

AGENDA

D2023/33527

Agenda Forum 21 September 2023

Notice of Meeting

Dear Councillors

The next Agenda Forum will be held on Thursday, 21 September 2023 at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6:00pm.



Marcus Geisler | Chief Executive Officer

15 September 2023

Please Note

If any Councillor has a query regarding a report item or requires additional information in relation to a report item, please contact the responsible officer (SOURCE OF REPORT) prior to the meeting.

The meeting will be recorded for administrative purposes only.

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

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



EMRC Council Members

| | | |
|------------------------|--------------------|--------------------|
| Cr Mel Congerton | Chairperson | City of Swan |
| Cr Doug Jeans | Deputy Chairperson | Shire of Mundaring |
| Cr Hilary MacWilliam | EMRC Member | Town of Bassendean |
| Cr Paul Poliwka | EMRC Member | Town of Bassendean |
| Cr Steven Ostaszewskyj | EMRC Member | City of Bayswater |
| Cr Michelle Sutherland | EMRC Member | City of Bayswater |
| Cr John Daw | EMRC Member | Shire of Mundaring |
| Cr Charlie Zannino | EMRC Member | City of Swan |

EMRC Council Deputies

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

Agenda Forum 21 September 2023

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

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

3 DISCLOSURE OF INTERESTS

4 ANNOUNCEMENTS BY THE CHAIRPERSON OR PRESIDING MEMBER

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

NOTE: Section 5.23(2) of the *Local Government Act 1995*, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters; security matters; among others.

The following confidential reports are covered in Section 7 of this agenda:

- DELEGATION OF POWERS FOR THE CHIEF EXECUTIVE OFFICER (D2023/33466)
- EXEMPTION FROM TENDER REGULATIONS FOR A CONTRACTOR (D2023/35725)

6 EMPLOYEE REPORTS

6.1 SUSTAINABILITY TEAM PROGRAM 2024-2025 (D2023/36199)

6.2 REQUEST FOR A NEW PROPOSED DELEGATION OF AUTHORITY TO THE CEO (D2023/36235)

6.3 RFT 2023-005 PURCHASE OF A HEAVY DUTY MOBILE SCREEN FOR RED HILL WASTE MANAGEMENT FACILITY (D2023/36428)

6.4 REQUEST FOR QUOTATION RFQ 2023-024 – SUPPLY AND DELIVERY OF ONE 20T WHEEL LOADER TO RED HILL WASTE MANAGEMENT FACILITY (D2023/36508)



6.1 SUSTAINABILITY TEAM PROGRAM PLAN FOR 2024/2025

D2023/36199

PURPOSE OF REPORT

The purpose of this report is to provide Council with the Sustainability Team Program 2024/2025 for noting.

KEY POINT(S)

- The Sustainability Team Program Plan for 2024/2025 has been developed and is attached for Council's consideration.
- The Proposal covers the areas of Urban Environment, Waste Education and Regional Advocacy.
- Net Zero and Circular Economy remain the overarching themes for existing programs such as Achieving Carbon Emissions Reduction (ACER); Water and Energy programs, Future Proofing, the Sustainable Development Goal Report Cards and other supported initiatives.
- State and federal government and other stakeholder funding will continue to be sought to help fund and guide future delivery of projects in the region.

RECOMMENDATION(S)

That Council notes the programs outlined in the Sustainability Team Program Plan for 2024/2025, forming the attachment to this report, which will form the basis of discussion with member Council CEOs.

SOURCE OF REPORT

Chief Sustainability Officer

BACKGROUND

- 1 The Sustainability Team takes a regionally based approach in terms of project delivery to member Councils (and other local governments and agencies on a fee for service basis). The EMRC also advocates on behalf of the Region in accordance with Council decisions. Over time the projects have varied in response to the needs of member Councils and emerging regional issues that are deemed appropriate to be dealt with on a regional scale.
- 2 Project delivery is driven through an annual process aligned with the EMRC's Corporate Business Plan and its quarterly reporting and also the annual budget cycle.

REPORT

- 3 The Sustainability Team Program Plan demonstrates continued delivery of current projects and proposed delivery of new programs for 2024/2025. Agreed projects will be funded via a mix of funding from the EMRC, participating member Council contributions and grant funding where possible.
- 4 Program delivery is managed by the EMRC in collaboration with participating member Councils.
- 5 Member Councils indicative support for individual projects within the overall program and associated financial contributions area is required. The projects and associated funding commitments are finalised after consultation with member Council CEOs and their relevant staff.

STRATEGIC/POLICY IMPLICATIONS

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

Goal: To Demonstrate Circular Economy Leadership

Target: Enable circular economy initiatives through advocacy networks by 2025

Goal: To Respond to a Climate Emergency

Target: Infrastructure adaptation and education by 2030

Target: Below zero carbon emissions by 2040

Goal: Reduce our Environmental Impact

Target: Regional Urban programs implemented

Goal: To Create Value in the Community

Target: Increased participation in behaviour change programs

FINANCIAL IMPLICATIONS

7 The funding to facilitate the Sustainability Teams projects and services is developed and agreed with member Councils as part of the annual budget process.

SUSTAINABILITY IMPLICATIONS

8 The Sustainability Team operates to pursue environmental, economic and social outcomes for Perth’s Eastern Region. In pursuit of these objectives, sustainability considerations are also integrated wherever possible in all activities undertaken by the directorate.

RISK MANAGEMENT

| Risk – Reduced grant funding and a lack of interest from member Councils in Sustainability Programs | | |
|---|-------------------|---------------|
| Consequence | Likelihood | Rating |
| Moderate | Likely | High |
| Action/Strategy | | |
| ➤ EMRC to actively pursue grant funding opportunities and to liaise with member Councils to ensure maximum participation. | | |

MEMBER COUNCIL IMPLICATIONS

Member Council

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

Implication Details

Participating member Councils' officer time may be required when working collaboratively with the Sustainability Team.

ATTACHMENT(S)

Sustainability Team Program Plan 2024/2025 (D2023/36200)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That Council notes the programs outlined in the Sustainability Team Program Plan 2024/2025, forming the attachment to this report, which will form the basis of discussion with member Council CEOs.

COUNCIL RESOLUTION(S)

MOVED

SECONDED



Eastern Metropolitan Regional Council

Sustainability Team

Program Plan 2024/2025





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1 Introduction

This Sustainability Team Program Plan comprises the Urban Sustainability and Waste Education Teams program and service offerings for the 2024/2025 financial year.

1.1 Strategic Context

The Sustainability Team comprises of Urban Sustainability, Waste Education, Environmental Compliance and Communications.



Figure 1: Sustainability Team organisational structure 2023.

The Sustainability Team works to deliver the objectives within the EMRC's Sustainability Strategy. The Strategy is aligned with the UN Sustainable Development Goals (SDG's) and the EMRC's Revised 10 Year Strategic Plan 2017-2027 objectives. These objectives are embedded in the annual EMRC Corporate Business Plan, with associated delivery costs included in the annual budget. Alignment of these strategic documents with the SDG's enables the EMRC and its member Councils to collaboratively progress regional sustainability against a globally recognised framework.

Additionally, the Waste Education Services Team is guided by the objectives of the WA Waste Avoidance and Resource Recovery (WARR) Strategy 2030. The Strategy's vision is that *'Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste'*. The State's Strategy directly aligns with the Waste Education Services team and the EMRC's Sustainability Strategy vision to deliver circularity initiatives via education for the Region and broader community outcomes.

1.1.1 EMRC Sustainability Strategy

- ⇒ Our Sustainability Vision
 - ↪ Promoting sustainable waste management and a transition to a circular economy.
- ⇒ Objectives
 - ↪ Demonstrate circular economy leadership.
 - ↪ Respond to a climate emergency.

- ↪ Reduce our environmental impact.
- ↪ Create value in the community.

1.2 Reporting

The Sustainability Team report program progress via the EMRC Corporate Business Plan quarterly reports and quarterly Sustainability Team activity report to the EMRC Council.

2 Funding Summary

To achieve sustainability outcomes and alignment with the EMRC Strategic Review, the Sustainability Strategy, and the Revised Strategic Plan 2017-2027, programs and projects are grouped in a way to allow flexibility for participation and ensure ongoing value for each Council, while acknowledging the varying needs of each of the member Councils.

Where possible, the EMRC aims to tailor services to the individual needs of member Councils, either through an ongoing program or as a fee for service project. A bespoke package can be negotiated and costed accordingly.

Table 1: EMRC Sustainability Team Fee for Service Funding Summary.

| Program | Town of Bassendean (\$) | City of Bayswater (\$) | Shire of Mundaring (\$) | City of Swan (\$) |
|--|-------------------------|------------------------|-------------------------|--------------------|
| ACER Program – Data Management | \$4,200 | X | \$4,200 | X |
| ACER Program – Climate, Energy and Emission Actions | \$6,300 | X | \$6,300 | X |
| Water Sensitive Futures - Data Management | \$4,200 | X | \$4,200 | X |
| Water Sensitive Futures - Water Sensitive Actions | \$7,560 | X | \$7,560 | \$7,560 |
| Water Sensitive Futures - Waterwise Council Accreditation | \$7,360.50 | X | \$7,360.50 | \$7,360.50 |
| SDG Annual Review | \$4,200 | \$4,200 | \$4,200 | X |
| Social Advancement – Avon Descent Festivals | \$2,320.50 | \$4,672.50 | X | \$8,127 |
| 2024/2025 Total Proposed Member Council Contributions | \$36,141 | \$8,872.50 | \$33,820.50 | \$23,047.50 |

⇒ Supplementary programs offered to Member Councils

- ↪ Circular and Economic Development
- ↪ Waste Education support for Local Government*
- ↪ Waste Education services for Community*

* Note - Waste Education services are funded by the Waste Education Levy which currently equates to 5% of the landfill gate fee at the Red Hill Waste Management Facility.

2.1 Withdrawal from any of the Urban Programs

Under the EMRC’s current Establishment Agreement notice of withdrawal by a member council clause 9.6 states:

“A participant may, at any time between 1 July and 31 December in any year, give to the EMRC notice of its intention to withdraw from any of the Continuing Programs and Services. The withdrawal of the participant under clause 9.6 shall take effect from the end of the financial year following the giving of the notice of withdrawal under clause 9.6. For example, if notice of withdrawal was given on 1 July 2020, it will not take effect until 30 June 2021.”

If a member Council wishes to withdraw from any of the Sustainability programs outlined within this program, formal notice of withdrawal is required to be provided for each individual program (in this case, by 31 December 2023 to take effect from 1 July 2024).

3 2024/2025 Programs and Projects

3.1 Achieving Carbon Emission Reduction (ACER) Program

The ACER program is a long-standing initiative that has been ongoing since 2019 and has continued to evolve to meet the needs of member Councils. The ACER program is governed by a carbon management framework that includes a cyclical process to monitor, review and improve.

- ACER Program – Data Management
 - ⇒ Verify energy and emissions data, and complete Quarterly Performance Reviews.
 - ⇒ Annual Energy Emissions Data Analysis Report and Snapshot.
 - ⇒ Data management platform support as required.
- ACER Program – Climate, Energy and Emissions Actions
 - ⇒ Technical support to progress strategies, plans and actions to meet emissions reduction and Net Zero targets.
 - ⇒ Provision and maintenance of Home Energy Audit Kits.
 - ⇒ Support Cities Power Partnership participation.
 - ⇒ Review of other related plans and strategies as required – e.g. Urban Forest, Urban Heat Island, Climate Change Adaptation.
 - ⇒ Identify grant and funding opportunities.
 - ⇒ Research and development
 - ⇒ Advocacy and submissions for energy efficiency and emissions related issues.

3.2 Water Sensitive Futures

The Water Sensitive Futures program provides a detailed assessment of water consumption and assistance with Water Corporation Waterwise Council reporting with the aim to identify development opportunities that align with the Water Sensitive Cities Index framework. Through this program a consistent cycle of review and reporting supports the identification of any potential issues at facilities leading to a reduction in water wastage and costs.

- Water Data Management
 - ⇒ Verify Water data, complete Quarterly Performance Review of corporate potable water.



- ⇒ Annual Water Data Analysis Report and Snapshots.
- ⇒ Data management platform support as required.
- Water Sensitive Actions
 - ⇒ Provide technical support to progress strategies, plans and actions to meet water conservation goals.
 - ⇒ Facilitate quarterly water team meetings including action review, fault identification and other waterwise issues.
- Waterwise Council Action Plan (WCAP) Accreditation
 - ⇒ Annual reporting to Water Corporation for re-endorsement for Waterwise Council accreditation.
 - ⇒ Annually collect and collate data from Water Corporation, Department of Water and Environmental Regulation (DWER) and other sources as required to be able to complete Waterwise Council reporting.



3.3 Sustainable Development Goals Annual Review

The United Nations Sustainable Development Goals (SDGs) are an internationally recognised set of 17 targets that provide a globally unified approach to ensuring a sustainable future. Under each goal is a set of specified targets that have been identified as key attributers of sustainable development.

The SDG Annual Report card reporting provides an in-depth investigation into member Councils progress and opportunities in relation to these international standards.

- Assistance with the collection and collations of organisational wide information.
- Annual SDG Benchmark Progress Report and Snapshot.
- Provide technical support to progress strategies, plans and actions to meet SDG goals.
- Ongoing research and development into the SDGs and their importance to the region.

3.4 Circular and Economic Development

- Support community, industry and government in Circular Economy principles and actions, including identifying barriers and promoting opportunities for Circular Economy practices.
- Research and provide support for emerging and innovative technologies and future opportunities.
- Advocacy for infrastructure development, growth, and funding, including regional initiatives.

3.5 Social Advancement

- Apply a regional approach to sourcing funding and promoting social wellbeing e.g. Avon Descent Festivals
- Identify regional social priorities including opportunities for development, such as supporting disadvantaged and vulnerable communities.
- Supporting regional social sustainability initiatives and regional opportunities for community, industry, and government.





3.6 Waste Education Support for Local Governments

The Waste Education Services team view waste as a resource, the management as a collective responsibility, and embrace Circular Economy thinking. These principles drive Waste Education programs, which provide residents with the tools and knowledge to be a GREAT Sort. Waste Education is vital for behaviour change and improving waste management and actions towards circularity in the region.

- 2030 State Waste Avoidance and Resource Recovery (WARR) Strategy Implementation support.
- Assistance with reviewing Waste Plans.
- Regional Waste Education Steering Group – Facilitate quarterly member Council’s representative meeting to share waste management to share waste management challenges and find solutions as a Region.
- Regional advocacy – e.g. Waste Management Community Reference Group (WMCRG), Recycle Right member, Consistent Communications Collective and Waste Educator Networking Group (WENG).
- Local Government Waste and Recycling Guides – ongoing content support.
- Bin Tagging – Behavior change education program to assist households with correct bin use.
- WA Plastic Ban – Education support for businesses, community groups and organisations.
- Source Separation Collection and Support – From schools and public places for batteries, light globes and mobile phones.
- Resource Recovery Event Support – Planning, implementation, administration and personnel support, includes social media content development and community engagement.
- Delivery on a fee-for-service basis for other requested waste related initiatives.



3.7 Waste Education Services for Community

The Team provides a range of education programs and resources to support behaviour change in the community.

- Waste Management Facility (WMF) Tours – Red Hill WMF and the Resource Recovery Group Canning Vale, tailored for schools and community groups.
- Community Courses and Workshops – Focusing on providing participants with practical ways to avoid, reduce and separate waste e.g. Clothes Swap and sustainability workshops.
- The Education Loan Boxes – contain learning activities and resources aligned with STEM curriculum e.g. party kit, early learning books, DIY Waste Audit kit, ‘Plastic not so Fantastic’ loan box and Clothes Swap equipment and resources.
- Schools Support – improve waste management through audits, incursions, activities and education also supporting Department of Education (DoE) and Department of Water and Environmental Regulation (DWER) objectives e.g. FOGO in Schools.



3.8 FOGO

The EMRC FOGO Strategy combines the objectives of the Waste Strategy 2030. The EMRC has substantial experience in FOGO roll outs and can provide support from initial planning to execution and beyond.

- Communication Plan – thoroughly researched via consultation and direct experience with FOGO implementation.

- FOGO Implementation Support:
 - ⇒ A range of community engagement activities to support bin system changes.
 - ⇒ Procurement assistance for kitchen caddies and compostable liners and their distribution
 - ⇒ The Waste Education Services Team relocation to the Council for agreed time to assist with their FOGO rollout allowing ease of communication. Includes answering resident enquiries and community engagement activities.
 - ⇒ Post FOGO rollout bin tagging program.
- FOGO Step by Step Guide – a practical how-to-guide outlining planning and implementation of a FOGO system. The EMRC can tailor the guide to suit individual Councils.

4 Fee for Service

If member Councils are interested in any additional activities or services outside the above scope of work, a fee-for-service may be provided. Below is the list consulting fees for 2023/2024. Please note that the fees and charges may be subject to a price rise in 2024/2025.

Table 2: EMRC 2023/2024 Fees and Charges

| MEMBER COUNCILS - TOWN OF BASSENDEAN, CITY OF BAYSWATER, SHIRE OF MUNDARING, CITY OF SWAN (INC GST) | |
|---|---------------|
| Senior Executive | \$146.00/hour |
| Manager | \$128.80/hour |
| Co-ordinator | \$111.40/hour |
| Officer | \$79.00/hour |

Please contact EMRC's Sustainability Team if you have any questions.

6.2 REQUEST FOR A NEW PROPOSED DELEGATION OF AUTHORITY TO THE CEO

D2023/36235

PURPOSE OF REPORT

To propose a new delegation of authority to the CEO to accept contracts for the purchase of plant or machinery up to the Council adopted budgeted allocation set aside for that specific purpose, as well as requesting an amendment to the authority limited of the CEO to accept contracts.

KEY POINT(S)

- The use of delegated authority allows for a large volume of the routine administrative work of Council to be effectively managed and acted upon promptly, which in turn facilitates efficient service delivery by the EMRC. Delegated Authority allows Council to concentrate on other strategic matters.
- Proposed delegation of authority to the Chief Executive Officer to accept contracts for the purchase of plant or machinery, subject to the annual budgetary allocation adopted by Council.
- The *Local Government Act 1995*, (Act) allows for the local government to delegate to the Chief Executive Officer (CEO) the exercise of any of its power or the discharge of any of its duties under the Act in order to effectively manage the day-to-day operations of the City.

RECOMMENDATION(S)

That Council by absolute majority in accordance with:

1. Section 5.42 of the *Local Government Act 1995*, delegates authority to the Chief Executive Officer to accept contracts for the purchase of plant or machinery up to the Council approved and adopted budget allocation set aside for that specific purpose and subject to the requirements of the *Local Government (Functions and General) Regulations 1996*.
2. Section 5.45 of the *Local Government Act 1995*, amends delegation C5/2016 increasing the authority limit of the Chief Executive Officer to accept tenders to \$1 million excluding GST.
3. Section 5.45 of the *Local Government Act 1995*, amends delegation C16/2021 increasing the authority limit of the Chief Executive Officer to accept contracts not related to a tender up to \$1 million excluding GST.

SOURCE OF REPORT

Chief Financial Officer

BACKGROUND

- 1 Council is responsible for the overall government of the EMRC's functions. The CEO is responsible for the day-to-day management of the administration of the EMRC's functions amongst other functions such as advising Council.
- 2 Section 5.42 of the Act allows the local government to delegate some of the local government's powers and duties to the CEO:
 - (1) *A local government may delegate* to the CEO the exercise of any of its powers or discharge of any of its duties under-*
 - (a) *this Act other than those referred to in section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

**Absolute majority required*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

3 Delegation of authority, where allowed, allows for efficient and timely decision making by local governments. Conditions or limitations may be incorporated into delegations such as limiting the circumstances in which a delegation can be exercised or imposing financial or other limits to the delegated power.

4 Council has currently delegated authority for the CEO to accept tenders up to \$400,000 excluding GST.

5 On 24 March 2016 Council resolved:

3. *BY ABSOLUTE MAJORITY IN ACCORDANCE WITH SECTION 5.45 OF THE LOCAL GOVERNMENT ACT 1995, AMENDS DELEGATION C1/2014 INCREASING THE AUTHORITY LIMIT OF THE CHIEF EXECUTIVE OFFICER TO ACCEPT TENDERS TO \$400,000 EXCLUDING GST.*

6 In November 2021 Council extended this delegation to allow the CEO to accept contracts not relating to a tender up to \$400,000 excluding GST.

7 On 25 November 2021 Council resolved:

THAT COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH SECTION 5.42 OF THE LOCAL GOVERNMENT ACT 1995, DELEGATES AUTHORITY TO THE CHIEF EXECUTIVE OFFICER TO ACCEPT CONTRACTS NOT RELATING TO A TENDER UP TO \$400,000 EXCLUDING GST AND SUBJECT TO THE REQUIREMENTS OF THE LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996.

REPORT

8 The CEO does not have the delegated power to authorise purchases over \$400,000 excluding GST without the requirement of Council approval.

9 From time to time, the EMRC purchases various items of plant and machinery for operations at the Red Hill Waste Management Facility, the Hazelmere Resource Recovery Park, waste transfer stations and beyond (i.e. regional waste collection scheme initiative).

10 Due to the nature of waste operations, the cost of each plant and machinery is usually, on average, upwards of \$500,000 thus requiring Council approval as the CEO's delegation only extends to purchases of up to \$400,000 (ex. GST). Further, due to the current economic climate in Western Australia, we are experiencing longer lead times than expected. Consequently, the requirement for Council approval for the purchase of plant and machinery will result in delays in the timing to procure plant/machinery order.

11 In the 2022/2023 financial year, approximately 25% of all EMRC procurement related to the purchase of plant or machinery.

12 Under section 5.42(1) of the Act a local government may delegate (by absolute majority) to the CEO the exercise of any of its powers or the discharge of any of its duties, other than those referred to in section 5.43 of the *Local Government Act 1995* or sections 214(2), (3) or (5) of the *Planning and Development Act 2005*.

13 It is proposed that Council delegates to the CEO purchases of plant and machinery subject to the purchase being for a budgeted purpose and funding already approved by Council in the annual budget setting process and in accordance with the requirements of the *Local Government (Functions and General) Regulations 1996*.

- 14 The proposal will assist and support Council having to not deal with a high volume of requests for tender or request for quote for the purchase of budgeted plant and machinery and it is considered prudent and administratively more efficient, on what is essentially an operational matter, that Council provides an overarching delegation to the CEO to exercise the option to purchase plant and machinery as approved by Council through the annual budget setting process. This will assist and support Council having to not deal with lower risk administrative contracts, allowing Council to focus on more strategic or complex decisions.
- 15 Any unbudgeted procurement purchases whether relating to plant or machinery or other goods or services shall continue to be referred to Council for its approval.
- 16 Therefore, by delegating authority to the CEO to accept contracts for the purchase of plant or machinery up to the Council approved and adopted budget allocation set aside for that specific purpose and subject to the requirements of the *Local Government (Functions and General) Regulations 1996*.
- 17 It is also acknowledged that a large proportion of tenders and contracts not related to tenders are greater than the current limit. To reduce administrative overheads and impost on Council to consider such contracts where it is already subject to adopted budget allocation, it is prudent that the authority limit be increased to \$1,000,000 (ex. GST).
- 18 It is a requirement of section 5.46 of the Act that this delegation as well as all other delegations made by the Council to the CEO and Committees are reviewed in every financial year. This is carried out each year in February.

STRATEGIC/POLICY IMPLICATIONS

- 19 Reporting on EMRC Strategic Policy implications align with the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027:
 - Goal: To Demonstrate Circular Economy Leadership
Target: Enabling circular economy initiatives through advocacy networks by 2050
 - Goal: To Create Value in the Community
Target: Community based source separation initiatives by 2027

FINANCIAL IMPLICATIONS

- 20 Nil

SUSTAINABILITY IMPLICATIONS

- 21 Nil

RISK MANAGEMENT

Risk – Delay in making operational decisions which are budgeted expenditure items may impact the procurement of goods and services in a timely manner

| Consequence | Likelihood | Rating |
|---|------------|----------|
| Moderate | Unlikely | Moderate |
| Action/Strategy | | |
| Council to delegate authority to the CEO to accept contracts relating to plant and machinery as approved by Council in the annual budget setting process. | | |

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION(S)

That Council by absolute majority in accordance with:

1. Section 5.42 of the *Local Government Act 1995*, delegates authority to the Chief Executive Officer to accept contracts for the purchase of plant or machinery up to the Council approved and adopted budget allocation set aside for that specific purpose and subject to the requirements of the *Local Government (Functions and General) Regulations 1996*.
2. Section 5.45 of the *Local Government Act 1995*, amends delegation C5/2016 increasing the authority limit of the Chief Executive Officer to accept tenders to \$1 million excluding GST.
3. Section 5.45 of the *Local Government Act 1995*, amends delegation C16/2021 increasing the authority limit of the Chief Executive Officer to accept contracts not related to a tender up to \$1 million excluding GST.

COUNCIL RESOLUTION(S)

MOVED

SECONDED

6.3 RFT 2023-005 PURCHASE OF A HEAVY-DUTY MOBILE SCREEN FOR RED HILL WASTE MANAGEMENT FACILITY

D2023/36428

PURPOSE OF REPORT

The purpose of this report is to advise Council of the results of Tender RFT 2023-005 for the purchase of a Heavy-Duty Mobile Vibrating Screen for Red Hill Waste Management Facility and recommend acceptance of the tender submission from Mineral Processing Solutions (OPS Screening and Crushing Equipment) – Finlay Model 870 Scalper.

KEY POINT(S)

- A request for tender, RFT 2023-005 for the purchase of a Heavy-Duty Mobile Vibrating Screen for Red Hill Waste Management Facility was advertised via Tenderlink on 5 July 2023.
- Tenders closed on 25 July 2023 with four submissions being received of which three were compliant.
- The EMRC tender evaluation panel recommended acceptance of the tender from Mineral Processing Solutions (OPS Screening and Crushing Equipment).
- A contingency allowance of 10% of the contract sum is recommended to cover any variations during the construction process.

RECOMMENDATION(S)

That:

- 1 Council awards Tender RFT2023-005 – Purchase of a Heavy-Duty Mobile Vibrating Screen for Red Hill Waste Management Facility to Mineral Processing Solutions (OPS Screening and Crushing Equipment) for Finlay Model 870 Scalper at a total cost of \$524,201.77 excluding GST.
- 2 Council authorises the CEO on behalf of the EMRC to enter into a contract with Mineral Processing Solutions (OPS Screening and Crushing Equipment) in accordance with their submitted tender, subject to any minor variations that may be agreed on between the CEO and Mineral Processing Solutions (OPS Screening and Crushing Equipment).
- 3 Council authorises a 10% contingency based on the tendered price schedule of \$524,201.77 excluding GST for any contract variations that may arise for Tender RFT2023-005.
- 4 Attachment 2 of this report remains confidential and be certified by the Chairperson and the Chief Executive Officer.

SOURCE OF REPORT

Chief Operating Officer

BACKGROUND

The EMRC's Red Hill Waste Management Facility is the location for the interim Food Organic Garden Organic (FOGO) processing facility. FOGO is supplied by member Councils and other participating Councils from household collections of FOGO waste. The FOGO processing facility requires a heavy duty mobile vibrating screen to facilitate the screening of the finished product.

REPORT

- 1 The Request for Tender was advertised on 5 July 2023 in the West Australian, EMRC Website, Member Council Notice Boards and Libraries and issued to the market via Tenderlink.
- 2 The RFT closed on 25 July 2023 at 4:00 PM (West Australia Standard Time).
- 3 Submissions had to comply with the Scope of Works and Technical Specification described in the tender documents.
- 4 Tender submissions were received from the following tenderers:
 - a Lincom WA Pty Ltd;
 - b Mineral Processing Solutions (OPS);
 - c Porter Equipment Australia; and
 - d 888 Crushing and Screening Equipment.

- 5 An evaluation panel of EMRC officers assessed the tenders against the following qualitative criteria:

| Description of Qualitative Criteria | Weighting |
|-------------------------------------|-----------|
| a) Compliance with specifications | 40% |
| b) Critical parts availability | 10% |
| c) Delivery | 5% |
| d) Warranty | 5% |

- 6 Price was weighted at 40% of the evaluation.
- 7 Based on the panel's evaluation, the submission from Mineral Processing Solutions (OPS Screening and Crushing Equipment) for their Finlay Model 870 Scalper at a total cost of \$524,201.77 excluding GST demonstrated the most advantageous submission and is considered to offer the best value for money. The supply and delivery period is expected to be seven (7) months or less. The Recommendation Report forms attachment 1 of this report.
- 8 Mineral Processing Solutions (OPS Screening and Crushing Equipment) did offer an alternative tender for their Finlay Model 873 Scalper screen but this was ranked lower than the Finlay Model 870 Scalper screen. OPS has done work previously for the Eastern Metropolitan Regional Council to a satisfactory standard.
- 9 A contingency allowance of 10% of the contract sum is recommended to allow for any unforeseen circumstances that may arise during the contract works.
- 10 A copy of each tenderer's company details including the list of their directors, registered address and ABN/ACN forms attachment of this report.

STRATEGIC/POLICY IMPLICATIONS

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

Goal: Environment Impact

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

FINANCIAL IMPLICATIONS

12 The contract value for the proposed purchase of a Heavy-Duty Mobile Vibrating Screen is within the Red Hill Waste Management Facility Operations Capital budget at 24399/30.

SUSTAINABILITY IMPLICATIONS

13 The EMRC’s FOGO Recovery Strategy requires sustainable production of high-quality FOGO derived compost and the Operations team has identified the need for this equipment at Red Hill after trialling similar equipment and analysis of the results.

RISK MANAGEMENT

| Risk – Delay in receipt of the Vibrating Screen Deck | | |
|--|-------------------|---------------|
| Consequence | Likelihood | Rating |
| Moderate | Possible | Moderate |
| Action/Strategy | | |
| ➤ If the equipment supply and delivery is delayed, a comparable piece of equipment can be hired in the interim period. | | |

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

Supplier Company Details (D2023/36685)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That:

1. Council awards Tender RFT2023-005 – Purchase of a Heavy-Duty Mobile Vibrating Screen for Red Hill Waste Management Facility to Mineral Processing Solutions (OPS Screening and Crushing Equipment) for Model 870 at a total cost of \$524,201.77 excluding GST.
2. Council authorises the CEO on behalf of the EMRC to enter into a contract with Mineral Processing Solution (OPS Screening and Crushing Equipment) in accordance with their submitted tender, subject to any minor variations that may be agreed on between the CEO and Mineral Processing Solutions (OPS Screening and Crushing Equipment).
3. Council authorises a 10% contingency based on the tendered price schedule of \$524,201.77 excluding GST for any contract variations that may arise for Tender RFT2023-005.
4. Attachment 2 of this report remains confidential and be certified by the Chairperson and the Chief Executive Officer.

COUNCIL RESOLUTION(S)

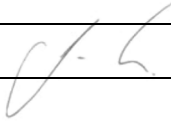
MOVED

SECONDED

COMPANY DIRECTOR DETAILS FORM

| COMPANY PARTICULARS | |
|--|--|
| Company Name in Full: | OPS Screening & Crushing Equipment Pty Ltd |
| ABN / ACN: | 54 009 318 674 / 009 318 674 |
| Address of Registered Office: | C/O Brealey Quill Kenny Market City Commercial Centre, 6, 280 Bannister Rd, Canning Vale WA 6155 |
| Principal Place of Business: | 40 Miguel Road, Bibra Lake WA 6163 |
| Information on previous company names (if applicable): | Overseas Purchasing Services (Aust.) Pty Ltd Tremont Nominees Pty. Ltd |
| DIRECTOR PARTICULARS | |
| Title: | Managing Director |
| Full Forename(s): | Shane William |
| Surname: | Czerkasow |
| Former Name(s): | N/A |
| Country / State of Residence: | Australia / WA |
| Nationality: | Australian |
| Date of Birth: | 10/06/1983 |
| Date of Appointment: | 01/01/2011 |
| Telephone: | 08 93590333 / 0411 138 070 |
| Email: | shane@opsaust.com.au |
| DIRECTOR PARTICULARS | |
| Title: | Director |
| Full Forename(s): | Andrew Blair |
| Surname: | Ellison |
| Former Name(s): | N/A |
| Country / State of Residence: | Australia / WA |
| Nationality: | Australian |
| Date of Birth: | 27/04/1962 |
| Date of Appointment: | 23/03/2016 |
| Telephone: | 08 9359 0333 / 0419 965 928 |
| Email: | Andrew.Ellison@opsaust.com.au |
| LIST OF CONTRACTORS | |
| Contractor 1: | NA |



| | |
|-----------------------|---|
| Contractor 2: | |
| Contractor 3: | |
| Contractor 4: | |
| Contractor 5: | |
| Contractor 6: | |
| Contractor 7: | |
| Director's Signature: |  |
| Date: | |

Please complete and return this form

Tender Submission

6.4 REQUEST FOR QUOTATION RFQ 2023–024 – SUPPLY AND DELIVERY OF ONE 20T WHEEL LOADER TO RED HILL WASTE MANAGEMENT FACILITY

D2023/36508

PURPOSE OF REPORT

The purpose of this report is to recommend acceptance of RFQ 2024-024 for the supply and delivery of one 20 tonne wheel loader to the Red Hill Waste Management Facility (RHWMF) from Hitachi Construction Machinery.

KEY POINT(S)

- The new Hitachi wheeled loader will be utilised at the Red Hill composting facility to enable the processing of FOGO materials and the production of compost.
- Quotations were sought for the supply and delivery of one 20 tonne wheel loader to the RHWMF, including an extended warranty and a maintenance service agreement via the WALGA vendor panel.
- The request for quotation closed on 18 August 2023 with a total of six submissions received from various plant and machinery suppliers on the WALGA vendor panel.

RECOMMENDATION(S)

That Council accepts the quotation for the supply and delivery to RHWMF of one 20 tonne wheel loader, including a five year/6,000 hours extended warranty, an extended powertrain warranty of up to 8,000 hours, a maintenance service agreement of up to 4,000 hours submitted by Hitachi Construction Machinery for the total sum of \$439,258.00 (ex GST).

SOURCE OF REPORT

Chief Operating Officer

BACKGROUND

- 1 RHWMF requires a new 20 tonne wheel loader to be utilised for works within the FOGO composting facility, which includes the following:
 - ⇒ Consolidating and preparing the incoming FOGO feedstock for processing;
 - ⇒ Manoeuvring feedstock to form windrows and aerate them as part of processing requirements;
 - ⇒ Move stockpiles to designated location post-processing for storage;
 - ⇒ Support other site operations as required.

REPORT

- 2 RFQ 2023–024 for the supply and delivery of one 20 tonne wheel loader to the HRRP was issued on WALGA's vendor panel on 18 August 2023.
- 3 Six quotes were received for the supply and delivery of one 20 tonne wheel loader from the following suppliers:
 - ⇒ AFGRI Equipment;
 - ⇒ CEG Distributions Pty Ltd;
 - ⇒ Hitachi Construction;
 - ⇒ Komatsu;
 - ⇒ McIntosh & Son; and
 - ⇒ Westrac Pty Ltd.

4 An evaluation panel of EMRC officers assessed and scored the submission on the following qualitative criteria:

| Description of Qualitative Criteria | Weighting |
|-------------------------------------|-----------|
| a) Compliance with Specifications | 40% |
| b) Critical Parts Availability | 10% |
| c) Delivery | 5% |
| d) Warranty | 5% |

5 Price was weighted at 40% of the evaluation.

6 The evaluation process determined that the submission from Hitachi Construction Machinery for the supply and delivery of one 20 tonne wheel loader to RHWMF included all the items in the specification, including an extended warranty, and a service maintenance agreement of up to 4,000 hours, which meets the EMRC’s requirements.

7 The quotation from Hitachi Construction Machinery for a total cost of \$439,258.00 (ex GST), including an extended warranty, and a service maintenance agreement for acceptance as the preferred supplier.

8 The anticipated delivery date from the preferred supplier is approximately November 2023.

STRATEGIC/POLICY IMPLICATIONS

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

Goal: Environment Impact

Target: To provide sustainable waste disposal operations.

Target: To improve regional waste recovery management.

FINANCIAL IMPLICATIONS

10 The adopted 2023/2024 Annual Budget provides for proposed capital expenditure for plant replacement.

SUSTAINABILITY IMPLICATIONS

11 Nil

RISK MANAGEMENT

Risk – Request for Quotes that are over the Chief Executive Officer’s delegated authority limit must be approved by Council prior to the award of the contract.

| Consequence | Likelihood | Rating |
|---|------------|----------|
| Moderate | Possible | Moderate |
| Action/Strategy | | |
| ➤ Council to authorise the CEO to enter into a contract with the recommended supplier the subject of this report. | | |

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

Supplier Company Details (D2023/36687)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That Council accepts the quotation for the supply and delivery to RHWMF of one 20 tonne wheel loader, including a five year/6,000 hours extended warranty, an extended powertrain warranty of up to 8,000 hours, a maintenance service agreement of up to 4,000 hours submitted by Hitachi Construction Machinery for the total sum of \$439,258.00 (ex GST).

COUNCIL RESOLUTION(S)

MOVED

SECONDED



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

COMPANY DIRECTOR DETAILS FORM

| COMPANY PARTICULARS | |
|--|---|
| Company Name in Full: | Hitachi Construction Machinery Aust Pty Ltd |
| ABN / ACN: | 62 000 080 179 |
| Address of Registered Office: | 107 Allen Road Forrestdale WA 6112 |
| Principal Place of Business: | As Above |
| Information on previous company names (if applicable): | |
| DIRECTOR PARTICULARS | |
| Title: | DIRECTOR OPERATIONS |
| Full Forename(s): | ANTHONY |
| Surname: | PILBROW |
| Former Name(s): | |
| Country / State of Residence: | AUSTRALIA |
| Nationality: | AUSTRALIAN |
| Date of Birth: | 23.1.66 |
| Date of Appointment: | APRIL 2021 |
| Telephone: | 0400382807 |
| Email: | pilbrow@hema.com.au |
| LIST OF CONTRACTORS | |
| Contractor 1: | |
| Contractor 2: | |
| Contractor 3: | |
| Contractor 4: | |
| Contractor 5: | |
| Contractor 6: | |
| Contractor 7: | |
| Director's Signature: | |
| Date: | |

Please complete and return this form with your tender submission

7 CONFIDENTIAL MATTER FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

RECOMMENDATION (Closing Meeting to the Public)

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

COUNCIL RESOLUTION(S)

MOVED CR

SECONDED CR

7.1 DELEGATION OF POWERS FOR THE CHIEF EXECUTIVE OFFICER (D2023/33466)

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

See Confidential Item circulated with the Agenda under Separate Cover.

7.2 EXEMPTION FROM TENDER REGULATIONS FOR A CONTRACTOR (D2023/35725)

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

See Confidential Item circulated with the Agenda under Separate Cover.

RECOMMENDATION (Meeting Re-Opened to the Public)

That the meeting be re-opened, the members of the public be invited to return to the meeting and the recommendations passed behind closed doors be recorded.

COUNCIL RESOLUTION(S)

MOVED CR

SECONDED CR

8 FUTURE AGENDA FORUMS

The next meeting of Agenda Forum will be held on Thursday 9 November 2023 (if required) at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6.00pm.

Future Forums 2023

Thursday 09 November (if required) at EMRC Administration Office

9 DECLARATION OF CLOSURE OF MEETING