



## MINUTES

### CERTIFICATION OF CONFIRMATION OF WASTE ADVISORY COMMITTEE MINUTES

8 OCTOBER 2020

I, Cr Jai Wilson hereby certify that the minutes from the Waste Advisory Committee Meeting held on 8 October 2020 pages (1) to (21) were confirmed at the Ordinary meeting of Council held on 3 December 2020.

A handwritten signature in black ink, appearing to read "Jai Wilson", is written over a horizontal line. The signature is stylized and extends to the right of the line.

**Signature**

Cr Jai Wilson  
**Person presiding at Meeting**



## **SECTION 15**

# **Confirmed Minutes of Committees**

For the Ordinary Meeting of Council

22 October 2020

**Item 15.1 – WAC Minutes 8 October 2020**

## WASTE ADVISORY COMMITTEE

### MINUTES

8 October 2020

(REF: D2020/20941 (WAC) – D2020/22383)

### TABLE OF CONTENTS

---

1	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS</b>	3
2	<b>ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)</b>	3
3	<b>DISCLOSURE OF INTERESTS</b>	3
4	<b>ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION</b>	3
5	<b>PETITIONS, DEPUTATIONS AND PRESENTATIONS</b>	4
6	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b>	4
	6.1 <i>MINUTES OF THE WASTE ADVISORY COMMITTEE MEETING HELD ON 3 SEPTEMBER 2020 (Ref: D2020/20478)</i>	
7	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b>	4
8	<b>QUESTIONS BY MEMBERS WITHOUT NOTICE</b>	5
9	<b>ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC</b>	5
10	<b>BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING</b>	5
11	<b>REPORTS OF EMPLOYEES</b>	6
	11.1 <i>TENDER RFT2020-003 STAGE 16 LANDFILL CELL CONSTRUCTION (Ref: D2020/20943)</i>	7
	11.2 <i>RFQ2020-108 SUPPLY OF ELECTRICITY TO THE EMRC (Ref: D2020/20939)</i>	12
	11.3 <i>DRAFT FOGO SUPPLY AGREEMENT (Ref: D2020/21222)</i>	16
	11.4 <i>ITEMS CONTAINED IN THE INFORMATION BULLETIN (Ref: D2020/20940)</i>	20
12	<b>REPORTS OF DELEGATES</b>	21
13	<b>NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING</b>	21
14	<b>CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b>	21
15	<b>FUTURE MEETINGS OF THE WASTE ADVISORY COMMITTEE</b>	21
16	<b>DECLARATION OF CLOSURE OF MEETING</b>	21

---



## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 5:00pm, welcomed the members 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)

### Committee Members

Cr Steve Wolff ( <b>Chairman</b> )	EMRC Member	City of Belmont
Cr Mel Congerton ( <b>Deputy Chairman</b> )	EMRC Member	City of Swan
Cr Kathryn Hamilton	EMRC Member	Town of Bassendean
Cr Giorgia Johnson	EMRC Member	City of Bayswater
Cr Lesley Boyd ( <i>Deputising for Cr O'Connor</i> )	EMRC Deputy Member	City of Kalamunda
Cr Doug Jeans	EMRC Member	Shire of Mundaring
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 Dylan O'Connor	EMRC Member	City of Kalamunda
Mr Jeremy Maher	Executive Manager Sustainability and Environment	Town of Bassendean

### EMRC Officers

Mr Stephen Fitzpatrick	Chief Project Officer
Mr Brad Lacey	Chief Operating Officer
Mr Hua Jer Liew	Chief Financial Officer
Mrs Wendy Harris	Chief Sustainability Officer
Mr Stephen Conway	Manager Engineering
Ms Annette Rakich	Personal Assistant (Minutes)

## 3 DISCLOSURE OF INTERESTS

Nil

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

Nil



## **5 PETITIONS, DEPUTATIONS AND PRESENTATIONS**

### **5.1 WAC – WASTE REPORT PRESENTATION**

#### **REFERENCE: D2020/22519**

The CEO provided a presentation on a proposed new look Council/WAC Information Bulletin (IB) for the Waste Report. The new graphs will replace the current Council Tonnages Comparison report and spreadsheets and will supply information where possible, on waste generation per household on a monthly or year to date basis.

The graphs will include some or all of the following:

- Tonnage Incoming (Commercial and member Council);
- Tonnage and Budgeted Tonnages by Budget Category and Financial Year;
- Percentage recovery measure for waste categories;
- Tonnages for Financial Quarter and Financial Year;
- Tonnages by Waste Category (Including Commercial);
- Tonnages per Household by Financial Quarter and Financial Year; and
- Tonnage per Population by Financial Quarter and Council.

## **6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **6.1 MINUTES OF THE WASTE ADVISORY COMMITTEE MEETING HELD ON 3 SEPTEMBER 2020**

That the Minutes of the Waste Advisory Committee meeting held on 3 September 2020 which have been distributed, be confirmed.

#### **WAC RESOLUTION**

MOVED CR JEANS

SECONDED MR COTEN

THAT THE MINUTES OF THE WASTE ADVISORY COMMITTEE MEETING HELD ON 3 SEPTEMBER 2020 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

**CARRIED UNANIMOUSLY**

## **7 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

In accordance with Clause 4.11 of the *EMRC Standing Orders Local Law 2013*, the following questions were received by Mr Shane Purdy on 8 October 2020 prior to the meeting and have been taken on notice.

Question 1: Please provide an update on considerations relating to methodology to establish member councils gate fee charges for 2021/22 on landfill disposal at Redhill and interim FOGO. In particular how will contributions to the secondary waste reserve occur.

Question 2: Has consideration been given to a methodology to smoothing gate fee charges, to avoid dramatic drops and increases in gate fee charges for landfill, waste to energy residual waste, interim FOGO and permanent FOGO from 2020/21 through to 2022/23. If so what is the status of this.



**8 QUESTIONS BY MEMBERS WITHOUT NOTICE**

Nil

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

Nil

**10 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

Nil



## **11 REPORTS OF EMPLOYEES**

- Item 11.1 TENDER RFT2020-003 STAGE 16 LANDFILL CELL CONSTRUCTION
- Item 11.2 RFQ2020-108 SUPPLY OF ELECTRICITY TO THE EMRC
- Item 11.3 DRAFT FOGO SUPPLY AGREEMENT
- Item 11.4 ITEMS CONTAINED IN THE INFORMATION BULLETIN

### **QUESTIONS**

The Chairman invites questions from members on the reports of employees.

### **RECOMMENDATION(S)**

That with the exception of item 11.3, which is to be withdrawn and dealt with separately, Council adopts the recommendations in the Reports of Employees (Section 11).

### **WAC RECOMMENDATION(S)**

MOVED CR HAMILTON                      SECONDED CR CONGERTON

That with the exception of item 11.3, which is to be withdrawn and dealt with separately, Council adopts the recommendations in the Reports of Employees (Section 11).

**CARRIED UNANIMOUSLY**

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

MOVED CR HAMILTON                      SECONDED CR POWELL

THAT WITH THE EXCEPTION OF ITEM 11.3, WHICH IS TO BE WITHDRAWN AND DEALT WITH SEPARATELY, COUNCIL ADOPTS THE RECOMMENDATIONS IN THE REPORTS OF EMPLOYEES (SECTION 11).

**CARRIED UNANIMOUSLY**



## 11 REPORTS OF EMPLOYEES

### 11.1 TENDER RFT2020-003 STAGE 16 LANDFILL CELL CONSTRUCTION

REFERENCE: D2020/20943 (WAC) – D2020/22721

#### PURPOSE OF REPORT

The purpose of this report is to advise Council of the results of Tender RFT2020-003 to construct the Red Hill Waste Management Facility Stage 16 Landfill Cell and recommend acceptance of the Tender from Raubex Construction Pty Ltd.

#### KEY POINTS AND RECOMMENDATION(S)

- A tender for the construction of the Red Hill Waste Management Facility Stage 16 Landfill Cell was advertised via Tenderlink on 10 August 2020.
- Tenders closed on 26 August 2020 with three (3) submissions being received.
- The tender called for the construction of the Stage 16 landfill cell to be located to the west of Stage 14 on Lot 1.
- A contingency allowance of 20% of the contract sum is recommended to provide for removal of hard rock which is expected to be encountered.

#### Recommendation(s)

That:

1. Council award Tender RFT2020-003 – Stage 16 Landfill Cell Construction to Raubex Construction Pty Ltd for \$2,184,764 (ex GST) based on a schedule of rates.
2. The CEO be authorised on behalf of the EMRC to enter into a contract with Raubex Construction Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed on between the CEO and Raubex Construction Pty Ltd.
3. Council authorise a 20% contingency based on the tendered price schedule for any contract variations that may arise for Tender RFT2020-003.

#### SOURCE OF REPORT

Chief Project Officer

#### BACKGROUND

As part of the development of the Red Hill Waste Management Facility (Red Hill), new landfill cells are constructed in time to facilitate the ongoing acceptance of waste. The current cell for Class III waste (Stage 15 A/B) is projected to be filled by October 2020. Stage 14 was constructed last summer and waste disposal in this cell will start in October/November 2020. Based on current rates of disposal this cell will reach capacity in 18 months (April 2022). The rate of fill may increase due to an influx of PFAS contaminated soils being received at site.

Therefore, a new landfill cell for Class III waste is required to be built in the summer of 2020/2021 and the area west of Stage 14 on Lot 1 has been identified as the preferred location and is referred to as "Stage 16" and will add up to 48 months capacity under current waste volumes providing capacity to May 2026.

The Stage 16 cell can only be constructed during dry weather therefore, the cell needs to be constructed this summer 2020/21. If left until the summer 2021/22, it may not be commissioned on time to facilitate the ongoing acceptance of member Council waste at Red Hill.





*Item 11.1 continued*

The design of the proposed Stage 16 Landfill Cell has been completed by Talis Consultants in accordance with best practice landfill guidelines. The lining system consists of a compacted clay sub layer overlaid with a geosynthetic clay liner (GCL) and a high-density polyethylene liner (HDPE) protected by a geotextile fabric layer.

It is intended to award a contract to excavate and shape the cell, construct the barrier layers and perform all construction quality assurance. The contract includes all labour, plant, materials, supervision, survey and everything else required for the construction, lining and completion of the Stage 16 Landfill Cell.

**REPORT**

Tender RFT2020-00-31 for the construction of Red Hill Stage 16 Landfill Cell was advertised on 10 August 2020. Tenders closed on 26 August 2020 and submissions were received from:

- Tenderer A     BJ Catalano Pty Ltd
- Tenderer B     Raubex Construction Pty Ltd
- Tenderer C     WBHO Infrastructure Pty Ltd.

A detailed bill of quantities was submitted by each tenderer under four (4) main tasks:

- Preliminary and Special Requirements;
- Excavation and cell construction work;
- Surface water management; and
- Miscellaneous.

An evaluation panel of EMRC officers assessed the submissions on the following criteria:

<b>Assessment Criteria</b>	<b>Weighting</b>
(a) Previous experience in bulk excavation and clay lining/capping	25%
(b) Previous experience in the installation of Geosynthetic and Geocomposite materials	25%
(c) Safety Management Plan	10%
(d) Environmental Management Plan	10%
(e) Tendered price	30%

Based on the panel's evaluation, the submission from Raubex Construction Pty Ltd demonstrated the most advantageous submission and is considered to offer the best value for money. The Schedule of Rates against the specified Bill of Quantities submitted by Raubex Construction Pty Ltd amounted to an estimated total value of \$2,184,764 (ex GST). The construction period is estimated to be six (6) months.

A contingency allowance of 20% of the contract sum is recommended to allow for any unforeseen circumstances that may arise during the contract works. We anticipate encountering hard rock in the base of the cell which will have to be removed by blasting before the cell shaping and lining can be completed.

A drawing is attached showing the proposed Scope of Works for Stage 16 (Attachment). Stage 16 will have a capacity of approximately 1,050,000 m<sup>3</sup> which will provide capacity for around 48 months on current waste volumes.



*Item 11.1 continued*

### **STRATEGIC/POLICY IMPLICATIONS**

Key Result Area 1 – Environmental Sustainability

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

### **FINANCIAL IMPLICATIONS**

The amount allowed for in the adopted 2020/2021 Annual Budget covers the estimated cost of this tender.

### **SUSTAINABILITY IMPLICATIONS**

In order to provide sustainable waste management, the provision of airspace in advance of it being required, is essential.

### **MEMBER COUNCIL IMPLICATIONS**

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

### **ATTACHMENT(S)**

Drawing – Stage 16 Landfill Cell Development – Proposed Scope of Works (Ref: D2020/22722)

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION(S)**

That:

1. Council award Tender RFT2020-003 – Stage 16 Landfill Cell Construction to Raubex Construction Pty Ltd for \$2,184,764 (ex GST) based on a schedule of rates.
2. The CEO be authorised on behalf of the EMRC to enter into a contract with Raubex Construction Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed on between the CEO and Raubex Construction Pty Ltd.
3. Council authorise a 20% contingency based on the tendered price schedule for any contract variations that may arise for Tender RFT 2020-003.



*Item 11.1 continued*

**WAC RECOMMENDATION(S)**

MOVED CR HAMILTON

SECONDED CR CONGERTON

That:

1. Council award Tender RFT2020-003 – Stage 16 Landfill Cell Construction to Raubex Construction Pty Ltd for \$2,184,764 (ex GST) based on a schedule of rates.
2. The CEO be authorised on behalf of the EMRC to enter into a contract with Raubex Construction Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed on between the CEO and Raubex Construction Pty Ltd.
3. Council authorise a 20% contingency based on the tendered price schedule for any contract variations that may arise for Tender RFT 2020-003.

**CARRIED UNANIMOUSLY**

**COUNCIL RESOLUTION(S)**

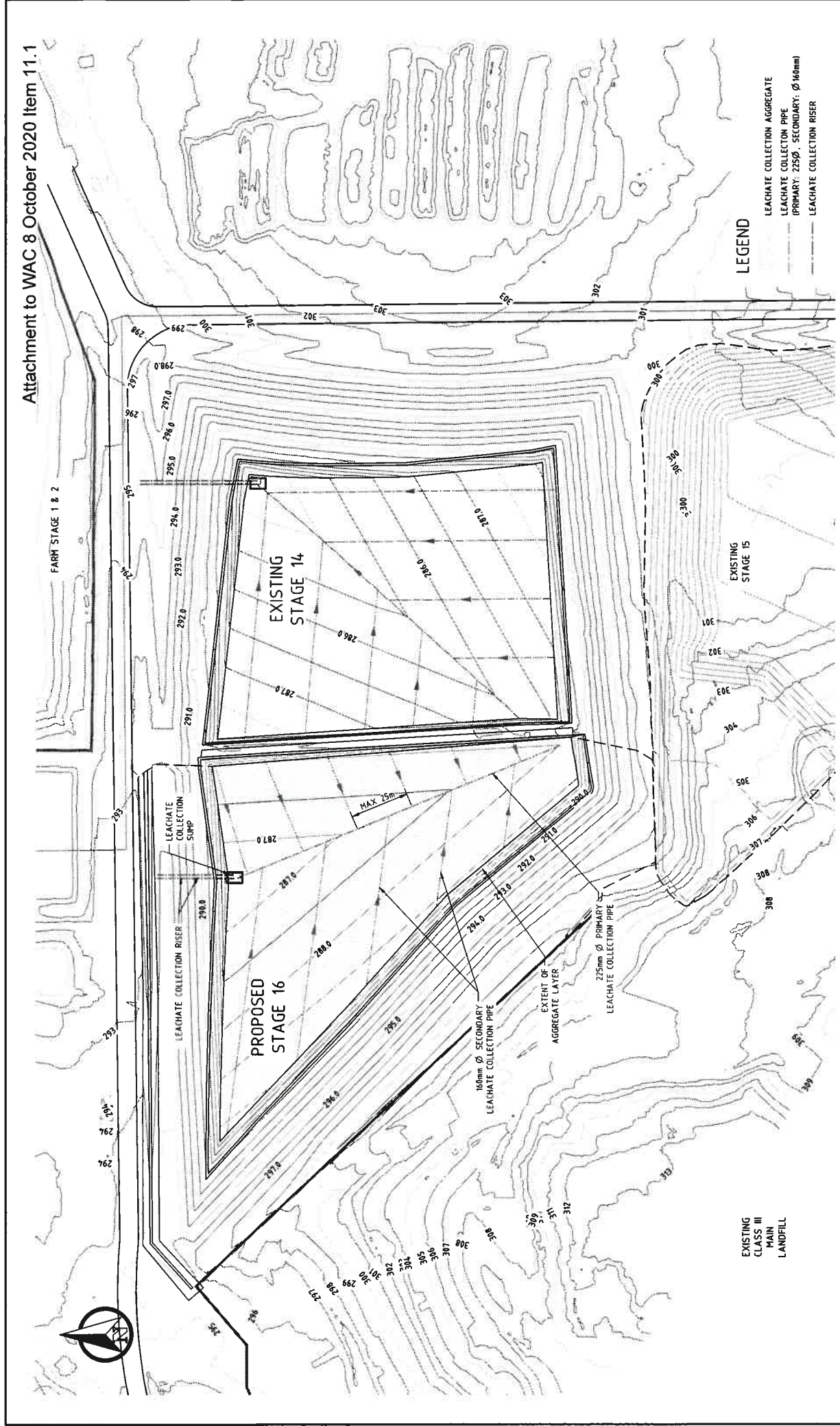
MOVED CR HAMILTON

SECONDED CR POWELL

THAT:

1. COUNCIL AWARD TENDER RFT2020-003 – STAGE 16 LANDFILL CELL CONSTRUCTION TO RAUBEX CONSTRUCTION PTY LTD FOR \$2,184,764 (EX GST) BASED ON A SCHEDULE OF RATES.
2. THE CEO BE AUTHORISED ON BEHALF OF THE EMRC TO ENTER INTO A CONTRACT WITH RAUBEX CONSTRUCTION PTY LTD IN ACCORDANCE WITH THEIR SUBMITTED TENDER, SUBJECT TO ANY MINOR VARIATIONS THAT MAY BE AGREED ON BETWEEN THE CEO AND RAUBEX CONSTRUCTION PTY LTD.
3. COUNCIL AUTHORISE A 20% CONTINGENCY BASED ON THE TENDERED PRICE SCHEDULE FOR ANY CONTRACT VARIATIONS THAT MAY ARISE FOR TENDER RFT 2020-003.

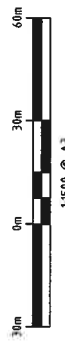
**CARRIED UNANIMOUSLY**



EXISTING CLASS III MAIN LANDFILL

LEGEND

- LEACHATE COLLECTION AGGREGATE
- LEACHATE COLLECTION PIPE (PRIMARY: 225Ø, SECONDARY: Ø80mm)
- LEACHATE COLLECTION RISER



TENDER ONLY

<p>ASSET ENGINEERING ENVIRONMENT NOISE WASTE WATER</p> <p>64 Newland Street Leedsdale WA 6107 PO Box 454, Leedsdale WA 6103 T: 1300 251 818 www.talisconsultants.com.au</p>				<p>NOTES</p> <p>1. This drawing is the property of Talis Consultants Pty Ltd and is not to be copied, used, or its contents divulged without prior written consent.</p> <p>2. DO NOT SCALE. Use figured dimensions only. If in doubt please contact Talis Consultants.</p> <p>3. All work is subject to the relevant authority's approval.</p> <p>4. All work is subject to the relevant authority's approval.</p>		<p>Project: STAGE 16 LANDFILL CELL DEVELOPMENT</p> <p>Title: LEACHATE DRAINAGE LAYOUT</p>		<p>Drawn By: AH Job No: TW17864</p> <p>Checked By: CP File No: TW17864-C-115</p> <p>Approved By: CS Date: 11/05/2020</p> <p>Scale: 1:1500</p> <p>Date: 14/07/2020</p>	
<p>1:1500 @ A3</p>	<p>0m 30m 60m</p>	<p>1:1500 @ A3</p>	<p>0m 30m 60m</p>	<p>1:1500 @ A3</p>	<p>0m 30m 60m</p>	<p>1:1500 @ A3</p>	<p>0m 30m 60m</p>		



## 11.2 RFQ2020-108 SUPPLY OF ELECTRICITY TO THE EMRC

**REFERENCE: D2020/20939 (WAC) – D2020/22724**

### PURPOSE OF REPORT

The purpose of this report is to recommend acceptance of a quotation for the supply of electricity to the EMRC. The recommended quotation is from Synergy for a two-year period plus two optional one-year extensions.

### KEY POINTS AND RECOMMENDATION(S)

- The EMRC currently purchases electricity for its three (3) sites – Ascot Place Administration Centre, the Red Hill Waste Management Facility (Red Hill) and the Hazelmere Resource Recovery Park (Hazelmere) from Landfill Gas and Power Pty Ltd.
- As the contract with Landfill Gas and Power has lapsed, quotations were sought from ten suppliers listed on the WALGA Preferred Supplier Arrangement for Energy Services.
- The quotation required provision of electricity for a fixed period of two (2) years with two (2) optional one (1) year extensions at the sole discretion of the EMRC and buyback of surplus electricity generated from solar photovoltaic (PV) systems at each site.
- The RFQ was issued via the Vendorpanel to ten vendors. Three (3) suppliers responded and these were evaluated against the compliance criteria and qualitative criteria and price.
- Cost savings analysis was also used to compare projected savings from the three (3) respondents.

#### **Recommendation(s)**

That Council accepts:

1. The quotation for the supply of electricity to the Ascot Place Administration Centre, the Red Hill Waste Management Facility and the Hazelmere Resource Recovery Park for a two (2) year period commencing November 2020 with two (2) one (1) year extensions at the sole discretion of the EMRC, submitted by Electricity Generation and Retail Corporation T/A Synergy, at the rates for the daily supply charge, peak charge and off-peak charge indicated in their offer.
2. The offer by Electricity Generation and Retail Corporation T/A Synergy for buy back of the surplus electricity generated from the existing solar PV systems at each site at the rates indicated in their offer.

### SOURCE OF REPORT

Chief Project Officer

### BACKGROUND

The EMRC currently purchases electricity for its three (3) sites – Ascot Place Administration Centre, Red Hill and Hazelmere from Landfill Gas and Power Pty Ltd. The contract has lapsed and accordingly the EMRC has sought quotation using the WALGA Preferred Supplier Arrangement for Energy Services which lists ten energy suppliers.



*Item 11.2 continued*

## REPORT

The request for quotation (RFQ) required provision of electricity for a fixed period of two (2) years with two (2) optional one (1) year extensions at the sole discretion of the EMRC and buyback of electricity generated from solar PV systems at each site.

The RFQ noted that:

1. an option for 10% green power was to be included.
2. offers that have levels of take or pay provisions >50% will be discounted in value.
3. the offers must state the value of feed-in of renewable energy as applicable.

The supply offer was to be based on a bundled charge which includes capacity, Renewable Energy Certificates (RECs), Network charges and all market fees.

The RFQ was issued via the Vendorpanel to ten vendors of which three (3) suppliers responded and these were evaluated against the compliance and qualitative criteria; and price.

Quotations were received from:

	<b>Name</b>	<b>Offer Details</b>
Tenderer A	Electricity Generation and Retail Corporation T/A Synergy	Bundled offer, buy back offer
Tenderer B	Perth Energy Pty Ltd	Bundled offer, buy back offer
Tenderer C	Alinta Sales Pty Ltd	Bundled offer, no buy back offer

### Selection Criteria and Rating Scale

The submissions were evaluated based on the criteria requested via the WALGA e-quote.

#### Qualitative criteria

The submissions were scored against the qualitative criterion below.

<b>Description of Qualitative criteria</b>	<b>Weighting</b>
a) Capability of buying back Principal generated electricity and the price offered.	10%

Pricing was weighted at 90% of the evaluation.

The compliance check in the evaluation process determined that all three (3) submissions were compliant.

As part of the evaluation process, cost savings analysis was conducted to compare the respondent's offers with the current supplier charges which indicated a potential cost savings of over \$450,000 over four (4) years.

The evaluation process determined that the submission from Synergy for a two (2) year period and two (2) one (1) year extensions at the supply charges in their offer and the buy-back offer provides the best value for money outcome. There is no consumer price index (CPI) applicable to the offer from Synergy.



*Item 11.2 continued*

The total value of the contract over a four (4) year period (estimated at \$677,084 (ex GST) before any buy back credits) exceeds the delegated authority to the CEO.

### **STRATEGIC/POLICY IMPLICATIONS**

Key Result Area 1 – Environmental Sustainability

1.1 To provide sustainable waste disposal operations

Key Result Area 3 – Good Governance

3.4 To continue to improve financial and asset management practices.

### **FINANCIAL IMPLICATIONS**

The adopted 2020/2021 Annual Budget provides for the purchase of electricity from a retailer to meet existing operational requirements.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **MEMBER COUNCIL IMPLICATIONS**

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

### **ATTACHMENT(S)**

Recommendation Report – RFQ2020-108 Supply Electricity to the EMRC (Ref: D2020/22725)

### **VOTING REQUIREMENT**

Simple Majority



*Item 11.2 continued*

### **RECOMMENDATION(S)**

That Council accepts:

1. The quotation for the supply of electricity to the Ascot Place Administration Centre, the Red Hill Waste Management Facility and the Hazelmere Resource Recovery Park for a two (2) year period commencing November 2020 with two (2) one (1) year extensions at the sole discretion of the EMRC, submitted by Electricity Generation and Retail Corporation T/A Synergy, at the rates for the daily supply charge, peak charge and off-peak charge indicated in their offer.
2. The offer by Electricity Generation and Retail Corporation T/A Synergy for buy back of the surplus electricity generated from the existing solar PV systems at each site at the rates indicated in their offer.

### **WAC RECOMMENDATION(S)**

MOVED CR HAMILTON

SECONDED CR CONGERTON

That Council accepts:

1. The quotation for the supply of electricity to the Ascot Place Administration Centre, the Red Hill Waste Management Facility and the Hazelmere Resource Recovery Park for a two (2) year period commencing November 2020 with two (2) one (1) year extensions at the sole discretion of the EMRC, submitted by Electricity Generation and Retail Corporation T/A Synergy, at the rates for the daily supply charge, peak charge and off-peak charge indicated in their offer.
2. The offer by Electricity Generation and Retail Corporation T/A Synergy for buy back of the surplus electricity generated from the existing solar PV systems at each site at the rates indicated in their offer.

**CARRIED UNANIMOUSLY**

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

MOVED CR HAMILTON

SECONDED CR POWELL

THAT COUNCIL ACCEPTS:

1. THE QUOTATION FOR THE SUPPLY OF ELECTRICITY TO THE ASCOT PLACE ADMINISTRATION CENTRE, THE RED HILL WASTE MANAGEMENT FACILITY AND THE HAZELMERE RESOURCE RECOVERY PARK FOR A TWO (2) YEAR PERIOD COMMENCING NOVEMBER 2020 WITH TWO (2) ONE (1) YEAR EXTENSIONS AT THE SOLE DISCRETION OF THE EMRC, SUBMITTED BY ELECTRICITY GENERATION AND RETAIL CORPORATION T/A SYNERGY, AT THE RATES FOR THE DAILY SUPPLY CHARGE, PEAK CHARGE AND OFF- PEAK CHARGE INDICATED IN THEIR OFFER.
2. THE OFFER BY ELECTRICITY GENERATION AND RETAIL CORPORATION T/A SYNERGY FOR BUY BACK OF THE SURPLUS ELECTRICITY GENERATED FROM THE EXISTING SOLAR PV SYSTEMS AT EACH SITE AT THE RATES INDICATED IN THEIR OFFER.

**CARRIED UNANIMOUSLY**





### 11.3 DRAFT FOGO SUPPLY AGREEMENT

**REFERENCE: D2020/21222 (WAC) – D2020/22727**

#### PURPOSE OF REPORT

The purpose of this report is to provide Council with an amended version of the FOGO Supply Agreement for endorsement.

#### KEY POINTS AND RECOMMENDATION(S)

- A draft Participants Agreement for FOGO Supply was developed by the EMRC's lawyers in May 2020.
- The report was deferred at the May meeting of Council and the June CEOAC meeting to allow member Councils to consult their technical officers.
- The draft agreement was reviewed by the technical officer group in September 2020 and amendments proposed were incorporated in a new draft FOGO Supply Agreement.
- The draft FOGO Supply Agreement needs to be finalised and agreed in principle before proceeding with the tender process for the Permanent FOGO Processing Facility.
- The draft agreement allows for non-member local governments to supply FOGO waste to the facility and/or commercial operators.

#### **Recommendation(s)**

That:

1. Council endorses the draft FOGO Supply Agreement.
2. Member Councils are requested to endorse the draft FOGO Supply Agreement by 1 December 2020.
3. The attachment remains confidential and be certified by the Chairman and CEO.

#### SOURCE OF REPORT

Chief Project Officer

#### BACKGROUND

At the 21 May 2020 meeting of Council, it was resolved:

*"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."*

At the 18 June 2020 meeting of Council, it was resolved:

*"THAT:*

1. *THAT THE MATTER BE DEFERRED TO 4 AUGUST 2020 FOR CONSULTATION WITH THE INDIVIDUAL MEMBER COUNCILS.*
2. *THE ATTACHMENT REMAINS CONFIDENTIAL."*



*Item 11.3 continued*

At the 17 September 2020 meeting of Council, it was resolved:

*“THAT:*

- 1. COUNCIL ENDORSES THE FEASIBILITY STUDY FOR A PERMANENT FOGO FACILITY FORMING THE CONFIDENTIAL ATTACHMENT TO THIS REPORT.*
- 2. COUNCIL APPROVES THE PREPARATION OF A REQUEST FOR TENDER FOR A PERMANENT FOGO FACILITY TO BE ISSUED TO THE ACCEPTABLE TENDERERS AFTER ENDORSEMENT OF THE TENDER DOCUMENTS BY THE MEMBER COUNCIL TECHNICAL OFFICER GROUP AND REQUESTS THAT A BUSINESS CASE BE PREPARED BASED ON THE TENDER SUBMISSIONS FOR ENDORSEMENT BY COUNCIL BEFORE THE TENDER IS AWARDED.*
- 3. COUNCIL REQUEST ITS MEMBER COUNCILS TO CONFIRM THEIR COMMITMENT TO SUPPLY THEIR FOGO WASTE, AT AN INDICATIVE COST IN THE RANGE AS REFERRED TO IN THE CONFIDENTIAL ATTACHMENT TO THIS REPORT, TO THE PERMANENT FOGO PROCESSING FACILITY FOR A 20-YEAR PERIOD FROM THE COMMENCEMENT OF OPERATIONS.*
- 4. COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.6.8 OF THE LOCAL GOVERNMENT ACT 1995 APPROVES UNBUDGETED EXPENDITURE OF \$400,000 FOR THE 2020/2021 TO PROGRESS THE IMPLEMENTATION OF THE FOGO RECOVERY STRATEGY.*
- 5. THE ATTACHMENT REMAINS CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.”*

The draft Participants Agreement for FOGO Supply was referred to the CEOAC to allow member Councils to consult their officers. It was resolved from the 4 August 2020 CEOAC meeting at the 17 September 2020 meeting of Council:

*“THAT THIS MATTER BE REFERRED TO THE WASTE ADVISORY COMMITTEE.”*

## **REPORT**

A revised draft FOGO Supply Agreement is a confidential attachment to this report. This version of the agreement addresses the feedback from the technical officer group in September 2020.

The agreement allows for non-member local governments to supply FOGO waste to the facility and/or commercial operators in order to achieve a commercial scale facility of up to 100,000 tonnes per annum capacity.

Before the EMRC proceeds to the tender process for a permanent FOGO Processing Facility to achieve the best value for money outcomes, a FOGO Supply Agreement needs to be agreed to provide certainty for the tender process. The proposed gate fee in the agreement will be subject to the outcome of the tender process.

## **STRATEGIC/POLICY IMPLICATIONS**

Key Result Area 1 – Environmental Sustainability

- 1.1 To provide sustainable waste disposal operations.
- 1.3 To provide resource recovery and recycling solutions in partnership with member Councils.



*Item 11.3 continued*

## **FINANCIAL IMPLICATIONS**

As outlined in the report.

## **SUSTAINABILITY IMPLICATIONS**

Collection and recovery of FOGO is a key element of the Waste Avoidance and Resource Recovery Strategy 2030 targets.

## **MEMBER COUNCIL IMPLICATIONS**

<b>Member Council</b>	<b>Implication Details</b>
Town of Bassendean	} Funds have been provided to support the implementation of the FOGO Recovery Program.
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

## **CONFIDENTIAL ATTACHMENT(S)**

Draft FOGO Supply Agreement (Ref: D2020/22729)

The draft agreement (confidential attachment) is recommended to be confidential because it contains commercial terms between the EMRC and participant councils.

See confidential attachment circulated with the Agenda under Separate Cover

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION(S)**

That:

1. Council endorses the draft FOGO Supply Agreement.
2. Member Councils are requested to endorse the draft FOGO Supply Agreement by 1 December 2020.
3. The attachment remains confidential and be certified by the Chairman and CEO.

In accordance with Clause 10.1(b) of the *EMRC Standing Orders Local Law 2013*, Cr Congerton gave notice to move a procedural motion to defer the Item 11.3 of the Waste Advisory Committee, which was distributed prior to the meeting.

## **PROCEDURAL MOTION**

*That the matter be deferred to a future meeting, the time of which is to be advised, to permit more consideration.*



*Item 11.3 continued*

**Rationale**

The deferral will provide the opportunity for member Councils to seek legal advice and to make any amendments to the draft FOGO Supply Agreement.

The following procedural motion was moved by Cr Congerton and seconded by Cr Hamilton

**PROCEDURAL MOTION**

That the matter be deferred to a future meeting, the time of which is to be advised, to permit more consideration.

**WAC RECOMMENDATION(S)**

MOVED CR CONGERTON                      SECONDED CR HAMILTON

That the matter be deferred to a future meeting, the time of which is to be advised, to permit more consideration.

**CARRIED 10/1**

**For:            Wolff, Congerton, Hamilton, Johnson, Boyd, Pearson, Reid, Jackson, Purdy, Coten**  
**Against:      Jeans**

**COUNCIL RESOLUTIONS(S)**

MOVED CR POWELL                      SECONDED CR HAMILTON

THAT THE MATTER BE DEFERRED TO A FUTURE MEETING, THE TIME OF WHICH IS TO BE ADVISED, TO PERMIT MORE CONSIDERATION.

**CARRIED UNANIMOUSLY**



#### **11.4 ITEMS CONTAINED IN THE INFORMATION BULLETIN**

##### **REFERENCE: D2020/20940**

The following item is included in the Information Bulletin, which accompanies the Agenda.

#### **1. WASTE SERVICES**

##### **1.1 COUNCIL TONNAGE COMPARISONS AS AT 31 AUGUST 2020 (Ref: D2020/20942)**

#### **RECOMMENDATION**

That the Waste Advisory Committee notes the item contained in the Information Bulletin accompanying the 8 October 2020 Waste Advisory Committee Agenda.

#### **WAC RECOMMENDATION(S)**

MOVED CR HAMILTON                      SECONDED CR CONGERTON

That the Waste Advisory Committee notes the item contained in the Information Bulletin accompanying the 8 October 2020 Waste Advisory Committee Agenda.

**CARRIED UNANIMOUSLY**

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

MOVED CR HAMILTON                      SECONDED CR POWELL

THAT THE WASTE ADVISORY COMMITTEE NOTES THE ITEM CONTAINED IN THE INFORMATION BULLETIN ACCOMPANYING THE 8 OCTOBER 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**

Nil

**15 FUTURE MEETINGS OF THE WASTE ADVISORY COMMITTEE**

The next meeting of the Waste Advisory Committee will be held on **Thursday, 19 November 2020 (if required)** at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 5:00pm.

**Future Meetings 2020**

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 5:22pm.