

#### **INFORMATION BULLETIN**

## Accompanying the Ordinary Meeting of Council Agenda

25 March 2021

#### **COUNCIL INFORMATION BULLETIN**

#### 25 March 2021

(REF: D2020/03526)

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#### 1.1 REGISTER OF COUNCIL RESOLUTIONS 2021

**REFERENCE: D2021/03889** 

#### **PURPOSE OF REPORT**

The purpose of this report is to present to Council a list of Council resolutions for the calendar year and update Council on their progress.

#### **KEY POINT(S)**

- Historical review of Council's decisions throughout a calendar year.
- Enable current and new Councillors to review previous decisions made.

#### **SOURCE OF REPORT**

Chief Financial Officer

#### **BACKGROUND**

One of the characteristics often associated with transparency in local government is to keep Council and members of the public informed. This can be achieved by providing knowledge regarding Council resolutions in a useful manner and readily accessible manner. As a local government, the EMRC will actively seek methods to do its business in a transparent and accountable manner where everyone can see what is happening.

With this in mind, the EMRC seeks to build the faith of its stakeholders and build trust with those we serve in the community.

#### **REPORT**

The attachment provides a list of Council resolutions made during the calendar year to improve transparency and accountability. It is intended that the register is reported back to Council at each ordinary meeting of Council going forward.

#### STRATEGIC/POLICY IMPLICATIONS

Key Result Area 3 - Good Governance

3.3 To provide responsible and accountable governance and management of the EMRC

#### FINANCIAL IMPLICATIONS

As reported.

#### SUSTAINABILITY IMPLICATIONS

The implementation of Council's resolutions were exercised in accordance with Council's direction for the benefit and sustainability of the EMRC and Perth's Eastern Region.



#### Item 1.1 continued

#### **RISK MANAGEMENT**

RISK: Non-compliance with EMRC's responsibility to maintain responsible and accountable governance and management of the organisation.

Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate

#### **Action / Strategy**

Update to be provided to Council to comply with a past resolution of Council.

#### **MEMBER COUNCIL IMPLICATIONS**

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

#### ATTACHMENT(S)

Register of Council Resolutions 2021 (Ref: D2021/03898)



#### **COUNCIL RESOLUTION REGISTER 2021**

	DATE	RESOLUTION	STATUS
1.	25 FEBRUARY 2021	9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS  9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 3 DECEMBER 2020 (D2020/25340)  THAT COUNCIL DEFER CONSIDERATION OF ITEM 9.1 - DRAFT MEMORANDUM OF UNDERSTANDING – RENEWABLE ENERGY POWER PURCHASE AGREEMENT OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 3 DECEMBER 2020, UNTIL THE NEXT ORDINARY MEETING OF COUNCIL.	COMPLETED
2.	25 FEBRUARY 2021	9.2 MINUTES OF SPECIAL MEETING OF COUNCIL HELD ON 21 JANUARY 2021 (D2021/01326) THAT THE MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD ON 21 JANUARY 2021 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.	COMPLETED
3.	25 FEBRUARY 2021	9.3 MINUTES OF SPECIAL MEETING OF COUNCIL HELD ON 8 FEBRUARY 2021 (D2021/01965) THAT THE MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD ON 8 FEBRUARY 2021 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.	COMPLETED
4.	25 FEBRUARY 2021	14.1 LIST OF ACCOUNTS PAID DURING THE MONTHS OF NOVEMBER AND DECEMBER 2020 AND JANUARY 2021 (D2020/27446)  THAT COUNCIL NOTES THE CEO'S LIST OF ACCOUNTS NOVEMBER 2020, DECEMBER 2020 AND JANUARY 2021 PAID UNDER DELEGATED POWER IN ACCORDANCE WITH REGULATION 13(1) OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996, FORMING THE ATTACHMENT TO THIS REPORT TOTALLING \$21,678,436.65.	COMPLETED
5.	25 FEBRUARY 2021	14.2 FINANCIAL REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2020 (D2021/00965)  THAT COUNCIL RECEIVES THE STATEMENT OF COMPREHENSIVE INCOME, CAPITAL EXPENDITURE STATEMENT, STATEMENT OF FINANCIAL POSITION, STATEMENT OF CASH AND INVESTMENTS AND THE INVESTMENT REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2020.	COMPLETED
6.	25 FEBRUARY 2021	14.3 FINANCIAL REPORT FOR THE PERIOD ENDED 31 DECEMBER 2020 (D2021/02118)  THAT COUNCIL RECEIVES THE STATEMENT OF COMPREHENSIVE INCOME, CAPITAL EXPENDITURE STATEMENT, STATEMENT OF FINANCIAL POSITION, STATEMENT OF CASH AND INVESTMENTS AND THE INVESTMENT REPORT FOR THE PERIOD ENDED 31 DECEMBER 2020.	COMPLETED
7.	25 FEBRUARY 2021	14.4 FINANCIAL REPORT FOR THE PERIOD ENDED 31 JANUARY 2021 (D2021/02199)  THAT COUNCIL RECEIVES THE STATEMENT OF COMPREHENSIVE INCOME, CAPITAL EXPENDITURE STATEMENT, STATEMENT OF FINANCIAL POSITION, STATEMENT OF CASH AND INVESTMENTS AND THE INVESTMENT REPORT FOR THE PERIOD ENDED 31 JANUARY 2021.	COMPLETED
8.	25 FEBRUARY 2021	14.5 FOGO TRIAL AT RED HILL – INTERIM FACILITY UPDATE (MASS BALANCE) (D2021/02032) THAT THE REPORT BE NOTED.	COMPLETED



	DATE	RESOLUTION	STATUS
9.	25 FEBRUARY 2021	14.6 APPOINTMENT OF AUTHORISED COMPLAINTS OFFICERS (D2021/02217) THAT COUNCIL:	COMPLETED
		1. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO BE THE COMPLAINTS OFFICER.	
		2. BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.5.42 OF THE LOCAL GOVERNMENT ACT 1995, DELEGATES POWER TO THE CHIEF EXECUTIVE OFFICER TO APPOINT AUTHORISED COMPLAINTS OFFICERS.	
		3. ENDORSE THE COMPLAINT ABOUT ALLEGED BREACH FORM, FORMING ATTACHMENT 1 TO THIS REPORT.	
10.	25 FEBRUARY 2021	14.7 REVIEW OF DELEGATED POWERS AND DUTIES (D2021/02041)	IN PROGRESS
		THAT COUNCIL RE-AFFIRMS THE DELEGATED POWERS AND DUTIES AS LISTED IN THE REPORT WITH THE EXCEPTION OF DELEGATION NUMBER C15/2018.	
11.	25 FEBRUARY 2021	14.8 ITEMS CONTAINED IN THE INFORMATION BULLETIN (D2020/27450)	COMPLETED
		THAT COUNCIL NOTES THE ITEMS CONTAINED IN THE INFORMATION BULLETIN ACCOMPANYING THE 25 FEBRUARY 2021 ORDINARY MEETING OF COUNCIL AGENDA.	
12.	25 FEBRUARY 2021	15 REPORTS OF COMMITTEES	COMPLETED
		15.1 LEGAL COMMITTEE MEETING HELD 10 FEBRUARY 2021 (D2021/01849 (LC) - D2021/01849)	
		THAT COUNCIL NOTES THE UNCONFIRMED MINUTES OF THE LEGAL COMMITTEE HELD 10 FEBRUARY 2021 (SECTION 15.1).	
13.	25 FEBRUARY 2021	19 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC  THAT WITH THE EXCEPTION OF THE CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER, CHIEF PROJECT OFFICER, CHIEF SUSTAINABILITY OFFICER, CHIEF OPERATING OFFICER, MANAGER PROCUREMENT AND GOVERNANCE, MANAGER FINANCIAL SERVICES, MANAGER HUMAN RESOURCES, WASTE AND RESOURCE RECOVERY SPECIALIST, INFORMATION SERVICES OFFICER, CHIEF EXECUTIVE OFFICER (CITY OF BELMONT), DIRECTOR INFRASTRUCTURE SERVICES (CITY OF BELMONT), EXECUTIVE ASSISTANT TO THE CHIEF EXECUTIVE OFFICER AND PERSONAL ASSISTANT TO THE CHIEF FINANCIAL OFFICER 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.	COMPLETED
14.	25 FEBRUARY 2021	19.1 HAZELMERE WOOD WASTE TO ENERGY (WWtE) UPDATE (D2021/02027)	COMPLETED
		THAT:	
		1. COUNCIL NOTES THE REPORT.	
		2. THE REPORT AND ATTACHMENT REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CHIEF EXECUTIVE OFFICER.	

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	DATE	RESOLUTION	STATUS
15.		19.2 PROVISION OF SERVICES TO A LOCAL GOVERNMENT (D2021/02043) THAT:	COMPLETED
		1. COUNCIL AUTHORISE THE CEO TO SIGN THE MEMORANDUM OF UNDERSTANDING, FORMING THE ATTACHMENT TO THIS REPORT WITH THE LOCAL GOVERNMENT IDENTIFIED IN THE REPORT TO PROVIDE WASTE MANAGEMENT CONSULTANCY SERVICES.	
		2. THE REPORT AND ATTACHMENT REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CHIEF EXECUTIVE OFFICER.	
16.		19.3 DRAFT HAZELMERE RESOURCE RECOVERY PARK DEVELOPMENT PLAN 2021 (D2021/02046) THAT:	COMPLETED
		1. COUNCIL ENDORSES THE DRAFT HAZELMERE RESOURCE RECOVERY PARK DEVELOPMENT PLAN 2021, FORMING THE ATTACHMENT TO THIS REPORT.	
		2. THE REPORT AND ATTACHMENT REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CHIEF EXECUTIVE OFFICER.	
17.		19.4 ITEM 13.1 OF THE LEGAL COMMITTEE MINUTES - SEEKING INSTRUCTIONS REGARDING LEGAL MATTER [CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 s.5.23(2)(d)] (D2021/02126)	COMPLETED
		THAT:	
		1. THE LEGAL COMMITTEE RESOLVES TO AUTHORISE THE CEO TO ISSUE THE LETTER, AS AMENDED IN RESPONSE TO THE LEGAL MATTER AS OUTLINED WITHIN THE CONFIDENTIAL REPORT.	
		2. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND THE CHIEF EXECUTIVE OFFICER.	
18.		19.5 SELECTION OF FACILITATOR FOR THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PROCESS (D2021/00938) THAT:	COMPLETED
		<ol> <li>COUNCIL AWARD THE CONSULTANCY FOR FACILITATING THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW TO DR JUDE BALM OF INFINITY TRAINING AUSTRALIA.</li> </ol>	
		2. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CHIEF EXECUTIVE OFFICER.	
19.		19.6 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PROCESS FOR 2020/2021 (D2021/00939)	IN PROGRESS
		THAT:	
		1. COUNCIL ENDORSES THE TIMETABLE FOR UNDERTAKING THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PROCESS FOR 2021 AS OUTLINED WITHIN THIS REPORT.	
		2. THE REPORT REMAINS CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.	

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	DATE	RESOLUTION		STATUS			
20.	8 FEBRUARY 2021	<b>16.1</b>	s.5.23(2)(d)] (D2021/01716)			COMPLETED	
		1.	COUNCIL BY ABSOLUTE MAJORITY II COMMITTEE TO UNDERTAKE ACTIONS	COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S5.8 OF THE LOCAL GOVERNMENT ACT 1995 ESTABLISHES A LEGAL COMMITTEE TO UNDERTAKE ACTIONS TO ADDRESS ANY SUCH LEGAL MATTERS ARISING OUT OF THE ESTABLISHMENT AGREEMENT AND BE DISBANDED AT THE NEXT LOCAL GOVERNMENT ELECTIONS IN OCTOBER 2021.			
		2.	COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S5.10 OF THE LOCAL GOVERNMENT ACT 1995 APPOINTS THE FOLLOWING COUNCILLORS TO THE LEGAL COMMITTEE:				
			PARTICIPANT LOCAL GOVERNMENT TOWN OF BASSENDEAN	COUNCILLOR MEMBER CR WILSON	DEPUTY MEMBER CR HAMILTON	SECOND DEPUTY MEMBER CR MACWILLIAM	
			CITY OF BAYSWATER	CR CLARK	CR JOHNSON	CR PIFFARETTI	
			CITY OF KALAMUNDA SHIRE OF MUNDARING	CR O'CONNOR CR JEANS	CR BOYD CR DAW	CR BLAIR CR COLLINS	
			CITY OF SWAN	CR CONGERTON	CR ZANNINO	CR I JOHNSON	
		3.	COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S5.16 OF THE LOCAL GOVERNMENT ACT 1995 DELEGATES TO THE LEGAL COMMITTEE THE POWER TO UNDERTAKE ACTIONS IN RESPONSE TO THE LEGAL MATTER AS OUTLINED WITHIN THE CONFIDENTIAL REPORT.				
		4.		NOTES THE RATIONALE FOR THE MOTION IS TO ENABLE THE EMRC COUNCIL TO UNDERTAKE ACTIONS IN RESPONSE TO THE LEGAL MATTER AS OUTLINED WITHIN THE CONFIDENTIAL REPORT THROUGH THE NEWLY ESTABLISHED LEGAL COMMITTEE.			
		5.	THE REPORT AND ATTACHMENTS REM	IAIN CONFIDENTIAL AND BE C	ERTIFIED BY THE CHAIRM	AN AND THE CEO.	
21.	21 JANUARY 2021	16.1	SEEKING INSTRUCTIONS REGARDING LEGAL MATTER [CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 s.5.23(2)(d)] (D2021/00774)			COMPLETED	
		THAT	COUNCIL:	, , , , , , , , , , , , , , , , , , , ,			
		1.	IN ACCORDANCE WITH CLAUSE 10.6 OF TO THE NEXT ORDINARY MEETING OF			TEM 16.1 OF THE AGENDA BE ADJOURNED IARY 2021.	
		2.	COUNCIL NOTES THE REASON FOR T ADDRESS THE POTENTIAL BREACH OF			EGAL PROFESSIONAL PRIVILEGE AND TO	

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#### 1.2 CEO EXERCISE OF DELEGATED POWERS AND DUTIES

**REFERENCE: D2021/03525** 

#### **PURPOSE OF REPORT**

The purpose of this report is to present to Council a list of delegations exercised by the Chief Executive Officer (CEO) in accordance with Council's resolution of 24 March 2016.

#### **KEY POINT(S)**

- Council reaffirmed delegations to the CEO and Committees at its meeting of 24 March 2016 and requested a periodic report listing the items approved since the last Ordinary Council meeting.
- The delegations exercised since last reported to Council are detailed within this report.

#### SOURCE OF REPORT

Chief Executive Officer

#### **BACKGROUND**

At the Council meeting held on 24 March 2016 Council conducted its annual review of powers and/or discharge of its duties as delegated to the CEO and Committees, in accordance within s.5.46 of the *Local Government Act 1995*. (Ref: D2016/03708).

As part of that review Council resolved inter alia:

"THAT COUNCIL RECEIVES A REPORT DETAILING THE LIST OF ITEMS APPROVED UNDER DELEGATED AUTHORITY AS THEY ARISE AT THE NEXT ORDINARY MEETING OF COUNCIL."

#### **REPORT**

The following delegated powers or discharge of duties were exercised by the CEO.

Delegation Number	Date of Original Delegation	Description of Delegation	Details of Delegated Powers and Discharge of Duties
C4/2015	20/08/2015	That Council, by absolute majority, in accordance with Section 5.42(1) of the Local Government Act 1995, delegate authority, to the CEO, to invite tenders on its behalf.	Approved the issuing of tender RFT2021-002 FOGO Processing Facility. This tender was issued to the shortlisted and approved tenderers on 20/02/2021. The closing date for tender submissions is 04/06/2021.



#### Item 1.2 continued

Delegation Number	Date of Original Delegation	Description of Delegation	Details of Delegated Powers and Discharge of Duties
C5/2016	24/03/2016	By absolute majority in accordance with section 5.42 of the <i>Local Government Act</i> 1995, delegates authority to the Chief Executive Officer to exercise the option to extend any contract awarded under a tender with further extension periods following the initial contract period, subject to satisfactory performance.	The provision of maintenance of the Faac B680 Boom Gate (Hazelmere Resource Recovery Park) contract was extended by 12 months to 31 March 2022. (Reference: Contract No. MA1372)
C6/2016	23/06/2016	That Council by absolute majority in accordance with section 5.42 of the <i>Local Government Act 1995</i> delegate authority to the Chief Executive Officer to negotiate and enter into contracts for waste disposal related to operations at the Red Hill Waste Management Facility and Hazelmere Resource Recovery Park.	A contract was entered into with a mattress recycling business for the disposal of mattresses at the Hazelmere Resource Recovery Park. (Reference: D2021/02251.

#### STRATEGIC/POLICY IMPLICATIONS

Key Result Area 3 - Good Governance

3.3 To provide responsible and accountable governance and management of the EMRC.

#### **FINANCIAL IMPLICATIONS**

As reflected in monthly financial reports.

#### **SUSTAINABILITY IMPLICATIONS**

The delegations exercised were in accordance with Council's resolution for the benefit and sustainability of the EMRC and Perth's Eastern Region.

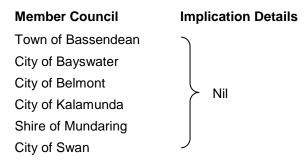
#### **RISK MANAGEMENT**

RISK: Non-compliance with EMRC's responsibility to maintain responsible and accountable governance and management of the organisation.								
Consequence	Consequence Likelihood Rating							
Moderate	Unlikely	Moderate						
Action / Strategy								
Update to be provided to Council to comply with a past resolution of Council.								



#### Item 1.2 continued

#### **MEMBER COUNCIL IMPLICATIONS**



#### ATTACHMENT(S)

Nil



### 1.3 2020/2021 COUNCIL TONNAGE COMPARISONS AS AT 28 FEBRUARY 2021 REFERENCE: D2021/03951

#### **PURPOSE OF REPORT**

The purpose of this report is to provide Council with tonnages and quantities at the Red Hill Waste Management Facility (Red Hill) and the Hazelmere Resource Recovery Park (Hazelmere) for the reporting period of 1 July 2020 to 28 February 2021.

#### SOURCE OF REPORT

Chief Financial Officer

#### **REPORT**

A total of 95,626 tonnes were received from Member Council at the Red Hill Waste Disposal Site (Red Hill) during the reporting period, compared to 92,308 tonnes received during the same period in 2019/2020.

"Other" waste tonnages totaling 49,092 were received at Red Hill during the reporting period compared to 69,952 tonnes received during the same period in 2019/2020.

During the reporting period a combined total of 144,718 tonnes compared to 162,260 tonnes during the same period in 2019/2020 were received at Red Hill.

Tonnages and quantities of waste timber, C&I material and mattresses, plus sales of woodchip/fines at Hazelmere for the above reporting period were as follows:

- Incoming Waste Timber totalled 9,329 tonnes compared to 10,718 tonnes for the same period in 2019/2020.
- The sale of fines and woodchip totalled 9,303 tonnes, compared to 9,210 tonnes for the same period in 2019/2020.
- Incoming Commercial and Industrial (C&I) Waste totalled 176 tonnes, compared to 183 tonnes for the same period in 2019/2020.
- Mattresses incoming totalled 12,100 compared to 9,928 for the same period in 2019/2020.
  - Note: Effective from 11 December 2019, mattresses received have been processed off-site by Soft Landing Mattress Recycling.

The attachment to this report provides the various tonnages information in a graphical format and highlights the movements and trends for the financial year.

#### **RISK MANAGEMENT**

RISK: Lower than budgeted tonnes received including product sales.							
Consequence Likelihood Rating							
Possible	Moderate	Moderate					
Action / Strategy							

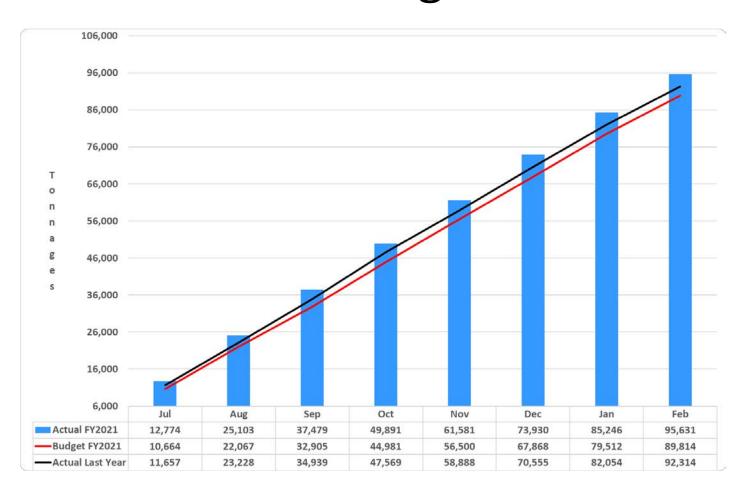
#### ATTACHMENT(S)

1. Council Tonnages Report (Ref: D2021/03985)

## EMRC Tonnage Analysis

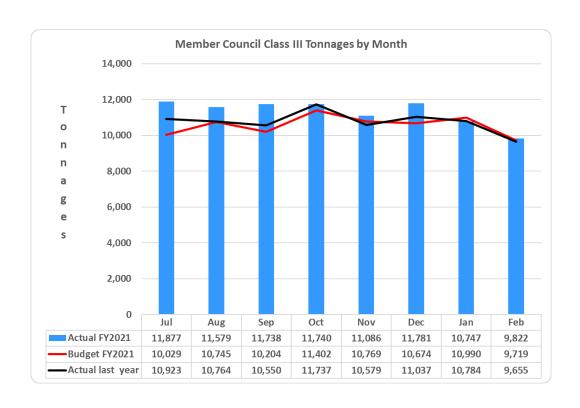


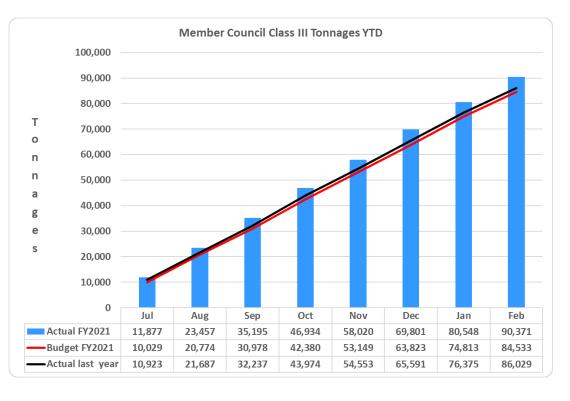
## 2020/2021 Member Council YTD Overall Tonnages





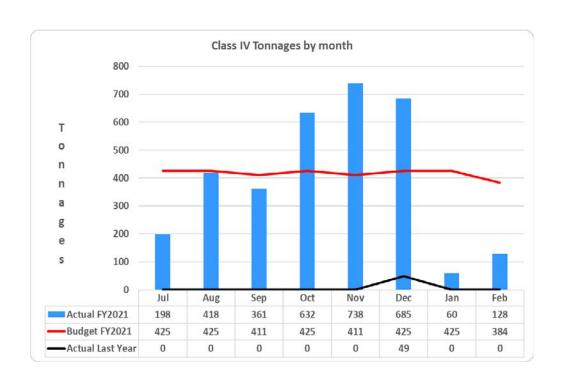
### 2020/2021 Tonnages

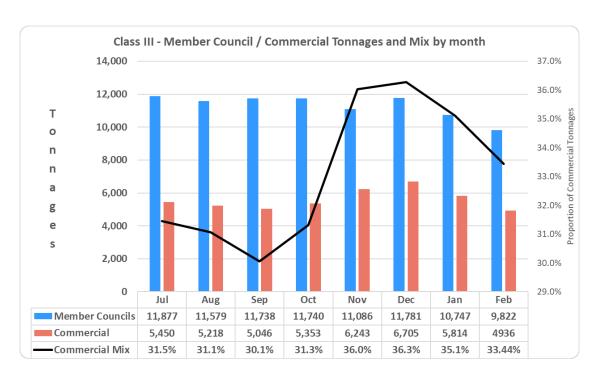






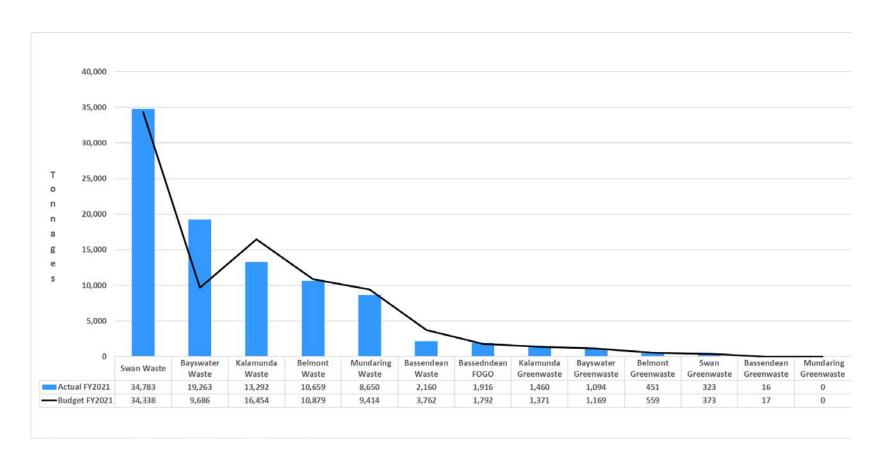
### 2020/2021 Tonnages





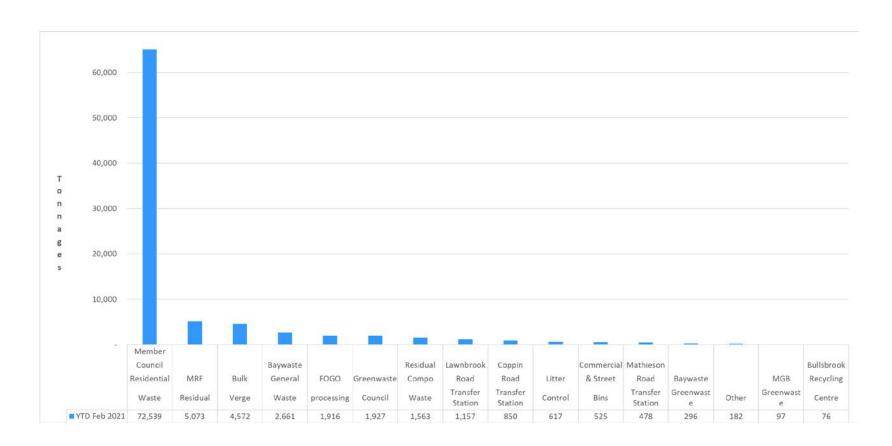


## 2020/2021 EMRC Combined Waste Report YTD - February 2021



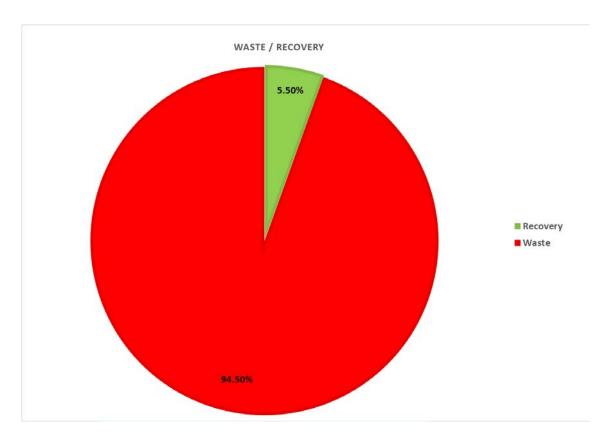


## 2020/2021 EMRC Waste Receipt Report - YTD February 2021





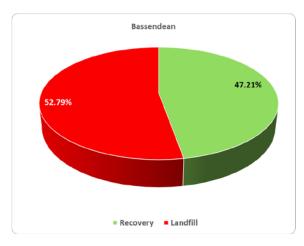
## 2020/2021 Total Member Council % Recovery @ EMRC

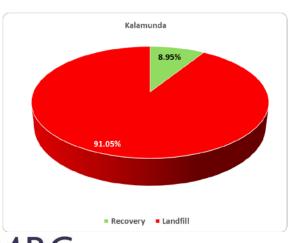


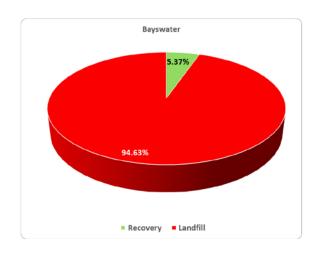
Council	Recovery	Waste
Bassendean	47.21%	52.79%
Bayswater	5.37%	94.63%
Belmont	4.06%	95.94%
Kalamunda	8.95%	91.05%
Mundaring	0.00%	100.00%
Swan	0.92%	99.08%
Total	5.50%	94.50%

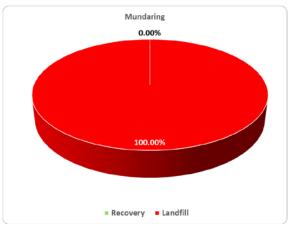


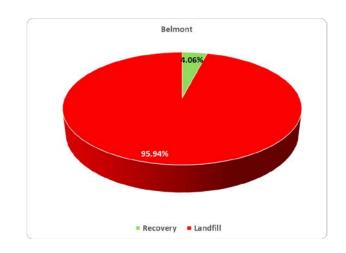
## 2020/2021 Member Council Recovery @ EMRC

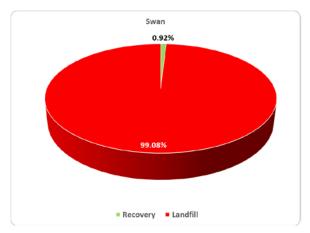




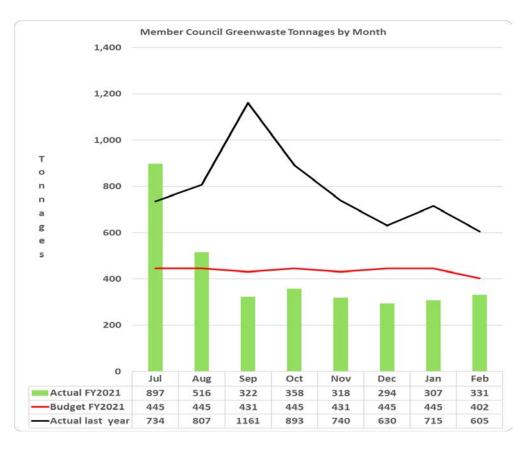


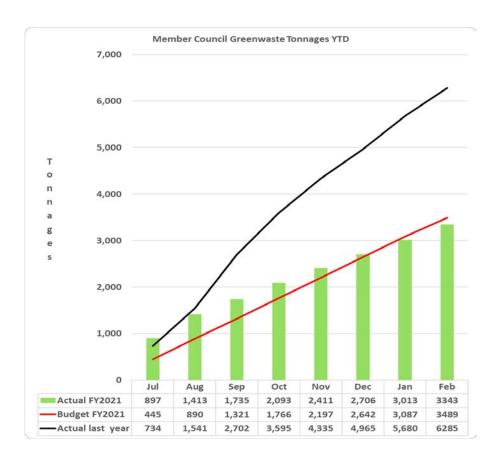






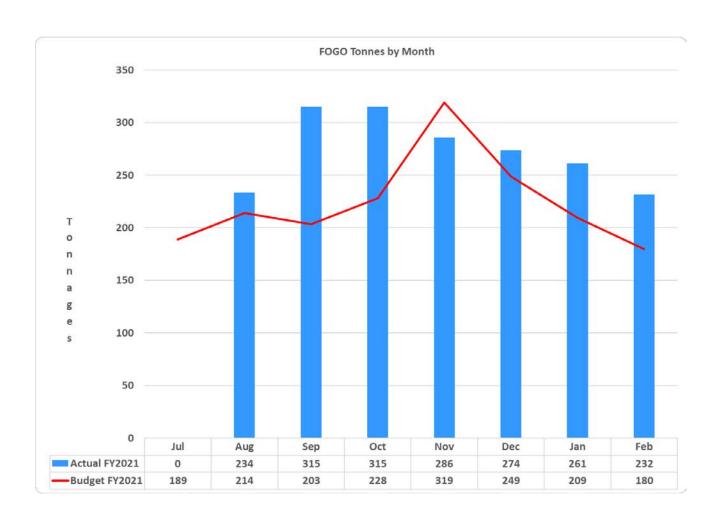
## 2020/2021 Greenwaste Tonnages







## 2020/2021 FOGO Tonnages





## 2020/2021 FOGO Tonnages

