

# AGENDA

D2025/04377

## Agenda Forum 13 March 2025

### Notice of Meeting

Dear Councillors

The next Agenda Forum will be held on Thursday, 13 March 2025 at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6:00pm.



Matthew MacPherson | Chief Executive Officer

7 March 2025

### 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 Filomena Piffaretti	Chairperson	City of Bayswater
Cr Aaron Bowman	Deputy Chairperson	City of Swan
Cr Tallan Ames	EMRC Member	Town of Bassendean
Cr Paul Poliwka	EMRC Member	Town of Bassendean
Cr Michelle Sutherland	EMRC Member	City of Bayswater
Cr Luke Ellery	EMRC Member	Shire of Mundaring
Cr Doug Jeans	EMRC Member	Shire of Mundaring
Cr Jennifer Catalano	EMRC Member	City of Swan

## EMRC Council Deputies

Cr Kathryn Hamilton	EMRC Deputy Member	Town of Bassendean
Cr Giorgia Johnson	EMRC Deputy Member	City of Bayswater
Cr John Daw	EMRC Deputy Member	Shire of Mundaring
Cr Ian Johnson	EMRC Deputy Member	City of Swan

## **Agenda Forum**

### **13 March 2025**

#### **Table of Contents**

<b>1</b>	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS</b>	<b>1</b>
<b>2</b>	<b>ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)</b>	<b>1</b>
<b>3</b>	<b>DISCLOSURE OF INTEREST</b>	<b>1</b>
<b>4</b>	<b>ANNOUNCEMENTS BY THE CHAIRPERSON OR PRESIDING MEMBER</b>	<b>1</b>
<b>5</b>	<b>ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC</b>	<b>1</b>
<b>6</b>	<b>EMPLOYEE REPORTS</b>	<b>1</b>
6.1	RED HILL WASTE MANAGEMENT FACILITY – REVIEW OF PROVISIONS FOR POST CLOSURE MANAGEMENT (D2025/02052)	2
6.2	INFORMATION BULLETIN – AIR POLLUTION CONTROL RESIDUE (APCR) UPDATE (D2025/04380)	8
<b>7</b>	<b>CONFIDENTIAL MATTER FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b>	<b>17</b>
7.1	EAST ROCKINGHAM WASTE TO ENERGY PROJECT - NOVATION OF FINANCIER SIDE DEED (D2025/04429)	17
<b>8</b>	<b>FUTURE AGENDA FORUMS</b>	<b>18</b>
<b>9</b>	<b>DECLARATION OF CLOSURE OF MEETING</b>	<b>18</b>

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

### **1.1 ACKNOWLEDGEMENT OF COUNTRY**

We wish to acknowledge the traditional custodians of the land, the Whadjuk people of the Noongar Nation and to pay our respects to elders past, present and emerging.

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

Cr Bowman is on approved leave of absence.

## **3 DISCLOSURE OF INTEREST**

## **4 ANNOUNCEMENTS BY THE CHAIRPERSON OR PRESIDING MEMBER**

## **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 reports are covered in Section 7 of this agenda:

- EAST ROCKINGHAM WASTE TO ENERGY PROJECT - NOVATION OF FINANCIER SIDE DEED

## **6 EMPLOYEE REPORTS**

6.1 RED HILL WASTE MANAGEMENT FACILITY – REVIEW OF PROVISIONS FOR POST CLOSURE MANAGEMENT (D2025/02052)

6.2 INFORMATION BULLETIN – AIR POLLUTION CONTROL RESIDUE (APCR) UPDATE (D2025/04380)

## **6.1 RED HILL WASTE MANAGEMENT FACILITY – REVIEW OF PROVISIONS FOR POST CLOSURE MANAGEMENT**

**D2025/02052**

### **PURPOSE OF REPORT**

The purpose of the report is to advise Council of the results of a review into the post closure provisions for environmental monitoring and site rehabilitation.

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

- To ensure Compliance with Ministerial Conditions for the Red Hill Waste Management Facility, reserve funds and provisions are to be allocated to decommissioning and post closure of the site.
- An independent review of the post closure provisions established in 2011 was undertaken including an independent review to assess their adequacy.
- The current funds in the post closure site management and environmental monitoring reserves are below the costs identified by the independent review.
- Additional amounts will be required to be allocated to the site rehabilitation and environmental monitoring provisions.
- Funds will be required to be allocated to the post closure reserves based on the usage of the remaining landfill air space.

### **RECOMMENDATION(S)**

That Council:

1. Confirms the present value amounts of \$8.92 million for the rehabilitation of the site and \$10.89 million to fund the environmental monitoring of the Red Hill Waste Management Facility.
2. Approves provisions to be increased to the present value amounts of \$8.92 million for the site rehabilitation and \$10.89 million for environmental monitoring of the Red Hill Waste Management Facility.
3. Approves funds being set aside for post closure management based on the usage of the remaining air space set at \$4.71/tonne and \$5.75/tonne, to be indexed annually and allocated into the Site Rehabilitation Reserve and Environmental Monitoring Reserve respectively.
4. Approves ongoing site rehabilitation costs being treated as operational expenditure appropriately funded in each annual budget.

### **SOURCE OF REPORT**

- **AUTHOR(S):** MANAGER FINANCIAL SERVICES
- **RESPONSIBLE OFFICER:** CHIEF FINANCIAL OFFICER | CHIEF SUSTAINABILITY OFFICER
- **EMPLOYEE DISCLOSURE UNDER SECTION 5.70 LOCAL GOVERNMENT ACT 1995:**  
⇒ Nil

## BACKGROUND

- 1 The Council operates the landfill site at Red Hill Waste Management Facility. There is a present obligation to rehabilitate/make good at the end of the asset's useful life.
- 2 Condition P8 (Site Post Closure) of Ministerial Statement 274 and Condition M5 (Decommissioning) of Ministerial Statement 462 for the Red Hill Waste Management Facility requires the EMRC to assign resources towards effective decommissioning and post closure management of the Red Hill Waste Management Facility.
- 3 A provision for site rehabilitation and environmental monitoring are provisions for the future costs associated with closing and restoring the landfill and is recognised as liabilities within the financial accounts in accordance with Australian Accounting Standards, specifically AASB 137 – Provisions, Contingent Liabilities and Contingent Assets.
- 4 Increments/decrements in the provisions are calculated annually based on the change in the net present value of the future cash outflows of costs. The unwinding of the discount is expensed as incurred and recognised in the Statement of Comprehensive Income as a finance cost.
- 5 In April 2007, Council considered the issue of post closure provisions and noted interalia (Ref: DMDOC/165114):
  - That it is proposed to allocate an amount of \$100,000 per annum for the next four years to the Site Rehabilitation Reserve.
- 6 At its meeting of 23 June 2011 (Ref: DMDOC/147728), Council resolved:

*“THAT:*

  1. *COUNCIL CONFIRMS THE PRESENT VALUE AMOUNTS OF \$1.5 MILLION FOR THE REHABILITATION OF THE SITE AND \$0.5 MILLION TO FUND THE ENVIRONMENTAL MONITORING OF THE RED HILL WASTE MANAGEMENT FACILITY AS SUFFICIENT FOR POST CLOSURE MANAGEMENT PURPOSES.*
  - 2 *AN AMOUNT OF \$0.3093 PER TONNE BE SET ASIDE IN A RESERVE TO FUND ONGOING SITE REHABILITATION.”*
- 7 At its meeting of 18 June 2015 (Ref: D2015/06640), Council resolved:

*“THAT:*

  1. *CONFIRMS THE PRESENT VALUE AMOUNTS OF \$6.92 MILLION FOR THE REHABILITATION OF THE SITE AND \$3.76 MILLION TO FUND THE ENVIRONMENTAL MONITORING OF THE RED HILL WASTE MANAGEMENT FACILITY.*
  2. *APPROVES FUNDS BEING SET ASIDE FOR POST CLOSURE MANAGEMENT BASED ON THE USAGE OF THE REMAINING AIR SPACE SET AT \$0.6355/TONNE AND \$0.3918/TONNE, TO BE INDEXED ANNUALLY AND ALLOCATED INTO THE SITE REHABILITATION RESERVE AND ENVIRONMENTAL MONITORING RESERVE RESPECTIVELY.*
  3. *APPROVES ONGOING SITE REHABILITATION COSTS BEING TREATED AS OPERATIONAL EXPENDITURE APPROPRIATELY FUNDED IN EACH ANNUAL BUDGET.*

## REPORT

- 8 The Site Rehabilitation Reserve is a provision for the future costs associated with closing and restoring the Red Hill Waste Management Facility and is recognised as a liability within the financial accounts. The nature of the future work planned includes final cell capping, landform reconstruction, top soiling, drainage, dismantling of site operating facilities and vegetation planting to suit the final land use. The cost is based on estimated current costs, determined on a non-discounted basis.
- 9 Previously Council has consistently recognised this provision by way of an incremental charge based on the volumetric usage of the landfill air space. From June 2015, the present value for the rehabilitation of the site was calculated to be \$6.92 million and was deemed sufficient for post closure management purposes. To ensure that the principles of the present value are maintained, the annual increase in cumulative interest income relating to the \$6.92 million is reflected as a provision expense each year.
- 10 The provision is measured using the best estimate of the amounts required and is reassessed periodically. In addition, Council has also adopted an incremental charge based on volumetric usage of landfill airspace for ongoing site rehabilitation during the in-use operations of the landfill.
- 11 The Environmental Monitoring Reserve is a similar provision for the future costs associated with environmental monitoring post closure of the Red Hill Waste Management Facility and is recognised as a liability within the financial accounts. The nature of work planned includes monitoring of groundwater, surface water, leachate and landfill gas generation which would form part of an after-care management plan. The cost is based on estimated current costs, determined on a non-discounted basis.
- 12 In June 2015, the present value for the environmental monitoring of the site has been calculated to be \$3.76 million and was deemed sufficient for post closure management purposes. To ensure that the principles of the present value are maintained, the annual increase in cumulative interest income relating to the \$3.76 million is reflected as a provision expense each year. The provision is measured using the best estimate of the amounts required and is reassessed periodically.
- 13 In accordance with the EMRC Council Policy 3.1 - Annual Financial Reporting Policy and the Australian Accounting Standards, the valuation which includes reviewing of the post closure cost estimation is performed every 4 years.
- 14 The post closure cost estimation was divided into two categories, Site Rehabilitation and Environmental Monitoring. The last review of post closure cost estimation was conducted in June 2020.
- 15 Since the 2020 review was undertaken, in January 2022, the Department of Water and Environmental Regulation (DWER) published in its application Form Annex: Category Checklist for solid waste landfill sites (DWER Checklist) which outlines additional detailed information required, including capping system for the proposed landfill cell.
- 16 In August 2024, an independent review of post closure cost estimation was commissioned, and the following assumptions were utilised in the review:

### **Assumptions**

- All costs were based on present day value;
- Costs were based on recent tendered works or services, or costs provided by EMRC for rehabilitation works and environmental monitoring only;
- A 10% contingency was included;
- Rehabilitation estimations were made based on a remaining 10ha of capped landfill cell;



- An estimate was made of site stormwater management and management of landfill subsidence;
  - Environmental Monitoring estimates were based on the implementation of a 30 year after-care management plan across 110 hectares of former landfill including groundwater, surface water, revegetation monitoring, leachate monitoring and landfill gas monitoring; and
  - Dismantling of site operating facilities was based on a quotation from a demolition contractor.
- 17 The independent review of the post closure costs identified that the required costs of post closure site rehabilitation and environmental monitoring are \$8.92 million and \$10.89 million respectively. As at 31 January 2025 the funds set aside in the Site Rehabilitation Reserve and Environmental Monitoring Reserve are \$4.70 million and \$2.18 million respectively.
- 18 The significant increase in the cost estimation for site rehabilitation was attributed to the updates from the Department of Water and Environmental Regulation (DWER) in January 2022 as detailed in paragraph 15 in this report.
- 19 There is a potential that the Site's current capping system design (i.e., clay sealing layer overlain by ferricrete) may not be considered acceptable in the future. Therefore, it is recommended that EMRC consider a standard composite geosynthetics capping system as part of the rehabilitation requirements as a conservative. As a result, the cost estimation for site rehabilitation has been increased from \$4.14 million as at 30 June 2024 to \$8.92 million.
- 20 Some of the remediation costs identified are undertaken as part of the current in-use operating costs and as such will reduce the end of life remediation costs.
- 21 The major increase in the cost estimation for environmental monitoring was due to an increase in aftercare monitoring period from 10 years to 30 years to align with the Victoria EPA's Best Practice Environmental Management: Siting, design, operation and rehabilitation of landfills (BPEM). This resulted in an increase in the cost estimation for environmental monitoring from \$1.90 million as at 30 June 2024 to \$10.89 million.
- 22 Due to the significant changes in the post closure management costs, it is proposed that the value in provisions for the site rehabilitation and environmental monitoring to be increased to the present value of \$8.92 million and \$10.89 million respectively.
- 23 The new rates proposed to be set aside to allocate funds into appropriate reserves based on the usage of the remaining landfill air space are \$4.71/ tonne for site rehabilitation and \$5.75/ tonne for environmental monitoring. The rates are to be indexed annually taking into account the remaining airspace.
- 24 Regular review on the sufficiency of the post closure reserves will take place on a periodic basis of approximately every five (5) years or sooner subject to material changes in operational circumstances.
- 25 It is also proposed that the provisions are not cash backed for the reserves.

## **STRATEGIC/POLICY IMPLICATIONS**

- 26 Reporting on EMRC Strategic Policy implications is now being done to align with the revised Strategic Plan 2017 - 2027 and the Sustainability Strategy 2022/2023 – 2026/2027.

## **FINANCIAL IMPLICATIONS**

- 27 The increase of the Site Rehabilitation Provision and the Environmental Monitoring Provision as detailed in this report will be made to meet the recommendations in this report.





## SUSTAINABILITY IMPLICATIONS

- 28 The provision of funds for post closure management of the Red Hill Waste Management Facility will ensure that the site is managed in a sustainable way to minimise environmental impact, community impact and financial impact on member Councils.

## RISK MANAGEMENT

### Risk – EMRC unable to provide adequate provisions for the Post Closure management costs.

Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
➤ EMRC is to ensure correct quantification of the post closure costs are reflected in the provisions.		

## MEMBER COUNCIL IMPLICATIONS

### Member Council

Town of Bassendean  
City of Bayswater  
Shire of Mundaring  
City of Swan

### Implication Details

As detailed in the report.

## ATTACHMENT(S)

Nil

## VOTING REQUIREMENT

Simple Majority



### **RECOMMENDATION(S)**

That Council:

1. Confirms the present value amounts of \$8.92 million for the rehabilitation of the site and \$10.89 million to fund the environmental monitoring of the Red Hill Waste Management Facility.
2. Approves provisions to be increased to the present value amounts of \$8.92 million for the site rehabilitation and \$10.89 million for environmental monitoring of the Red Hill Waste Management Facility.
3. Approves funds being set aside for post closure management based on the usage of the remaining air space set at \$4.71/tonne and \$5.75/tonne, to be indexed annually and allocated into the Site Rehabilitation Reserve and Environmental Monitoring Reserve respectively.
4. Approves ongoing site rehabilitation costs being treated as operational expenditure appropriately funded in each annual budget.

### **COUNCIL RESOLUTION(S)**

MOVED

SECONDED

## 6.2 INFORMATION BULLETIN

### AIR POLLUTION CONTROL RESIDUE (APCR) UPDATE

D2025/04380

#### PURPOSE OF REPORT

The purpose of this report is to provide Council with an update on the various actions, timelines and decisions undertaken since Air Pollution Control Residue (APCr) disposal came to the fore as a potential EMRC project in 2021.

#### KEY POINT(S)

- Immobilisation Plant and Interim Solution proposed with EPA/DWER;
- Dedicated Solution included with the Immobilisation Plant;
- Community consultation occurred in February 2023;
- Tender for design, supply, install and commissioning of an APCr Immobilisation Plant completed;
- Design of APCr Immobilisation Plant was completed however the design may require amendments at the conclusion of the environmental approval process;
- Council approved the awarding of tender RFT 2022-010 to Enviropacific Services Ltd in March 2023;
- Public review period concluded in January 2025 and the EPA will shortly be providing an update on the 16 submissions received; and
- Responses to 'Questions taken on Notice' from Councillor Catalano, in relation to the APCr are provided in Appendix 1.

#### RECOMMENDATION(S)

That Council receives the report with an update of the status of the APCr project.

#### SOURCE OF REPORT

- AUTHOR(S): CHIEF SUSTAINABILITY OFFICER  
WASTE AND RESOURCES RECOVERY SPECIALIST
- RESPONSIBLE OFFICER: CHIEF SUSTAINABILITY OFFICER
- EMPLOYEE DISCLOSURE UNDER SECTION 5.70 LOCAL GOVERNMENT ACT 1995:  
⇒ Nil

## BACKGROUND

- 1 The APCr project commenced in 2020 with a large number of actions undertaken to this point:
  - June 2020- Discussions commenced with Avertas Energy regarding disposal of APCr from their Kwinana WtE plant to Red Hill and development of a term sheet for a contract. These discussions continued through 2021 and 2022 but no final agreement was reached.
  - 11 June 2021 – A meeting and presentation of the APCr project to DWER and EPA with representatives from EMRC, Talis Consultants and Avertas. The APCr Facility was presented to the officers and the waste acceptance and treatment process was described. The EPA and DWER views on the preferred approval process, data requirements and timelines were confirmed during that meeting. The meeting was used to inform the development of the supporting documents required for the EPA referral process.
  - 14 July 2021 – A further meeting between the EMRC, EPA services and DWER officers was held on 21 July 2021 to determine the preferred pathway for approval of the APCr Facility and the status of the Stage 2 Class IV cell. The EPA and DWER's data requirements for the Facility were discussed, including the requirements relating to community consultation.
  - 19 August 2021 – A presentation of APCr project was made to community working group (WMCRG) and the EMRC held separate information sessions to interested groups outlining a range of current initiatives and future projects, including the APCr Project. A copy of the presentation was provided to attendees and the key findings of these sessions were that the community groups recognised and generally supported the EMRC's vision of advancing its operations and transitioning from a disposal-based service towards playing a leading role in the delivery of circular economy outcomes.
  - 16 September 2021 – Council Agenda Briefing Forum (D2012/16780) an APCr Business Plan was presented to Council (D2021/18873).
  - 23 September 2021 – Ordinary meeting of Council, the Council endorsed the APCr Business Plan (D2021/18505) and resolved as follows:
 

*THAT:*

    - 1 *COUNCIL ENDORSE THE BUSINESS PLAN FORMING THE ATTACHMENT TO THIS REPORT.*
    - 2 *COUNCIL DELEGATE AUTHORITY TO THE CEO, TO NEGOTIATE AN AGREEMENT AS DETAILED IN THIS REPORT.*
    - 3 *COUNCIL DIRECTS THE CEO TO PREPARE A SEPARATE REPORT TO COUNCIL WITH THE PROPOSED AGREEMENT FOR ITS REVIEW AND ENDORSEMENT.*
    - 4 *THE REPORT AND ATTACHMENT REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO."*
  - 13 December 2021 – Submission of EPA Referral for Immobilisation Plan and Interim Disposal Solution (the proposed Monocell was going to be covered within the Harmonisation referral until that work was paused).
  - 24 March 2022 Council meeting - an APCr Updated Confidential Business Plan was presented to Council (D2022/04350 and D2022/05666) whereby Council resolved as follows:
 

*THAT:*

    - 1 *COUNCIL ENDORSES THE REVISED BUSINESS PLAN FORMING THE ATTACHMENT TO THIS REPORT.*
    - 2 *COUNCIL INSTRUCTS THE EMRC CEO TO NEGOTIATE WITH THE EAST ROCKINGHAM WASTE TO ENERGY MANAGEMENT TEAM AS DETAILED IN THIS REPORT.*
    - 3 *COUNCIL DIRECTS THE EMRC CEO TO PREPARE A SEPARATE REPORT TO COUNCIL WITH THE PROPOSED AGREEMENT FOR ITS REVIEW AND ENDORSEMENT.*
    - 4 *THE REPORT AND ATTACHMENT REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.*

- 29 April 2022 – Notice of Decision to Assess Proposal by EPA was provided - The original referral sought approval to deliver the APCr Immobilisation Plant and Interim Solution only, with the EMRC intending to provide a short-term solution until the Dedicated Solution (Monocell) could be delivered. As the EPA has set the level of assessment at Referral Information with additional information, including a two-week public review period, timeframes for approval of the Project have been significantly extended from initial estimates. Given this, the EMRC sought to determine the most appropriate approval pathway to ensure timely delivery of both the Interim and Dedicated Solutions.
- 24 May 2022 – A Meeting was held with the EPA and DWER officers on the time constraints for delivery of the Project. As a result of this meeting, it was determined that a Section 43A amendment was the preferred pathway to obtain approval for both the Interim and Dedicated (i.e. Monocell) Solutions.
- 19 December 2022, Council, at a Special Meeting of Council directed that public notice be given in accordance with s3.59(4) of the Local Government Act 1995, to seek public consultation for a period of not less than six weeks for the EMRC's proposal to commence a major undertaking, the disposal of APCr at the EMRC's Red Hill Waste Management Facility and Council resolved as follows (D2022/18466):

*THAT:*

- 1 *COUNCIL ENDORSES THE DRAFT BUSINESS PLAN FOR A MAJOR UNDERTAKING, FORMING ATTACHMENT 2 TO THIS REPORT.*
  - 2 *PUBLIC NOTICE BE GIVEN IN ACCORDANCE WITH S.3.59(4) OF THE LOCAL GOVERNMENT ACT 1995, TO SEEK PUBLIC CONSULTATION FOR A PERIOD NOT LESS THAN 6 WEEKS OF THE EMRC PROPOSAL TO COMMENCE THE MAJOR UNDERTAKING.*
  - 3 *COUNCIL DIRECTS THE CHIEF EXECUTIVE OFFICER TO PREPARE A REPORT TO COUNCIL FOLLOWING PUBLIC CONSULTATION, FOR COUNCIL TO CONSIDER ANY SUBMISSIONS MADE SUCH THAT IT MAY DECIDE TO PROCEED WITH THE UNDERTAKING.*
  - 4 *COUNCIL ENDORSES THE DRAFT AIR POLLUTION CONTROL RESIDUE DISPOSAL AGREEMENT, FORMING ATTACHMENT 3 TO THIS REPORT, SUBJECT TO MINOR VARIATIONS.*
  - 5 *COUNCIL ENDORSES THE DRAFT FINANCIER DIRECT DEED, FORMING ATTACHMENT 5 TO THIS REPORT, SUBJECT TO MINOR VARIATIONS.*
  - 6 *COUNCIL, BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.5.42(1) OF THE LOCAL GOVERNMENT ACT 1995, DELEGATES AUTHORITY TO THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND ENTER INTO THE AIR POLLUTION CONTROL RESIDUE DISPOSAL AGREEMENT AND FINANCIAL DIRECT DEED, SUBJECT TO MINOR VARIATIONS AND THE SATISFACTION OF THE REQUIREMENTS OF S.3.59 OF THE LOCAL GOVERNMENT ACT 1995.*
  - 7 *COUNCIL AUTHORISES THE CHAIRMAN AND THE CHIEF EXECUTIVE OFFICER TO EXECUTE THE FINAL AIR POLLUTION CONTROL RESIDUE DISPOSAL AGREEMENT AND FINANCIAL DIRECT DEED UNDER EMRC'S COMMON SEAL.*
  - 8 *THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND IS CERTIFIED BY THE EMRC CHAIRMAN AND CHIEF EXECUTIVE OFFICER.*
- 11 January 2023, a draft Business Plan for a major undertaking was advertised for the period Wednesday 11 January 2023 to Friday 24 February 2023. At the close of the public notice period no responses had been received.
  - 6 and 13 February 2023 – Community consultation was undertaken to ensure all attendees at the workshops obtained a detailed understanding of the Project, the need for the Immobilisation Plant and APCr disposal solution and how the Project aligns with the EMRC's vision to support a circular economy. The outcomes of the consultation did not indicate any strong opposition from the community to the Project.
  - 17 February 2023 – Submission of Section 43A application to include the Monocell within the 2021 EPA Referral; Response to EPA's Notice Requiring Information for Assessment.

- 9 March 2023 – Confidential report was presented to Council Agenda Briefing Forum on the Request for Tender (RFT) 2022-010 to design, supply, install and commission an APCr Immobilisation Plant. (D2023/04671)
- 23 March 2023 – Confidential report (Item 19.7) was presented to Council to award RFT 2022-010 and enter into a contract with Enviropacific for the design, supply, install and commissioning of an APCr Immobilisation Plant with a contract term of eight months (D2023/05665). Council resolved as follows:

*THAT:*

1. *COUNCIL AWARDS TENDER RFT 2022-010 TO DESIGN, SUPPLY, INSTALL, AND COMMISSION AN APCR IMMOBILISATION PLANT TO ENVIROPACIFIC FOR A CONTRACT TERM OF EIGHT (8) MONTHS UP TO A TOTAL COST IDENTIFIED IN THE REPORT, SUBJECT TO THE EXECUTION OF THE APCR AGREEMENT BETWEEN EMRC AND AVERTAS ENERGY.*
  2. *COUNCIL, BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.5.42 OF THE LOCAL GOVERNMENT ACT 1995 DELEGATES AUTHORITY TO THE CHIEF EXECUTIVE OFFICER TO EXERCISE THE OPTION TO PROCEED WITH THE ADDITIONAL ITEMS IDENTIFIED IN THE REPORT, SUBJECT TO A REVIEW OF THE BUSINESS CASE OUTCOMES FOR THE ADDITIONAL CAPITAL EXPENDITURE.*
  3. *THE CEO BE AUTHORISED, ON BEHALF OF THE EMRC TO ENTER A CONTRACT WITH ENVIROPACIFIC IN ACCORDANCE WITH THEIR SUBMITTED TENDER, SUBJECT TO ANY MINOR VARIATIONS THAT MAY BE AGREED ON BETWEEN THE CEO AND ENVIROPACIFIC.*
  4. *COUNCIL AUTHORISES A 10% CONTINGENCY BASED ON THE TENDERED PRICE SCHEDULE, FOR ANY CONTRACT VARIATIONS THAT MAY ARISE FOR TENDER RFT 2022-010.*
  5. *COUNCIL, BY ABSOLUTE MAJORITY AUTHORISES THE ADDITIONAL UNBUDGETED FUNDS IDENTIFIED IN THE REPORT TO UNDERTAKE THE TENDER RFT 2022-010.*
  6. *THE REPORT AND ATTACHMENT REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND THE CEO.*
- 23 March 2023 – Confidential report (Item 19.3) was presented to Council to endorse the APCr Business Plan for a Major Trading Undertaking whereby Council resolved as follows:
- THAT:*
1. *NOTING NO PUBLIC SUBMISSION WAS RECEIVED COUNCIL ADOPTS THE BUSINESS PLAN FOR A MAJOR TRADING UNDERTAKING FORMING AN ATTACHMENT TO THIS REPORT.*
  2. *COUNCIL ADOPTS THE APCR BUSINESS CASE INCLUDING THE BUDGET FOR CAPITAL AND OPERATING EXPENSES.*
  3. *THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND ARE CERTIFIED BY THE EMRC CHAIRMAN AND THE CHIEF EXECUTIVE OFFICER.*
- 24 July 2023 – Notice of EPA decision to consent to amend and accept Section 43A EPA advice of the inclusion of the Monocell into the APCr section 43A (D2023/32358).
  - 6 October 2023 – Submission of revised ERD and Section 43A due to change in Monocell design.
  - 6 March 2024 – Receival of EPA's Notice Requiring Information for Assessment based on revised October 2023 ERD.
  - 15 November 2024 – Response to EPA's Notice Requiring Information for Assessment.
  - 13-28 January 2025 – Public Review Period for Immobilisation Plant, Interim Solution, future Monocell cell ERD.



## REPORT

- 2 Whilst the detailed design and construction of the APCr Immobilisation plant will come at a significant capital cost to the EMRC it will also provide a valuable income stream once operational and will add significant value to the Red Hill Waste Management Facility site in terms of the waste types that can be accepted.
- 3 Council needs to consider whether it is in the EMRC's best interest to ensure the project reaches fruition and becomes fully operational such that it can accept the APCr (fly ash) from one or both of the Waste to Energy facilities in Kwinana and East Rockingham.
- 4 In order to keep this project moving a series of 'next steps' have been identified with timeframes yet to be finalised:
  - Review previous RFT 2022-010 with contract awarded to Enviropacific. This was a fixed price tender, and significant time has elapsed since tender award and the initial design component. The tender award resolution did provide for a 10% contingency allowance which may be enough to cover cost increases since 2023, otherwise an updated Council approval may be required.
  - DWER Works approval application submission for APCr Immobilisation Plant.
  - Contract discussions with Avertas Energy (now Acciona) for the supply of APCr.
  - Completion of detailed design and construction documentation for Monocell construction.
  - DWER Works approval application submission for Monocell (Likely March 2025).
  - Prepare RFT for Monocell.
  - Award tender to preferred contractor to construct Monocell.

## STRATEGIC/POLICY IMPLICATIONS

- 5 Reporting on EMRC Strategic Policy implications is now being done to align with the revised Strategic Plan 2017 2027 and the Sustainability Strategy 2022/2023 – 2026/2027.

## FINANCIAL IMPLICATIONS

- 6 The funding to facilitate projects is developed and agreed with member Councils as part of the annual budget process. Funding for the APCr project is in the approved 2024/2025 budget but will be carried forward to the 2025/2026 budget.

## SUSTAINABILITY IMPLICATIONS

- 7 The Sustainability Team operates to pursue environmental, economic and social growth outcomes for Perth's Eastern Region.

## RISK MANAGEMENT

### Risk – Diversification of Revenue Opportunities

Consequence	Likelihood	Rating
Moderate	Possible	Moderate
Action/Strategy		
➤ The processing of APCr at Red Hill presents an opportunity, in line with the approved EMRC Strategic Review, to replace revenue that may no longer being generated due to loss of landfill volumes.		





## MEMBER COUNCIL IMPLICATIONS

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

## ATTACHMENT(S)

Appendix 1 - Air Pollution Control Residue (APCR) Responses to Questions taken on Notice (D2025/04782)



## APPENDIX 1

### AIR POLLUTION CONTROL RESIDUE (APCR) RESPONSES TO QUESTIONS TAKEN ON NOTICE

D2025/04782

1. **Has a contractor been selected for the construction of the immobilisation plant? If yes, please provide details.**

*Yes, a contractor was selected through a tender process issued back in 2022 and the tender was awarded to Enviropacific Services Limited in 2023. The contractor had designed the plant and this formed part of the current EPA assessment. Because the tender award is almost two years old, a contract variation may be required should the project proceed.*

2. **Does this contractor have demonstrated experience and compliance in building and operating an immobilisation plant for class 5 hazardous waste ash from incineration APCr? Please provide details.**

*Enviropacific has vast experience in the immobilisation of all types of contaminants in range of materials/media (e.g. ash, soil, water, air). They have previously undertaken immobilisation trials on Energy from Waste generated APCr for the Mount Piper Energy Recovery Project where lead was a key contaminant of the residue. On completion of trials they designed a fixed APCr immobilisation plant to be constructed as part of the EfW facility.*

3. **Is the EMRC aware that normal cement is not considered suitable for the immobilisation of APCr by the NSW EPA, due to the inability of the cement to stabilise and set, causing the chelation and release of mercury and arsenic?**

*The proposal is to use a low heat cement specification. This type of cement was tested with APCr provided by the owners of the Kwinana waste to energy plant through an independent engineering consultancy. Results showed that the APCr was successfully immobilised down to below a Class III waste classification. Results of this testing including the required mixing time to achieve the best immobilisation results and have informed the design by Enviropacific.*

4. **What company will the EMRC be taking cement from for this project and does it meet the specific requirements for the immobilisation of waste incineration APCr?**

*Cockburn Cement and BGC are understood to be able to supply the required cement, which will meet the specification for the immobilisation project. An agreement would occur at a later stage and further details can be provided then.*

5. **Can the EMRC therefore confirm that no mercury or arsenic and other more serious pollutants like dioxin, will leach from the cement into the landfill cell and potentially move off site into the environment? How does the management of the associated surface water and leachate ponds connected to the immobilisation plant and class 4 cell, specifically address this risk?**

*In APCr, metals are bound by lime used in the WtE plant bag filter and organics such as dioxins are bound up with activated carbon, also used in the bag filter. Mixing APCr with cement and water to make a concrete mix reduces the potential for leaching of metals or organics from the concrete product. The concrete product is then placed in a trench or similar in the landfill cell which is progressively filled. The chance of any pollutants escaping from the class IV landfill cell and entering the environment is extremely low. The test results on the international APCr samples indicate that these contaminants are not an issue. Once waste acceptance begins the EMRC will receive laboratory analysis for these potential contaminants and others on a fortnightly basis.*

6. **The EMRC business plan states that the APCr is part of the strategic development plan for Redhill for the next 20 years and the immobilisation plant is consistent with the EMRC's license. Does the EMRC currently hold a license to transport, receive and reprocess class 5 hazardous waste at the Redhill waste management facility?**

*The generator of the APCr will be responsible for the transport of the APCr material to Red Hill in fully contained tankers where it will be pumped into enclosed silos. The EMRC is currently obtaining approval from the EPA to enable this APCr waste to be received and processed at Red Hill. Once this approval is obtained a Works Approval and licence amendment will be required next to allow the construction of the immobilisation plant to proceed.*

7. **What onsite air monitoring will be conducted to ensure the protection of worker health at the Redhill site and the health of nearby residents to the Redhill site, given the plant will not be fully enclosed?**

*The mixing components of the plant are fully enclosed and all mixing is done in sealed containers/ hoppers. There is no exposure to the air, however some air monitoring may become a requirement in accordance with a Works Approval and the EMRC will be taking guidance and direction from the Regulator. It should be noted that the mixing of the APCr material with cement and water is in a part of the plant which is fully enclosed.*

8. **According to the EMRC business plan, the immobilisation plant is proposed to be located on lot 10. The EMRC also proposes to locate permanently a largescale FOGO processing facility and liquid waste processing facility, in the near future. Are these 3 projects compatible and safe to operate on the one site?**

*The APCr immobilisation plant will be located on the southern portion of Lot 10 whereas the permanent FOGO processing facility is located on Lot 8 and a small portion of Lot 9. The EMRC has no plans to progress the previously proposed liquid waste processing facility.*

9. **How will the EMRC ensure that the FOGO outputs will not be contaminated by the class 5 hazardous waste ash, cement and liquid wastes, should there be a spill or through normal operational and ambient air quality conditions on the one site, given that the plant is not in an enclosed building?**

*Periodic quality assurance testing on the FOGO compost is carried out now to determine compliance with Australian Standards. Compost contamination is much more likely to come from contamination in the FOGO bins by households through incorrect disposal rather than from other activities on site.*

10. **What monitoring will be conducted on FOGO outputs and will it include a suite of known APCr contaminants such as mercury, arsenic, dioxin and PFAS?**

*The final blended FOGO product is analysed for contaminants and deleterious material in accordance with AS4454 which do not include dioxin or PFAS.*

11. **What baseline monitoring has the EMRC conducted prior to the approval and construction of the immobilisation plant at and beyond the boundary fenceline of the Redhill plant, specifically to ascertain dust impacts on the John Forest National Park and associated Christmas Creek and other waterways?**

*Baseline monitoring has in the past been carried out in relation to various waste receipt and processing activities and many monitoring programs continue to be carried out. These programs have in the past or continue to include dust, surface, and groundwater monitoring at Red Hill and in parts of the John Forrest National Park and Christmas Tree Creek. If the Regulator requires additional monitoring we will take their advice.*

- 12. What offsite surface and groundwater baseline monitoring has the EMRC conducted so as to be able to compare and measure any impacts from the this project on the surrounding environment and waterways?**

*Groundwater monitoring from the extensive network of 50 monitoring wells at Red Hill is conducted twice annually and includes a broad range of contaminants. Surface water monitoring is undertaken Quarterly at ~15 locations across the site and beyond our Red Hill perimeter. The EMRC has a number of ground water monitoring well within the John Forrest National Park which are also monitored twice yearly and form part of the 50 monitoring wells.*

- 13. How will the EMRC provide compliance monitoring data to the public?**

*The results of the EMRC's current compliance monitoring is submitted to both DWER and the EPA annually in report format with associated laboratory analytical certificates. There is no reason why this would change. This information would be available under FOI.*

## **7 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

SECONDED

#### **7.1 EAST ROCKINGHAM WASTE TO ENERGY PROJECT - NOVATION OF FINANCIER SIDE DEED (D2025/04429)**

This item is recommended to be confidential because it contains matters of a commercial-in-confidence nature and legal advice.

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

SECONDED

**8 FUTURE AGENDA FORUMS**

The next meeting of Agenda Forum will be held on 10 April 2025 (if required) at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6.00pm.

**Agenda Forums 2025**

Thursday	10	April	(if required)	at	EMRC Administration Office
Thursday	8	May	(if required)	at	EMRC Administration Office
Thursday	12	June		at	EMRC Administration Office
Thursday	10	July	(if required)	at	EMRC Administration Office
Thursday	14	August	(if required)	at	EMRC Administration Office
Thursday	11	September	(if required)	at	EMRC Administration Office
Thursday	13	November		at	EMRC Administration Office

**9 DECLARATION OF CLOSURE OF MEETING**