



SECTION 15

Minutes of Committees

For the Ordinary Meeting of Council

21 May 2020

Item 15.1 – WAC Minutes 7 May 2020

WASTE ADVISORY COMMITTEE

MINUTES

7 May 2020

(REF: D2020/07418 (WAC) – D2020/08267)

A meeting of the Waste Advisory Committee was held electronically on **Thursday, 7 May 2020**. The meeting commenced at **5:01pm**.

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Deputy Chairman opened the meeting at 5:01pm, welcomed visitors and acknowledged the traditional custodians of the land on which the meeting was held and paid respects to the elders past, present and future.

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

The Deputy Chairman did a roll call with each member and officer in attendance, seeking confirmation that they are individually in a safe and suitable place to attend the meeting held electronically as there are confidential items.

Committee Members

Cr Mel Congerton (Deputy Chairman)	EMRC Member	City of Swan
Cr Kathryn Hamilton	EMRC Member	Town of Bassendean
Cr Giorgia Johnson	EMRC Member	City of Bayswater
Cr Janet Powell (Deputising for Cr Wolff)	EMRC Member	City of Belmont
Cr Dylan O'Connor	EMRC Member	City of Kalamunda
Cr Doug Jeans	EMRC Member	Shire of Mundaring
Mr Brice Campbell (Deputising for Mr Adams)	Recycling & Waste Coordinator	Town of Bassendean
Mr Doug Pearson	Director Works and Infrastructure	City of Bayswater
Ms Melanie Reid	Director Infrastructure Services	City of Belmont
Mr Brett Jackson	Director Asset Services	City of Kalamunda
Mr Shane Purdy	Director Infrastructure Services	Shire of Mundaring
Mr Jim Coten	Executive Manager Operations	City of Swan
Mr Marcus Geisler	Chief Executive Officer	EMRC

Apologies

Cr Steve Wolff (Chairman)	EMRC Member	City of Belmont
Mr Phillip Adams	Executive Manager Infrastructure	Town of Bassendean

EMRC Officers

Mr Stephen Fitzpatrick	Chief Project Officer
Mr Hua Jer Liew	Chief Financial Officer
Ms Wendy Harris	Chief Sustainability Officer
Mr Brad Lacey	Chief Operating Officer
Mr Stephen Conway	Manager Engineering & Waste Services
Ms Annette Rakich	Administration Support Officer (Minutes)

EMRC Observers

Ms Sandra Evans	Manager Environmental Operations Waste Services
Mr David Ameduri	Manager Financial Services
Miss Izabella Krzysko	Manager Procurement and Governance
Mr David Schmidt	Manager Information Services
Ms Annette Rakich	Administration Support Officer (Minutes)

Observer(s)

Cr Lorna Clarke	EMRC Member	City of Bayswater
Cr Lesley Boyd	EMRC Member	City of Kalamunda
Ms Rhonda Hardy	Chief Executive Officer	City of Kalamunda

Visitor(s)

Mr Greg Mohen	Partner	Kott Gunning Lawyers
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3 DISCLOSURE OF INTERESTS

Nil

4 ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION

Nil

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 MINUTES OF THE WASTE ADVISORY COMMITTEE MEETING HELD ON 5 MARCH 2020

That the Minutes of the Waste Advisory Committee meeting held on 5 March 2020 which have been distributed, be confirmed.

WAC RESOLUTION(S)

MOVED CR JEANS

SECONDED CR HAMILTON

THAT THE MINUTES OF THE WASTE ADVISORY COMMITTEE MEETING HELD ON 5 MARCH 2020 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

CARRIED UNANIMOUSLY

7 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

8 QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil



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

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 report items were covered in Section 14 of this agenda.

- 9.1 DRAFT PARTICIPANTS AGREEMENT FOR FOGO SUPPLY
- 9.2 PURCHASE OF LOTS 3, 4, 5, 6 AND 7 TOODYAY ROAD, RED HILL
- 9.3 UPDATE ON HAZELMERE WOOD WASTE TO ENERGY PROJECT
- 9.4 REGIONAL WASTE COLLECTION SERVICE UPDATE

10 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

Nil



11 REPORTS OF EMPLOYEES

The Chairman called for any report items in Section 11 to be withdrawn which will be dealt with separately.

Items 11.1, 11.2 and 11.4 were withdrawn.

WAC RESOLUTIONS(S)

MOVED CR JEANS

SECONDED MR JACKSON

THAT WITH THE EXCEPTION OF ITEMS 11.1, 11.2, 11.4, WHICH IS TO BE WITHDRAWN AND DEALT WITH SEPARATELY, THE COMMITTEE ADOPTS THE RECOMMENDATIONS IN THE REPORTS OF EMPLOYEES (SECTION 11).



11.1 UPDATE ON DEVELOPMENTS AT RED HILL WASTE MANAGEMENT FACILITY AND HAZELMERE RESOURCE RECOVERY PARK

REFERENCE: D2020/07489 (WAC) – D2020/08951

PURPOSE OF REPORT

The purpose of this report is to update Council on planned developments at Red Hill Waste Management Facility (Red Hill Facility) and Hazelmere Resource Recovery Park (Hazelmere RRP).

KEY POINTS AND RECOMMENDATION(S)

- A number of planned developments at Hazelmere RRP and Red Hill Facility are in the design stage, approvals phase or underway which are related to the EMRC's resource recovery and waste operations.
- These developments and others will be integral to the transition of the EMRC's operations away from landfill and to resource recovery in the near future.

Recommendation(s)

That the report be received.

SOURCE OF REPORT

Chief Project Officer

BACKGROUND

At its 20 February 2020 meeting Council resolved as follows:

"THAT COUNCIL:

- 1. APPROVES IN-PRINCIPLE SUPPORT FOR A PEPPERCORN LEASE OF APPROXIMATELY 0.4 HECTARES OF UNIMPROVED LAND WITHIN LOT 2 TOODYAY ROAD, RED HILL AND LOT 301, LAKES ROAD HAZELMERE FOR THE ESTABLISHMENT OF CDS REFUND POINT AND AGGREGATION POINTS.*
- 2. AUTHORISES THE CEO TO ENTER INTO NEGOTIATIONS WITH A NOT-FOR-PROFIT ORGANISATION(S) THAT HAS BEEN RECOMMENDED BY WARRRL, FOR THE PURPOSE OF OPERATING A CDS REFUND AND AGGREGATION POINT AT EACH OF ABOVE LOCATIONS."*

At its 5 March 2020 meeting, Council approved a tender for earthworks on Lots 8, 9 and 10 at Red Hill Waste Management Facility and resolved as follows:

"THAT:

- 1. COUNCIL AWARD TENDER RFT 2020-001 – EARTHWORKS FOR DEVELOPMENT OF LOTS 8, 9 & 10 TO TENDERER B FOR \$2,537,960.85 (EX GST) BASED ON A SCHEDULE OF RATES.*
- 2. THE CEO BE AUTHORISED ON BEHALF OF THE EMRC TO ENTER INTO A CONTRACT WITH TENDERER B IN ACCORDANCE WITH THEIR SUBMITTED TENDER, SUBJECT TO ANY MINOR VARIATIONS THAT MAY BE AGREED ON BETWEEN THE CEO AND TENDERER B.*
- 3. COUNCIL AUTHORISE A 20% CONTINGENCY BASED ON THE TENDERED PRICE SCHEDULE FOR ANY CONTRACT VARIATIONS THAT MAY ARISE FOR TENDER RFT 2020-001.*



Item 11.1 continued

4. *THE IDENTITY OF THE SUCCESSFUL TENDERER AND THE AWARDED AMOUNT BE REDACTED FOR LEGAL REASONS AND REMAIN CONFIDENTIAL UNTIL SUCH TIME THAT THE RESULTANT CONTRACT HAS BEEN FORMED."*

REPORT

The EMRC has several planned developments underway at the Red Hill Facility and the Hazelmere RRP, some of which are progressing through the Department of Water and Environment Regulation (DWER) for approval.

These planned developments include:

- A Community Recycling Centre (CRC) at the Hazelmere RRP.
- A Waste Transfer Station (WTS) at the Hazelmere RRP.
- A Container Deposit Scheme (CDS) Refund Point at the Hazelmere RRP and the Red Hill Facility with both to be operated by a not-for-profit organisation.
- Installation of a flare at the landfill gas power station at the Red Hill Facility.
- Preliminary earthworks on Lots 8, 9 and 10 Red Hill Facility.
- Liquid waste treatment facility at Red Hill Facility.
- Interim FOGO processing facility at Red Hill Facility.

1. COMMUNITY RECYCLING CENTRE (CRC)

The CRC has been submitted to the Department of Water and Environment Regulation (DWER) together with the WTS under a Works Approval application.

The public area at the Hazelmere RRP, which is where the CRC will be located, will be fenced off from the commercial area for safety and security reasons. The new commercial entrance to the site including a new weighbridge with designated traffic lanes is complete and in use.

A separate entrance for light vehicle traffic is being developed and will be used for the CRC and CDS refund point. Refer to Attachment 1.

There has been recent engagement with the Hazelmere Progress Association to keep them up-to-date with the planned developments.

A consultancy contract has been awarded for the detailed design of the CRC and the earthworks for the WTS including the preparation of tender documents.

2. WASTE TRANSFER STATION (WTS)

The WTS is planned to deal with the transition of the four (4) participating member Councils from landfill to waste to energy in 2022. Waste from the four Councils will be received at the WTS at Hazelmere RRP and consolidated into B-train vehicles for the trip to the East Rockingham waste to energy plant. The siting and concept layout is shown in Attachment 1.

3. A CONTAINER DEPOSIT SCHEME (CDS) REFUND POINT AT THE HAZELMERE RESOURCE RECOVERY PARK AND THE RED HILL WASTE MANAGEMENT FACILITY.

It is planned that a third-party not-for-profit organisation will develop a CDS Refund Point on up to 0.4 hectares of land leased to them from the EMRC adjacent to the planned CRC. Entry to the Refund Point will be via the community entrance off Lakes Road referred to above, exiting back onto Lakes Road. Refer Attachment 2.

At the Red Hill Facility, the same third-party not-for-profit organisation will establish a CDS Refund Point on up to 0.4 hectares of land leased to them from the EMRC adjacent to the existing Transfer Station, refer Attachment 3.



Item 11.1 continued

Timing for this was to be ready for the 2 June 2020 start date for CDS but as of 31 March the State Government announced a deferral of this due to the current COVID-19 crisis to later this year or next year.

Discussions have been proceeding with Workpower, the not-for-profit organisation recommended by WARRRL. A draft lease agreement is being prepared.

4. INSTALLATION OF A FLARE AT THE LANDFILL GAS POWER STATION AT RED HILL WASTE MANAGEMENT FACILITY.

The EMRC has identified the need to install a flare adjacent to the existing landfill gas power station to deal with situations where the power station may be offline and to ensure recovered methane from the landfill is safely disposed of and doesn't cause nuisance odours on site or off-site. This is to be subject to a licence amendment through DWER. The proposed location is shown in Attachment 4.

5. PRELIMINARY EARTHWORKS ON LOTS 8, 9 AND 10, RED HILL WASTE MANAGEMENT FACILITY.

The EMRC obtained Council approval at its ordinary Council meeting on 19 March 2020 to accept a tender for preliminary earthworks on Lots 8, 9 and 10 Toodyay Road, Red Hill. This is works to cut and fill the old Midland Brick quarry site and provide a relatively level construction hardstand for future waste treatment facilities including a planned future FOGO waste processing facility and a planned liquid waste processing facility. The scope of the earthworks is shown in Attachment 5. Work on this contract commenced on 1 April 2020 and will continue through to the end of 2020.

As with previous discussions with the City of Swan and based on legal advice from Kott Gunning Lawyers, the EMRC believes all of these planned developments are classified as public works and are exempt from development approval under the Planning and Development Act 2005. Nevertheless, comment was sought from the City of Swan as part of our consultation process and the City has no objections.

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 1 – Environmental Sustainability

- 1.3 To provide resource recovery and recycling solutions in partnership with member Councils
- 1.4 To investigate leading edge waste management practices

FINANCIAL IMPLICATIONS

The planned developments are funded from the approved budget for 2019/2020 and future years, apart from the flare which will be funded by the power station operator.

SUSTAINABILITY IMPLICATIONS

These developments will result in a more sustainable waste management in the region through greater recovery and recycling of household waste and social opportunities at the CRC and the CDS developments.



Item 11.1 continued

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

1. Hazelmere RRP Site layout showing proposed CRC and WTS detail (Ref: D2020/08970)
2. Layout concept for CDS Refund Point, Hazelmere RRP (Ref: D2020/08971)
3. Layout concept for CDS Refund Point, Red Hill Facility (Ref: D2020/08972)
4. Proposed location for a flare at the Landfill Gas Power Station, Red Hill (Ref: D2020/08973)
5. Proposed earthworks on Lots 8, 9 and 10 Toodyay Road, Red Hill (Ref: D2020/08974)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That the report be received.

In accordance with Clause 9.1 of the *EMRC Standing Orders Local Law 2013*, Mr Jackson gave notice of his intention to table an alternate recommendation, which was distributed prior to the meeting.

Alternate Recommendation

That:

1. *The report be received.*
2. *Further reports are provided for consideration by the Waste Advisory Committee on the proposed operating models, revenues and capital and; operating expenses for the Community Recycling Centre and the Waste Transfer Station before any further funding is allocated for these projects.*

Rationale provided by Mr Jackson

It has been some time since members have been updated on the relevant business plans for each of these initiatives and as prevailing circumstances may have changed. The provision of updated models provides comfort to members that these initiatives are still worthy of consideration.

The alternate recommendation was moved by Mr Jackson and was seconded by Ms Reid.



Item 11.1 continued

Discussion ensued

The Chief Executive Officer advised that the EMRC would be supportive of preparing a financial review and agrees an update to Council for consideration as well as being in parallel with the approval process and public comment period.

Mr Coten proposed a minor amendment to point 2 to replace the words “*before any further funding is allocated for these projects*” with the words “*before any construction is commenced.*”

The mover and seconder agreed with the amendment.

ALTERNATE MOTION(S)

That:

1. The report be received.
2. Further reports are provided for consideration by the Waste Advisory Committee on the proposed operating models, revenues and capital and; operating expenses for the Community Recycling Centre and the Waste Transfer Station before any construction is commenced.

WAC RECOMMENDATION(S)

MOVED MR JACKSON

SECONDED MS REID

That:

1. The report be received.
2. Further reports are provided for consideration by the Waste Advisory Committee on the proposed operating models, revenues and capital and; operating expenses for the Community Recycling Centre and the Waste Transfer Station before any construction is commenced.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION(S)

MOVED CR JEANS

SECONDED CR WOLFF

THAT:

1. THE REPORT BE RECEIVED.
2. FURTHER REPORTS ARE PROVIDED FOR CONSIDERATION BY THE WASTE ADVISORY COMMITTEE ON THE PROPOSED OPERATING MODELS, REVENUES AND CAPITAL AND; OPERATING EXPENSES FOR THE COMMUNITY RECYCLING CENTRE AND THE WASTE TRANSFER STATION BEFORE ANY CONSTRUCTION IS COMMENCED.

CARRIED UNANIMOUSLY

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FILENAME: \\SERVER\\TALIS\\SECTIONS\\WASTE\\PROJECTS\\TW2019\\TW19062 - HAZELMERE ENVIRONMENTAL APPROVALS\\DRAWINGS\\PROD DRGS\\TW19062_CRC_CONCEPT_VB.DWG



GENERAL ARRANGEMENT OF WASTE TRANSFER STATION AND COMMUNITY RECYCLING CENTRE
SCALE: 1:1000

PRELIMINARY ONLY
NOT FOR CONSTRUCTION



VERTICAL DATUM: AUSTRALIAN HEIGHT DATUM
HORIZONTAL DATUM: MGA 94 ZONE 50



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No.	Date	Drawn By	Amendment / Issue	App.
A	15.10.2019	AB	PRELIMINARY ISSUE	

Project:

EMRC HAZELMERE WTS & CRC

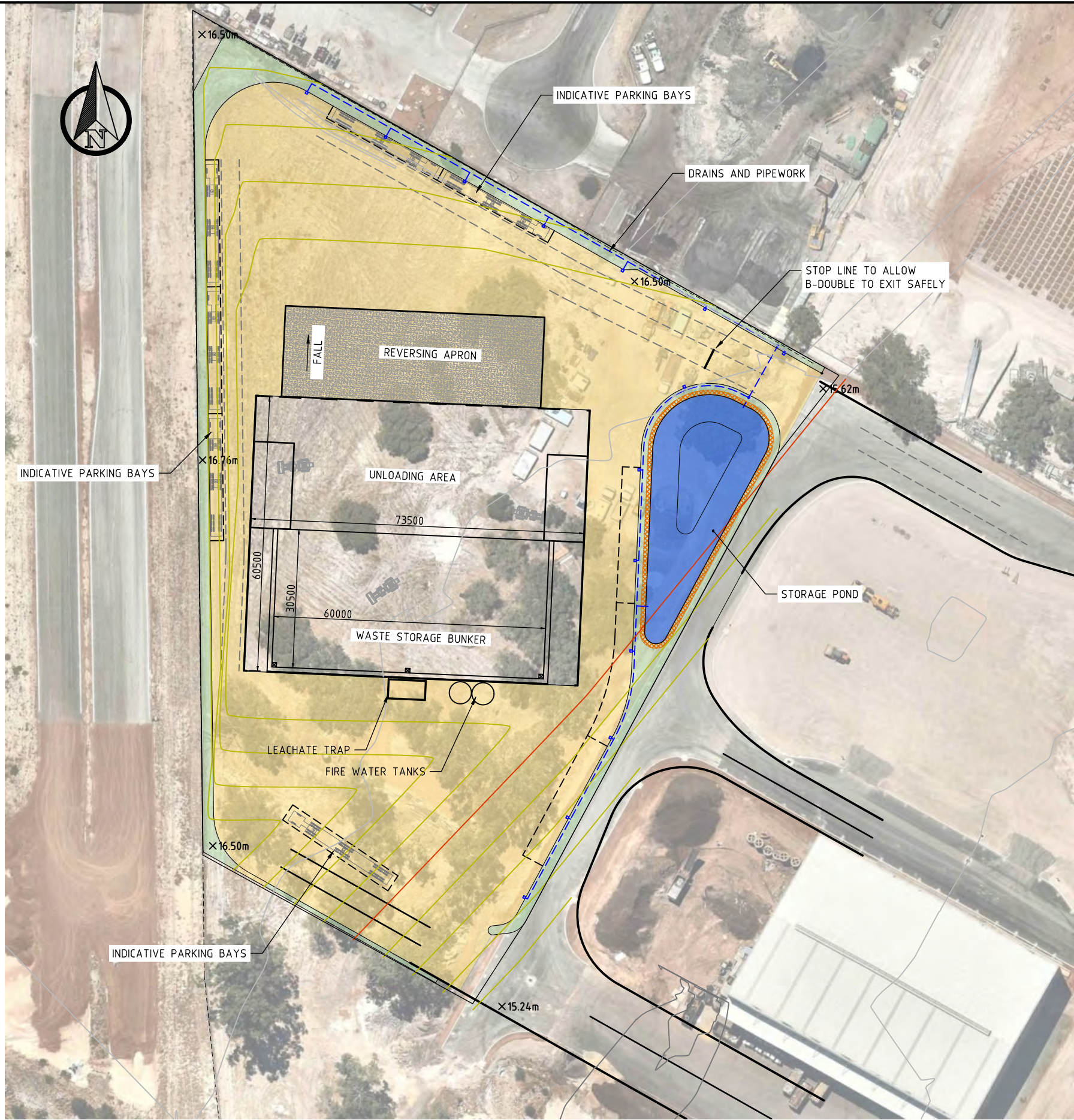
Title:

GENERAL ARRANGEMENT OF BULK TRANSFER STATION AND CRC

Drawn by:	AB	Job No:	TW19062
Checked by:	CP	File No:	TW19062-C-001
Approved by:		Drg. No:	C-001
Scale:	1:1500 @ A3	Rev:	A
Date:	15.10.2019		

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FILENAME: Y:\SECTIONS\WASTE\PROJECTS\TW19062 - HAZELMERE ENVIRONMENTAL APPROVALS\DRAWINGS\PROD DRGS\TW19062_WTS_CONCEPT_VA.DWG



YEAR 20-30 COMBINED ANNUAL TONNAGE 232,000tpa

STORAGE OF 2 DAYS IN BUNKER USING 5 DAY OPERATION
STORAGE OF 2.5 DAYS IN BUNKER USING 7 DAY OPERATION
- UTILISES FREEBOARD



B-DOUBLE PARK BAYS 28.0m x 3.0m

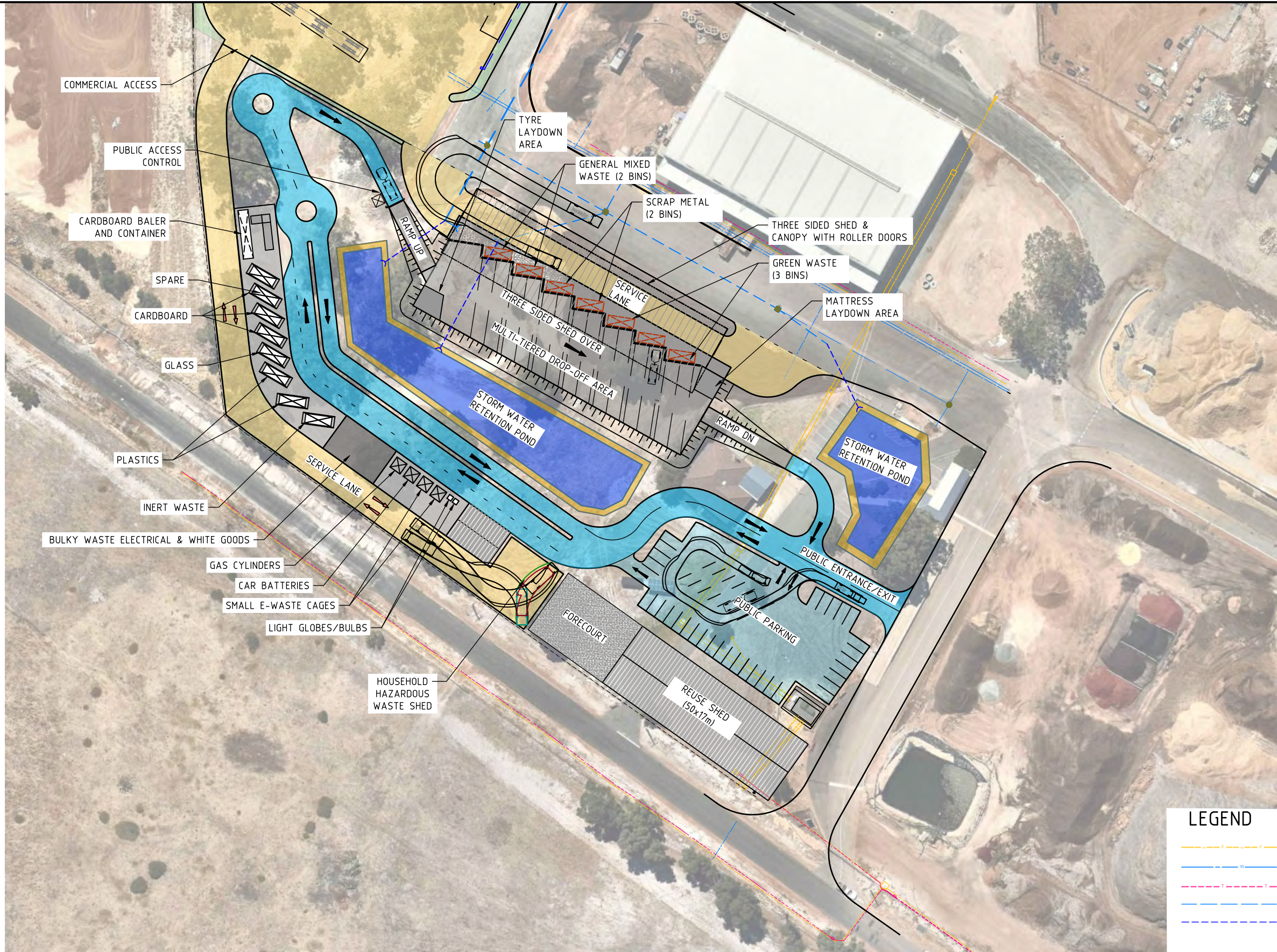
INDICATIVE PARKING FOR PREFERRED OPTION
SCALE: 1:1000

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VERTICAL DATUM: AUSTRALIAN HEIGHT DATUM
HORIZONTAL DATUM: MGA 94 ZONE 50

 www.talisconsultants.com.au T: 1300 251 070	ASSET ENGINEERING ENVIRONMENT NOISE SPATIAL WASTE 604 Newcastle Street, Leederville WA 6007 PO Box 454, Leederville WA 6903		NOTES				Project:		Title:		Drawn by:	AB	Job No:	TW19062
			1. This drawing is the property of Talis Consultants Pty Ltd. It is a confidential document and must not be copied, used, or its contents divulged without prior written consent. 2. DO NOT SCALE, use figured dimensions only, if in doubt please contact Talis Consultants. 3. Parts of this drawing is intended to be IN COLOUR. Black & White Printing may cause errors or omissions. If this text is not GREEN, please contact Talis Consultants				EMRC HAZELMERE WTS & CRC		WTS CONCEPT LAYOUT WITH PARKING		Checked by:	CP	File No: TW19062-C-101	
											Approved by:		Org. No:	Rev:
											Scale: 1:1500	Ⓐ A3		
			Date:	15.10.2019										
				No.	Date	Drawn By	Amendment / Issue	App.						
				A	15.10.2019	AB	PRELIMINARY ISSUE							



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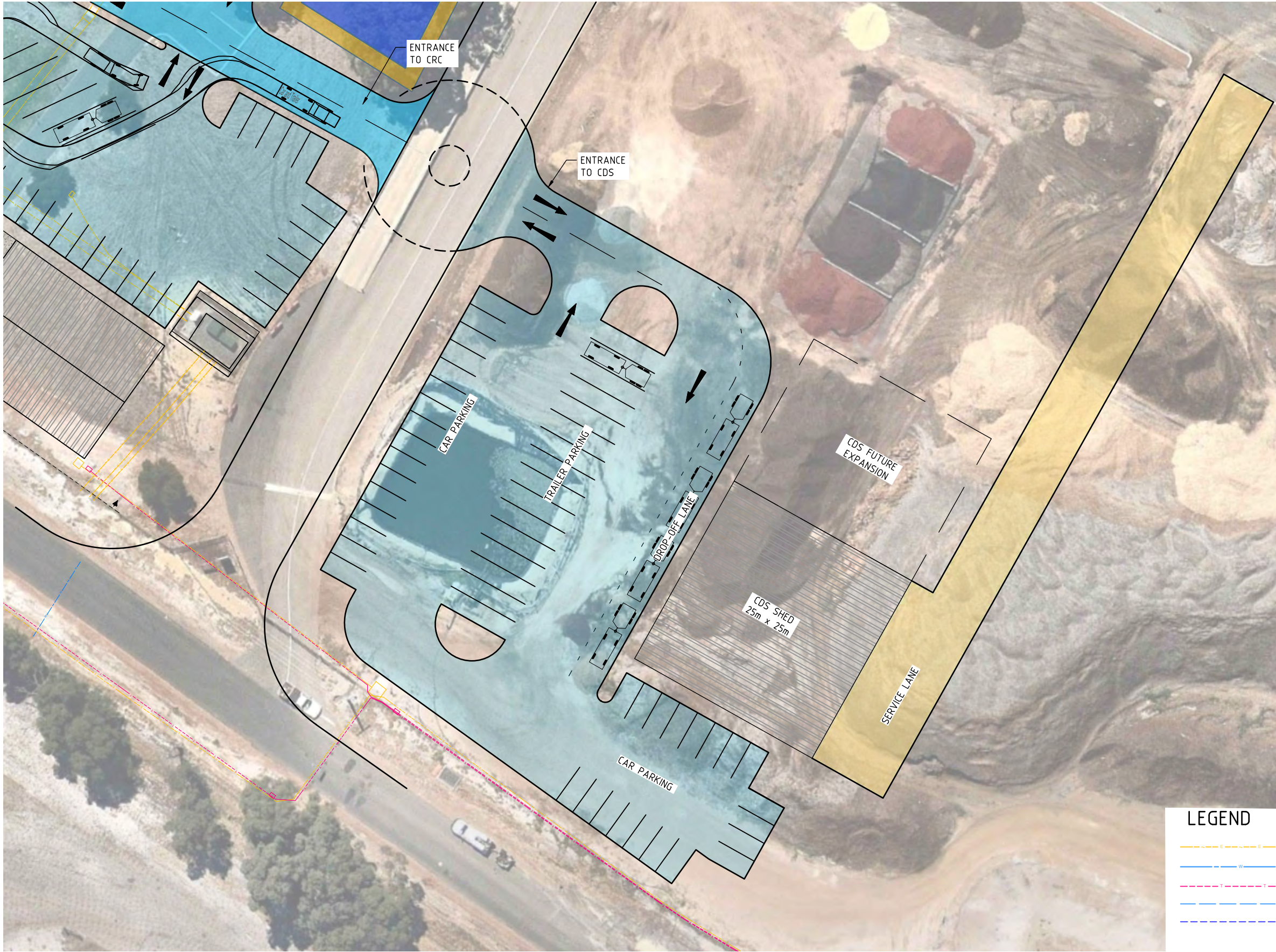
No.	Date	Drawn By	Amendment / Issue	App.
B	20.11.2019	AB	REUSE & CDS ENLARGED; BALER ADDED	
A	15.10.2019	AB	PRELIMINARY ISSUE	

Project: **EMRC HAZELMERE WTS & CRC**

Title: **CRC CONCEPT LAYOUT WITH TRUCK ROUTING**

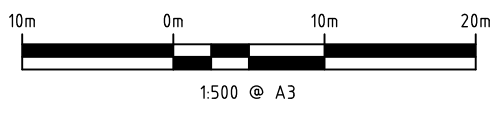
Drawn by:	AB	Job No:	TW19062
Checked by:	CP	File No:	TW19062-C-105
Approved by:		Drg. No:	C-105
Scale:	1:1500		
Date:	15.10.2019		
		Rev:	B

Printed by Armand Bestier on 20.02.2020 11:20 AM
FILENAME: Y:\SECTIONS\WASTE\PROJECTS\TW2017\TW17049 - EMRC WTS CONCEPTUAL DESIGN\DRAWINGS\PROD DRGS\EMRC CDS LAYOUT CONCEPT - A.DWG



- LEGEND**
- ELECTRICAL LINES
 - WATER LINE
 - TELECOMM LINE
 - EXISTING STORMWATER PIPES
 - NEW STORM WATER PIPES

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No.	Date	Drawn By	Checked By	Amendment / Issue	App.	
C	12.07.2019	AB	RC	LAYOUT REVISED		
B	19.06.19	AB	RC	LAYOUT REVISED		
A	10.04.19	AB	RC	ISSUED FOR CLIENT REVIEW		

Project:

HAZELMERE CDS

Title:


CDS CONCEPT LAYOUT

Drawn by:	AB	Job No:	TW19062
Checked by:	RC	File No:	TW19062-C-101
Approved by:	RC	Drg. No:	C-110
Scale:	1:500 @ A3	Rev:	C
Date:	19.06.19		




DRAFT



 <div>Eastern Metropolitan Regional Council 1st Floor Ascot Place, 226 Great Eastern Hwy Belmont, Western Australia 6104 PO Box 234 Belmont Western Australia 6984</div>					DESIGNED	SF 04/2020	SITE	RED HILL WASTE MANAGEMENT FACILITY	PROJECT NAME		DRAWING NO.	
					DRAWN	AS 04/2020			REFUND POINTS		2019-02-15	
					CHECKED	SC 04/2020						
					APPROVED		ADDRESS	1094 TOODYAY ROAD RED HILL	TITLE	RED HILL CDS	SHEET NO. 2 OF 2	SCALE AS SHOWN
					— SC —							
	A	SF	20/04/2020	CONCEPT DRAWING	MANAGER, ENGINEERING							
NO.	INT.	DATE										



 **Eastern Metropolitan Regional Council**
1st Floor Ascot Place, 226 Great Eastern Hwy
Belmont, Western Australia 6104
PO Box 234 Belmont Western Australia 6984

A	MT	02/04/2020	CONCEPT DRAWING
NO.	INT.	DATE	

DESIGNED	SC 04/2020
DRAWN	AS 04/2020
CHECKED	SC 04/2020
APPROVED	
	SC
	MANAGER, ENGINEERING


SITE	RED HILL WASTE MANAGEMENT FACILITY
ADDRESS	1094 TOODYAY ROAD RED HILL

PROJECT NAME	LANDFILL GAS & POWER
TITLE	LANDFILL GAS FLARE - LOCATION IN RED HILL

DRAWING NO.	2013-24-05
SHEET NO.	2 OF 2
SCALE	AS SHOWN

O:\Projects\2013-24 Landfill Gas & Power\2020\Drawings\Development\2013-24-04 Landfill Gas Flare Site Plan.dwg



 <div>Eastern Metropolitan Regional Council 1st Floor Ascot Place, 226 Great Eastern Hwy Belmont, Western Australia 6104 PO Box 234 Belmont Western Australia 6984</div>					DESIGNED	SC 04/2020	SITE RED HILL WASTE MANAGEMENT FACILITY	PROJECT NAME LANDFILL GAS & POWER	DRAWING NO. 2013-24-04	
					DRAWN	AS 04/2020			SHEET NO. 1 OF 2	SCALE AS SHOWN
					CHECKED	SC 04/2020				
	A	MT	02/04/2020	CONCEPT DRAWING	APPROVED		ADDRESS 1094 TOODYAY ROAD RED HILL	TITLE LANDFILL GAS FLARE SITE PLAN		
	NO.	INT.	DATE		— SC MANAGER, ENGINEERING —					



 <div>Eastern Metropolitan Regional Council 1st Floor Ascot Place, 226 Great Eastern Hwy Belmont, Western Australia 6104 PO Box 234 Belmont Western Australia 6984</div>					DESIGNED	MT 02/2020	SITE RED HILL WASTE MANAGEMENT FACILITY	PROJECT NAME LOTS 8, 9 & 10		DRAWING NO. 2013-07-16	
					DRAWN	AS 02/2020					
					CHECKED	SF 02/2020					
					APPROVED		ADDRESS 1094 TOODYAY ROAD RED HILL	TITLE 2013-07-16 LOTS 8, 9 & 10 - TALIS DRAWING TW19110-C-101 AMENDED		SHEET NO. 1 OF 1	SCALE AS SHOWN
					SC						
					MANAGER, ENG. & WASTE OPERATIONS						
	A NO.	MT INT.	26/02/2020 DATE	WAC MEETING ITEM NO. 11.1 - TENDER							

O:\Projects\2013-07 Lots 8, 9 & 10\2020\Drawings\Tender\2013-07-16 Lots 8, 9 & 10 - Talis Drawing TW19110-C-101 Amended.dwg



11.2 UPDATE ON FOGO PROCESSING IMPLEMENTATION

REFERENCE: D2020/05747 (WAC) – D2020/08952

PURPOSE OF REPORT

The purpose of this report is to provide an update on the implementation of the Food Organics and Garden Organics (FOGO) Recovery Strategy.

KEY POINTS AND RECOMMENDATION(S)

- The coronavirus pandemic has impacted the timing for the implementation of a FOGO collection in the Town of Bassendean and the City of Bayswater.
- FOGO education support is also necessarily delayed because of the requirements for social distancing and in cognisance of the risks from the bin tagging process.
- The City of Bayswater will confirm a start date for the commencement of FOGO collections closer to July 2020.
- The Town of Bassendean will advise a possible start date soon.
- The licence amendment for the interim facility at the Red Hill Waste Management Facility (Red Hill) was resubmitted to the Department of Water, Environmental Regulation (DWER) based on relocating the initial stage of the FOGO processing further west.
- With the distribution for bins, kitchen caddies and liners approved by Council the EMRC will liaise with member Councils regarding the opportunities for savings in the procurement of these items.
- The timeline for the implementation of a tender process for a permanent FOGO processing facility has been revised but is subject to disruption from the effects of the government directives due to the coronavirus.
- The development of the financial feasibility for two (2) contract model options is progressing.
- Member Councils have each nominated an officer for the tender evaluation committee.
- Probity advisors and legal advisors have been appointed for the tender process for a permanent facility.
- Quotations are being sought for an engineering consultancy to support the tender process for a permanent facility.

Recommendation(s)

That Council:

1. Receives the report.
2. Notes the updated timeline for the tender implementation.

SOURCE OF REPORT

Chief Project Officer

BACKGROUND

In February 2018 the Town of Bassendean advised the EMRC that, inter alia *“the Town would like to work with the EMRC to explore alternative options to the incineration of the Town’s residual waste, including a trial/scalable anaerobic digester facility at the EMRC’s Red Hill Facility for the Town’s residual waste”*. The EMRC acknowledged this advice at their March 2018 Council meeting.



Item 11.2 continued

In October 2018, the City of Bayswater advised of their intention to introduce FOGO and requested that the EMRC undertake investigations in relation to best practice FOGO processing for the City of Bayswater and other interested parties collaboratively with the City of Bayswater to enable the implementation of FOGO in a timely manner. A meeting was held with the City of Bayswater on 6 November 2018 to gather a fuller understanding of their proposal and future requirements.

Further at its 6 December 2018 meeting of Council, it was resolved (Ref: D2018/17076):

“THAT COUNCIL:

- 1. ACKNOWLEDGE THE REQUESTS FROM THE TOWN OF BASSENDEAN AND THE CITY OF BAYSWATER FOR THE INVESTIGATION OF THE PROCESSING OF FOOD AND GARDEN ORGANIC WASTE (FOGO) AT THE RED HILL WASTE MANAGEMENT FACILITY.*
- 2. NOTES THE OPTIONS BEING CONSIDERED FOR THE PROCESSING OF FOGO WASTE AT THE RED HILL WASTE MANAGEMENT FACILITY.*
- 3. AS PART OF THE VARIOUS OPTIONS BEING CONSIDERED, THAT INVESTIGATIONS AND COST MODELLING BE UNDERTAKEN ON OPTIONS TO ESTABLISH AN INTERIM FINANCIAL ARRANGEMENT ON BEHALF OF MEMBER COUNCILS, WITH SOUTHERN METROPOLITAN REGIONAL COUNCIL OR OTHER APPROPRIATE THIRD PARTIES FOR THE PROCESSING OF FOGO COMMENCING 1 JULY 2019 UNTIL THE RED HILL WASTE MANAGEMENT FACILITY IS ABLE TO RECEIVE AND PROCESS FOGO WASTE.*
- 4. REQUEST THE OUTCOME FROM THE REVIEW OF THE VARIOUS OPTIONS INCLUDING COST MODELLING BE PRESENTED TO THE MARCH 2019 ORDINARY COUNCIL MEETING.”*

At its 21 March 2019 meeting of Council, it was resolved (D2019/05266):

“THAT:

- 1. THE EMRC BEGIN THE PROCESS OF DEVELOPING A LONG-TERM FOOD ORGANIC & GARDEN ORGANIC (FOGO) STRATEGY INCLUDING, IF REQUIRED, SEEKING EXPRESSIONS OF INTEREST FOR THE APPROPRIATE TECHNOLOGY TO IMPLEMENT LONG-TERM FOGO PROCESSING SOLUTIONS TO CATER FOR ALL MEMBER COUNCIL WASTE STREAMS.*
- 2. IN THE INTERIM, THE EMRC PROCEEDS WITH THE PROCUREMENT PROCESS AND LICENCE APPROVAL FOR THE ADDITION OF A TRIAL MOBILE AERATOR FLOOR (MAF) COMPOSTING SYSTEM FOR THE PROCESSING OF UP TO 10,000 TPA OF FOGO WASTE AT THE RED HILL WASTE MANAGEMENT FACILITY.*
- 3. APPROVES THE EXPENDITURE OF UP TO \$400,000 EX GST FOR THE PURCHASE AND INSTALLATION OF A SUITABLE MAF SYSTEM, INCLUDING HARDSTAND INSTALLATION AND THAT THE FUNDS BE ALLOCATED FROM THE SECONDARY WASTE RESERVE.*
- 4. NOTES THAT INTERIM ARRANGEMENTS ARE AVAILABLE WITH SEVERAL THIRD PARTY PROCESSORS OF FOGO WASTE IF THE INSTALLATION OF A PROCESSING FACILITY OR THE LICENCE APPROVAL IS DELAYED FOR WHATEVER REASON BEYOND PLANNED START DATES FOR FOGO COLLECTIONS BY MEMBER COUNCILS.*
- 5. ADVISE THE TOWN OF BASSENDEAN AND THE CITY OF BAYSWATER OF THE COUNCIL RESOLUTION AND AUTHORISE THE CEO TO ENTER INTO NEGOTIATIONS WITH THESE MEMBER COUNCILS FOR A SUITABLE PROCESSING ARRANGEMENT.*
- 6. SEEK FUNDING SUPPORT FROM THE WASTE AUTHORITY FOR THE FOGO TRIAL AT THE RED HILL WASTE MANAGEMENT FACILITY.*
- 7. THAT THE EMRC EXPLORE ALL MARKETING OPPORTUNITIES FOR THE COMPOST PRODUCT DURING THE FOGO TRIAL PERIOD.”*



Item 11.2 continued

Following the draft Food Organics and Garden Organics (FOGO) Waste Strategy (Ref: D2019/14024) being presented to the Waste Advisory Committee on 5 September 2019 it was subsequently endorsed by Council at its 19 September 2019 meeting and was resolved as follows (Ref: D2019/14022):

"THAT COUNCIL ENDORSES THE DRAFT FOOD ORGANICS AND GARDEN ORGANICS (FOGO) RECOVERY STRATEGY SUBJECT TO THE LAST DOT POINT UNDER 'PRINCIPLES' ON PAGE 9 BEING AMENDED TO STATE "THE FUNDING OF BINS, CADDIES AND INITIAL EDUCATION/PRODUCT MARKETING FOR MEMBER COUNCILS WILL BE FUNDED THROUGH THE SECONDARY WASTE RESERVE."

At its 20 February 2020 meeting of Council, it was resolved (Ref: D2020/2381):

"THAT:

- 1. THE FOLLOWING RESPONDENTS TO THE EXPRESSION OF INTEREST ARE LISTED AS ACCEPTABLE TENDERERS:
 - A. BARPA PTY LTD;*
 - B. HITACHI ZOSEN INOVA AUSTRALIA PTY LTD;*
 - C. PINDAN CONTRACTING PTY LTD;*
 - D. SACYR ENVIRONMENT AUSTRALIA PTY LTD; AND*
 - E. VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD.**
- 2. THE FOLLOWING RESPONDENTS TO THE EXPRESSION OF INTEREST ARE NOT LISTED AS ACCEPTABLE TENDERERS:
 - A. AURIGEN GROUP*
 - B. BIOGASS RENEWABLES PTY LTD;*
 - C. CLEANAWAY PTY LTD;*
 - D. FOCUS ENVIRO (EMER PTY LTD)*
 - E. REGROUP PTY LTD; AND*
 - F. SKALA AUSTRALASIA PTY LTD.**
- 3. THE RESPONDENTS TO EXPRESSION OF INTEREST 2019 -007 BE ADVISED OF THE OUTCOME OF THE ASSESSMENT.*
- 4. THAT A FEASIBILITY STUDY IS PREPARED AND ADOPTED BY COUNCIL PRIOR TO TENDERS BEING CALLED.*
- 5. THE ATTACHMENT(S) REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO."*

At its 19 March 2020 meeting of Council, it was resolved (Ref: D2020/05700)

"THAT COUNCIL:

- 1. DECLARES ON THIS DAY 19 MARCH 2020, A DISTRIBUTION TOTALLING \$13,789,200 FROM THE SECONDARY WASTE RESERVE TO BE DISTRIBUTED TO ALL MEMBER COUNCILS ON OR BEFORE 30 JUNE 2020.*
- 2. AUTHORISES THE DISTRIBUTION TO THE RESPECTIVE PARTICIPANTS OF THE EMRC:
 - A. BE BASED ON \$100 PER HOUSEHOLD; AND*
 - B. FOLLOWING THE NEXT CENSUS IN 2021 AN ADJUSTMENT DISTRIBUTION BE MADE BASED ON REVISED NUMBER OF HOUSEHOLDS PER MEMBER COUNCIL.**
- 3. AGREES THE DISTRIBUTION OF FUNDS TO THE RESPECTIVE MEMBER COUNCILS IS TO ASSIST AND SUPPORT THE IMPLEMENTATION OF FOGO RECOVERY PROGRAM INCLUDING THE COST OF BINS, KITCHEN CADDIES AND FIRST YEAR CADDY LINERS IN LINE WITH THE SECONDARY WASTE TREATMENT OF HOUSEHOLD MUNICIPAL WASTE.*



Item 11.2 continued

4. *SHOULD A MEMBER COUNCIL DECIDE NOT TO PROCEED WITH THE FOGO PROGRAM, DISTRIBUTED FUNDS ARE TO BE REFUNDED TO THE SECONDARY WASTE RESERVE.*
5. *REQUEST AN UPDATED TIMELINE FOR TENDER IMPLEMENTATION OF A PERMANENT FOGO PROCESSING SOLUTION THAT INCLUDES THE TASKS OF PREPARING A FEASIBILITY STUDY AND OBTAINING COUNCIL APPROVAL PRIOR TO TENDERS BEING CALLED."*

REPORT

FOGO Collections and FOGO Education

The coronavirus pandemic has impacted the timing for the implementation of a FOGO collection in the Town of Bassendean and the City of Bayswater. Bin tagging proposed for the start of the rollout has been suspended due to COVID-19 risk mitigation measures recommended by WALGA and this is an important part of the FOGO education support provided by the EMRC.

The City of Bayswater will confirm a start date for the commencement of FOGO collections closer to July 2020 when government and health authority advice on restrictions on social distancing and business activities are clearer. The Town of Bassendean expect to confirm a start date soon, likely to be in late July 2020.

Interim FOGO Processing

The licence amendment for the interim facility at Red Hill was resubmitted to the DWER following their concerns about potential odour impacts on residents to the east and north of the proposed Mobile Aerated Floor (MAF) location. The EMRC have now proposed a two-stage processing of the FOGO waste with stage one to be located 500 metres to the west of the stage two maturation processing area on the southern half of Lot 10. The stage one area will have a biofilter attached to the MAF to treat odorous air and after six weeks of composting it will be screened and the fine fraction relocated to the stage two MAF unit for further composting and maturation before final screening (refer Attachment 1). Odour modelling shows that this will reduce the risk of off-site odour impacts on sensitive receptors to acceptable standards.

This amended proposal will involve additional expenditure on the Lot 10 site for ground preparation, a leachate pond and a biofilter. If DWER approval is not obtained in time for the commencement of the FOGO collections, alternative arrangements are in place with the Southern Metropolitan Regional Council (SMRC).

The MAF equipment is being procured by the contractor and is expected to be delivered to site by early May 2020.

Bin and Caddy Procurement

The EMRC is liaising with member Councils regarding the opportunities for savings in the procurement of bins, kitchen caddies and liners within the distribution approved by Council at its 19 March 2020 meeting. A Deed of Release for the approved funds has been prepared and circulated to WAC technical officers and CEO's for comment.

RFT for Permanent FOGO Facility

The timeline for the implementation of a tender process for a permanent FOGO processing facility has been revised but is subject to disruption from the effects of the government directives due to the coronavirus. An updated timeline is attached (Attachment 2). Note this includes a step for Council to endorse the feasibility study before the request for tender proceeds.

The development of the financial feasibility for two (2) contract model options is progressing and will be presented to WAC technical officers for comment in May 2020.



Item 11.2 continued

Member Councils have each nominated an officer for the tender evaluation committee. The committee members are:

- Mr Brice Campbell, Recycling and Waste Coordinator, Town of Bassendean
- Mr Doug Pearson, Director Works and Infrastructure, City of Bayswater
- Ms Melanie Reid, Director Infrastructure Services, City of Belmont
- Mr Brett Jackson, Director Asset Services, City of Kalamunda
- Mr Roger Haripersad, Co-ordinator Waste & Fleet, Shire of Mundaring
- Mr Jim Coten, Executive Manager Operations, City of Swan

Probity advisors and legal advisors have been appointed and quotations are being sought for an engineering consultancy to support the tender process for a permanent facility.

A draft Participants Agreement for FOGO Supply has been prepared by the EMRC's lawyers and is detailed in the confidential report item 14.1 of this Waste Advisory Committee agenda.

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 1 – Environmental Sustainability

- 1.1 To provide sustainable waste disposal operations

FINANCIAL IMPLICATIONS

There is provision in the adopted 2019/2020 Annual Budget and the ten (10) year financial plan for capital expenditure on food organics and garden organics (FOGO) processing.

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

1. Drawing of Interim FOGO Processing Location (Ref: D2020/08953)
2. Draft Implementation Timeline for Permanent FOGO Facility (Ref: D2020/08954)

VOTING REQUIREMENT

Simple Majority



Item 11.2 continued

RECOMMENDATION(S)

That Council:

1. Receives the report.
2. Notes the updated timeline for the tender implementation.

In accordance with Clause 9.1 of the *EMRC Standing Orders Local Law 2013*, Mr Coten gave notice of his intention to table an alternate motion, which was distributed prior to the meeting.

Alternate Motion

That Council:

1. *Receives the report.*
2. *Refer the draft timeline for tender implementation to a working group, consisting of EMRC Officers and Member Council's Technical Officers.*
3. *Report back to a future Waste Advisory Committee Meeting with a revised timeline.*
4. *That the scope of works for the Feasibility Study stemming from the EMRC Council meeting decision of 20 February 2020 is endorsed by the Waste Advisory Committee prior to commencement.*

Rationale provided by Mr Coten

The reason for changing the Officer's recommendation is to enable member Council Technical Officers to have appropriate input into the process.

The EMRC supports this alternate motion.

The alternate motion was moved by Mr Coten and seconded by Ms Reid.

ALTERNATE MOTION(S)

That Council:

1. Receives the report.
2. Refer the draft timeline for tender implementation to a working group, consisting of EMRC Officers and Member Council's Technical Officers.
3. Report back to a future Waste Advisory Committee Meeting with a revised timeline.
4. That the scope of works for the Feasibility Study stemming from the EMRC Council meeting decision of 20 February 2020 is endorsed by the Waste Advisory Committee prior to commencement.



Item 11.2 continued

WAC RECOMMENDATION(S)

MOVED MR COTEN

SECONDED MS REID

That Council:

1. Receives the report.
2. Refer the draft timeline for tender implementation to a working group, consisting of EMRC Officers and Member Council's Technical Officers.
3. Report back to a future Waste Advisory Committee Meeting with a revised timeline.
4. That the scope of works for the Feasibility Study stemming from the EMRC Council meeting decision of 20 February 2020 is endorsed by the Waste Advisory Committee prior to commencement.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION(S)

MOVED CR JEANS

SECONDED CR WOLFF

THAT COUNCIL:

1. RECEIVES THE REPORT.
2. REFER THE DRAFT TIMELINE FOR TENDER IMPLEMENTATION TO A WORKING GROUP, CONSISTING OF EMRC OFFICERS AND MEMBER COUNCIL'S TECHNICAL OFFICERS.
3. REPORT BACK TO A FUTURE WASTE ADVISORY COMMITTEE MEETING WITH A REVISED TIMELINE.
4. THAT THE SCOPE OF WORKS FOR THE FEASIBILITY STUDY STEMMING FROM THE EMRC COUNCIL MEETING DECISION OF 20 FEBRUARY 2020 IS ENDORSED BY THE WASTE ADVISORY COMMITTEE PRIOR TO COMMENCEMENT.

CARRIED UNANIMOUSLY

Implementation Timeline for Permanent FOGO Facility


Below is the approximate timeline of the project:

Item	FOGO Tender Timeline	Responsible	Start Date	Completion
1	Council endorsement of acceptable tenderer list from EOI process	EMRC		19-March-20
2	Appointment of legal advisors and probity advisors for the project	Chief Project Officer (CPO)		17-Apr-20
3	Sourcing of engineering service provider (Consultant) for specification and scope development	CPO	21-April-20	6-May-20
3a	Appointment of Consultant	EMRC	11 May 20	
4	Formation of tendering team	EMRC	5-March-20	31-March-20
5	Invite potential tenderers to discuss the technology options and lesson learnt	Procurement	27-Apr-20	1-May-20
6	Workshop to agree tender specification, scope and probity	CPO		7-May-20
7	Finalise specification and scope	CPO/Procurement	8-May	18-May-20
8	Drafting of commercial requirements ie pricing model and table for tender documentation	Consultant/Legal/Procurement	8-May-20	25-May-20
9	Drafting of tender criteria (compliance and qualitative) for tender documentation	Procurement/Consultant/Tender Evaluation Team(TET)	8-May-20	13-May-20
10	Drafting of contract documentation	Legal	14-May-20	28-May-20
11	Draft full tender documentation which includes Specification and Scope, commercial requirements and evaluation criteria for review	Procurement/Legal/Consultant	18-May-20	28-May-20
12	Tender Documentation workshop to review, amend and endorse documentation	TET, Consultant, Legal, Probity		28-May-20
13	Tender documentation preparation and compilation process	Procurement	28-May-20	5-June-20
14	Tender documentation approval sign off by relevant EMRC officers	CEO	5-June-20	9-June-20
15	WAC approval of RFT and feasibility study	WAC		4-June 20
16	Council approval to proceed with tender	Council		18-June 20
17	Tender Go Live (15 weeks)			20-June-20
18	Mandatory site briefing/visit	CPO		6-Jul-20
19	Tender Closed			3-Oct-20
20	Tender opening and tender compliance review process	Procurement	5-Oct-20	9-Oct-20
21	Tender evaluation briefing workshop	TET	12-Oct-20	16-Oct-20
22	Tender evaluation process	TET	19-Oct-20	6-Nov-20
23	Compilation of the evaluation scoring	Procurement	6-Nov-20	13-Nov-20

24	Collective bid and draft recommendation report review and finalisation workshop	TET		19-Nov-20
25	Evaluation and Recommendation completed	TET		27-Nov-20
26	Tender evaluation report to Council for approval	EMRC		3-Dec-20
27	Preparation of site visits to short listed Contractors sites	To be Determine	4-Dec-20	10-Dec-20
28	Visits to short listed Contractors reference sites - max 2	To be Determine	11-Jan-21	22-Jan-21
29	Commence contract negotiation with potential shortlisted Contractor as required	Procurement/Legal	1-Feb-21	15-Feb-21
30	Finalise Recommendation Report to award contract	Procurement/CPO		23-Mar-21
31	Finalised Recommendation Report to CEO for approval	Procurement/CPO	26-Oct-20	29-Apr-21
32	WAC Agenda deadline	CPO		19-Apr-21
33	WAC Agenda Review Meeting	EMRC		24-Apr-21
34	WAC Meeting	EMRC		4-Mar-21
35	Council Agenda deadline	EMRC		20-Nov-20
36	Council Agenda Review Meeting	EMRC		25-Nov-20
37	Council Meeting	EMRC		18-Mar-21
38	Contract Award - Approval date	Procurement		22-Mar-21
39	Contract approved by both parties	Procurement/ Contractor		31-Mar-21
40	Contract kick off meeting	CPO/Contractor		12-Apr-21

O:\Projects\2019-06 FOGO Processing\Drawings\Development\2019-06-03 Fogo New Area Proposal - Location Rev D.dwg



 <div>Eastern Metropolitan Regional Council 1st Floor Ascot Place, 226 Great Eastern Hwy Belmont, Western Australia 6104 PO Box 234 Belmont Western Australia 6984</div>					DESIGNED	MT 03/2020	SITE RED HILL WASTE MANAGEMENT FACILITY	PROJECT NAME FOGO PROCESSING	DRAWING NO. 2019-06-03	
					DRAWN	AS 03/2020				
					CHECKED	SC 04/2020				
	D	MT	09/04/2020	AMENDMENTS	APPROVED		ADDRESS 1094 TOODYAY ROAD RED HILL	TITLE FOGO NEW AREA PROPOSAL - LOCATION	SHEET NO. 3 OF 3	SCALE AS SHOWN
	C	MT	31/03/2020	FEWER DETAILS						
	B	MT	27/03/2020	ADDED CONTOURS						
	A	MT	20/03/2020	CONCEPT DRAWING						
NO.	INT.	DATE		— SC — MANAGER, ENGINEERING						



11.3 RESOURCE RECOVERY FACILITY UPDATE

REFERENCE: D2020/05409 (WAC) – D2020/08955

PURPOSE OF REPORT

The purpose of this report is to update Council on the status of the East Rockingham Resource Recovery Facility (RRF) and to consider the Contractor's progress.

KEY POINTS AND RECOMMENDATION(S)

- HZI have provided a project update to 30 March 2020.
- The coronavirus COVID-19 pandemic has had some impact on the procurement of long lead items but so far the EPC Contractor has been able to work around this.
- Site works are continuing at East Rockingham but with all precautions being taken.
- A planned official siteworks opening has been delayed for now as has associated publicity.

Recommendation(s)

That the report be received.

SOURCE OF REPORT

Chief Project Officer

BACKGROUND

In a confidential report to the 7 September 2017 (Ref: D2017/12794) Special Meeting of Council it was resolved:

"THAT:

1. *COUNCIL CONFIRMS THAT THE PREFERRED TENDERER FOR REQUEST FOR TENDER (RFT) 2016-005 – RESOURCE RECOVERY FACILITY (RRF) IS A CONSORTIUM COMPRISING HITACHI ZOSEN INOVA AG, NEW ENERGY CORPORATION PTY LTD AND TRIBE INFRASTRUCTURE DEVELOPMENT PTE LTD (HZI CONSORTIUM).*
2. *COUNCIL CONFIRMS THAT HZI CONSORTIUM INTENDS TO ESTABLISH AN ENERGY FROM WASTE FACILITY IN EAST ROCKINGHAM TO PROCESS MUNICIPAL WASTE FROM THE EMRC, MRC AND COMMERCIAL CUSTOMERS.*
3. *COUNCIL ADOPTS THE WASTE SUPPLY AGREEMENT BETWEEN EMRC AND HZI CONSORTIUM FORMING AN ATTACHMENT TO THIS REPORT.*
4. *THE CHAIRMAN AND THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN THE WASTE SUPPLY AGREEMENT WITH HZI CONSORTIUM UNDER THE COMMON SEAL.*
5. *COUNCIL ADOPTS THE FINANCIER SIDE DEED WITH THE SECURITY TRUSTEE AND EACH OF THE EMRC MEMBER COUNCILS FORMING AN ATTACHMENT TO THIS REPORT.*
6. *THE CHAIRMAN AND THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN THE FINANCIER SIDE DEED WITH THE SECURITY TRUSTEE UNDER THE COMMON SEAL.*
7. *COUNCIL ADOPTS THE PARTICIPANTS AGREEMENT FOR A WASTE SUPPLY AGREEMENT WITH EACH OF THE EMRC MEMBER COUNCILS.*
8. *THE CHAIRMAN AND THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN THE PARTICIPANTS AGREEMENT FOR A WASTE SUPPLY AGREEMENT UNDER THE COMMON SEAL WITH EACH OF THE EMRC MEMBER COUNCILS.*



Item 11.3 continued

9. *THE CEO BE AUTHORISED IN CONSULTATION WITH THE CHAIRMAN AND ON LEGAL ADVICE TO MAKE MINOR CHANGES TO THE AGREEMENTS FORMING ATTACHMENTS TO THIS REPORT.*
10. *EMRC MEMBER COUNCILS BE REQUESTED TO ADOPT AND SIGN THE PARTICIPATION AGREEMENT FOR A WASTE SUPPLY AGREEMENT.*
11. *EMRC MEMBER COUNCILS BE REQUESTED TO ADOPT AND SIGN THE FINANCIER SIDE DEED.*
12. *THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO."*

In a confidential report (Ref: D2018/02486) to the 22 March 2018 meeting of Council, it was resolved:

"THAT COUNCIL NOTES THE ADVICE RECEIVED FROM THE TOWN OF BASSENDEAN AND THE CITY OF BAYSWATER REGARDING THEIR RESPECTIVE RESOLUTIONS ON THE RRF PROJECT."

In a confidential report (Ref: D2019/01428) to the 21 February 2019 meeting of Council, it was resolved:

"THAT:

1. *COUNCIL NOTES THE CONTRACTOR'S ADVICE THAT FINANCIAL CLOSE FOR THE EAST ROCKINGHAM RESOURCE RECOVERY FACILITY (RRF) PROJECT MAY NOT BE REACHED BY 14 MARCH 2019 AS SPECIFIED IN THE WASTE SUPPLY AGREEMENT.*
2. *COUNCIL GRANTS AN EXTENSION OF TIME FOR THE CONTRACTOR TO ACHIEVE FINANCIAL CLOSE UNTIL 30 JUNE 2019.*
3. *COUNCIL AUTHORISES THE CEO TO GRANT FURTHER EXTENSIONS OF TIME TO THE CONTRACTOR FOR FINANCIAL CLOSE AS REQUIRED.*
4. *THE REPORT REMAINS CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO."*

At the ordinary meeting of Council on 20 June 2019, the HZI Consortium provided a confidential briefing on the project status and the need for a further extension of time and responded to questions from councillors and officers.

In a confidential report (Ref: D2018/08734) to a Special Meeting of Council on 27 June 2019, it was resolved:

"THAT:

1. *COUNCIL NOTES THE CONTRACTOR'S ADVICE THAT FINANCIAL CLOSE FOR THE EAST ROCKINGHAM RESOURCE RECOVERY FACILITY (RRF) PROJECT WILL NOT BE REACHED BY 30 JUNE 2019 AS SPECIFIED IN THE WASTE SUPPLY AGREEMENT.*
2. *COUNCIL ADOPTS OPTION 5 AS CONTAINED IN THE BODY OF THE REPORT AND ADVISES THE CONTRACTOR ACCORDINGLY.*
3. *THE REPORT REMAINS CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO."*

REPORT

As required under the contract, HZI have provided a status report on the progress of the East Rockingham RRF which in summary is as follows:



Item 11.3 continued

1. HZI issued a Notice to Proceed (NTP) to the EPC Contractor Acciona/HZI on 2 January 2020.
2. The EPC Contractor (EPCC) has had to source some of the long lead items including the boiler and steam turbine from another supplier as they were originally being supplied from China.
3. EPCC has placed the order for the boiler and confirmed that no time has been lost from having to switch from the Chinese company.
4. RFQ's have been issued to major suppliers for the steam turbine, which is the next long lead item. The vendors have responded to RFQ and stated they are not impacted by COVID-19.
5. EPCC has taken additional precautions on site with inductions including significant COVID-19 screening.
6. The onsite civil works are not expected to be impacted by COVID-19.
7. We have been notified of a force majeure notice from EPCC because of the sourcing of long lead items from China but this has been addressed as detailed above and no extension of time claim has been received and they are meeting weekly to stay abreast of the situation.

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 1 – Environmental Sustainability

- 1.3 To provide resource recovery and recycling solutions in partnership with member Councils

FINANCIAL IMPLICATIONS

The cost of implementing the tender is budgeted in the adopted 2019/2020 Annual Budget and subsequent years.

SUSTAINABILITY IMPLICATIONS

Waste to energy is not considered resource recovery but is more preferred landfill on the Waste Hierarchy.

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	As reflected in the report.
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

CONFIDENTIAL ATTACHMENT(S)

Confidential Report – East Rockingham Resource Recovery Facility - Project Update April 2020 (Ref: D2020/08969)

This attachment is recommended to be confidential because it contains matters of a commercial-in-confidence nature.



Item 11.3 continued

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That the report be received.

WAC RECOMMENDATION(S)

MOVED CR JEANS

SECONDED MR JACKSON

That the report be received.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION(S)

MOVED CR JEANS

SECONDED CR WOLFF

THAT THE REPORT BE RECEIVED.

CARRIED UNANIMOUSLY



11.4 DRAFT FOGO DISTRIBUTION DEED

REFERENCE: D2020/07537 (WAC) – D2020/08956

PURPOSE OF REPORT

The purpose of this report is to provide Council with a draft FOGO Distribution Deed for adoption.

KEY POINTS AND RECOMMENDATION(S)

- A draft FOGO Distribution Deed has been prepared by Council's lawyers.
- The Chief Executive Officers Advisory Committee (CEOAC) has reviewed the draft Deed and provided feedback.
- The WAC officers have reviewed the Deed and also provided feedback.
- An amended FOGO Distribution Deed is presented for adoption.

Recommendation(s)

That:

1. Council adopts the draft FOGO Distribution Deed.
2. The CEO arranges for member Councils to execute the FOGO Distribution Deed in order to receive the distribution.

SOURCE OF REPORT

Chief Project Officer

BACKGROUND

At its 19 March 2020 meeting, Council resolved (Ref: D2020/05700):

"THAT COUNCIL:

1. *DECLARES ON THIS DAY 19 MARCH 2020, A DISTRIBUTION TOTALLING \$13,789,200 FROM THE SECONDARY WASTE RESERVE TO BE DISTRIBUTED TO ALL MEMBER COUNCILS ON OR BEFORE 30 JUNE 2020.*
2. *AUTHORISES THE DISTRIBUTION TO THE RESPECTIVE PARTICIPANTS OF THE EMRC:*
 - a. *BE BASED ON \$100 PER HOUSEHOLD; AND*
 - b. *FOLLOWING THE NEXT CENSUS IN 2021 AN ADJUSTMENT DISTRIBUTION BE MADE BASED ON REVISED NUMBER OF HOUSEHOLDS PER MEMBER COUNCIL.*
3. *AGREES THE DISTRIBUTION OF FUNDS TO THE RESPECTIVE MEMBER COUNCILS IS TO ASSIST AND SUPPORT THE IMPLEMENTATION OF FOGO RECOVERY PROGRAM INCLUDING THE COST OF BINS, KITCHEN CADDIES AND FIRST YEAR CADDY LINERS IN LINE WITH THE SECONDARY WASTE TREATMENT OF HOUSEHOLD MUNICIPAL WASTE. SHOULD A MEMBER COUNCIL DECIDE NOT TO PROCEED WITH THE FOGO PROGRAM, DISTRIBUTED FUNDS ARE TO BE REFUNDED TO THE SECONDARY WASTE RESERVE.*
4. *REQUEST AN UPDATED TIMELINE FOR TENDER IMPLEMENTATION OF A PERMANENT FOGO PROCESSING SOLUTION THAT INCLUDES THE TASKS OF PREPARING A FEASIBILITY STUDY AND OBTAINING COUNCIL APPROVAL PRIOR TO TENDERS BEING CALLED."*



Item 11.4 continued

REPORT

Following Council's adoption of the funding methodology for a distribution of funds from the Secondary Waste Reserve, a draft FOGO Distribution Deed has been prepared for adoption by Council.

The April 2020 CEOAC meeting considered the draft Deed and requested a simplified version which has been produced and circulated to the CEOAC and WAC officers for comment. This simplified version as amended by the WAC officers is attached.

The distribution of funds will be as follows:

Participant Council	PER H/HOLD @ \$100.00 (A)	EQUITY \$ (B)	DIFFERENCE (B) - (A)	EQUITY PER H/HOLD \$
Town of Bassendean	\$648,100	\$591,454	-\$56,646	\$91
City of Bayswater	\$2,867,500	\$2,564,083	-\$303,417	\$89
City of Belmont	\$1,720,400	\$1,559,900	-\$160,500	\$91
City of Kalamunda	\$2,193,700	\$2,215,126	\$21,426	\$101
Shire of Mundaring	\$1,455,200	\$1,470,800	\$15,600	\$101
City of Swan	\$4,904,300	\$5,387,837	\$483,537	\$110
	\$13,789,200	\$13,789,200	\$0	\$100

The draft Deed sets out the amount to be received by each member Council as per the above table and the conditions applying to the receipt and use of the funds.

The distribution of funds is specifically for the permitted purpose as outlined in the Council resolution from the 19 March 2020 meeting to assist and support the member Councils in the implementation of the FOGO Recovery Strategy which includes the cost of bins, kitchen caddies and the first year of caddy liners in line with the secondary waste treatment of household municipal waste.

The Payment of Distribution amount will be made by the EMRC to the Recipient on or before the 30 June 2020 or within 15 Business Days after execution of this Deed, whichever comes first. Following the Census in 2021, a subsequent distribution will be made where there has been an increase in the number of households in each of the Recipient's district compared to the 2016 Census figures. Should there be an increase then the EMRC will make an adjustment distribution payment to the Recipient, to account for any actual increases in household numbers in any of the participating member Councils based on \$100 per household.

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 1 – Environmental Sustainability

1.1 To provide sustainable waste disposal operations



Item 11.4 continued

FINANCIAL IMPLICATIONS

Distribution of funds will be made from the Secondary Waste Reserve by 30 June 2020, subject to member Councils signing of the FOGO Distribution Deed.

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

1. Draft FOGO Distribution Deed with Track Changes (Ref: D2020/08957)
2. Draft FOGO Distribution Deed Final – Clean Copy to WAC (Ref: D2020/08958)
3. Draft FOGO Distribution Deed – Final Version including recommended WAC Amendments (Ref: D2020/08960)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That:

1. Council adopts the draft FOGO Distribution Deed.
2. The CEO arranges for member Councils to execute the FOGO Distribution Deed in order to receive the distribution.



Item 11.4 continued

In accordance with Clause 9.1 of the *EMRC Standing Orders Local Law 2013*, Ms Reid gave notice of her intention to table an alternate recommendation, which was distributed prior to the meeting.

Alternate Recommendation

That:

1. *Council adopts the draft FOGO Distribution Deed with the following change to the document:*
 - a) *Reject the deletion of “(that is deemed suitable by the Recipient)”, located on page 4 / paragraph 1 of the Track Changes version, reinstating this text into the draft FOGO Distribution Deed.*
 - b) *With corresponding changes to be made to the clean version of the draft FOGO Distribution Deed*
2. *The CEO arranges for member Councils to execute the FOGO Distribution Deed in order to receive the distribution.*

Rationale provided Ms Reid

The suitability of a facility may vary between individual member Councils and the Recipient should be allowed to determine whether or not a facility is suitable.

OFFICER COMMENTS

To ensure clarity of the Deed and as proposed by Mr Jim Coten is to add the following wording:

- Conclusion or end date is any date between the commencement date and no later than the dates specified in the Waste Avoidance and Resource Recovery Strategy 2030, subject to a FOGO facility deemed suitable by the Recipient being available to member Councils by this time. *Deemed suitable means (a) be located within the EMRC, (b) have a gate fee that is comparable to other FOGO facilities in Australia and (c) have available capacity to take the Member Council's waste*

Cr Congerton requested changes to the wording of the Deed as follows (these tracked changes were shown in the amended draft deed as sent to WAC members on 6 May 2020):

1. Page 3 para 2, insert after “... the 2021 Census”, “and/or immediately prior to the implementation of each Recipient’s FOGO management service”.
2. Page 4, para 1, insert after “.. no later than” the date specified in the Waste Avoidance and Resource Recovery Strategy 2030”.

ALTERNATE RECOMMENDATION(S)

That:

1. Council adopts the draft FOGO Distribution Deed with the following change to the document:
 - a) Reject the deletion of “(that is deemed suitable by the Recipient)”, located on page 4 / paragraph 1 of the Track Changes version, reinstating this text into the draft FOGO Distribution Deed.
 - b) With corresponding changes to be made to the clean version of the draft FOGO Distribution Deed
2. The CEO arranges for member Councils to execute the FOGO Distribution Deed in order to receive the distribution.



Item 11.4 continued

Mr Coten proposed the following amendments to the alternate recommendations which was accepted by the mover Ms Reid.

1. *Council adopts the draft FOGO Distribution Deed with the following change to the document:*
 - a) *That the word “suitable” be inserted on page 4, paragraph 1, so that it reads “subject to a **suitable** FOGO facility being available...”*
 - b) *With corresponding changes to be made to the clean version of the draft FOGO Distribution Deed*
2. *The CEO arranges for member Councils to execute the FOGO Distribution Deed in order to receive the distribution.*

The alternate recommendation as amended was moved by Ms Reid and seconded by Mr Coten.

Debate ensued.

During debate, Cr Johnson requested that the amendment be put in writing and requested the item be deferred to later in the meeting so that all members can consider the amendment.

All members were in agreeance.

The meeting proceeded to the next item on the agenda.

This item resumed after Confidential Item 14.4.

Following resumption of the discussion of this item at the meeting, Mr Coten proposed that Cr Congerton's amendments forms part of the alternate recommendation.

Ms Reid agreed with the further amendment. Ms Reid advised the Deputy Chairman she would like to move the motion with an amendment which also incorporates Cr Congerton requested changes which the new 1(b) and 1(c) are added following item 1(a) and the old 1(b) becomes 1(d).

The amended alternate motion is as follows:

That:

1. *Council adopts the draft FOGO Distribution Deed with the following change to the document:*
 - a) *Reject the deletion of “(that is deemed suitable by the Recipient)”, located on page 4 / paragraph 1 of the Track Changes version, reinstating this text into the draft FOGO Distribution Deed.*
 - b) *Page 3 para 2, insert after “... the 2021 Census”, “and/or immediately prior to the implementation of each Recipient’s FOGO management service”.*
 - c) *Page 4, para 1, insert after “.. no later than” the date specified in the Waste Avoidance and Resource Recovery Strategy 2030”.*
 - d) *With corresponding changes to be made to the clean version of the draft FOGO Distribution Deed*
2. *The CEO arranges for member Councils to execute the FOGO Distribution Deed in order to receive the distribution.*



Item 11.4 continued

ALTERNATE RECOMMENDATION(S)

That:

1. Council adopts the draft FOGO Distribution Deed with the following change to the document:
 - a) That the word “suitable” be inserted on page 4, paragraph 1, so that it reads “subject to a suitable FOGO facility being available...”
 - b) Page 3 para 2, insert after "... the 2021 Census", "and/or immediately prior to the implementation of each Recipient's FOGO management service".
 - c) Page 4, para 1, insert after "... no later than" the date specified in the Waste Avoidance and Resource Recovery Strategy 2030".
 - d) With corresponding changes to be made to the clean version of the draft FOGO Distribution Deed.
2. The CEO arranges for member Councils to execute the FOGO Distribution Deed in order to receive the distribution.

WAC RECOMMENDATION(S)

MOVED MS REID

SECONDED MR COTEN

That:

1. Council adopts the draft FOGO Distribution Deed with the following change to the document:
 - a) That the word “suitable” be inserted on page 4, paragraph 1, so that it reads “subject to a suitable FOGO facility being available...”
 - b) Page 3 para 2, insert after "... the 2021 Census", "and/or immediately prior to the implementation of each Recipient's FOGO management service".
 - c) Page 4, para 1, insert after "... no later than" the date specified in the Waste Avoidance and Resource Recovery Strategy 2030".
 - d) With corresponding changes to be made to the clean version of the draft FOGO Distribution Deed.
2. The CEO arranges for member Councils to execute the FOGO Distribution Deed in order to receive the distribution.

CARRIED UNANIMOUSLY

Post Meeting Note

Following the WAC meeting, the Draft FOGO Distribution Deed has been updated to reflect the recommendations of WAC (Attachment 3) for Council's review and adoption.



Item 11.4 continued

COUNCIL RESOLUTION(S)

MOVED CR JEANS

SECONDED CR WOLFF

THAT:

1. COUNCIL ADOPTS THE DRAFT FOGO DISTRIBUTION DEED WITH THE FOLLOWING CHANGE TO THE DOCUMENT:
 - a) THAT THE WORD "SUITABLE" BE INSERTED ON PAGE 4, PARAGRAPH 1, SO THAT IT READS "SUBJECT TO A SUITABLE FOGO FACILITY BEING AVAILABLE..."
 - b) PAGE 3 PARA 2, INSERT AFTER "... THE 2021 CENSUS", "AND/OR IMMEDIATELY PRIOR TO THE IMPLEMENTATION OF EACH RECIPIENT'S FOGO MANAGEMENT SERVICE".
 - c) PAGE 4, PARA 1, INSERT AFTER "... NO LATER THAN" THE DATE SPECIFIED IN THE WASTE AVOIDANCE AND RESOURCE RECOVERY STRATEGY 2030".
 - d) WITH CORRESPONDING CHANGES TO BE MADE TO THE CLEAN VERSION OF THE DRAFT FOGO DISTRIBUTION DEED.
2. THE CEO ARRANGES FOR MEMBER COUNCILS TO EXECUTE THE FOGO DISTRIBUTION DEED IN ORDER TO RECEIVE THE DISTRIBUTION.

CARRIED UNANIMOUSLY

DRAFT

FOGO DISTRIBUTION DEED

Insert member council and EMRC logos

FOGO Distribution Deed (draft)

THIS DEED is made the _____ day of _____ 2020

BETWEEN:

The **EASTERN METROPOLITAN REGIONAL COUNCIL** of 226 Great Eastern Highway,
Belmont, Western Australia (**EMRC**).

and

The party specified in Schedule 1 (the **Recipient**)

The EMRC is a regional local government incorporated pursuant to the *Local Government Act 1995* and the Recipients are the local governments incorporated pursuant to the *Local Government Act 1995*, namely the Town of Bassendean, City of Bayswater, City of Belmont, City of Kalamunda, Shire of Mundaring and the City of Swan.

The EMRC is developing and implementing a FOGO Recovery Strategy (the Strategy) to deal with Food Organics Garden Organics waste (FOGO). In order to enable each Recipient to prepare ~~and encourage households in each of their districts~~ to participate in ~~the a FOGO Recovery Strategy management service~~, the EMRC is providing funding from the Secondary Waste Reserve to the Recipients, by way of a Distribution, on the terms set out in this Deed.

The Secondary Waste Reserve was established by the EMRC pursuant to section 6.11 of the *Local Government Act 1995 (WA)* for the specific purpose to accumulate and to make provision for secondary waste treatment technology.

The Recipient agrees to use the Distribution in accordance with, the terms of this Deed and in accordance with the Council resolution from its 19 March 2020 meeting whereby Council resolved as follows:

COUNCIL RESOLUTION(S)

MOVED CR PIFFARETTI SECONDED CR JEANS

THAT COUNCIL:

1. DECLARES ON THIS DAY 19 MARCH 2020, A DISTRIBUTION TOTALLING \$13,789,200 FROM THE SECONDARY WASTE RESERVE TO BE DISTRIBUTED TO ALL MEMBER COUNCILS ON OR BEFORE 30 JUNE 2020.
2. AUTHORISES THE DISTRIBUTION TO THE RESPECTIVE PARTICIPANTS OF THE EMRC:
 - a. BE BASED ON \$100 PER HOUSEHOLD; AND
 - b. FOLLOWING THE NEXT CENSUS IN 2021 AN ADJUSTMENT DISTRIBUTION BE MADE BASED ON REVISED NUMBER OF HOUSEHOLDS PER MEMBER COUNCIL.
3. AGREES THE DISTRIBUTION OF FUNDS TO THE RESPECTIVE MEMBER COUNCILS IS TO ASSIST AND SUPPORT THE IMPLEMENTATION OF FOGO RECOVERY PROGRAM INCLUDING THE COST OF BINS, KITCHEN CADDIES AND FIRST YEAR CADDY LINERS IN LINE WITH THE SECONDARY WASTE TREATMENT OF HOUSEHOLD MUNICIPAL WASTE. SHOULD A MEMBER COUNCIL DECIDE NOT TO PROCEED WITH THE FOGO PROGRAM, DISTRIBUTED FUNDS ARE TO BE REFUNDED TO THE SECONDARY WASTE RESERVE.

4. REQUEST AN UPDATED TIMELINE FOR TENDER IMPLEMENTATION OF A PERMANENT FOGO PROCESSING SOLUTION THAT INCLUDES THE TASKS OF PREPARING A FEASIBILITY STUDY AND OBTAINING COUNCIL APPROVAL PRIOR TO TENDERS BEING CALLED.

CARRIED 9/3

CR. O'CONNOR; CR WOLFF; CR BOYD VOTED AGAINST

The distribution of the funds paid to the Recipient by the EMRC, from the Secondary Waste Reserve based on \$100 per household, will include a First Distribution Amount (found in Schedule 1) and may include an adjustment distribution amount should there be a requirement to do so after reviewing the 2021 Census.

Upon reviewing the results of the 2021 Census, the EMRC will compare the results of the Census with the 2016 Census figures to determine whether there has been an increase in the number of households in each of the Recipient's district. Should there be an increase then the EMRC will make an adjustment distribution payment to the Recipient, to account for any actual increases in household numbers in any of the participating member Councils based on \$100 per household. In the event there has been a decrease in the number of households, the recipient will be required to repay funds to the EMRC, equivalent to the reduction in the number of households at \$100 per household.

The distribution of the funds is specifically for the purpose as outlined in the Council resolution from its 19 March 2020 meeting to assist and support the member Councils in the implementation of a FOGO management service in accordance with the Waste Authority Waste Avoidance and Resource Recovery Strategy 2030.

~~The distribution of funds is specifically for the permitted purpose as outlined in the Council resolution from its 19 March 2020 meeting to assist and support the member Councils in the implementation of the FOGO Recovery Strategy which includes the cost of bins, kitchen caddies and the first year of caddy liners in line with the secondary waste treatment of household municipal waste.~~

~~This may include the acquisition and delivery of assets necessary for the implementation of the Strategy in the Recipient's district, including but not limited to:~~

- ~~• Purchasing the Household FOGO Equipment for each household;~~
- ~~• Removing any obsolete bins at households;~~
- ~~• Paying for the assembly, distribution and delivery of the Household FOGO Equipment; and~~
- ~~• Other EMRC FOGO Strategy related costs, such as FOGO gate fees, subject to prior approval from EMRC.~~

The Payment of Distribution amount will be made by the EMRC to the Recipient on or before the 30 June 2020 or within 15 Business Days after execution of this Deed, which come first, in accordance with Schedule One, which outlines the individual timeframes of each of the six member Councils who are party to this agreement.

The 'Period' or timeframe for this Deed is as follows:

- Commencement is from execution of this Deed; and

- Conclusion or end date is any date between the commencement date and ~~end date specified in the EMRC FOGO Recovery Strategy but~~ no later than 1 July 2025, subject to a FOGO facility being available to member Councils by this time (that is deemed suitable by the Recipient).

If, at any time during or after the Period, the Recipient decides ~~that the EMRC FOGO Recovery not to implement a FOGO Strategy service will not be implemented~~ in its district then the Recipient must repay to the EMRC the amount of the Distribution received from the EMRC, that has not been expended by the Recipient for the Permitted Purpose with any such repayment to be made to the EMRC within ~~twenty-sixty (2060)~~ Business Days from the day the Recipient decides ~~the Strategy a FOGO service~~ will not be implemented in its district.

If the Recipient fails to pay the amount due to EMRC on the due date for payment then in addition, the amount outstanding shall accrue interest at the rate of 5% per annum which interest shall accrue from day to day, from the due date for payment until the date of actual payment.

This Deed, including Schedule One, serves as a legal and binding agreement between the EMRC and the Recipient and is not to be amended, varied, replaced or waived, unless by the express agreement of the Parties to this Deed in writing.

EXECUTED by the Parties as a Deed.

THE COMMON SEAL of the)
EASTERN METROPOLITAN)
REGIONAL COUNCIL was)
 hereunto affixed by authority of)
 its Council in the presence of:)

 Signature of Chief Executive Officer

 Signature of Chairman (Print)

 Name of Chief Executive Officer (Print)

 Name of Chairman (Print)

SCHEDULE 1 – DETAILS

1. Recipient

Council Name:

Council ABN:

Recipient's Street Address:

Recipient's Postal Address:

Recipient's Facsimile:

Recipient's Email:

2. First Distribution Amount

\$ _____

Add signature spaces/names for the Recipient CEO and Mayor/President

DRAFT

FOGO DISTRIBUTION DEED

Insert member council and EMRC logos

FOGO Distribution Deed (draft)

*OF PREPARING A FEASIBILITY STUDY AND OBTAINING COUNCIL
APPROVAL PRIOR TO TENDERS BEING CALLED.*

CARRIED 9/3

CR. O'CONNOR; CR WOLFF; CR BOYD VOTED AGAINST

The distribution of the funds paid to the Recipient by the EMRC, from the Secondary Waste Reserve based on \$100 per household, will include a First Distribution Amount (found in Schedule 1) and may include an adjustment distribution amount should there be a requirement to do so after reviewing the 2021 Census.

Upon reviewing the results of the 2021 Census, the EMRC will compare the results of the Census with the 2016 Census figures to determine whether there has been an increase in the number of households in each of the Recipient's district. Should there be an increase then the EMRC will make an adjustment distribution payment to the Recipient, to account for any actual increases in household numbers in any of the participating member Councils based on \$100 per household. In the event there has been a decrease in the number of households, the recipient will be required to repay funds to the EMRC, equivalent to the reduction in the number of households at \$100 per household.

The distribution of the funds is specifically for the purpose as outlined in the Council resolution from its 19 March 2020 meeting to assist and support the member Councils in the implementation of a FOGO management service in accordance with the Waste Authority Waste Avoidance and Resource Recovery Strategy 2030.

The Payment of Distribution amount will be made by the EMRC to the Recipient on or before the 30 June 2020 or within 15 Business Days after execution of this Deed, which come first, in accordance with Schedule One, which outlines the individual timeframes of each of the six member Councils who are party to this agreement.

The 'Period' or timeframe for this Deed is as follows:

- Commencement is from execution of this Deed; and
- Conclusion or end date is any date between the commencement date and no later than 1 July 2025, subject to a FOGO facility being available to member Councils by this time.

If, at any time during or after the Period, the Recipient decides not to implement a FOGO service in its district then the Recipient must repay to the EMRC the amount of the Distribution received from the EMRC, that has not been expended by the Recipient for the Permitted Purpose with any such repayment to be made to the EMRC within sixty (60) Business Days from the day the Recipient decides a FOGO service will not be implemented in its district.

If the Recipient fails to pay the amount due to EMRC on the due date for payment then in addition, the amount outstanding shall accrue interest at the rate of 5% per annum which interest shall accrue from day to day, from the due date for payment until the date of actual payment.

This Deed, including Schedule One, serves as a legal and binding agreement between the EMRC and the Recipient and is not to be amended, varied, replaced or waived, unless by the express agreement of the Parties to this Deed in writing.

EXECUTED by the Parties as a Deed.

THE COMMON SEAL of the)
EASTERN METROPOLITAN)
REGIONAL COUNCIL was)
 hereunto affixed by authority of)
 its Council in the presence of:)

 Signature of Chief Executive Officer

 Signature of Chairman (Print)

 Name of Chief Executive Officer (Print)

 Name of Chairman (Print)

SCHEDULE 1 – DETAILS

1. Recipient

Council Name:

Council ABN:

Recipient's Street Address:

Recipient's Postal Address:

Recipient's Facsimile:

Recipient's Email:

2. First Distribution Amount

\$ _____

Add signature spaces/names for the Recipient CEO and Mayor/President

DRAFT

FOGO DISTRIBUTION DEED

Insert member council and EMRC logos

FOGO Distribution Deed

THIS DEED is made the

day of

2020

BETWEEN:

The **EASTERN METROPOLITAN REGIONAL COUNCIL** of 226 Great Eastern Highway, Belmont, Western Australia (**EMRC**).

and

The party specified in Schedule 1 (the **Recipient**)

BACKGROUND

- A. The EMRC is a regional local government incorporated pursuant to the *Local Government Act 1995* and the Recipients are the local governments incorporated pursuant to the *Local Government Act 1995*, namely the Town of Bassendean, City of Bayswater, City of Belmont, City of Kalamunda, Shire of Mundaring and the City of Swan.
- B. The EMRC is developing and implementing a FOGO Recovery Strategy (the Strategy) to deal with Food Organics Garden Organics waste (FOGO). In order to enable each Recipient to prepare to participate in a FOGO management service, the EMRC is providing funding from the Secondary Waste Reserve to the Recipients, by way of a Distribution, on the terms set out in this Deed.
- C. The Secondary Waste Reserve was established by the EMRC pursuant to section 6.11 of the *Local Government Act 1995 (WA)* for the specific purpose to accumulate and to make provision for secondary waste treatment technology.

OPERATIVE PART

- 1. The Recipient agrees to use the Distribution in accordance with, the terms of this Deed and in accordance with the Council resolution from its 19 March 2020 meeting whereby Council resolved as follows:

“COUNCIL RESOLUTION(S)

MOVED CR PIFFARETTI SECONDED CR JEANS

THAT COUNCIL:

- 1. *DECLARES ON THIS DAY 19 MARCH 2020, A DISTRIBUTION TOTALLING \$13,789,200 FROM THE SECONDARY WASTE RESERVE TO BE DISTRIBUTED TO ALL MEMBER COUNCILS ON OR BEFORE 30 JUNE 2020.*
- 2. *AUTHORISES THE DISTRIBUTION TO THE RESPECTIVE PARTICIPANTS OF THE EMRC:*
 - a. *BE BASED ON \$100 PER HOUSEHOLD; AND*
 - b. *FOLLOWING THE NEXT CENSUS IN 2021 AN ADJUSTMENT DISTRIBUTION BE MADE BASED ON REVISED NUMBER OF HOUSEHOLDS PER MEMBER COUNCIL.*
- 3. *AGREES THE DISTRIBUTION OF FUNDS TO THE RESPECTIVE MEMBER COUNCILS IS TO ASSIST AND SUPPORT THE IMPLEMENTATION OF FOGO RECOVERY PROGRAM INCLUDING THE COST OF BINS, KITCHEN CADDIES AND FIRST YEAR CADDY LINERS IN LINE WITH THE SECONDARY WASTE TREATMENT OF HOUSEHOLD MUNICIPAL WASTE. SHOULD A MEMBER COUNCIL DECIDE NOT TO PROCEED WITH THE*

FOGO PROGRAM, DISTRIBUTED FUNDS ARE TO BE REFUNDED TO THE SECONDARY WASTE RESERVE.

4. *REQUEST AN UPDATED TIMELINE FOR TENDER IMPLEMENTATION OF A PERMANENT FOGO PROCESSING SOLUTION THAT INCLUDES THE TASKS OF PREPARING A FEASIBILITY STUDY AND OBTAINING COUNCIL APPROVAL PRIOR TO TENDERS BEING CALLED.*

CARRIED 9/3

CR. O'CONNOR; CR WOLFF; CR BOYD VOTED AGAINST"

2. The distribution of the funds paid to the Recipient by the EMRC, from the Secondary Waste Reserve based on \$100 per household ("**Distribution**"), will include a First Distribution Amount (found in Schedule 1) and may include an adjustment distribution amount should there be a requirement to do so after reviewing the 2021 Census and/or immediately prior to the implementation of each Recipient's FOGO management service.
3. Upon reviewing the results of the 2021 Census, the EMRC will compare the results of the Census with the 2016 Census figures to determine whether there has been an increase in the number of households in each of the Recipient's district. Should there be an increase then the EMRC will make an adjustment distribution payment to the Recipient, to account for any actual increases in household numbers in any of the participating member Councils based on \$100 per household. In the event there has been a decrease in the number of households, the recipient will be required to repay funds to the EMRC, equivalent to the reduction in the number of households at \$100 per household.
4. The distribution of the funds is specifically for the purpose as outlined in the Council resolution from its 19 March 2020 meeting to assist and support the member Councils in the implementation of a FOGO management service in accordance with the Waste Authority Waste Avoidance and Resource Recovery Strategy 2030.
5. The Payment of Distribution amount will be made by the EMRC to the Recipient on or before the 30 June 2020 or within 15 Business Days after execution of this Deed, which come first, in accordance with Schedule One, which outlines the individual timeframes of each of the six member Councils who are party to this agreement.
6. The '**Period**' or timeframe for this Deed is as follows:
 - (a) Commencement is from execution of this Deed; and
 - (b) Conclusion or end date is any date between the commencement date and no later than the date specified in the Waste Avoidance and Resource Recovery Strategy 2030, subject to a suitable FOGO facility being available to member Councils by this time.
7. If, at any time during or after the Period, the Recipient decides not to implement a FOGO service in its district then the Recipient must repay to the EMRC the amount of the Distribution received from the EMRC, that has not been expended by the Recipient for the permitted purpose with any such repayment to be made to the EMRC within sixty (60) Business Days from the day the Recipient decides a FOGO service will not be implemented in its district.

8. If the Recipient fails to pay the amount due to EMRC on the due date for payment then in addition, the amount outstanding shall accrue interest at the rate of 5% per annum which interest shall accrue from day to day, from the due date for payment until the date of actual payment.
9. This Deed, including Schedule One, serves as a legal and binding agreement between the EMRC and the Recipient and is not to be amended, varied, replaced or waived, unless by the express agreement of the Parties to this Deed in writing.

EXECUTED by the Parties as a Deed.

THE COMMON SEAL of the)
EASTERN METROPOLITAN)
REGIONAL COUNCIL was)
 hereunto affixed by authority of)
 its Council in the presence of:)

 Signature of Chief Executive Officer

 Signature of Chairman (Print)

 Name of Chief Executive Officer (Print)

 Name of Chairman (Print)

SCHEDULE 1 – DETAILS

1. Recipient

Council Name: Town of Bassendean

Council ABN: 20 347 405 108

Recipient's Street Address: 48 Old Perth Road, Bassendean WA 6054

Recipient's Postal Address: PO Box 87, Bassendean WA 6934

Recipient's Facsimile: 9279 4257

Recipient's Email: mail@bassendean.wa.gov.au

First Distribution Amount

\$648,100.00

EXECUTED as and for a Deed.

THE COMMON SEAL of the)
TOWN OF BASSENDEAN was)
hereunto affixed by authority of)
its Council in the presence of:)

Signature of Chief Executive Officer

Signature of Mayor

Name of Chief Executive Officer (Print)

Name of Mayor (Print)

2. Recipient

Council Name: City of Bayswater

Council ABN: 61 054 006 131

Recipient's Street Address: 61 Broun Avenue, Morley WA 6062

Recipient's Postal Address: PO Box 467, Morley WA 6943

Recipient's Facsimile: 9272 0665

Recipient's Email: mail@bayswater.wa.gov.au

First Distribution Amount

\$2,867,500.00

EXECUTED as and for a Deed.

THE COMMON SEAL of the)
CITY OF BAYSWATER was)
hereunto affixed by authority of)
its Council in the presence of:)

Signature of Chief Executive Officer

Signature of Mayor

Name of Chief Executive Officer (Print)

Name of Mayor (Print)

3. Recipient

Council Name: City of Belmont

Council ABN: 41 768 752 077

Recipient's Street Address: 215 Wright Street, Cloverdale WA 6105

Recipient's Postal Address: PO Box 379, Cloverdale WA 6985

Recipient's Facsimile: 9478 1473

Recipient's Email: belmont@belmont.wa.gov.au

First Distribution Amount

\$1,720,400.00

EXECUTED as and for a Deed.

THE COMMON SEAL of the)
CITY OF BELMONT was)
hereunto affixed by authority of)
its Council in the presence of:)

Signature of Chief Executive Officer

Signature of Mayor

Name of Chief Executive Officer (Print)

Name of Mayor (Print)

4. Recipient

Council Name: City of Kalamunda

Council ABN: 60 741 095 678

Recipient's Street Address: 2 Railway Road, Kalamunda WA 6076

Recipient's Postal Address: PO Box 42, Kalamunda WA 6926

Recipient's Facsimile: 9293 2715

Recipient's Email: enquiries@kalamunda.wa.gov.au

First Distribution Amount

\$2,193,700.00

EXECUTED as and for a Deed.

THE COMMON SEAL of the)
CITY OF KALAMUNDA was)
hereunto affixed by authority of)
its Council in the presence of:)

Signature of Chief Executive Officer

Signature of Mayor

Name of Chief Executive Officer (Print)

Name of Mayor (Print)

5. Recipient

Council Name: Shire of Mundaring

Council ABN: 20 431 487 930

Recipient's Street Address: 7000 Great Eastern Highway, Mundaring WA 6073

Recipient's Postal Address: 7000 Great Eastern Highway, Mundaring WA 6073

Recipient's Facsimile: 9295 3288

Recipient's Email: shire@mundaring.wa.gov.au

First Distribution Amount

\$1,455,200.00

EXECUTED as and for a Deed.

THE COMMON SEAL of the)
 SHIRE OF MUNDARING was)
 hereunto affixed by authority of)
 its Council in the presence of:)

 Signature of Chief Executive Officer

 Signature of President

 Name of Chief Executive Officer (Print)

 Name of President (Print)

6. Recipient

Council Name: City of Swan

Council ABN: 21 086 180 442

Recipient's Street Address: 2 Midland Square, Midland WA 6056

Recipient's Postal Address: PO Box 196, Midland WA 6936

Recipient's Facsimile: 9267 9444

Recipient's Email: swan@swan.wa.gov.au

First Distribution Amount

\$4,904,300.00

EXECUTED as and for a Deed.

THE COMMON SEAL of the)
CITY OF SWAN was)
hereunto affixed by authority of)
its Council in the presence of:)

Signature of Chief Executive Officer

Signature of Mayor

Name of Chief Executive Officer (Print)

Name of Mayor (Print)



11.5 ITEMS CONTAINED IN THE INFORMATION BULLETIN

REFERENCE: Ref: D2020/07423

The following item was included in the Information Bulletin, which accompanied the Agenda.

1. WASTE SERVICES

1.1 COUNCIL TONNAGE COMPARISONS AS AT 31 MARCH 2020 (Ref: D2020/07417)

RECOMMENDATION

That the Waste Advisory Committee notes the items contained in the Information Bulletin accompanying the 7 May 2020 Waste Advisory Committee Agenda.

WAC RESOLUTION(S)

MOVED CR JEANS

SECONDED MR JACKSON

THAT THE WASTE ADVISORY COMMITTEE NOTES THE ITEMS CONTAINED IN THE INFORMATION BULLETIN ACCOMPANYING THE 7 MAY 2020 WASTE ADVISORY COMMITTEE AGENDA.

CARRIED UNANIMOUSLY



12 REPORTS OF DELEGATES

Nil

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

Nil

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

RECOMMENDATION (Closing meeting to the public)

That the meeting be closed to members of the public in accordance with Section 5.23(2)(c) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

WAC RESOLUTION

MOVED CR JEANS

SECONDED CR HAMILTON

THAT THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23(2)(C) OF THE *LOCAL GOVERNMENT ACT 1995* FOR THE PURPOSE OF DEALING WITH MATTERS OF A CONFIDENTIAL NATURE.

CARRIED UNANIMOUSLY

The doors of the meeting were closed 5:39pm

14.1 DRAFT PARTICIPANTS AGREEMENT FOR FOGO SUPPLY

REFERENCE: D2020/05898

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

The Committee considered the Confidential Item circulated with the Agenda under Separate Cover.

14.2 PURCHASE OF LOTS 3, 4, 5, 6 AND 7 TOODYAY ROAD, RED HILL

REFERENCE: D2020/07524

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

The Committee considered the Confidential Item circulated with the Agenda under Separate Cover.



Item 14 continued

14.3 UPDATE ON HAZELMERE WOOD WASTE TO ENERGY PROJECT

REFERENCE: D2020/05585

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

The Committee considered the Confidential Item circulated with the Agenda under Separate Cover.

14.4 REGIONAL WASTE COLLECTION SERVICE UPDATE

REFERENCE: D2020/04491

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

The Committee considered the 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.

WAC RESOLUTION

MOVED MR COTEN

SECONDED CR JOHNSON

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.

CARRIED UNANIMOUSLY

The doors of the meeting were reopened at 6:35pm.

Mr Mohen departed the meeting at 6:35pm



Item 14 continued

Recording of the recommendations passed behind closed doors, namely:

14.1 DRAFT PARTICIPANTS AGREEMENT FOR FOGO SUPPLY

REFERENCE: D2020/07543

WAC RECOMMENDATION(S)

MOVED MR JACKSON

SECONDED MR COTEN

That:

1. The report be deferred until such time that more certainty exists regarding the nature of the FOGO arrangements between the EMRC and member Councils.
2. The report and attachment remain confidential and be certified by the Chairman and CEO.

CARRIED 9/3
Cr Hamilton, Cr Johnson, Cr Jeans Against

14.2 PURCHASE OF LOTS 3, 4 5, 6 AND 7 TOODYAY ROAD, RED HILL

REFERENCE: D2020/07524

WAC RECOMMENDATION(S)

MOVED CR JEANS

SECONDED CR HAMILTON

That:

1. Council by absolute majority in accordance with Section 5.42 of the *Local Government Act 1995*, authorise the CEO in consultation with the Chairman to negotiate a final settlement with Linc Property up to the value identified in this report for the purchase of Lots 3, 4, 5, 6 and 7 Toodyay Road, Red Hill.
2. The report and attachments remain confidential and be certified by the Chairman and CEO

CARRIED 10/2
Cr Powell, Ms Reid Against



14.3 HAZELMERE WOOD WASTE TO ENERGY PROJECT

REFERENCE: D2020/05585

WAC RECOMMENDATION(S)

MOVED CR JEANS

SECONDED CR JOHNSON

That:

1. Council authorises the Chief Executive Officer to enter into an amendment to the Deed of Variation with Anergy Australia Pty Ltd signed in November 2019 and negotiate and agree amendments other than to the maximum total amount of payments specified in Schedule A to the Deed of Variation.
2. Council authorises a contingency allowance on the cost to completion up to the value specified in the report.
3. The report remains confidential and be certified by the Chairman and CEO.

**CARRIED 11/1
Cr O'Connor Against**

14.4 REGIONAL WASTE COLLECTION SERVICE UPDATE

REFERENCE: D2020/04491

WAC RECOMMENDATION(S)

MOVED MR JACKSON

SECONDED MR COTEN

That:

1. No further consideration be given at this time to a Regional Waste Collection Service provided by the EMRC.
2. The report and attachments remain confidential and be certified by the Chairman and CEO.

**CARRIED 7/5
Cr Hamilton, Mr Campbell, Cr Johnson, Cr Jeans, Mr Purdy Against**

The meeting at this point was reverted back to Item 11.4 to consider that item.

15 FUTURE MEETINGS OF THE WASTE ADVISORY COMMITTEE

The next meeting of the Waste Advisory Committee will be held on **Thursday, 4 June 2020 (if required)** electronically or at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Belmont WA 6104 commencing at 5:00pm.



Item 15 continued

Future Meetings 2020

Thursday	4 June	(if required)	at	EMRC Administration Office
Thursday	9 July	(if required)	at	EMRC Administration Office
Thursday	6 August	(if required)	at	EMRC Administration Office
Thursday	3 September	(if required)	at	EMRC Administration Office
Thursday	8 October	(if required)	at	EMRC Administration Office
Thursday	19 November	(if required)	at	EMRC Administration Office

16 DECLARATION OF CLOSURE OF MEETING

There being no further business the meeting was closed at 6:50pm.