

# AGENDA

D2023/08116

## Agenda Forum

8 June 2023

### Notice of Meeting

Dear Councillors

The next Agenda Forum will be held on Thursday, 8 June 2023 at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6:00pm.



Marcus Geisler | Chief Executive Officer

6 June 2023

### Please Note

If any Councillor 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.

The meeting will be recorded for administrative purposes only.

Per the meeting structure as adopted by the EMRC Council, there will be no public questions at Agenda Forums.

Public question time will continue as usual at Ordinary Meetings of Council and questions may be submitted electronically prior to the meeting, no later than 4.00pm on the day of the meeting to [CouncilEnquiry@emrc.org.au](mailto:CouncilEnquiry@emrc.org.au).



## **EMRC Council Members**

Cr Mel Congerton	Chairman	City of Swan
Cr Doug Jeans	Deputy Chairman	Shire of Mundaring
Cr Hilary MacWilliam	EMRC Member	Town of Bassendean
Cr Paul Poliwka	EMRC Member	Town of Bassendean
Cr Steven Ostaszewskyj	EMRC Member	City of Bayswater
Cr Michelle Sutherland	EMRC Member	City of Bayswater
Cr Dylan O'Connor	EMRC Member	City of Kalamunda
Cr Margaret Thomas	EMRC Member	City of Kalamunda
Cr John Daw	EMRC Member	Shire of Mundaring
Cr Charlie Zannino	EMRC Member	City of Swan

## **EMRC Council Deputies**

Cr Emily Wilding	EMRC Deputy Member	Town of Bassendean
Cr Giorgia Johnson	EMRC Deputy Member	City of Bayswater
Cr Janelle Sewell	EMRC Deputy Member	City of Kalamunda
Cr Jo Cicchini	EMRC Deputy Member	Shire of Mundaring
Cr Rod Henderson	EMRC Deputy Member	City of Swan

## Agenda Forum

**8 June 2023**

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**1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

**1.1 ACKNOWLEDGEMENT OF COUNTRY**

We wish to acknowledge the traditional custodians of the land on which we meet today and to pay our respects to elders past, present and future.

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

**3 DISCLOSURE OF INTERESTS**

**4 ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION**

**5 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 confidential report is covered in Section 8 of this agenda:

- BUSINESS PLAN FOR A MAJOR TRADING UNDERTAKING – LEASE OF LAND - WOODSIDE (D2023/11769)

**6 REPORTS OF EMPLOYEES**

**6.1 REVIEW OF COUNCIL POLICIES (D2023/11743)**

**6.2 REQUEST FOR TENDER RFT 2023-004 – FIRE HYDRANT PIPEWORK SYSTEM UPGRADE AT THE HAZELMERE RESOURCE RECOVERY PARK (HRRP) (D2023/11738)**

## **6.1 REVIEW OF COUNCIL POLICIES**

**D2023/11743**

### **PURPOSE OF REPORT**

The purpose of this report is to review three of the EMRC's policies in accordance with Council's instructions to review each policy every four years.

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

- Council Policies 1.1 and 7.2 were last fully reviewed at the meeting of Council held on 6 December 2018.
- Council Policy 2.2 was adopted at the meeting of Council held on 19 March 2020 and is now due for its first review.
- It is proposed the revised policies be adopted.

### **RECOMMENDATION(S)**

That:

1. With the exception of Council Policy ....., which is withdrawn, Council adopts the policies as reviewed and amended forming Attachment 3 to this report.
2. The adopted policies, as reviewed and amended forming Attachment 3 to this report, be scheduled to be reviewed in four years.

### **SOURCE OF REPORT**

Chief Executive Officer

### **BACKGROUND**

- 1 The following two Council policies:
  - Council Policy 1.1 – Election of MWAC Representatives; and
  - Council Policy 7.2 – Occupational Health and Safetywere last reviewed at the meeting of Council held on 6 December 2018 (D2018/14285) and Council resolved inter alia that:

“All EMRC policies be reviewed in the twelve months following the ordinary election day in 2021”.
- 2 Council Policy 2.2 Audio Recording of Council Meetings was adopted at the meeting of Council held on 19 March 2020 and is now due for its first review.

## REPORT

- 3 The policies of the EMRC, determined by Council as required by Section 2.7(2)(b) of the *Local Government Act 1995* (the Act), guide and inform management and the public about key Council policies and procedures. It is important that policies are reviewed periodically and amended where necessary.
- 4 EMRC's Executive Leadership Team, together with relevant Officers, have undertaken a comprehensive review of the three policies. The following objectives were used as a basis for undertaking the review:
- To ensure policies met the definition of a policy;
  - To incorporate in the policies appropriate amendments to account for changes due to legislative changes (if any) or details such as dates, times and values since the last review;
  - To realign all Council policies with the revised *EMRC 10 Year Strategic Plan 2017 - 2027* under the heading 'Strategic Plan Objective'; and
  - To ensure the policies are contemporary and appropriate for the Council.
- 5 Three policies have been reviewed and the changes are tabled here for Council's consideration.
- 6 A summary of the proposed changes to the Council policies are provided in Attachment 1 of this report.
- 7 The main types of considerations for this review are as follows:
- Maintain the current policy without amendment;
  - Maintain the policy with amendments; and
  - Delete the policy if it is no longer required, for example if these are covered under the *Local Government Act 1995* and regulations or has been incorporated into another policy.
- 8 The proposed changes are tracked and provided in Attachment 2 of this report.
- 9 The changes made to Council policies 1.1 and 2.2 are minor updates only.
- 10 With regards to Council Policy 2.2, it is noted that the State Government is currently in the process of reforming the *Local Government Act 1995* to include mandating live streaming and recording of Council meetings. When the reform has been finalised, and the resultant changes may have on all policies generally, and specifically Council Policy 2.2, all policies will be again reviewed and harmonised with the legislated changes.
- 11 Council Policy 7.2 has been changed slightly to include amendments that have arisen as a result of the recent work health and safety legislation changes and the amended policy now includes volunteers.
- 12 A clean copy of the final draft of the revised three policies are tabled for Council's consideration for adoption, forming Attachment 3 of this report.
- 13 Consistent with previous Council instructions to review each policy every four years, all the policies will be reviewed progressively during a four year cycle.

## STRATEGIC/POLICY IMPLICATIONS

- 14 Reporting on EMRC Strategic Policy implications align with the revised Strategic Plan 2017-2027 and the Sustainability Strategy:
- Target - Sustainability integrated into management processes.

**FINANCIAL IMPLICATIONS**

15 Nil

**SUSTAINABILITY IMPLICATIONS**

16 The policies under review contribute to sustainability by informing management and the public about key Council policies and procedures.

**RISK MANAGEMENT**

<b>Risk – Non-Compliance with Local Government Act 1995 and Administration Regulations.</b>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Moderate
<b>Action/Strategy</b>		
➤ Council to adopt the revised Council Policies 1.1, 2.2 and 7.2		

**MEMBER COUNCIL IMPLICATIONS**

<b>Member Council</b>	<b>Implication Details</b>
Town of Bassendean	} Nil
City of Bayswater	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

**ATTACHMENT(S)**

1. Summary of three x EMRC policies and recommended changes (D2023/11748)
2. Three x EMRC policies with tracked changes to the documents (D2023/11749)
3. Three x EMRC policies incorporating changes made i.e. final policy documents (D2023/11752)

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION(S)**

That:

1. With the exception of Council Policy ....., which is withdrawn, Council adopts the policies as reviewed and amended forming Attachment 3 to this report.
2. The adopted policies, as reviewed and amended forming Attachment 3 to this report, be scheduled to be reviewed in four years.



**COUNCIL RESOLUTION(S)**

MOVED CR

SECONDED CR





## Summary of EMRC Policies and Recommended Changes

### 1. MANAGEMENT

No:	Policy Title	Summary of Changes
1.1	Election of MWAC Representatives	Keep with minor Amendments

### 2. COUNCIL AND COMMITTEE

No:	Policy Title	Summary of Changes
2.2	Audio Recording of Council Meetings	Keep with minor Amendments

### 7. RISK MANAGEMENT

No:	Policy Title	Summary of Changes
7.2	Occupational Health and Safety; Work Health and Safety	Updated to include the new Work Health and Safety legislation



# EMRC

## Council Policy 1.1

### Election of MWAC Representatives

#### Strategic Plan Objective

To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives, including:

To lead by example by reducing environmental impacts through efficient operations, forward thinking and supporting circular and sustainability initiatives in the region.

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

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#### Purpose

To provide for representation on the Municipal Waste Advisory Council (MWAC).

The Municipal Waste Advisory Council is a standing committee of the Western Australian Local Government Association (WALGA) with delegated authority on municipal waste issues.

#### Legislation

Nil

#### Policy Statement

1. The Council will elect a member delegate and member deputy delegate to represent the EMRC on the MWAC.
2. If the member delegate is not present at a MWAC meeting the member deputy delegate will be eligible to vote on behalf of the EMRC.

#### Financial Considerations

Nil

#### Adopted/Reviewed

24 June 1993  
 22 July 1999  
 02 May 2002  
 20 May 2004  
 23 February 2006  
 18 September 2008  
 23 September 2010  
 18 September 2014  
 06 December 2018  
[22 June 2023](#)

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**Next Review**

[June 2027 Following the Ordinary Elections in 2024](#)

**Responsible Unit**

Business Support Team



## Council Policy 2.2

### Audio Recording of Council Meetings

#### Strategic Plan Objective

~~To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives.~~

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

**Commented [JL1]:** This needs to updated to new revised Strat plan objectives

#### Purpose

To ensure open, transparent and accountable decision making and access to Council meetings.

To emphasise that the reason for the recording of Council Meetings is to ensure the accuracy of Council meeting minutes and that any reproduction of these minutes ~~are-is~~ for the sole purpose of Council business.

To ensure that there is a process in place to outline the access to recorded Council meetings.

#### Legislation

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*State Records Act 2000*

*Standing Orders Local Law 2013*

#### Policy Statement

##### Recording of Proceedings

1. All Ordinary and Special meetings of Council will, wherever technically possible, be audio recorded by the EMRC in their entirety, excluding where Council has resolved to close the meeting to members of the public in accordance with section 5.23 of the *Local Government Act 1995* and the EMRC's *Standing Orders Local Law 2013*.
2. Clear signage will be placed in the Council Chamber advising members of the public that the meeting will be audio recorded.
3. At the commencement of each Council meeting the Chairman will publicly announce that the meeting will be audio recorded.
4. Other than in accordance with this Policy, a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of Council without the written permission of the Chairman or Chief Executive Officer.
5. Opinions expressed or statements made by persons during the course of a Council meeting, and contained within the audio recording, are the opinions or statements of those individual persons and do not represent opinions or statements of the EMRC. The recording is not, and shall not be taken to be, a confirmed official record of Council, or of any meeting or discussion to which it relates or may appear to relate.
6. The recording of Council meetings shall assist in the preparation of the minutes of Council consistent with the objectives of section 1.3(2)(c) of the *Local Government Act 1995*.



- 7. The official record of the meeting will be the written minutes prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, which require confirmation by Council resolution and must be signed by the person presiding at the meeting.

**Access to and Permitted Use of Recordings**

- 8. The audio recording excluding those parts of the meeting that were closed to the public by resolution of Council shall be made available on the EMRC's website following the Council meeting.
- 9. For the avoidance of doubt any confidential items that have been closed to the public will not be recorded.
- 10. The Chief Executive Officer is to determine whether to release or withhold all or part of the audio recordings of any Council meeting, including deputations, if the recording contains inappropriate, offensive or inaccurate comments.
- 11. The EMRC prohibits any reproduction, distribution, republication and/or retransmission of Council meeting audio recordings without the prior written consent of the EMRC.

**Retention and Disposal of Audio Recordings**

- 12. Audio recordings will be retained in accordance with the *State Records Act 2000*.
- 13. Disposal will be in accordance with the General Disposal Authority for Local Government Records which allow for the destruction of the audio recordings of Council meetings one (1) year after confirmation of the minutes of meeting.

**Dispute Resolution**

- 14. All disputes in regard to this Policy will be referred to the Chief Financial Officer in the first instance. In the event that an agreement cannot be reached, the matter will be submitted to the Chief Executive Officer for determination.

**Financial Considerations**

The costs of implementing the audio recording and making it publicly accessible will be budgeted for.

**Adopted/Reviewed**

19 March 2020

22 June 2023

**Next Review**

June 2027 Following the Ordinary Elections in 2024

**Responsible Unit**

Business Support Team

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## Council Policy 7.2

### ~~Occupational Health and Safety~~ Work Health and Safety

#### Strategic Plan Objective

To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives.

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4.5 To improve organisational culture, health, welfare and safety through consultation, monitoring and continuous improvement.

**Commented [JL1]:** This needs to be updated to the objectives of the new revised Strategic Plan.

#### Purpose

This policy states the commitment of the Eastern Metropolitan Regional Council to the safety and health of its workers, employees, contractors, volunteers and the general public who visit our workplaces or have the potential to be affected by our activities.

#### Legislation

Work Health and Safety Act 2020

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Work Health and Safety Regulations 2022

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Guidance Material (Codes of practice, guidance notes, Australian and International Standards)

Workers Compensation and Injury Management Act 1981

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Workers Compensation and Injury Management Regulations 1982

Workers Compensation Code of Practice (Injury Management) 2005

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#### Policy Statement

The Eastern Metropolitan Regional Council (EMRC) is committed and strives to ensure the work health, safety and wellbeing of workers, volunteers, visitors, contractors, members of public and local community and others accessing EMRC sites and facilities. We will strive to comply with the *Work Health and Safety Act (2020)* and the *Work Health and Safety (General) Regulations (2022)* as far as is reasonably practicable. As a person conducting a business or undertaking (PCBU), we are committed to meet our positive obligations to due diligence and empowering our workers with information that actively mitigates workplace risk.

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The Eastern Metropolitan Regional Council recognises that health and safety is a key component in the management of all its business activities. The EMRC is wholly committed to safe working practices and providing safe places of work by placing the highest value on Occupational Health and Safety in its operations. Our goal is to be recognised as leaders in occupational health and safety practices through compliance, education, communication and innovation.

To achieve our goals EMRC is committed to:

- Ensure there are systems, resources and clear responsibilities to implement and review the Work Health and Safety Policy and continuously improve its application.
- Ensure measurable Health and Safety objectives and targets are established, and planning is undertaken to achieve objectives, and monitor results.
- Implement risk management systems that identify existing and potential hazards, assess the associated risk and implement effective control strategies to lower the risk to as low as reasonably practicable.

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- Ensure that all workers, volunteers and contractors are fully informed, instructed, trained, supervised and or verified as competent in the tasks they are required to perform so as to ensure they are able to execute their duties in a safe and efficient manner.
- Communicate and consult with Health and Safety Representatives, workers and contractors in regard to safety and health related matters, to ensure feedback and involvement is sought from all personnel.
- Ensure there are systems in place for the identification of legal and other requirements relevant to the EMRC's operations and processes established to monitor compliance.
- Ensure all workers and contractors are fully aware of their responsibility to take reasonable care to safeguard their own health and safety at work and avoid adversely affecting the health and safety of others through any act or omission at work.
- Regularly monitor the workplace for known risks that may likely present, including the application of higher order Hierarchy of Controls for which are reviewed on a reoccurring basis to ensure the effectiveness in maintaining a happy healthy and safe workplace environment.
- Achieve the best level of recovery and return to the workplace for injured workers by implementing rehabilitation and injury management initiatives.

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- ~~Complying with all relevant OSH Legislation and other requirements placed upon the organisation.~~
- ~~Developing sustainable Safety Management Systems and Safety Management Plans for all workplaces.~~
- ~~Promoting a culture of continuous improvement in workplace health, safety and wellbeing.~~
- ~~Risk Management processes and ensuring consistency with the nature of our workplace activities and assessment of risk.~~
- ~~Establishing measurable objectives and targets for occupational safety and health to ensure continuous improvement aimed at eliminating work-related injury and illness.~~
- ~~Establishing and maintaining communication and consultation processes that ensure employees are included in decision making processes that impact on health and safety in the workplace.~~
- ~~Ensuring employees are trained and competent to carry out their roles in a safe manner and to provide training where required to develop employees where required.~~
- ~~Implementing the provisions of this policy in all areas of our business activity and on all sites where our activities are undertaken.~~

The Chief Executive Officer, supported by the management team, has ultimate responsibility for providing a safe and healthy work environment which includes:

- Ensuring that there is close cooperation and consultation between management and ~~employees-workers~~ regarding safety related matters. (A consultative process such as the Safety Advisory Committee and the involvement of Safety and Health Representatives is seen as an essential feature of the Program.)
- The ongoing recognition and control of all hazards through a hazard identification and control process.
- Ensuring formal training is conducted, (includes Safety Induction processes), to improve the health and safety related knowledge and skills of ~~employees-all and contractorsworkers, contractors and volunteers~~ as relevant.
- Ensuring plant and equipment is safe and suitable for the job, via effective purchasing, inspection and maintenance systems.
- Providing an effective system for accident / incident reporting, investigation and recording.
- Ensuring systems are in place that minimise risk as low as reasonably practicable in the general work environment through ~~elimination the hierarchy of controls or the use of effective controls and where personal protective equipment and clothing is the last consideration for control.~~
- Ensuring that Emergency Response Procedures are developed and implemented to protect ~~anyone-all persons~~ on council premises in the event of an emergency.



- Providing health related information and encouraging activities that promote the health and wellbeing of ~~employees~~workers, including the provision of an Employee Assistance Program and a Health Promotion Program.
- Ensuring EMRC ~~develops and implements~~maintains an effective and consistent injury management process in the event that a ~~workern~~employee may suffer a ~~work-related~~work-related injury.
- Ensuring the EMRC Safety Management System complies with all relevant legislation.

### Worker (Employee, Contractor & Volunteers) Commitment

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Workers will co-operate in achieving our goals by following all WHS policies and procedures and ensuring their own safety, health and wellbeing, and in consideration of the effect of their actions on other persons in the workplace. A worker will report health and safety incidents and hazards, participate in training and use safety equipment and PPE as instructed. All contractors and sub-contractors who perform work for us, either on our premises or at their own workplace, are required to comply with the WHS Act and Regulations. Contractors are required to complete a Contractor's Compliance Statement when requested by us.

EMRC Employees and Contractors are responsible for:

- ~~Complying with EMRC policies and procedures~~
- ~~Following all lawful instructions given by EMRC management.~~
- ~~Committing to their own safety and the safety of others in the workplace or effected by work carried out in EMRC activities.~~
- ~~Contributing to EMRC health and safety activities to ensure EMRC complies with its legislated requirements.~~
- ~~Reporting all injuries, incidents and hazards that may occur at the workplace.~~

### Financial Considerations

The annual budget has adequate amounts allocated to provide safety related support services (consulting and training) to all EMRC managed operations.

### Adopted/Reviewed

- 22 September 2005
- 23 February 2006
- 18 September 2008
- 23 September 2010
- 18 September 2014
- 6 December 2018-
- 22 June April 2023

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### Next Review

June 2027, 3 February 2023 or as required

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### Responsible Unit

Human Resources





# Council Policy 1.1

## Election of MWAC Representatives

### Strategic Plan Objective

To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives, including:

To lead by example by reducing environmental impacts through efficient operations, forward thinking and supporting circular and sustainability initiatives in the region.

### Purpose

To provide for representation on the Municipal Waste Advisory Council (MWAC).

The Municipal Waste Advisory Council is a standing committee of the Western Australian Local Government Association (WALGA) with delegated authority on municipal waste issues.

### Legislation

Nil

### Policy Statement

1. The Council will elect a member delegate and member deputy delegate to represent the EMRC on the MWAC.
2. If the member delegate is not present at a MWAC meeting the member deputy delegate will be eligible to vote on behalf of the EMRC.

### Financial Considerations

Nil

### Adopted/Reviewed

24 June 1993  
 22 July 1999  
 02 May 2002  
 20 May 2004  
 23 February 2006  
 18 September 2008  
 23 September 2010  
 18 September 2014  
 06 December 2018  
 22 June 2023



**Next Review**

June 2027

**Responsible Unit**

Business Support Team

## Council Policy 2.2

### Audio Recording of Council Meetings

#### Strategic Plan Objective

To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives.

#### Purpose

To ensure open, transparent and accountable decision making and access to Council meetings.

To emphasise that the reason for the recording of Council Meetings is to ensure the accuracy of Council meeting minutes and that any reproduction of these minutes is for the sole purpose of Council business.

To ensure that there is a process in place to outline the access to recorded Council meetings.

#### Legislation

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*State Records Act 2000*

*Standing Orders Local Law 2013*

#### Policy Statement

##### Recording of Proceedings

1. All Ordinary and Special meetings of Council will, wherever technically possible, be audio recorded by the EMRC in their entirety, excluding where Council has resolved to close the meeting to members of the public in accordance with section 5.23 of the *Local Government Act 1995* and the EMRC's *Standing Orders Local Law 2013*.
2. Clear signage will be placed in the Council Chamber advising members of the public that the meeting will be audio recorded.
3. At the commencement of each Council meeting the Chairman will publicly announce that the meeting will be audio recorded.
4. Other than in accordance with this Policy, a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of Council without the written permission of the Chairman or Chief Executive Officer.
5. Opinions expressed or statements made by persons during the course of a Council meeting, and contained within the audio recording, are the opinions or statements of those individual persons and do not represent opinions or statements of the EMRC. The recording is not, and shall not be taken to be, a confirmed official record of Council, or of any meeting or discussion to which it relates or may appear to relate.
6. The recording of Council meetings shall assist in the preparation of the minutes of Council consistent with the objectives of section 1.3(2)(c) of the *Local Government Act 1995*.
7. The official record of the meeting will be the written minutes prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, which require confirmation by Council resolution and must be signed by the person presiding at the meeting.

### **Access to and Permitted Use of Recordings**

8. The audio recording excluding those parts of the meeting that were closed to the public by resolution of Council shall be made available on the EMRC's website following the Council meeting.
9. For the avoidance of doubt any confidential items that have been closed to the public will not be recorded.
10. The Chief Executive Officer is to determine whether to release or withhold all or part of the audio recordings of any Council meeting, including deputations, if the recording contains inappropriate, offensive or inaccurate comments.
11. The EMRC prohibits any reproduction, distribution, republication and/or retransmission of Council meeting audio recordings without the prior written consent of the EMRC.

### **Retention and Disposal of Audio Recordings**

12. Audio recordings will be retained in accordance with the *State Records Act 2000*.
13. Disposal will be in accordance with the General Disposal Authority for Local Government Records which allow for the destruction of the audio recordings of Council meetings one (1) year after confirmation of the minutes of meeting.

### **Dispute Resolution**

14. All disputes in regard to this Policy will be referred to the Chief Financial Officer in the first instance. In the event that an agreement cannot be reached, the matter will be submitted to the Chief Executive Officer for determination.

### **Financial Considerations**

The costs of implementing the audio recording and making it publicly accessible will be budgeted for.

### **Adopted/Reviewed**

19 March 2020

22 June 2023

### **Next Review**

June 2027

### **Responsible Unit**

Business Support Team

# Council Policy 7.2

## Work Health and Safety

### Strategic Plan Objective

To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives.

### Purpose

This policy states the commitment of the Eastern Metropolitan Regional Council to the safety and health of its workers,, contractors, volunteers and the general public who visit our workplaces or have the potential to be affected by our activities.

### Legislation

*Work Health and Safety Act 2020*

*Work Health and Safety Regulations 2022*

Guidance Material (Codes of practice, guidance notes, Australian and International Standards)

*Workers Compensation and Injury Management Act 1981*

*Workers Compensation and Injury Management Regulations 1982*

*Workers Compensation Code of Practice (Injury Management) 2005*

### Policy Statement

The Eastern Metropolitan Regional Council (EMRC) is committed and strives to ensure the work health, safety and wellbeing of workers, volunteers, visitors, contractors, members of public and local community and others accessing EMRC sites and facilities. We will strive to comply with the *Work Health and Safety Act 2020* and the *Work Health and Safety (General) Regulations 2022* as far as is reasonably practicable. As a person conducting a business or undertaking (PCBU), we are committed to meet our positive obligations to due diligence and empowering our workers with information that actively mitigates workplace risk.

- To achieve our goals EMRC is committed to:
- Ensure there are systems, resources and clear responsibilities to implement and review the Work Health and Safety Policy and continuously improve its application.
- Ensure measurable Health and Safety objectives and targets are established, and planning is undertaken to achieve objectives, and monitor results.
- Implement risk management systems that identify existing and potential hazards, assess the associated risk and implement effective control strategies to lower the risk to as low as reasonably practicable.
- Ensure that all workers, volunteers and contractors are fully informed, instructed, trained, supervised and or verified as competent in the tasks they are required to perform so as to ensure they are able to execute their duties in a safe and efficient manner.
- Communicate and consult with Health and Safety Representatives, workers and contractors in regard to safety and health related matters, to ensure feedback and involvement is sought from all personnel.
- Ensure there are systems in place for the identification of legal and other requirements relevant to the EMRC's operations and processes established to monitor compliance.

- Ensure all workers and contractors are fully aware of their responsibility to take reasonable care to safeguard their own health and safety at work and avoid adversely affecting the health and safety of others through any act or omission at work.
- Regularly monitor the workplace for known risks that may likely present, including the application of higher order Hierarchy of Controls for which are reviewed on a reoccurring basis to ensure the effectiveness in maintaining a happy healthy and safe workplace environment.
- Achieve the best level of recovery and return to the workplace for injured workers by implementing rehabilitation and injury management initiatives.

The Chief Executive Officer, supported by the management team, has ultimate responsibility for providing a safe and healthy work environment which includes:

- Ensuring that there is close cooperation and consultation between management and workers regarding safety related matters. (A consultative process such as the Safety Advisory Committee and the involvement of Safety and Health Representatives is seen as an essential feature of the Program.)
- The ongoing recognition and control of all hazards through a hazard identification and control process.
- Ensuring formal training is conducted, (includes Safety Induction processes), to improve the health and safety related knowledge and skills of all workers, contractors and volunteers as relevant.
- Ensuring plant and equipment is safe and suitable for the job, via effective purchasing, inspection and maintenance systems.
- Providing an effective system for accident / incident reporting, investigation and recording.
- Ensuring systems are in place that minimise risk as low as reasonably practicable in the general work environment through the hierarchy of controls...
- Ensuring that Emergency Response Procedures are developed and implemented to protect all persons on council premises in the event of an emergency.
- Providing health related information and encouraging activities that promote the health and wellbeing of workers, including the provision of an Employee Assistance Program and a Health Promotion Program.
- Ensuring EMRC maintains an effective and consistent injury management process in the event that a worker may suffer a work-related injury.
- Ensuring the EMRC Safety Management System complies with all relevant legislation.

### **Worker (Employee, Contractor & Volunteers) Commitment**

Workers will co-operate in achieving our goals by following all WHS policies and procedures and ensuring their own safety, health and wellbeing, and in consideration of the effect of their actions on other persons in the workplace. A worker will report health and safety incidents and hazards, participate in training and use safety equipment and PPE as instructed. All contractors and sub-contractors who perform work for us, either on our premises or at their own workplace, are required to comply with the WHS Act and Regulations. Contractors are required to complete a Contractor's Compliance Statement when requested by us.

### **Financial Considerations**

The annual budget has adequate amounts allocated to provide safety related support services (consulting and training) to all EMRC managed operations.



### **Adopted/Reviewed**

22 September 2005  
23 February 2006  
18 September 2008  
23 September 2010  
18 September 2014  
6 December 2018  
22 June 2023

### **Next Review**

June 2027

### **Responsible Unit**

Human Resources

## 6.2 REQUEST FOR TENDER RFT 2023-004 – FIRE HYDRANT PIPEWORK SYSTEM UPGRADE AT THE HAZELMERE RESOURCE RECOVERY PARK (HRRP)

D2023/11738

### PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of an EMRC decision not to accept any tender in relation to RFT 2023-004 for the Fire Hydrant Pipework System Upgrade at the Hazelmere Resource Recovery Park (HRRP) and to adopt the tender exemption process in accordance with the *Local Government (Functions and General) Regulations 1996*.

### KEY POINT(S)

- The fire hydrant pipework system at the HRRP requires a minimum 550 metres section of pipe to be upgraded from 100 mm diameter pipe to 200 mm diameter pipe to ensure that the fire hydrant meets Australian Standards.
- A request for tender, RFT 2023-004 for the Fire Hydrant Pipework System Upgrade was issued via Tenderlink on 15 April 2023 and a mandatory site briefing was conducted on 21 April 2023.
- The request for tender closed on 5 May 2023 with only one tender submission received from Cooper & Jones Plumbing Pty Ltd.
- It is recommended that Council not accept any tender in relation to RFT 2023-004 in accordance with r.18(5) of the *Local Government (Functions and General) Regulations 1996* (Regulations).
- Further, it is recommended that Council adopt the tender exemption process under r.11(2)(c)(i) of the Regulations and authorises the CEO to conduct a request for quotations process.

### RECOMMENDATION(S)

That Council:

1. In accordance r.18(5) of the *Local Government (Functions and General) Regulations 1996*, not accept any tender in relation to RFT 2023-004 for the Fire Hydrant Pipework System Upgrade at the Hazelmere Resource Recovery Park and advise the tenderer of this decision.
2. Adopts the tender exemption process under r.11(2)(c)(i) of the *Local Government (Functions and General) Regulations 1996* and as specified under Council Policy 3.5 Purchasing Policy.
3. Authorises the Chief Executive Officer to conduct a request for quotations procurement process for the Fire Hydrant Pipework System Upgrade at the Hazelmere Resource Recovery Park.

### SOURCE OF REPORT

Chief Financial Officer



## BACKGROUND

1. The EMRC is currently constructing a Waste Transfer Station (WTS) on Lot 814 of the Hazelmere Resource Recovery Park. The existing fire hydrant system around Hazelmere Resource Recovery Facility (HRRF) is to be extended to include this area.
2. A design consultant was appointed to arrange and conduct a suite of tests to determine whether the existing fire hydrant main line on the site will be able to sufficient to include the WTS and remain compliant with Australian Standards (AS 2419.1).
3. The test results concluded that the existing System will not be compliant with Australian Standards if its use is extended to operate new WTS currently under construction.
4. Investigation and analysis have highlighted that sections of the existing fire hydrant main only has a diameter of 100mm and is therefore not sufficient to meet AS2419.
5. Accordingly, the existing System will be required to be upgraded. To make the system compliant and allow for expansion to the WTS, a 780m section of the existing 100mm diameter pipework needs to be upgraded with 200mm diameter pipe.
6. At the 23 March 2023 meeting of Council it was resolved:

*“THAT:*

1. *COUNCIL BY ABSOLUTE MAJORITY APPROVES UNBUDGETED EXPENDITURE AS DETAILED IN THE REPORT.*
2. *THE REPORT AND ATTACHMENT REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND THE CEO.”*

## REPORT

7. RFT 2023-004 for the Fire Hydrant Pipework System Upgrade at the HRRP was issued via Tenderlink on 15 April 2023. A mandatory site briefing was held on 21 April 2023 and the tenders closed on 5 May 2023.
8. Only one tender submission was received from the following compliant tenderer:
  - Cooper and Jones Plumbing Pty Ltd.
9. The following qualitative criteria formed part of the tender process:

Description of Qualitative Criteria	Weighting
a) Environmental Protection	10%
b) Relevant Experience	10%
c) Skills and Experience of Key Personnel	5%
d) Methodology	15%
e) Health and Safety Management	10%

10. Price was weighted at 50% of the evaluation.

11. During the evaluation process it was determined that the submission from Cooper and Jones Plumbing Pty Ltd for the fire hydrant pipework system upgrade at the HRRP does not satisfy the value for money assessment and is therefore not the most advantageous outcome for the EMRC. The submission did not meet the EMRC's requirements and in accordance with r.18(5) of the Regulations it is recommended that Council not accept tender RFT 2023-004 for the Fire Hydrant Pipework System Upgrade at the HRRP.
12. During the tender evaluation it was determined that the price presented by the single tenderer is prohibitive as the tendered cost is almost double the pre-tendered cost estimate.
13. An independent quantity surveyor was engaged to determine if the tendered price presented value for money. The surveyor was commissioned to value the work based on the tender documents. The quantity surveyor's assessment estimated the work to be at the original approximate cost.
14. It was therefore concluded that on this occasion the tender process did not meet value for money principles and that by virtue of r.11(2)(c)(i) of the Regulations tenders do not have to be publicly invited again when it has been determined that no tender met the tender specifications or value for money assessment.
15. R.11(2)(c)(i) of the Regulations states:  
  
*"Tenders do not have to be publicly invited according to the requirements of this Division if –  
  
within the last 6 months –  
  
the local government has, according to the requirements of this Division, publicly invited tenders for the supply of goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment;"*
16. It is therefore concluded that the request for tender RFT 2023-004 for the Fire Hydrant Pipework System Upgrade at the HRRP does not meet the value for money assessment and should not be awarded and that the CEO be authorised to conduct a request for quote process to find a suitable supplier.

### STRATEGIC/POLICY IMPLICATIONS

17. Reporting on EMRC Strategic Policy implications align with the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027:

Goal: Environment Impact

Objective: Reduce our environmental impacts through efficient operations, forward thinking and supporting circular and sustainability initiatives in the region

### FINANCIAL IMPLICATIONS

18. The proposal to upgrade the fire hydrant pipe system was originally unbudgeted and was approval by Council at its meeting of Council on 23 March 2023.
19. The upgrade is to be funded from the Future Development Reserve.

### SUSTAINABILITY IMPLICATIONS

20. The HRRP will require the fire hydrant system to be upgraded to not only make the existing System compliant but allow for the expansion and safe operations of the new Waste Transfer Station.

**RISK MANAGEMENT**

**Risk – Request for Tender that is above the Chief Executive Officer’s delegated authority limit must be approved by Council prior to the award or non-award of a Contract.**

Consequence	Likelihood	Rating
Moderate	Possible	Moderate
<b>Action/Strategy</b>		
➤ Council to not accept any tender and authorise the CEO to conduct a request for quote process		

**MEMBER COUNCIL IMPLICATIONS**

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

**ATTACHMENT(S)**

Supplier Company Details (D2023/11739)

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION(S)**

That Council:

1. In accordance r.18(5) of the *Local Government (Functions and General) Regulations 1996*, not accept any tender in relation to RFT 2023-004 for the Fire Hydrant Pipework System Upgrade at the Hazelmere Resource Recovery Park and advise the tenderer of this decision;
2. Adopts the tender exemption process under r.11(2)(c)(i) of the *Local Government (Functions and General) Regulations 1996* and as specified under Council Policy 3.5 Purchasing Policy; and
3. Authorises the Chief Executive Officer to conduct a request for quotations procurement process for the Fire Hydrant Pipework System Upgrade at the Hazelmere Resource Recovery Park.

**COUNCIL RESOLUTION(S)**


MOVED CR

SECONDED CR



**Eastern Metropolitan Regional Council**  
 226 Great Eastern Highway, Ascot WA 6104  
 PO Box 234, Belmont WA 6984  
 T (08) 9424 2222  
 E mail@emrc.org.au  
[www.emrc.org.au](http://www.emrc.org.au)

### COMPANY DIRECTOR DETAILS FORM

COMPANY PARTICULARS	
Company Name in Full:	Cooper and Jones Plumbing PTY LTD
ABN / ACN:	83 612 899 242/612 899 242
Address of Registered Office:	4 Volcanic Loop, Wangara WA 6065
Principal Place of Business:	4 Volcanic Loop, Wangara WA 6065
Information on previous company names (if applicable):	
DIRECTOR PARTICULARS	
Title:	Mr
Full Forename(s):	Larry
Surname:	Watson
Former Name(s):	
Country / State of Residence:	Australia/Western Australia
Nationality:	Australian
Date of Birth:	29/01/1957
Date of Appointment:	1979
Telephone:	0402 792 229
Email:	lwatson@cooperjones.com.au
LIST OF CONTRACTORS	
Contractor 1:	Claremont Asphalt
Contractor 2:	Bullseye Boring
Contractor 3:	CK Maloney Surveying
Contractor 4:	Star Scanning
Contractor 5:	SERS: Environmental Consultant
Contractor 6:	
Contractor 7:	
Director's Signature:	
Date:	4/05/2023

Please complete and return this form with your tender submission



**7 NOTICE OF MOTION**

7.1 NOTICE OF MOTION RECEIVED FROM CR STEVEN OSTASZEWSKYJ

## 7.1 NOTICE OF MOTION RECEIVED FROM CR STEVEN OSTASZEWSKYJ

**D2023/11735**

In accordance with Clause 4.18 of the *EMRC Standing Orders Local Law 2013*, Cr Steven Ostaszewskyj has given notice of his intention to propose the following motion at the Ordinary Meeting of Council to be held on 22 June 2023:

### **MOTION**

That:

1. Council instructs the Chief Executive Officer to undertake a review of the Secondary Waste Charge, having regard to the future use of the Secondary Waste Reserve to fund alternate waste treatment projects and the level of charge appropriate to achieve the strategic objectives of the EMRC 10 Year Strategic Plan 2017 – 2027.
2. The outcome of the review be tabled at a future meeting of Council prior to the adoption of the 2024-2025 Annual Budget.

### **Rationale provided by Cr Ostaszewskyj**

- 1 The Secondary Waste Reserve has been established to build up sufficient funds for alternate waste treatment projects, with the intention of diverting waste from landfill.
- 2 This has resulted in a secondary waste charge collected from each tonne of member Council household waste that is disposed of at the landfill at Red Hill. At its inception, this was \$2/tonne with a \$2/tonne increase each year. The annual increase has since ceased with the current rate remaining at \$38/tonne.
- 3 The secondary waste charge will not be paid by all member councils because of the way waste is being diverted to different places by different member councils and therefore the investment of money into the secondary waste reserve from the secondary waste charge will be borne by some Councils and not others as it currently stands.
- 4 As a result of the interim FOGO facility at Red Hill Waste Management Facility, the City of Bayswater and Town of Bassendean have introduced their third bin with FOGO waste diverted from landfill. Accordingly, FOGO waste currently does not attract the secondary waste charge.
- 5 EMRC member Councils, except for the City of Bayswater and the Town of Bassendean, have contracted through the EMRC to dispose of their household waste at the East Rockingham Waste to Energy (ERWTE) facility. Originally budgeted to divert this waste stream from the Red Hill landfill in November 2022, the current budgeted starting date is November 2023. When the ERWTE facility is completed, all household waste that is currently going to Red Hill will be diverted to the ERWTE facility, until FOGO is implemented in these WtE participating member Councils. ERWTE waste tonnages will also not attract the secondary waste charge.
- 6 The outcome of these factors would mean that the remaining household waste disposed of at Red Hill will be significantly less. This will also mean the accumulation of sufficient monies to fund any alternate waste treatment projects will be significantly reduced.
- 7 The permanent FOGO facility was contemplated by Council in the EMRC 10 Year Strategic Plan. In the event the EMRC does not have sufficient funds in the reserve, a loan will be required. As a regional local government, the EMRC is unable to source a loan in its own right. Unless member Councils are prepared to fund a large lump sum from their own respective cash reserves or underwrite a loan for the EMRC for the permanent facility when it is required, this would limit the options available to the EMRC and our member Councils to meet the strategic objectives for the benefit of our member Councils and the stakeholders in our Region.

8 Given this, it would be timely that a review be undertaken of how the Secondary Waste Reserve is to be funded collectively and equitably.

**Officer Comments**

9 At the time, the EMRC Council of the day was visionary in planning for the future, contemplating the opportunities to divert waste from landfill by establishing the Secondary Waste Reserve.

10 Since that time, the projects approved by Council have resulted in investment from the Secondary Waste Reserve in alternate waste treatment as well as the declaration of distributions over the past 3 years to support all member Councils including their respective rollout of FOGO collections, with collection infrastructure being a component of secondary waste processing and resource recovery of municipal solid waste for households.

11 At the 24 November 2022 meeting, Council endorsed the Revised 10 Year Strategic Plan – 2017 to 2027 which reaffirms the commitment of our member Councils moving to a three-bin system by 2025. At the Special Council Meeting of 19 December 2022, Council cancelled the tender process for a permanent FOGO processing but resolved (D2022/18185):

*“THAT:*

3. *COUNCIL CONTINUE WITH THE IMPLEMENTATION OF A PERMANENT FOGO PROCESSING FACILITY IN THE NEAR FUTURE.”*

12 With the change of the EMRC’s operating model away from landfill and towards resource recovery, it is appropriate that a review of the funding for the Secondary Waste Reserve be undertaken. This will enable officers to fully inform Council of the options available to the EMRC going forward.

13 Accordingly, EMRC Officers recommends the motion to be adopted by Council.

**MOTION**

That:

1. Council instructs the Chief Executive Officer to undertake a review of the Secondary Waste Charge, having regard to the future use of the Secondary Waste Reserve to fund alternate waste treatment projects and the level of charge appropriate to achieve the strategic objectives of the EMRC 10 Year Strategic Plan 2017 – 2027.
2. The outcome of the review be tabled at a future meeting of Council prior to the adoption of the 2024-2025 Annual Budget.

**COUNCIL RESOLUTION(S)**

MOVED

SECONDED

**8 CONFIDENTIAL MATTER 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(S)**

MOVED CR

SECONDED CR

**8.1 BUSINESS PLAN FOR A MAJOR TRADING UNDERTAKING – LEASE OF LAND – WOODSIDE (D2023/11769)**

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(S)**

MOVED CR

SECONDED CR

**9 FUTURE AGENDA FORUMS**

The next meeting of Agenda Forum will be held on Thursday 13 July (if required) at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6.00pm.

**Future Forums 2023**

Thursday	13	July	(if required)	at	EMRC Administration Office
Thursday	10	August	(if required)	at	EMRC Administration Office
Thursday	14	September	(if required)	at	EMRC Administration Office
Thursday	09	November	(if required)	at	EMRC Administration Office

**10 DECLARATION OF CLOSURE OF MEETING**