meeting, the City of Swan investigated other possible locations within the West Gidgegannup VBFB district but has not found a suitable location and the City has advised that it does not own land assets in this district.

REPORT

The EMRC has received a request from the City of Swan, on behalf of the West Gidgegannup VBFB for in principle support to allocate approximately 10,000 square metres (m²) or 1 hectare of land to establish a fire station for the West Gidgegannup VBFB (Attachment). The Red Hill Waste Management Facility is located in the district of the brigade.

The West Gidgegannup VBFB does not have a fire station and its appliances are stored on a number of private properties which is not ideal from the point of view of safety, logistics and security.

The City of Swan wants to prepare an application to be submitted to the Department of Fire and Emergency Services (DFES) in mid-March 2017 for funding support for a fire station located in the north-east corner of Lot 12, Red Hill Waste Management Facility. Any such application would however be subject to in principle support of the EMRC in order to be considered by DFES.

As part of this application, the City of Swan propose to fund the siteworks, access to Toodyay Road, grid connection to Western Power, fencing and parking, whereas DFES would fund the facility itself (buildings, meeting rooms, control room, change rooms/toilets, office and incident room). The DFES funding model will only provide funding for the facility itself and not for the procurement of land or for site works. This application needs in principle support from the EMRC to be considered by DFES.

The proposed land allocation is in the landfill buffer zone between Barbarich Estate to the east and landfilling operations on Lot 12 and would have direct access onto Toodyay Road. Under the current licence from the Department of Environment and Regulation this part of the site is within the 500 metre separation distance between residential and landfill operations and is not able to be used for the landfilling of putrescible waste.

The City of Swan has discussed several possible locations with Main Roads WA and the Department of Planning and their preferred location is in the north-east corner of Lot 12, Toodyay Road, Red Hill Waste Management Facility (Attachment).

The current value of the land allocation is approximately \$27,000. The City of Swan's preference is for the EMRC to gift them the land for the fire station on the basis that this is a preference by the DFES. Other options include a long term peppercorn lease agreement for up to 25 years. The City of Swan believes this option would be acceptable by the DFES in respect of the funding application as it would match the life of the building. The EMRC believe a peppercorn lease agreement is preferable as it gives more flexibility in case the land is required for waste management purposes into the future.

There may be potential benefits to the EMRC in having a fire station located on site including:

- Improved response time to incidents at the Red Hill Waste Management facility;
- Goodwill within the local community;
- Assistance with hazard reduction burning on the Red Hill land holdings; and
- Less likelihood of site closure during total fire bans or fire emergencies along Toodyay Road.

The fire station will have its own water storage tanks fed by rainwater and supplemented by other supplies including a nearby dam on site.



Item 11.2 continued

The timeframe for this proposed fire station project is 18 months from the provision of DFES funding, the decision on which would be made in June 2017.

In summary, the EMRC is supportive in principle of the City of Swan's funding application to DFES for a fire station for the West Gidgegannup Volunteer Bush Fire Brigade (VBFB) at the Red Hill Waste Management Facility. However, the preferred location needs to be reviewed compared to other possible locations on site because of the implications for:

- The proposed Hills Spine Road realignment;
- The area of land required;
- Access off Toodyay Road;
- The impact on site operations and
- Future landfill cell development.

These issues and the terms of a lease agreement with the City of Swan need to be finalised before EMRC support for a fire station for the West Gidgegannup Volunteer Bush Fire Brigade (VBFB) at the Red Hill Waste Management Facility becomes unconditional. Given the DFES approval timeline, there will be adequate time to resolve the issues with the City of Swan.

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 1 – Environmental Sustainability

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

FINANCIAL IMPLICATIONS

There are no direct financial implications but under a lease arrangement, the City of Swan would be receiving a gift of the value of the lease of the land used by the fire station, which is currently valued at \$27,000.

SUSTAINABILITY IMPLICATIONS

Location of the West Gidgegannup Fire Station at Red Hill Waste Management Facility will assist with sustainable management of bush fires in the west Gidgegannup location, a secure location for the fire appliances and training of volunteers and may assist in keeping the Red Hill Waste Management Facility operational during times of bush fire and fire bans.



Item 11.2 continued

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
Shire of Kalamunda	
Shire of Mundaring	
City of Swan	Agreement with the City of Swan for use of approximately 1 hectare of land on Lot 12 at Red Hill Waste Management Facility

ATTACHMENT(S)

Project Overview, West Gidgegannup Fire Station (Ref: D2017/00878)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That Council approves in principle support for a peppercorn lease of approximately 1 hectare of land within Lot 12 Toodyay Road for the establishment of a fire station for the West Gidgegannup Volunteer Bush Fire Brigade.

Discussion ensued

The Director Waste Services provided a brief overview and presented a detailed map of the Red Hill Waste Management Facility showing the proposed location. The CEO advised that an in principle support is sought and other parcels of land at Red Hill will be investigated.

TAC RECOMMENDATION(S)

MOVED MR PURDY

SECONDED MR STEWERT-DAWKINS

That Council approves in principle support for a peppercorn lease of approximately 1 hectare of land within Lot 12 Toodyay Road for the establishment of a fire station for the West Gidgegannup Volunteer Bush Fire Brigade.

CARRIED UNANIMOUSLY

WEST GIDGEGANNUP FIRE STATION

Project Overview

for

East Metropolitan Regional Council (EMRC)

1. Overview

The West Gidgegannup Volunteer Bush Fire Brigade (VBFB) currently provides emergency response within its designated fire district, a significant portion of land in the brigade's district is owned by the East Metropolitan Regional Council (EMRC). Attachment one provides a map of the brigade district.

Currently all West Gidgegannup VBFB fire appliances are stored on private property within the district, this has led to a range of concerns in particular about volunteer safety when accessing unfit for purpose sheds often in the evening or late at night, the current arrangement also allows vehicles to be significantly weathered.

1.1 Current housing of Fire Appliances





1.2 Support for the project

Both the Department of Fire and Emergency Services (DFES) and the City of Swan have identified the need to establish a volunteer fire station in this district.

DFES has conducted a risk to resource analysis of this district which identifies the continued need and potential increase in demand for fire services.

City of Swan strategic planning also indicates continued development of residential and commercial businesses in the district, the risk of bushfire in the district will still exist for the foreseeable future due to large tracts of National Parks and bushland reserves.

1.3 EMRC Site Benefits

A range of site locations and landholdings have been investigated over the last 12 months, several locations on EMRC landholdings are currently identified as preferable locations.

The benefit to the EMRC in supporting the establishment of a volunteer bushfire brigade within its landholdings includes:

- Improved response time to fire incidents within the Red Hill Waste Management facility;
- Generating goodwill within the local community;
- Potential for a second crossover to Toodyay Rd which could also be used for other purposes;
- Passive surveillance of the EMRC site;

- Availability of a significant water supply on site in the event of a fire;
- Increased opportunity for the brigade to assist with hazard reduction burning on the EMRC site;
- Having an ongoing opportunity to support the local volunteer bushfire brigade and promote the EMRC support.

1.4 Land Investigation

A range of site locations and landholdings have been investigated over the last 12 months. From a strategic point of view the EMRC landholding is ideal as it provides good access to the target population, good access to Toodyay Rd and is located at an ideal distance from existing brigades.

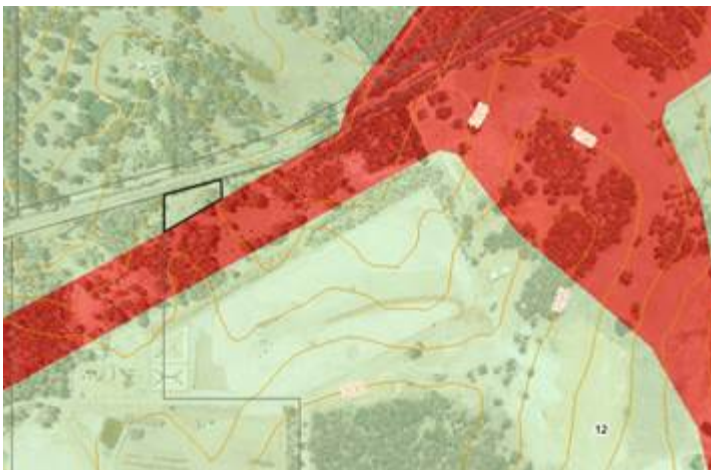
Main Roads have also been engaged in the investigation of land and have presented a range of options; however these are all subject to further finalisation of future traffic routes.

No parcels of City of Swan owned land have been identified within the brigade's districts. Assessment of suitable road verges on the Corner of O'Brien and Burgess Rd, Roland and Toodyay Rd and Strawberry Hills Drive have been assessed but have been deemed as unsuitable for a variety of reasons including future traffic routes, access and rare flora and fauna.

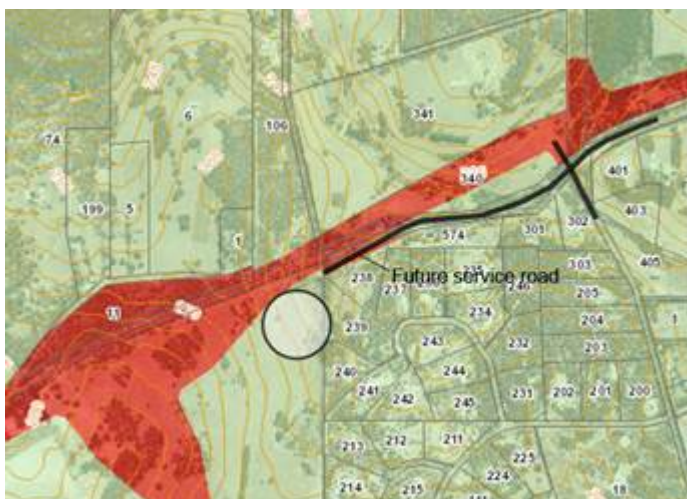
A number of private landholdings have been identified however their location and other related planning consideration has meant that they are non-preferable.

The Department of Planning has identified two parcels of land on the EMRC site which from their perspective would be suitable, however these are merely suggestions and consideration of any available EMRC land would be appreciated.

- Portion Lot 12 (C/T 1672/829). This land will be severed by the future Perth-Adelaide Hwy. Land is located with good sightlines to existing Toodyay Road. Land is cleared.



- Portion Lot 12 (C/T 1672/829). This area of the Red Hill landfill site has some slope but easily treated and could be accessed by Toodyay Road in the short term. When the Perth-Adelaide Hwy is constructed a service road will be built to service the site.



Main Roads have assessed these proposed EMRC sites in terms of safe access onto Toodyay Road and deemed it in principle to be satisfactory.

Main Roads have also advised that these sites will not be impacted in future with the Perth Adelaide highway in comparison to sites further to the West. The location of the station closer to O'Brien Road also improves access into the entire northern area of the Brigades fire district.

2. Project Description

A concept design (Attachment two) has been developed which is deemed to be “fit for purpose” in terms of a brigade’s current and future requirements for a facility.

The main design elements for the project include:

- 4 appliance bays designed to DFES standard
- 1 x meeting room
- 1 x incident control room (to manage Level 3 incidents)
- 2 x Change rooms/toilets including UAT
- 1 x Office
- Storage areas
- Cleaners room
- Electrical/communications cupboard
- Landscaping in line with City policy
- Parking bays and overflow parking
- Connection of required services and infrastructure
- Space for 2x 40,000 litre water tanks.

3. Project Funding

3.1 DFES Funding

DFES have indicated that they are in principle supportive of the proposed facility and have indicated that moving fire appliances from private property is a priority for funding. DFES have indicated that they will only provide funding for the facility itself and not for the procurement of land or for site works.

3.2 City of Swan

The City of Swan has indicated that it is in principle supportive of the project and similarly to previous projects may consider support for planning, site works and project management. This support would be conditional on the DFES grant.

3.3 External Funding

The City has identified several private benefactors who have recently contributed funding to similar projects, whilst yet to be confirmed these benefactors have also offered in principle support for this project.

3.4 EMRC

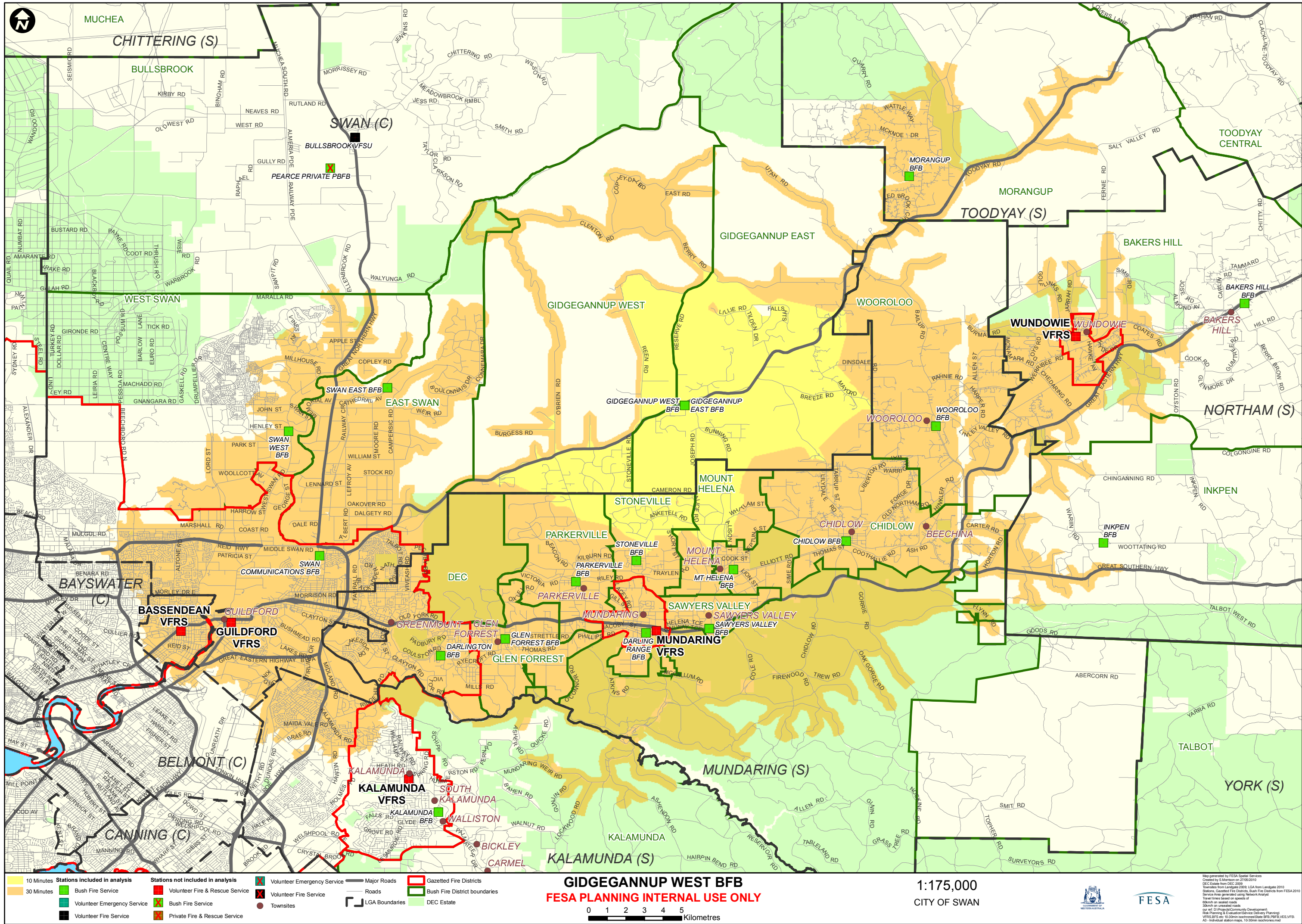
The West Gidgegannup Volunteer Bushfire Brigade is seeking the support of the EMRC for the provision of approximately a 10,000sqm parcel of land; ideally this would be vested in the City of Swan, a long term peppercorn lease could also be investigated, however DFES grants have indicated their funding model doesn't currently support a lease arrangement. Currently there is no provision of funding for the purchase of land.

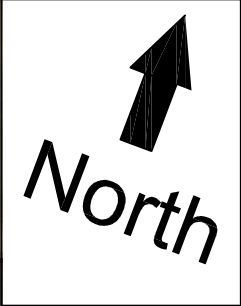
The West Gidgegannup Volunteer Bushfire Brigade, DFES and City of Swan would be appreciative if the EMRC Council can provide in principle support for the allocation of EMRC land to this project and indicate any terms that may need to be considered for this proposal to progress.

4. Attachments

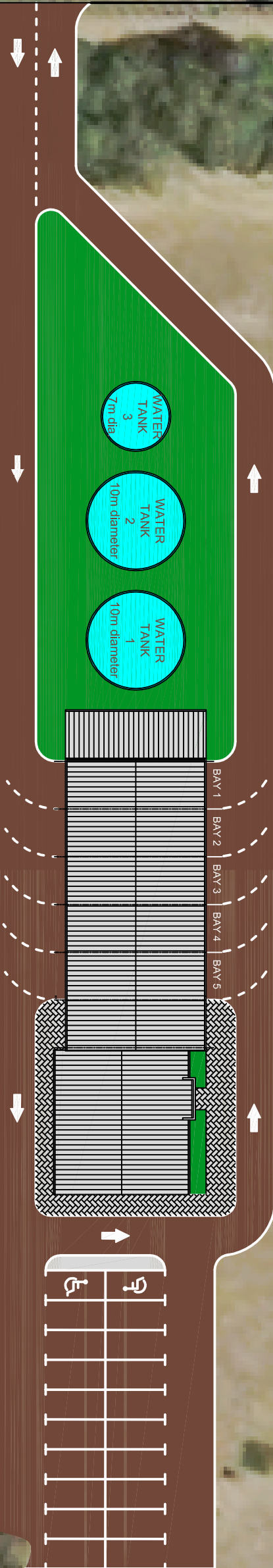
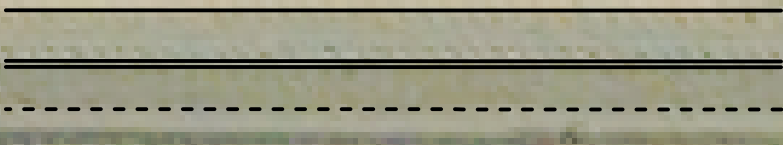
Attachment One - Brigades district boundaries map

Attachment Two - Proposed fire station design





Toodyay Rd



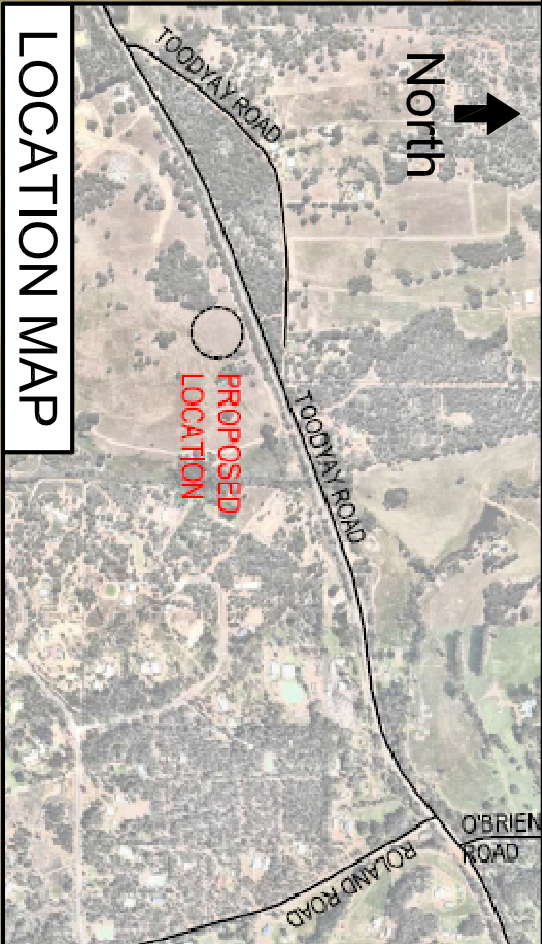
157600

57700

CONCEPT 11-JAN-17

5 10 20 30m

SCALE 1:500 ON A3



LOCATION MAP

SITE PLAN

S1 OF 3

WEST GIDGEGANNUP
VOLUNTEER BUSH FIRE BRIGADE
FIRE AND RESCUE STATION



11.3 INTERCONNECT CABLE – DEED/LICENCE WITH MAIN ROADS WA AND PERTH AIRPORT PTY LTD

REFERENCE: D2017/00875

PURPOSE OF REPORT

The purpose of this report is to obtain Council approval to authorise the CEO to enter into various legal agreements with entities associated with the installation route of the high voltage interconnect cable between the Hazelmere Wood Waste to Energy Plant and Perth Airport Pty Ltd.

KEY ISSUES AND RECOMMENDATION(S)

- In August 2016, Densford Civil Pty Ltd were awarded a contract to install a high voltage (22 kV) network interconnect cable between the Hazelmere Wood Waste to Energy Plant and Perth Airport Pty Ltd (PAPL) as a result of Tender 2016/003 High Voltage (22 kV) Network Interconnect Cable.
- Approval is sought to authorise the CEO to enter into a deed poll of indemnification with the Government of Western Australia – Department of Lands with respect to the cable installation within the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor.
- Approval is sought to authorise the CEO to enter into a licence agreement with Perth Airport Pty Ltd with respect to the cable installation within the PAPL precinct.
- Approval is sought to authorise the CEO to enter into a deed of indemnification with Main Roads WA with respect to the cable installation under the Great Eastern Highway Bypass, if required.
- Approval is sought to authorise the CEO to enter into a deed of indemnification with Perth Transport Authority / Brookfield Rail with respect to the cable installation within Brookfield Rail corridor, if required.

Recommendation(s)

That Council:

1. By absolute majority in accordance with section 5.42 of the *Local Government Act 1995* authorise the CEO to enter into a deed of indemnification with Government of Western Australia – Department of Lands with respect to the cable installation within the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor.
2. By absolute majority in accordance with section 5.42 of the *Local Government Act 1995* authorise the CEO to enter into a licence agreement with Perth Airport Pty Ltd with respect to the cable installation within the PAPL precinct.
3. By absolute majority in accordance with section 5.42 of the *Local Government Act 1995* authorise the CEO to enter into a deed of indemnification with Main Roads WA in relation to the cable route passing under the Great Eastern Highway Bypass, if required.
4. By absolute majority in accordance with section 5.42 of the *Local Government Act 1995* authorise the CEO to enter into a deed of indemnification with Perth Transport Authority / Brookfield Rail with respect to the cable installation within Brookfield Rail corridor, if required.

SOURCE OF REPORT

Director Waste Services



Item 11.3 continued

BACKGROUND

The EMRC is developing a Wood Waste to Energy Plant at its Hazelmere Resource Recovery Park to utilise surplus wood chip and produce renewable electricity and biochar for sale. Ministerial environmental approval for the project to proceed was obtained in April 2016 and a Works Approval was issued in June 2016 enabling the construction to commence.

The project is being supported by the Federal Government through a \$5 million grant to the contractor Ansac Pty Ltd under the previous Clean Energy innovation Fund.

At the 19 June 2014 meeting of Council, it was resolved (D2014/06931):

“THAT:

- 1. COUNCIL BY ABSOLUTE MAJORITY, PURSUANT TO SECTION 5.42 OF THE LOCAL GOVERNMENT ACT 1995, DELEGATES AUTHORITY TO THE CEO TO FINALISE AND EXECUTE A WHOLESALE ELECTRICITY AGREEMENT.*
- 2. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.”*

The agreement to sell power from the Hazelmere Wood Waste to Energy Plant to PAPL was signed in June 2016 and will commence in early 2017 when the plant is commissioned.

The installation of a High Voltage (22 kV) Network Interconnect Cable between Hazelmere Wood Waste to Energy Plant and PAPL was resolved by Council at the 18 August 2016 meeting (D2016/11275):

“THAT COUNCIL:

- 1. AWARD TENDER NUMBER 2016-003 HIGH VOLTAGE (22 KV) NETWORK INTERCONNECT CABLE TO DENSFORD CIVIL PTY LTD FOR \$752,564.00 (EX. GST).*
- 2. AUTHORISE THE CEO TO ENTER INTO A CONTRACT, ON BEHALF OF THE EMRC, WITH DENSFORD CIVIL PTY LTD IN ACCORDANCE WITH THEIR SUBMITTED TENDER, SUBJECT TO ANY MINOR VARIATIONS THAT MAY BE AGREED ON BETWEEN THE CEO AND DENSFORD CIVIL PTY LTD.*
- 3. AUTHORISE A 15% CONTINGENCY ON THE CONTRACT SUM FOR ANY CONTINGENCIES THAT MAY ARISE DURING THE EXECUTION OF THE PROJECT.”*

At the 1 December 2016 meeting of Council, it was resolved inter alia (D2016/13342):

“THAT COUNCIL:

BY ABSOLUTE MAJORITY IN ACCORDANCE WITH SECTION 5.42 OF THE LOCAL GOVERNMENT ACT 1995 AUTHORISE THE CEO TO ENTER INTO A DEED OF INDEMNIFICATION AND/OR CAVEAT WITH THE CITY OF SWAN WITH RESPECT TO THE INSTALLATION OF A HIGH VOLTAGE (22 KV) INTERCONNECT CABLE WITHIN THE LAKES ROAD, VALE ROAD AND KALAMUNDA ROAD RESERVES, IF REQUIRED.”



Item 11.3 continued

REPORT

For the installation of the high voltage interconnect cable between the Hazelmere Wood Waste to Energy Plant and PAPL, there is a requirement to seek approval from the regulatory authorities along the route. These consist of the City of Swan, Main Roads WA, the Government of Western Australia – Department of Lands, Perth Transport Authority / Brookfield Rail and Perth Airport Pty Ltd.

Part of the application approval process is the relevant authorities will / may require the applicant to enter into a deed of indemnity to protect the entities infrastructure and injury to third parties against any potential occurrences during construction and any future works that may be required to the cable. A rigorous review process by legal and insurance advisors is being undertaken as these various approval documents become available.

A previous report to Council in December 2016 identified the requirement for the EMRC to enter into a deed of indemnification with the City of Swan for injury to a third party and damage against the City's property in accordance with Councils resolution (Ref: D2016/13342). The City's solicitor has prepared a draft deed for EMRC review and subsequent agreement and execution by the CEO.

The Main Roads WA application makes no reference to a Deed of Indemnity being required, simply seeking a signature that provides the Indemnity sought by Main Roads as a condition of the application.

It should however be recognised that Main Roads may apply the need for a Deed of Indemnity as a condition of approval, irrespective of what the application indicates. However this will not be known until the application is submitted and this process must follow the successful deed of indemnity agreement with the City of Swan, the issue of a letter of authority for clearing from the City of Swan, and the subsequent lodgement of an application to the DER for clearing permit for vegetation along Lakes Road that will need clearing.

PAPL have also recently advised they require the EMRC to enter into a licence agreement for the installation of the cable within the airport precinct. This has been reviewed by the EMRC's legal representative and is being amended in accordance with their advice for finalisation with PAPL and subsequent execution by EMRC.

A Section 41 approval has been submitted to the Government of Western Australia – Department of Lands for works to be undertaken within the DBNGP corridor. They have responded that the Section 41 approval cannot be granted and works cannot commence until the deed of indemnity has been signed and sent back to their office without any changes. Councils legal representative has also reviewed this document and concluded that it is satisfactory for EMRC to execute. Insurance advice on this deed is pending.

The Brookfield Rail application makes reference to an "Indemnity Form to be signed by the Proponent before access to Brookfield Rail corridor is granted". In addition an Acknowledgement and Acceptance form (which outlines the conditions of approval) is also to be signed and submitted to Brookfield Rail and PTA.

Authority for the CEO to enter into an agreement with Main Roads WA, DBNGP, PTA/Brookfield Rail and PAPL is therefore required in order to progress the cable installation in a timely manner and avoid potential delays.



Item 11.3 continued

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 1 – Environmental Sustainability

- 1.1 To provide sustainable waste disposal operations
- 1.2 To improve regional waste management
- 1.3 To provide resource recovery and recycling solutions in partnership with member Councils

FINANCIAL IMPLICATIONS

The cost of the cable installation has been allowed for in the approved 2016/2017 budget (24399/11 Wood Waste to Energy Utilities/Infrastructure – Resource Recovery Park).

SUSTAINABILITY IMPLICATIONS

The Hazelmere Wood Waste to Energy Plant will provide renewable energy (which offsets fossil fuel powered generation) for export and biochar from wood chip that would otherwise be sent to landfill.

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Absolute Majority



Item 11.3 continued

RECOMMENDATION(S)

That Council:

1. By absolute majority in accordance with section 5.42 of the Local Government Act 1995 authorise the CEO to enter into a deed of indemnification with Government of Western Australia – Department of Lands with respect to the cable installation within the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor.
2. By absolute majority in accordance with section 5.42 of the Local Government Act 1995 authorise the CEO to enter into a licence agreement with Perth Airport Pty Ltd with respect to the cable installation within the PAPL precinct.
3. By absolute majority in accordance with section 5.42 of the Local Government Act 1995 authorise the CEO to enter into a deed of indemnification with Main Roads WA in relation to the cable route passing under the Great Eastern Highway Bypass, if required.
4. By absolute majority in accordance with section 5.42 of the Local Government Act 1995 authorise the CEO to enter into a deed of indemnification with Perth Transport Authority / Brookfield Rail with respect to the cable installation within Brookfield Rail corridor, if required.

Discussion ensued

The Director Waste Services provided a brief overview and the Manager Resource Recovery provided an update on the process of the applications.

Mr Blair queried whether this delay will affect the work with Densford Civil Pty Ltd. The Director Waste Services advised that the work within the Hazelmere Resource Recovery Park boundary has commenced and Densford Civil Pty Ltd have been kept well informed on the progress of the various approvals required.

TAC RECOMMENDATION(S)

MOVED MR COTEN

SECONDED MR LUTEY

That Council:

1. By absolute majority in accordance with section 5.42 of the *Local Government Act 1995* authorise the CEO to enter into a deed of indemnification with Government of Western Australia – Department of Lands with respect to the cable installation within the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor.
2. By absolute majority in accordance with section 5.42 of the Local Government Act 1995 authorise the CEO to enter into a licence agreement with Perth Airport Pty Ltd with respect to the cable installation within the PAPL precinct.
3. By absolute majority in accordance with section 5.42 of the Local Government Act 1995 authorise the CEO to enter into a deed of indemnification with Main Roads WA in relation to the cable route passing under the Great Eastern Highway Bypass, if required.
4. By absolute majority in accordance with section 5.42 of the Local Government Act 1995 authorise the CEO to enter into a deed of indemnification with Perth Transport Authority / Brookfield Rail with respect to the cable installation within Brookfield Rail corridor, if required.

CARRIED UNANIMOUSLY



11.4 ITEMS CONTAINED IN THE INFORMATION BULLETIN

REFERENCE: Ref: D2017/00859

The following items are included in the Information Bulletin, which accompanies the Agenda.

1. WASTE SERVICES

1.1 COUNCIL TONNAGE COMPARISONS AS AT 31 DECEMBER 2016 (Ref: D2017/00860)

RECOMMENDATION

That the Technical Advisory Committee notes the items contained in the Information Bulletin accompanying the 2 February 2017 Technical Advisory Committee Agenda.

TAC RESOLUTION(S)

MOVED MR COTEN

SECONDED MR PURDY

THAT THE TECHNICAL ADVISORY COMMITTEE NOTES THE ITEMS CONTAINED IN THE INFORMATION BULLETIN ACCOMPANYING THE 2 FEBRUARY 2017 TECHNICAL ADVISORY COMMITTEE AGENDA.

CARRIED UNANIMOUSLY

12 REPORTS OF DELEGATES

Nil

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

Nil

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

Nil



15 FUTURE MEETINGS OF THE TECHNICAL ADVISORY COMMITTEE

The next meeting of the Technical Advisory Committee will be held on **Thursday 9 March 2017 (if required)** at the EMRC Administration Office, 1st Floor, Ascot Place, 226 Great Eastern Highway, Belmont WA 6104 commencing at 4:00pm.

Future Meetings 2017

Thursday	9	March (if required)	at	EMRC Administration Office
Thursday	6	April (if required)	at	EMRC Administration Office
Thursday	4	May (if required)	at	EMRC Administration Office
Thursday	8	June (if required)	at	EMRC Administration Office
Thursday	6	July (if required)	at	EMRC Administration Office
Thursday	10	August (if required)	at	EMRC Administration Office
Thursday	7	September (if required)	at	EMRC Administration Office
Thursday	5	October (if required)	at	EMRC Administration Office
Thursday	16	November (if required)	at	EMRC Administration Office

16 DECLARATION OF CLOSURE OF MEETING

There being no further business, the Chairman declared the meeting closed at 4:22pm.