



LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES

City of Wanneroo and City of Joondalup Local Emergency Management Committee Meeting

City of Wanneroo and City of Joondalup
Local Emergency Management Committee
City of Wanneroo, Leschenaultia Room
23 Dundobar Road, Wanneroo
10:00am, 1 November 2012

1. ATTENDANCES AND APOLOGIES

ATTENDANCES:		
Name	Position	Organisation
Cr Dot Newton, JP	LEMC Chairperson	City of Wanneroo
Alan McColl	Manager Regulatory Services	City of Wanneroo
Ian McDowell	Coordinator Community Safety	City of Wanneroo
Resmie Greer	Senior Emergency Management and Community Safety Officer	City of Wanneroo
Wayne Harris	Coordinator Health Services	City of Wanneroo
Phil Hay	Community Emergency Services Manager (CESM)/Chief Bush Fire Control Officer (CBFCO)	City of Wanneroo/DFES
Cr John Chester	Elected Member	City of Joondalup
Debbie Terelinck	A/Manager Asset Management	City of Joondalup
Derek Fletcher	Emergency Management Officer	City of Joondalup
David Wilson	Environmental Health Officer	City of Joondalup
Derrick Briggs	Emergency Management Officer NW Metro	WA Police
Craig Wanstall	OIC – Wanneroo	WA Police
Mal Jones	OIC – Clarkson	WA Police
Allan Daw	District Officer – North Coastal	DFES- BFS
Stuart Palmer	District Officer – North Coastal	DFES
Nadine McLoughlin	A/Community Emergency Management Officer	SEMC Secretariat
Mary-Ann Jackson	Local Welfare Coordinator	DCP
Jo-Anne Bennett	District Emergency Services Officer	DCP
Helen Barrett	Disaster Management Coordinator	Ramsay Health

Lauren McDonnell	State Manager Emergency Services	Red Cross
Visitors Lewis Winter & Peta Nolan	Community Safety & Emergency Management Officer Community Safety Officer	City of Bunbury

APOLOGIES:		
Name	Position	Organisation
Charlie Carver	Superintendent NW Metro District	WA Police
Charles Slavich	Principal Environmental Health Officer	City of Joondalup
Wayne Dohmen	Inspector – Assistant District Officer Joondalup	WA Police
Bill Hansen	Local Manager	SES
Alex Ryan	OIC - Hillarys	WA Police
Ken Walker	OIC – Warwick	WA Police
Peter Reeves	OIC – Yanchep	WA Police
Chris Ruck	OIC – Joondalup	WA Police
Geoff DeSanges	Inspector – Assistant District Officer Joondalup	WA Police
Rick Corkill	Northern Beaches Emergency Group	WA Police
Mary McConnell	Disaster Management Coordinator	Ramsay Health

Cr Dot Newton opened the meeting at 10:10am and welcomed those members in attendance.

2. PRESENTATION

2.1 Cr Newton welcomed Lewis Winter and Peta Nola from the City of Bunbury. Lewis Winter provided a presentation on the program U-4-72, Resilient Communities Project, including displaying a 72 Hours Ready Resource Kit.

Lewis Winter advised the goal for Bunbury is to build an understanding of and self-responsibility for emergency management within the population so that people in the diverse communities can confidently participate in emergency management planning and decision making processes, reducing the risk of an unprepared population with low resilience to disasters. It was mentioned that whilst undertaking a review of the City of Bunbury's Emergency Management Risks during 2005, it had become apparent that the biggest threat to the community is the community's lack of self preparedness during a disaster.

The purpose of the project was to design and implement a cyclical community culture change program using the Participatory Action Research (PAR) process that would gradually reach specific communities of interest and informs and educates them about emergency management and successfully encourages them to take steps to be prepared.

General discussion took place on the process taken to infiltrate the communities and to stimulate emergency disaster preparedness.

Lewis Winter advised that the process developed by the City of Bunbury was available for other local governments to use to engage and educate their communities on self awareness and preparedness during emergency disasters.

Cr Newton thanked Lewis Winter for his attendance and for providing LEMC members with an informative presentation on the U-4-72, Resilient Communities Project.

3. CONFIRMATION OF PREVIOUS MINUTES (2 August 2012)

Moved John Chester, **Seconded** Derrick Briggs

That the Minutes of the Local Emergency Management Committee meeting held on 2 August 2012 be confirmed as a true and accurate record.

CARRIED

4. BUSINESS ARISING

Item	LEMC Meeting	Subject	Responsible Agency/Person
2.1	2 February 2012	Risk register review update	(a) City of Joondalup (b) City of Wanneroo
	3 May 2012	Refer Item 6 below – Risk Mitigation (Risk register review update) Draft copy of the Emergency Management Risk Registers will be distributed to LEMC members. Any comments/feedback to be discussed at the next LEMC meeting of 2 August 2012.	R Greer provided the project status update. RISK REVIEW COMPLETED FOR THE CITY OF WANNEROO (2 AUGUST 2012)
	2 August 2012	Risk register review – D Fletcher advised City of Joondalup still working through some minor issues. The register should be finalised for endorsement by the LEMC at the next meeting, 1 November 2012.	City of Joondalup
	1 November 2012	D Fletcher advised City of Joondalup still working with the Risk Management Task Force on minor changes. Still outstanding	City of Joondalup
6.2	3 November 2011	Joint LEMC Exercise	Phil Hay
	3 May 2012	Joint LEMC Exercise to be held on Wednesday 8 th August 2012. Further details to be disclosed at a later date.	Phil Hay
	2 August 2012	Joint LEMC exercise has been rescheduled to Thursday 27 September 2012 at the City of Joondalup commencing at 10am – 1pm.	Phil Hay

	1 November 2012	<p>Joint LEMC exercise – "Down Wind" - was held on the 27 September 2012 at the City of Joondalup.</p> <p>A brief report was submitted by D Fletcher and tabled at the meeting.</p> <p>Cr Chester made comment on the fragility of communications during emergency disasters. It was noted that other than mobile phones, there needs to be alternative means of communication. City of Joondalup is currently investigating this issue.</p> <p>Completed</p>	Phil Hay
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5. CORRESPONDENCE

The Inwards and Outwards correspondence was tabled at the meeting for reviewing and comments. Resmie Greer referred members to Item 15 (Westplan – Land Search). WA Police is seeking local government feedback or amendments via WALGA by 23 November 2012.

6. STANDING ITEMS

- **District Agency Updates:**

- ***City of Wanneroo***

Phil Hay reported on a joint City of Wanneroo Fire Exercise conducted on Saturday 6 October 2012, held at the Quinns Rocks Fire Brigade Station. Agencies involved included Police, DEC, SEMC Secretariat. It was a good exercise with some key lessons learnt.

Resmie Greer advised that the City of Wanneroo is ready to conduct fire break inspections after the 15 November with aerial inspections taking place on the 16 November 2012.

A community education day was conducted at Carramar Shopping Centre on the 27 October 2012. Additionally, a doorknocking campaign took place in the area.

LEMC members to ensure their contact details are current and correct on the "LEMC Contact List".

- ***City of Joondalup***

Derek Fletcher referred to the joint LEMC exercise held on the 27 September 2012 at the City of Joondalup (refer comments item 4 – Business Arising for details).

- ***WA Police***

Derrick Briggs reported the Chair of the DEMC, Superintendent Charlie Carver, is on leave for a month and will not be in attendance at the next DEMC meeting, scheduled for Thursday, 15 November 2012 at the City of Wanneroo in the Leschenaultia Room, commencing 10:00am.

- **Department of Fire and Emergency Services (DFES)**
Stuart Palmer informed the meeting as follows:
 - DFES officers are working with management on an alternate access road to the Pinjar Power Station. Presently there is only one entry point;
 - DFES officers have been working with Rangers informing local schools in area of their obligations to install sufficient firebreaks around schools;
 - (c) Change of name to a Department as of 1 November 2012, FESA is now officially known as DFES;
 - DFES' emergency management facility recently re-located to Cockburn;
 - State exercise was conducted to test the communications link between regional and communications centre. Report yet to be received on the exercise, however it was felt there were no major faults; and
 - Currently working with community engagement on local bushfire/urban interface areas to increase education on bushfire preparedness.

- **Department of Environment and Conservation (DEC)**
No one in attendance.

- **Department of Child Protection (DCP)**
Jo-Anne Bennett reported the following:
 - DCP preparing for the summer season;
 - Emergency exercise will be conducted at the Perth Airport on 20 November 2012; and
 - Planning a Local Welfare Emergency Management Networking Group meeting for 27 November 2012 with invites going out to agencies soon.

- **Western Power**
No one in attendance.

- **Joondalup Health Campus**
Helen Barrett reported officers participated in the Avon Valley Rail Crash exercise.

- **Red Cross**
Lauren McDonnell reported:
 - Communicating Recovery Training, designed for local governments and other external stakeholders, some places are still available. Training will be held on 19 November 2012;
 - Red Cross recently conducted outreach support in the Margaret River Region with volunteers doorknocking approximately 600 households carrying out welfare checks and handing out DFES educational information to the residents.

- **Edith Cowan University**
Nil to report.

- **Other Key Stakeholders**
Nil to report.

- **LEMC Arrangements:**
 - **Planning:**
In September 2012, SEMC Secretariat have officially noted and endorsed the Cities of Wanneroo and Joondalup's Local Emergency Management Arrangements, including the Recovery Plans.

- ***Risk Register/Mitigation Treatments:***
The City of Joondalup's Risk Register was not tabled at this meeting as the content is still under review by the City of Joondalup's Risk Assessment Group.
- ***Training Activities/Simulations:***
 - DCP:
Emergency exercise will be conducted at the Perth Airport on 20 November 2012;
 - Red Cross:
Communicating Recovery Training, designed for local governments and other external stakeholders will be conducted on 19 November 2012; and
 - SEMC Secretariat:
 - (a) Available training dates for the Introduction to Emergency Management course being held in Rockingham on 13 November and Canning on 22 November.
 - (b) The Introduction to Recovery Management course on 15 November at Fremantle and 20 November in Kwinana.
- ***Other Emergency Activations for mention:***
Nil to report within the Cities of Wanneroo and Joondalup.
- ***Review/Outcomes/Lessons Learnt:***
Lessons learnt from the joint LEMC exercise at the City of Wanneroo was the fragility of communications network during emergency disasters.

7. REPORTING REQUIREMENTS

- Resmie Greer reported that statistics are kept and collated for reporting to the DEMC and SEMC annually. Information recorded is as follows:
 - (a) attendees;
 - (b) meetings;
 - (c) emergencies attended in the district;
 - (d) LEMC exercises held;
 - (e) LEMA and Recovery Plan updates; and
 - (f) Risk Management process
- Nadine McLoughlin advised SEMC Annual Report has been endorsed by SEMC and will be provided to the Minister in due course.

8. NEW BUSINESS

Nadine McLoughlin provided the following report on behalf of the SEMC Secretariat:

- State Preparedness Report is nearing completion with SEMC holding a special meeting on 23 October to finalise;
- The report for government on the NOETIC Report (operational PIA for Margaret River/Nannup Fires) is progressing. Expected completed date end of October;
- SEMC conducted a strategic planning session to develop a new strategic plan;
- The review of the SEMC sub committees underway - report to be tabled at December SEMC meeting;
- Review of the State Risk Assessment framework is being conducted. Research and completion of the State Level Risk Assessments for sudden onset of Natural Hazards is set for 30 June 2013; and
- Emergency Alert Community Warning System is on track for implementation by 30 November 2012 including the location based capability for Telstra Customers (messages to Telstra mobiles in the nominated warning area). Location based capability for

Vodafone and Optus customers will become available in October 2013;

Funding 2012/2013

- Successful applications for the 2012-13 NDRP grant program is expected to be announced by end of October 2012;
- Future management of NDRP grants will be undertaken by SEMC Secretariat (Mel Pexton); and
- Management of the WANDRRA remains with DFES (Graham Capper);

Training Calendar for 2012

Available training dates for the Introduction to Emergency Management course being held in Rockingham on 13 November and Canning on 22 November. The Introduction to Recovery Management course on 15 November at Fremantle and 20 November in Kwinana. These courses are open to all local governments and support organisations. Nomination forms and additional information about the courses can be located on EMWA Extranet site or by emailing emtraining@fesa.wa.gov.au.

Other Matters

Review of the Emergency Management Act and SEMP 2.5 still on-going.

9. NEXT MEETINGS

The next City of Wanneroo/City of Joondalup Local Emergency Management Committee meeting will be held on Thursday 7 February 2013 at the City of Joondalup.

10. CLOSE

There being no further business, the meeting was closed at 11:40am.



WALGA

**North Metropolitan Zone
Minutes**

29 November 2012



North Metropolitan Zone WALGA

Hosted by the City of Stirling
25 Cedric Street STIRLING Phone: 9345 8555
Thursday 29 November 2012 - Commenced at 6:05 pm

Minutes

MEMBERS

4 Voting Delegates from each Member Council

City of Joondalup	Cr Geoff Amphlett JP Cr Mike Norman Cr Christine Hamilton-Prime Mr Jamie Parry, Director Governance and Strategy
City of Stirling	Mayor David Boothman Cr Giovanni Italiano JP Cr David Michael Cr Bill Stewart Mr Stuart Jardine, Chief Executive Officer – non-voting delegate
City of Wanneroo	Cr Stuart Mackenzie – Chair Cr Rudi Steffens Cr Norm Hewer Mr Michael Barry – Manager Exec. Services
WALGA Representatives	Mr Nick Wood, Executive Manager Corporate Business Solutions Ms Margaret Degebrot, Zone Liaison and Governance Support Officer
DLG Representative	Mr Brad Jolly
Guest Speakers	Mr Jim Wyatt, General Manager, Digital Economy Branch of the Department of Commerce

APOLOGIES

City of Wanneroo	Mayor Tracey Roberts Cr Diane Guise Mr Daniel Simms, Chief Executive Officer – non-voting delegate Cr Brett Treby
City of Joondalup	Cr Russ Fishwick JP Mr Garry Hunt, Chief Executive Officer – non-voting delegate
City of Stirling	Mr Aaron Bowman, Manager Governance & Council Support – non-voting delegate

ATTACHMENTS WITHIN THE AGENDA

1. Minutes of previous meeting
2. Zone Status Report
3. Standing Orders
4. President's Report

1. DEPUTATIONS

1.1 National Broadband Network (NBN) Presentation

At the conclusion of the Agenda business, Mr Jim Wyatt General Manager, Digital Economy Branch of the Department of Commerce, gave an informative and interesting presentation to the Zone on opportunities and timeframes for the National Broadband Network.

Mr Wyatt extended an offer to provide direct follow up to each of the Councils. They have been working closely with Joondalup for about 9 months and would be happy to expand this out to the others. Mr Wyatt also said he would be happy to facilitate direct presentations by NBN Co, as these have been quite useful to other Councils.

Noted

2. CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the meeting of the North Metropolitan Zone held on 30 August 2012 be confirmed as a true and accurate record of the proceedings.

Moved Cr Bill Stewart Seconded Cr Mike Norman

CARRIED

3. DECLARATION OF INTEREST

Pursuant to our Code of Conduct, Councillors must declare to the Chairman any potential conflict of interest they have in a matter before the Zone as soon as they become aware of it. Councillors and deputies may be directly or indirectly associated with some recommendations of the Zone and State Council. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.

Nil

4. BUSINESS ARISING

Nil

5. REPORTS FROM MEMBER COUNCILS

5.1 Delivering Community Services in Partnership Policy – Implications for Local Government

By the City of Stirling

In Brief

- Previous resolution 32.2/2012 of the WALGA State Council meeting of 7 March 2012 to write to the Premier and WALGA to advocate for Local Government to be provided with equitable funding to deliver community services.
- Continuation of the Delivering Community Services in Partnership Policy excluding Local Government initially in the provision of Financial Counselling Services, more recently in the areas for Family Violence partnership programs and Child Health Services. Local Government has a major role in provision of services to communities either directly or in partnership. Local Government is well positioned to ensure high quality services are delivered to local communities. Local Government supports many of the programs with supplementary funding, assets and equipment. As funding is now inequitable Local Government will not be able to continue to provide the services, nor assets and equipment in the future. The Not for Profit sector will not be able to deliver the current level of services jointly provided without a major increase in funding from the State Government beyond the current increases.
- This report seeks strong advocacy from WALGA to ensure that Local Government continues to be equitably funded to play a critical role in provision of community based services in partnership with State Government and the Not for Profit Sector.

Background

The State Government released the Delivering Community Services in Partnership Policy in June 2011. The details of the development of the policy were contained in the background section of Attachment 1 (item 5.10 of the WALGA State Council meeting of 7 March 2012).

At the time this was primarily in relation to contracting by the Department for Child Protection for Financial Counselling Services provided by a large number of Local Governments including most of those in the North Zone.

Subsequently the Department of Child Protection have commenced the new contracting arrangements for the programs and services related to Family and Domestic Violence. Some dot points of the implications are included as Attachment 2. The Department of Child Protection have advised that if Stirling ceases their contract that it will have a major affect on the capacity to provide support for families in an already pressed system.

There was also the WALGA info page dated 31 August 2012, reference 05-030-03-0005 (Attachment 3) advising of the 2012/13 WA State Budget funding for the Department of Health, Education and Communities. The Department of Health funding was for provision of Child Health Services. As noted in this document despite Local Government owning 70% of the facilities there is no provision for capital funding for capital works and maintenance to other agencies, so again Local Government is excluded from aspects of this additional funding based on the Community Services in Partnership Policy. As members would be aware Local Government provides access to facilities with no financial compensation based on a historical agreement.

Comment

The Funding and Contracting Reforms for the Not for Profit Service Providers have excluded Local Government based on the Delivering Community Services in Partnership Policy. Local Government was not involved in the Department of Premier and Cabinet Partnership Forum and as such is being increasingly adversely impacted by this Policy.

It is well documented that Local Government ratepayers supplement funding, assets and resources to ensure these services can be delivered in a cost effective and timely manner. Whilst the need to support

the Not for Profit sector is recognised and agreed by Local Government, the withdrawal or exclusion of Local Government as a key partner in the provision of community based services will result in a decrease in services available to the community.

This report is seeking further advocacy to the State Government by WALGA on behalf of Local Government before the situation is irretrievable.

RECOMMENDATION

1. That WALGA strongly advocate to WA State Government for appropriate funding increases under the Funding and Contracting reforms for Not for Profit Community Service Providers should be made available on an equitable basis to those Councils that provide relevant community services either directly or in partnership.
2. That WALGA write to the Premier emphasising the critical role that Local Government plays in provision of community services and programs as well as the potential impact on the State Government Departments and communities if Local Government cease providing these services.

Secretariat Comment

The shift in State Government policy direction to contract out services has resulted in a focus on building the capacity of Non for Profit Sector to deliver social services. This has implications for Local Government who traditionally have existed in this space and invested in a variety of services for their communities.

As the Report outlines Local Government has been excluded from the Component II funding. The reason provided by Department of Treasury and finance is Local Government is not organisations outside of the Not-for-Profit sector, regardless if the service they provide. This is not equitable.

Local Governments as part of their strategic planning processes are considering what services they wish to provide into the future and those they do not. With the reforms being rolled out a number of Local Governments have decided to use this as an opportunity to withdraw direct servicing and support NFP delivery. However others have made a commitment to have made a commitment to continue to provide services.

WALGA State Council considered the NFP reforms at their March meeting 2012. The majority of Zones felt that the reforms were a positive step for the NFP sector. However, members were disappointed that the reforms did not recognise the value which Local Government adds to community services, or acknowledge that the wage and labour pressures also affect a Local Government's recruitment capacity, and that significant disparity between Local Government and not for profit salaries is not the case across all Local Governments.

WALGA continues to strongly advocate for Local Government inclusion under the Funding and Contracting reforms for Not for Profit Community Service Providers.

RESOLUTION

1. **That WALGA strongly advocate to WA State Government for appropriate funding increases under the Funding and Contracting reforms for Not for Profit Community Service Providers should be made available on an equitable basis to those Councils that provide relevant community services either directly or in partnership.**
2. **That WALGA write to the Premier emphasising the critical role that Local Government plays in provision of community services and programs as well as the potential impact on the State Government Departments and communities if Local Government cease providing these services.**

Moved Mayor David Boothman Seconded Cr David Michael

CARRIED

6. STATE COUNCIL AGENDA - MATTERS FOR DECISION

(Zone delegates to consider the Matters for Decision contained in the WA Local Government Association State Council Agenda and put forward resolutions to Zone Representatives on State Council)

RESOLUTION

That the North Metropolitan Zone endorse 'en bloc all items within the December 2012 State Council Agenda.

Moved Mayor David Boothman Seconded Cr Geoff Amphlett

CARRIED

7. EXECUTIVE REPORTS

7.1 President's Report to the Zone

Mr Nick Wood, WALGA Executive Manager Corporate Business Solutions presented the President's Report. The Report was distributed within the Agenda.

Noted

7.2 State Councillor's report to the Zone

Cr Geoff Amphlett the WALGA State Councillor, presented on the previous State Council meeting.

Noted

7.3 Department of Local Government Representative Update Report.

Department of Local Government representative Mr Brad Jolly presented the Director General's Update Report.

The Director General's Update Report was distributed with the Agenda.

Noted

8. BUSINESS

8.1 Fruit Fly Control Presentation

A request has been received from Mr Graham McAlpine, Project Manager – Fruit Quality FRUIT WEST, wanting to give a presentation to the Zone at their next meeting on 28 February 2013 and speak on an Area Wide Management program initiative for the control of fruit fly in backyard gardens and what Local Government can do to assist and support. The program is a whole of government initiative with support Federally and State.

Fruit West is a producer committee of the Australian Produce Commission and Department of Agriculture and Food WA (DAFWA)).

RESOLUTION

That the North Metropolitan Zone invite Mr Graham McAlpine from Fruit West to present on Fruit Fly Control in backyard gardens at the next meeting to be held 28 February 2013

Moved Cr David Michael Seconded Cr Mike Norman

CARRIED

9. OTHER BUSINESS

9.1 Boards and Committees

A recommendation from the Selection Committee Meeting held 27 November 2012 is that distribution of the future notices of vacancies on Board and Committees, will also be sent to Zone Executive Officers to forward to their Delegates.

10. DATE, TIME AND PLACE OF NEXT MEETING

RESOLUTION

That the next ordinary meeting of the North Metropolitan Zone will be held at 6:00pm on Thursday 28 February 2013 at the City of Joondalup, commencing at 6pm.

11. CLOSURE

There being no further business the Chair declared the meeting closed at 7:17pm.



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

6 DECEMBER 2012

TOWN OF VICTORIA PARK

Managing waste and recovering resources responsibly
Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park



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The Chairman advised that Item 14.1 would be heard behind closed doors.

The Chairman advised that a minor amendment has been made to the sequential number of Items and amendments to the responsible officer's recommendations of Items 9.4 and 14.1.

6 APPLICATIONS FOR LEAVE OF ABSENCE
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Nil

7 PETITIONS / DEPUTATIONS / PRESENTATIONS
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Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
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8.1 ORDINARY COUNCIL MEETING – 25 OCTOBER 2012

The Minutes of the Ordinary Council Meeting held on 25 October 2012 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of Council held on 25 October 2012 be confirmed as a true record of the proceedings.

RESOLVED

**Cr Cooke moved, Cr Hollywood seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY

9 CHIEF EXECUTIVE OFFICER REPORTS

9.1	PROJECT ADVISORY GROUP MEMBERSHIP
File No:	WST/112
Appendix(s):	Nil
Date:	5 November 2012
Responsible Officer:	CEO

SUMMARY

Council at its meeting on 19 April 2012 resolved that the Chief Executive Officer (CEO) discuss with BioVision the possibility of changing the membership of the Project Advisory Group (PAG) to comprise only MRC and BioVision senior management and report back to council within 6 months on the outcome of the discussions.

BACKGROUND

The CEO presented a report to Council at its meetings on 19 April 2012 reviewing the various committees and working groups that the Mindarie Regional Council (MRC) had and made recommendation on changes to the structure. The PAG was one such group that was subject of the review where the following was presented for Council's consideration.

Project Advisory Group (Resource Recovery Facility)			
Terms of Reference	Oversee the execution of the Resource Recovery Facility Agreement (RRFA), establish and maintain the Project culture, provide leadership and assist in resolving conflicts, review all procedures and policies not imposed under this RRFA.		
Membership	Mike Wadsworth (external – paid position), Brian Callander, Cr Gray, Chris Colyer, Emmanuel Vivant (BV), Nial Stock (BV), Craig Barker (BV)		
Attendees	Gunther Hoppe, Ian Watkins (Consultant)		
Frequency	Duration (Est.)	Staff Time	Councillors Time
Monthly	2 hours 1 Hour travel	MRC – 48 hours MC – 24 hours	24 hours
Established in accordance with s5.8 of LGA 1995			No
Established in accordance with the requirements of the RRFA			
CEO Comment			
This committee plays an important role in building strong relationships with BioVision. The CEO has attended two meetings since commencing and considers it to be a very useful forum for discussing how the facility is operating and finding out about any ongoing issues. It is questionable however whether the current meeting frequency is required and whether the composition of the current membership is correct.			
CEO Proposal			
The CEO has already gained approval to reduce the meetings to bi-monthly, which is considered to be more appropriate. It is also proposed to reduce the attendance of Ian Watkins over time and consideration should be given to replacing the representation from the member council and replacing it with MRC's Director Corporate Services. The CEO has also gained approval for the Chairperson's costs to be shared between the MRC and BioVision. The changes detailed above will be the subject of a further report to Council.			

DETAIL

Since the April council meeting the PAG has met on three occasions where various elements of the contract and operations of the Resource Recovery Facility (RRF) have been discussed. The purpose behind this report is to determine whether the committee structure should change in its membership to only comprise of MRC and BioVision senior management.

The three members of the group that are not either MRC or BioVision senior management are the Chairperson, Mike Wadsworth, MRC Councillor Gray and Ian Watkins. The following observations are made on the roles these three individuals play in the group.

The Chairperson, Mike Wadsworth

Mr Wadsworth has been the Chairperson for 4 years and has significant knowledge of the project's history and the contract but more importantly Mr Wadsworth has demonstrated a high level of independence as the Chair and has the respect of the parties involved.

Councillor Representation

Having a Councillor attend the meetings promotes discussion on certain items from a different angle. It is also beneficial when an item comes to Council on an issue of the contract that has been raised at the PAG meeting. The Councillor can give the Council confidence that the parties are working to the preferred culture.

Ian Watkins, IW Projects

Ian is no longer an in-house consultant for the MRC. However he still provides a significant amount of technical advice to the MRC based on his extensive experience and knowledge of the industry and the RRFA. Ian's role in the PAG is critical as he not only knows the contract in detail, but he also is aware of the intent and design of the contract clauses, which is significantly beneficial when interpretation of the clauses is required.

CONSULTATION

In line with the resolution of the Council BioVision (through Nial Stock) was contacted to discuss whether there should be a change to the PAG membership. Mr Stock advised that he considers the current membership to be appropriate as it encourages a positive culture and there is significant experience within the membership to allow informed discussion on the ongoing and new items presented at the meetings.

STATUTORY ENVIRONMENT

The PAG has been set up in accordance with the requirements of the RRFA.

“5 Representatives and Project Advisory Group

5.1 Representatives

- (a) Each party must appoint a Representative to act on that party's behalf for the purpose of the MRC Project Agreements and exercise any of that party's rights or perform any of its obligations under the MRC Project Agreements subject to the delegation limits in subclause (c).*
 - (b) The identity and contact details of each party's Representative as at the Signing Date are set out in Annexure A. Each party must notify the other party in writing of a change to its Representative.*
 - (c) MRC may assume (subject to any express statement to the contrary by the*
-

Contractor's Representative) that the Contractor's Representative is duly authorised to make decisions on behalf of the Contractor. MRC's Representative is authorised in respect of those matters delegated to it at a meeting of the council of MRC. MRC will notify the Contractor of the powers delegated to MRC's Representative upon a reasonable request for the same being made by the Contractor.

5.2 Project Culture

Without limiting the operation of this agreement, and without altering the nature and extent of the Contractor's Obligations or the rights and obligations of MRC under this agreement:

- (a) the parties are each committed to working together with the intention of producing outstanding and innovative results in the successful carrying out of the Project;*
- (b) the parties each undertake and commit to establishing a culture based on positiveness, respect, openness, trust, and outcome-oriented thinking; and*
- (c) in order to avoid Disputes, each party will endeavour to notify each other promptly of any issue of which such party becomes aware, which may amount to or result in a Dispute. This includes any perceived or real differences of opinion in relation to the MRC Project Agreements or the Contractor's Obligations, MRC's rights and obligations, any perceived or real problems with the execution of the Project, any conflicts of interest or any other matter which may be contrary or prejudicial to the project culture described in this clause 5.2. Following notification by a party of any issue which may amount to or result in a Dispute, the parties must meet and agree a rectification plan setting out the actions to be taken by the Contractor to rectify that issue (**Rectification Plan**). The parties must comply with the Rectification Plan.*

5.3 Project Advisory Group

- (a) **Establishment and responsibilities***
 - (1) The parties must establish a Project Advisory Group.*
 - (2) The primary function of the Project Advisory Group is to ensure that the MRC Project Agreements run as smoothly and as efficiently as possible for the benefit of the parties. The Project Advisory Group's role and responsibilities are more fully described in Annexure C.*
 - (b) **Representation***
 - (1) The Project Advisory Group consists of 3 representatives appointed by MRC, 3 representatives appointed by the Contractor and an independent Chairperson, for a total of 7 representatives. The nominated representatives for each party as at the Signing Date are set out in Annexure C.*
 - (2) Prior to 1 July of each year, each party may nominate different representatives to replace its representatives on the Project Advisory Group. The new appointments take effect from 1 July of that year.*
 - (3) The Contractor must ensure that at least one of its representatives is a person in a senior management position, such as the Senior*
-

Manager, Executive Director or Regional Director of the Asset Manager. The position of the MRC representatives is set out in Annexure C.

(c) **Chairperson**

- (1) *An independent Chairperson of the Project Advisory Group will be appointed by the parties from nominations made by the Contractor and MRC as soon as practicable after the Signing Date. The Contractor and MRC must nominate a person or persons with qualifications which are relevant to the role of the Chairperson, in its discretion.*
- (2) *The Chairperson's role is to:*
 - (A) *convene and facilitate the Project Advisory Group meetings; and*
 - (B) *evaluate and score the Contractor on the project culture KPI, in accordance with criteria specified in Annexure E.*
- (3) *For the avoidance of doubt, the Chairperson does not have a technical or advisory role.*
- (4) *The Chairperson must not vote in respect of any matter before the Project Advisory Group.*
- (5) *The Chairperson's costs of performing its role as described under this agreement will be borne by MRC.*

(d) **Procedures**

The procedures for the running of Project Advisory Group meetings are set out in Annexure C.

5.4 Decisions of the Project Advisory Group

Decisions of the Project Advisory Group are not binding on the parties and serve only as a recommendation to the parties.

5.5 Meetings with MRC's Engineer

- (a) *At any time during the Construction Period and the Term, upon reasonable prior written notice from MRC, the Contractor or any or all of the Contractor's representatives on the Project Advisory Group must, from time to time, attend meetings held in Perth, Western Australia with MRC's consulting engineer (**MRC's Engineer**).*
- (b) *Any costs associated with the Contractor or the Contractor's representatives on the Project Advisory Group attending meetings with MRC's Engineer must be borne by the Contractor."*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

The CEO considers that the PAG membership does not require changing and considers that the representatives external to either BioVision or the MRC administration, being MRC Councillor Gray, Consultant Ian Watkins and Chairperson Mike Wadsworth, all significantly contribute to the meetings and play their respective roles thus ensuring that the contractual obligations placed on the parties as per the RRFA are fulfilled. Therefore it is recommended that there be no change to the membership.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council endorses the position of the Chief Executive Officer not to change the Membership of the Project Advisory Group.

RESOLVED

Cr Gray moved, Cr Hollywood seconded

That the recommendation be adopted.

CARRIED UNANIMOUSLY

9.2 COMMUNITY ENGAGEMENT ADVISORY GROUP – ROLES & FUNCTION STATEMENT REVIEW	
File No:	WST/21-03
Attachment(s):	Attachment No.1
Date:	14 November 2012
Responsible Officer:	Geoff Atkinson

SUMMARY

Reporting on the formal review of the Community Engagement Advisory Group’s (CEAG) Roles and Function Statement.

BACKGROUND

The Community Engagement Advisory Group (CEAG) was formed as an integral part of the community consultation process in regard to the development and ongoing monitoring of the Resource Recovery Facility. Roles and responsibilities for the group were developed in 2004 and after the commissioning of the RRF in 2009 a more formal Roles and Function Statement was produced. Included in this was an undertaking to revisit the Statement every two to three years to ensure the Group was acting according to its brief and that the Statement remained current.

DETAIL

The current CEAG Roles and Function Statement, see Attachment 1, has been in operation since 2010 and was due to be reviewed.

In accordance with the requirements to review every two years, and in consultation with CEAG the following changes are being proposed:

Roles and Function Statement (R&FS)	
Existing	Proposed
Fixed membership of 9	Up to 9 members
Reference to Secondary Waste Treatment Facility Working Group	Reference deleted as group no longer exists
CEAG Members can be asked to leave by CEAG	Additional requirement to have this decision to be made by a majority of CEAG members
R&FS is only required to be on a regular basis	Clause to be amended to be reviewed Annually
CEAG dispute being referred to MRC	Clarify MRC’s role, being as an arbitrator
Requires the R&FS to be reviewed every two or three years	Modify to only require the review every three years

CONSULTATION

The Roles and Function Statement was discussed and update at the CEAG meeting held 19 September 2012. The update version has been distributed to CEAG members.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

CEAG over the years has been very valuable in providing a link between the community and the Council and its RRF projects working groups. The updated Roles and Function Statement should enable the group to remain focussed and maintain their good work.

VOTING REQUIREMENT

Simple Majority / Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council endorse the changes to the Roles and Function Statement of CEAG as presented in the details section of the report.

RESOLVED

**Cr Newton moved, Cr Gray seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY

<p style="text-align: center;">Revised Community Engagement Advisory Group (CEAG) Roles and Function Statement</p>

<p>Item 9.2</p>	<p style="text-align: center;">ATTACHMENT NO. 1</p>	<p>Item 9.2</p>
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**MINDARIE REGIONAL COUNCIL
COMMUNITY ENGAGEMENT ADVISORY GROUP
ROLE AND FUNCTION STATEMENT**

Origin

The Mindarie Regional Council Community Engagement Advisory Group was established in March 2003. It has up to 9 members, comprising 4 general community members from across the whole MRC region including specialists in environmental/conservation issues, 4 community members from the local community where the Resource Recovery Facility is sited, and a Chairperson. It will exist for the operating life of the Resource Recovery Facility, or until it believes its role is no longer required.

Purpose

This group has a regional and local focus, broadly providing a monitoring and community feedback role, which helps the MRC identify community views and values on aspects of Resource Recovery projects. Specific roles include:

- To be a forum where issues related to the project and/or community engagement process can be brought forward for discussion;
- To be a vehicle through which people can submit comments in relation to the project and the community engagement process;
- To identify interests and individuals whose views should be brought into this process;
- To help to ensure that the needs of the region are being addressed along with the needs of the local community where the facility is sited;
- To become advocates for the community engagement process, and a well-informed source of information on what's happening; and
- To monitor operator adherence to the Community Partnership Agreement.

Accountability

The Community Engagement Advisory Group is an independent group that provides its views to the Mindarie Regional Council. CEAG liaises as required with the MRC's RRF Project Manager and with the RRF operator and may recommend that the MRC follow-up on specific issues brought to CEAG by the community. Deliberations of the Community Engagement Advisory Group will be reported to the community, through its members and through the Mindarie Regional Council website.

Responsibilities

The Community Engagement Advisory Group will combine regional and local perspectives in its deliberations in relation to Resource Recovery projects. The Group will have the following responsibilities:

1. Identify and discuss regional and local impacts and issues of resource recovery projects.
 2. Act as a vehicle for public comment in relation to Resource Recovery projects, and/or in relation to the community consultation process. Assess the relevance and importance of matters raised through this channel, and decide whether the matter should be referred to the MRC for information, follow-up and/or action. This may include recommending that the MRC follow up on specific issues that have been brought to the attention of the Community Engagement Advisory Group.
 3. Monitor community feedback and identify issues for action and/or discussion.
-

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4. Monitor operator performance on the CPA, the reporting of results to the community, and fulfil CEAG's role as specified in the CPA.
 5. Support communication links with the community, in particular with local residents and residents associations.
 6. Identify opportunities for improved communication at local and regional levels.
 7. Identify and facilitate education of the community regarding waste management issues.

Term of appointment and replacement of members

CEAG members are not appointed for a specific term. Their involvement continues until they choose to resign or until they are asked to leave by CEAG (by majority vote).

The process for filling a vacancy is:

- The MRC will advertise the vacancy through local newspapers across the region, the MRC website, and other relevant means.
- Applicants download and complete an application form.
- All applicants are interviewed by phone.
- Applicant details are discussed at CEAG and the group itself determines the successful nominee.

CEAG membership is not a paid position. The MRC reimburses expenses for travel to and from meetings.

The MRC's commitment to CEAG

In establishing this group the MRC commits to listening to the views of CEAG and to using CEAG's comments and advice as a source of input in decision-making. In doing this, the MRC commits to:

- Keeping CEAG informed about project status and performance;
- Providing feedback to CEAG about the ways in which its input has been used in project decision-making;
- Upholding the CPA and its objectives and outcomes;
- Annually review of CEAG and MRC performance; and
- Continuing to provide opportunities for CEAG members to expand their knowledge about waste management and waste issues.

ROLE AND FUNCTION STATEMENT OF CEAG CHAIRPERSON

Role

The role of the chairperson is to facilitate meetings to ensure the views of all of the members of the group and MRC are represented. The chairperson will be independent and he/she will be able to chair meetings, instigate discussion within the group and represent the group with impartiality.

Accountability

The chairperson or nominated person will represent CEAG at a public level and at Mindarie Regional Council (MRC) meetings as required.

Responsibilities

- Provide input, along with other CEAG members, to meeting agenda preparation
-

- Chair the meetings of CEAG, undertaking at least the following:
 - Allow everyone to speak at meetings
 - Listen, without imposing own view on proceedings or decisions
 - Ensure all views are represented
 - Bring discussion to a conclusion, outcome or action
- Act as spokesperson for the CEAG
- Attend MRC Council and other meetings as necessary
- Liaise with MRC representatives, including project team members, on specific issues raised by CEAG

Governance

This position of Chairperson is an ongoing appointment by CEAG and removal from the role, should that become necessary, is by way of majority representation of the remaining CEAG members.

In the event of any dispute arising from this appointment, CEAG has the right of appeal to the MRC (by way of arbitration).

Review

This document will be formally reviewed every three years or as necessary.
This document has been reviewed and amended on this date.

19 September 2012

Council to endorse the reviewed document at the Ordinary Council Meeting, 6 December 2012.

Cr MacTiernan arrived at 5.36pm

Cr Withers arrived at 5.40pm

9.3	MRC COUNCIL MEETING DATES FOR 2013
File No:	COR/10
Appendix(s):	Nil
Date:	5 November 2012
Responsible Officer:	CEO

SUMMARY

The purpose of this report is to provide the proposed meeting dates for Ordinary Council Meetings for 2013.

BACKGROUND

The Mindarie Regional Council (MRC) has previously considered, in December of each year, the Council meeting schedule for the forthcoming calendar year, and decided upon a schedule for these meetings.

DETAIL

The business rules used in the formulation of Council meetings scheduled for Year 2013 are as follows:

- The six Council meetings be held in the calendar year 2013.
- The third meeting be held in early July 2013 to accommodate the swearing in of Councillors, and the appointment of Chairman and Deputy Chairman. This assumes that current rules will still apply.
- The meeting scheduled for December be held relatively early in the month to accommodate other commitments of the festive season.
- The Tamala Park Regional Council meeting dates for 2013 be considered.
- The WALGA Metropolitan Zone meeting dates for 2013 be considered.
- The October meeting of the Council be held prior to Local Government Elections. The 2013 Local Government Elections will be held on Saturday 19 October.
- Meetings be scheduled at the Chambers of Member Councils. No meeting has been scheduled for the Chamber of the City of Stirling in anticipation of the Governor's order to remove the City of Stirling from the Mindarie Regional Council.

In addition to the above it is considered important that the councillors, member council representatives on the Strategic Working Group and MRC management have the ability to meet throughout the year on an informal basis to discuss strategic direction.

Programme of Meetings

The proposed schedule of Ordinary Council meetings for Year 2013 is as follows:

- 7 March 2013 (City of Joondalup)
 - 2 May 2013 (City of Wanneroo) (25th is Anzac Day)
 - 4 July 2013 (Town of Cambridge)
 - 5 September 2013 (City of Vincent)
-

-
- 10 October 2013 (City of Perth)
 - 12 December 2013 (Town of Victoria Park)

STATUTORY ENVIRONMENT

Part 12 (1) and (2) of the Local Government (Administration) Regulations 1996 requires local government to issue public notice of its meeting dates at least once per year stating:

“12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

S.1.7 of the Local Government Act 1995 prescribes local public notice as:

“1.7. Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
 - (a) published in a newspaper circulating generally throughout the district; and
 - (b) exhibited to the public on a notice board at the local government’s offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
 - (a) published under subsection (1)(a) on at least one occasion;
and
 - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
 - (i) the time prescribed for the purposes of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMENT

The proposed schedule for Ordinary Council meetings for the Year 2013 is now submitted for approval. In addition it is recommended that the Council endorse the scheduling of three strategic meetings throughout the year to allow Councillors, member council representatives on the Strategic Working Group and MRC management to discuss the strategic direction of the MRC.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1. Adopt the following schedule for Ordinary Council Meetings for the Year 2013:**
 - **7 March 2013 (City of Joondalup)**
 - **2 May 2013 (City of Wanneroo)**
 - **4 July 2013 (Town of Cambridge)**
 - **5 September 2013 (City of Vincent)**
 - **10 October 2013 (City of Perth)**
 - **12 December 2013 (Town of Victoria Park); and**
- 2. Public Notice be issued on the meetings detailed in (1) above in accordance with Part 12 (2) of the *Local Government (Administration) Regulations 1996* and the *Local Government Act 1995*.**
- 3. Endorse scheduling of three additional meetings throughout 2013 with the Councillors and the representatives from the member councils on the Strategic Working Group to the meeting, to discuss the strategic direction of the MRC.**

AMENDMENT

Cr Gray moved, Cr Newton seconded

Amend part 3. by inserting “at Mindarie Regional Council Administration” after “three additional meetings”.

LOST (7/3)

AMENDMENT

Cr Bissett moved, Cr MacTiernan seconded

Amend part 3. by inserting “with one meeting to be convened at the Mindarie Regional Council Administration” after “three additional meetings”.

CARRIED UNANIMOUSLY

SUBSTANTIVE MOTION INCLUDING THE CARRIED AMENDMENT

That Council:

1. **Adopt the following schedule for Ordinary Council Meetings for the Year 2013:**
 - **7 March 2013 (City of Joondalup)**
 - **2 May 2013 (City of Wanneroo)**
 - **4 July 2013 (Town of Cambridge)**
 - **5 September 2013 (City of Vincent)**
 - **10 October 2013 (City of Perth)**
 - **12 December 2013 (Town of Victoria Park); and**
2. **Public Notice be issued on the meetings detailed in (1) above in accordance with Part 12 (2) of the Local Government (Administration) Regulations 1996 and the Local Government Act 1995.**
3. **Endorse scheduling of three additional meetings, with one meeting to be convened at the Mindarie Regional Council Administration, throughout 2013 with the Councillors and the representatives from the member councils on the Strategic Working Group to the meeting, to discuss the strategic direction of the MRC.**

RESOLVED

Cr Bissett moved, Cr Hollywood seconded

That the recommendation be adopted.

CARRIED UNANIMOUSLY

9.4	RESOURCE RECOVERY FACILITY AGEEMENT (RRFA) PERFORMANCE MEASURES – COMPOST MANAGEMENT
File No:	WST/173
Appendix(s):	Nil
Date:	21 November 2012
Responsible Officer:	Ian Watkins

SUMMARY

Council consider allowing a suspension of one of the Key Performance Indicators (KPIs) under the RRFA, being the pH level.

BACKGROUND

The recent RRFA Deed of Amendment approved by Council at the Council meeting on 5 July 2012 included a revised suite of compost targets. The Mindarie Regional Council (MRC) and BioVision agreed to commence interpreting the contract as per the Deed of Amendment from the start of the new Contract Year (16 July 2012) notwithstanding final approvals have not been issued by all parties concerned. This decision meant that BioVision/SITA were liable for a fee abatement based on non-conformance with the amended compost targets. This has subsequently raised concerns for BioVision/SITA as there have been test failings in the area of pH, which they claim is out of their control. BioVision, in correspondence dated 10 September 2012, requested an amendment to the Annexure in the RRFA as follows:

“It is acknowledged that the Contractor has no control over the inputs into the facility and that all inputs must be processed through the facility. The Contractor does have the ability to influence certain quality criteria through process control measures as designed. The scoring as contemplated in the table above will only be adjusted for test failures relating to the following quality criteria as defined in the revised table Annexure E Clause 4.4 being Moisture Content; Particle Size; Wettability and Physical Contaminants.”

This request was not considered acceptable and after further discussions with BioVision it was agreed that the main issue was the inability for BioVision to influence the pH level to comply with the KPI. Council at its meeting on 25 October 2012 considered this request and resolved the following:

“That Council agree to suspend the fee abatement mechanism relating to the Compost Quality KPI until the Ordinary Council Meeting of 6 December 2012 to allow the parties time to address the compost quality issues and the MRC administration to report back to Council.”

DETAIL

On 7 November 2012, BioVision provided additional technical information relating specifically to the pH within the compost. This included a letter setting out BioVision’s preferred position, commentary from C-WISE (formerly Custom Compost) on the possible impact of a higher pH in the compost, third party technical information pertaining to the pH cycle in the composting process and some RRF compost test results.

A summary of the BioVision documentation includes:

- BioVision’s position:
 - The RRF compost occasionally exceeds the target pH of 8.0 because:
 - pH cycle within the composting process is such that after 28 to 30 days the pH
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- is at the high point.
 - The process water that is added has a relatively high pH (8.4).
 - What are the potential fixes:
 - It is not possible to mature the product longer on-site due to insufficient space availability.
 - Not to add process water (which is at an elevated pH) and only add fresh water to the process. This would incur an additional \$210,000 to dispose of the process water liquid waste.
 - Add sulphur at 0.5 kg per cubic metre of compost to lower the pH by about 1. This cost is estimated at approximately \$100,000 per annum and unquantified additional capital works. There would also be the additional OH&S aspects of handling sulphur.
 - What would be the benefit to the market value of the compost:
 - C-WISE advise that a pH between 8.0 and 8.5 has no consequence on the current sale price of compost.
 - The conclusion of the above is that:
 - A high pH results from the designed short composting time.
 - Cost of potential remedy is upwards of \$200,000 per annum.
 - Remedy gives no benefit to the price of compost sold.
 - BioVision preferred position:
 - Not to pursue a change to process in order to lower current pH levels.
 - Request that the upper limit for pH be raised from 8.0 to 8.5 in the Quality Criteria table in the Deed of Amendment.
 - C-WISE Position (emphasis added):
 - The recent review of the Australian Standard relating to compost increased the pH level from 7.5 to 8.0. This reflects the reality that many compost products nationally exceed the old standard of pH 7.5.
 - The RRF process is constrained by a limit of only 28 days available composting time; hence, limits its ability to obtain a lower pH. In addition there is a need to reduce moisture levels sufficiently towards the end of the process to facilitate screening of physical contaminants (especially glass) before delivery. This dryer process also slows down the maturation process and hence slows down the reduction in pH.
 - ***The presence of glass in the compost is the factor that limits the marketability of the product and not the pH level.***
 - ***A pH between 8.0 and 8.5 has no consequence on the current sale price of compost. This is because glass is the limiting factor.***
 - In the long term, it is hoped to see significant reductions in physical contaminants at source and ongoing improvements in compost quality as part of the shared determination to optimise community benefits in closing the loop.
 - Third-party technical information – Information Sheet No. 5-8 Composting Science for Industry pH
 - The optimum pH range for composting is somewhere in the range of 5.5 to 9.
 - It is important to note that composting is likely to be less effective at 5.5 or 9.0 than it is at a pH near neutral (pH 7).
 - pH does become important with raw materials that have a higher percentage of nitrogen (e.g. manure and biosolids).
 - High pH, above 8.5, encourages the conversion of nitrogen compounds into ammonia gas, resulting in nitrogen loss from the compost.
 - Loss of nitrogen in the form of ammonia to the atmosphere not only causes nuisance odours, but also reduces the nutrient value of the compost.
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- Adjusting the pH downward below 8.0 reduces ammonia loss. This can be achieved by getting the right balances of materials in the compost recipe, or by adding an acidifying agent, such as superphosphate or elemental sulphur.

BioVision has provided information to demonstrate that pH levels are impacted by the incoming waste mix and the composting process. Due to the lack of maturation time there is an inability for the pH to consistently drop below the KPI limit. To artificially lower the pH would come at significant expense without achieving any improved value in the resulting compost product. The elevated pH level is currently not impacting on the marketability of the compost product. The main issue, as emphasised (in bold and italics) above is that the marketability of the compost is affected more by other contaminants such as glass content than the pH level and as such, at least at this point in time, it is considered reasonable to suspend imposing the abatement if it is caused by non-compliance with the pH level. This will allow the MRC to reinstate pH as a KPI if the other contaminants are resolved and it is the pH that is reducing the value and/or the marketability of the compost.

CONSULTATION

Consultation was held with the following parties:

- BioVision/SITA
- Freehills

LEGAL/COMPLIANCE

The RRFA sets out the Compost Target to be achieved with the KPI and also the fee abatement mechanism applicable to any associated non-compliance.

Based on the RRFA, the MRC is within its rights to abate the BioVision fee if there is a non-compliance with any of the KPI targets.

If there was a non-compliance with the compost KPI and the MRC was to insist on the fee abatement being implemented (as is the MRC's contractual entitlement), it is possible that BioVision, through the dispute mechanism could request that the MRC demonstrate that it has incurred losses equivalent to the abated fee. In addition, the RRFA provides a mechanism for either Party to request an Agreed Variation to amend any part of the RRFA. This mechanism could also be used by BioVision if it felt that the KPI target mechanism and/or fee abatement mechanism was inappropriate. The request for an Agreed Variation would need to be fully substantiated by BioVision and given due consideration by the MRC.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

By suspending the fee abatement the MRC is waiving its right to the penalty associated with that abatement, which is a maximum of approximately \$60,000 if all four test failures occur in a single month. It is unlikely that all tests would fail in the month therefore the amount would be less.

STRATEGIC IMPLICATIONS

Nil

COMMENT

Having pH as a KPI is not a significant issue as long as other contaminants such as glass are the limiting factor in the value or marketability of the compost product.

It is recommended that the pH KPI be suspended until such time as the other higher order contaminants, such as glass, are resolved and then potentially the elevated pH could be a product marketability restricting factor.

With regards to the other compost KPI targets that BioVision has raised as points of concern (those that they are unable to influence), there has been no technical information provided by BioVision to support these requests; hence, no fee abatement relating to these compost KPI targets should be considered.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

1. That BioVision 2020 Pty Ltd be advised that:

- a. **The Mindarie Regional Council (MRC) is not prepared to amend the Resource Recovery Facility Agreement (RRFA) by removing or amending any of the current Compost KPI's as detailed in Annexure E, Clause 4.4 of the RRFA.**
- b. **Notwithstanding (a) above the MRC will temporarily not impose the abatement fee when it is caused due to non-compliance with the pH target.**

2. That a further report be provided to reinstate the pH KPI when at MRC's sole discretion it is deemed that the elevated pH is reducing the marketability and/or the value of the compost product.

RESOLVED

**Cr Newton moved, Cr Cooke seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY

9.5	STAGE 2 PHASE 1 SECTION 2 CAPPING WORKS
File No:	WST/191/03
Attachment(s):	Nil
Date:	15 October 2012
Responsible Officer:	CEO

SUMMARY

This report is seeking retrospective authorisation from the Council for a variation to the contract for the Capping Works on Stage 2 Phase 1 Section 2 and to utilise \$366,000 of the cash surplus for 2011/12 financial year to conform to Council's resolution of 19 April 2012 as the funds were not carried forward from last year's budget.

BACKGROUND

The Council at its meeting on 19 April 2012 resolved to award the tender for the Capping Works on Stage 2 Phase 1 Section 2 to Mine Site Construction Services as follows:

"That Council:

- 1. Accepts the tender from Mine Site Construction Services submitted in response to Tender No. 13/119 for the Stage 2, Phase 1 Capping Works to the value of \$799,650 (excluding GST) acknowledging that it is \$366,000 over the funds set aside in the 2011/12 Budget;*
- 2. Approve a total project cost of \$880,000 excluding GST, comprising \$799,650 construction cost, \$40,000 superintendence and quality control and \$40,350 project contingency;*
- 3. Fund the shortfall of \$366,000 being \$285,650 for the Tender detailed in (1) above and a further \$80,350 for superintendent and contingency costs detailed in (2) above from the remaining funds retained in the 2011/12 Budget for the Vehicle Wash Facility (\$459,622)."*

The project was anticipated to be finalised prior to the 30 June 2012 however the appropriate lining could not be sourced delaying its commencement to this financial year. The funds set aside in the original 2011/12 budget (\$514,700) were carried forward to this year's budget but due to the transition process of reallocating responsibilities for projects as part of the restructure the additional funds approved by Council (\$366,000) were not carried forward.

Additionally the project has exceeded the contract price of \$799,650 by \$109,881 due to a variation resulting from the actual site conditions being different from the tendered documents, which were based on the latest aerial survey (January 2012) resulting in the need for addition liner. Council approved a contingency of \$40,350 hence the shortfall is \$69,531.

DETAIL

Mine Site Construction Services (MSCS) was awarded the contract on 30 April 2012 to construct Stage 2 Phase 1 Section 1 Capping. The works were anticipated to be completed by 30 June 2012. The start date of the project was delayed due to the unavailability of the imported liner.

An initial site meeting was held at Tamala Park on 14 June 2012 where MSCS indicated they envisaged a likely project start date 2 July 2012 because of further delays delivering the liner to Perth and that they would deploy to site commencing preparatory works late June. At the subsequent site meeting held at Tamala Park the project start date of 2 July 2012 and a completion date of 8 September 2012 were agreed. At this meeting MSCS advised that the liner would be delivered to port 24 July 2012 with installation of the liner commencing 30 July 2012. Also at this meeting MSCS indicated that there was a potential shortfall of the quantity liner required.

The net quantity of liner required in the design was 16,200m²; the ground survey revealed the actual quantity required was 16,340m². The reason for the difference was determined to be because the geometry of the slope changed since the aerial survey used in the design was carried out.

In discussions between MRC, MSCS and the Superintendent two options were explored:

- Source additional liner, which would mean a 8 – 12 week project delay causing MSCS to demob their equipment from site then return when the additional liner arrived in Perth.
or
- Alter the liner layout by shortening the liner at the eastern end of Phase II to compensate for the extra liner required to extend top section to reach to top anchor trench, overlays and wastage.

MRC's supervisor endorsed the Works Instruction (variation) in line with the second option above without the variation being costed. The cost to the variation for the additional works of \$109,881 was not known until the invoice was received at the end of the project therefore there was no ability to seek Council's endorsement of the variation prior to this meeting. In addition to this the variation amount of \$69,531 (when you exclude the contingency) is outside the delegated authority provided by Council to the Chief Executive Officer, which is limited to \$50,000.

It is proposed to address the \$366,000 that was not carried forward by funding it from the surplus achieved in the 2011/12 Financial Year.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The Council at its meeting on 23 August 2012 resolved to approve a list of delegations to the Chief Executive Officer in accordance with s.5.42 of the *Local Government Act 1995*. Delegation 2.8 relates to variations to contracts as follows:

Delegation No	Reference	Delegation	Condition(s)	Assignee(s)
2.8	LG(Functions & General) Regs.14(2a) and 20	Vary contracts up to \$50,000 or 10% of the contract value, whichever is the lesser	1. For the RRFA only if it incurs no additional risk or liability to the MRC; 2. Variations approved for significant contracts, including all contracts awarded following public tenders, to be reported to the next following council meeting	NO

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The shortfall of \$69,531 will be funded from savings in the 2012/13 Budget as follows:

Account Number	Account Type (Capital)	Amount Transferred (\$)
14410 AE001 1010 6100	Truck Purchase	10,685
14410 AF001 1010 6100	CEO Vehicle	6,188
14720 C1020 1010 6100	Revegetation Phase 1	20,000
14720 C1027 1010 6100	Compressor Purchase	24,654
5225 00201 1005 2125	Limestone Cover	8,004
TOTAL		69,531

The audited financials for the 2011/12 financial year resulted in the MRC having a cash surplus of \$1,349,620 (refer table below). This report seeks to use \$366,000 of this surplus to facilitate Council's resolution of 19 April 2012 referred to in the background section of this report.

	Actual 2012 (\$)	Variance (\$)	Budget 2012 (\$)
Net loss for the year	(445,001)	(268,252)	(176,749)
<i>Add back non cash opex:</i>			
Depreciation	913,826	3,926	909,900
Amortisation	3,445,454	52,550	3,392,904
<i>Deduct cash capital items:</i>			
Repayment of debt	(2,135,242)	479,175	(2,614,417)
Capital expenditure	(432,417)	614,083	(1,046,500)
Cash Surplus for 2012	1,349,620	881,482	465,138

STRATEGIC IMPLICATIONS

Nil

COMMENT

The variations to the project were required to ensure that the works provided the MRC with a quality outcome. The management of the project, especially how the project variation was supervised, was unacceptable. Management have since put in place more stringent reporting requirements on the individuals responsible for supervising projects including timeliness and financial accountability. Reports on the progress of projects are standard items on the agendas of management team meetings (held fortnightly).

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Retrospectively approves the increase in the contract price of \$109,881 for the Capping Works on Stage 2 Phase 1 Section 2 and that the increase be funded as follows:

-
- a. **\$40,350 contingency set aside for the project; and**
 - b. **\$69,531 from the savings in the 2012/13 budget as described in the Financial Implications Section of this report.**
- 2. Acknowledges that the funds of \$366,000 set aside for the project at its meeting on 19 April 2012 were not carried forward from the 2011/12 financial year and that the \$366,000 be funded from the surplus created in the 2011/12 financial year.**
(Absolute Majority Required)

RESOLVED

**Cr Gray moved, Cr Bissett seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY

9.6	FINANCIAL STATEMENTS FOR THE PERIODS ENDED 30 SEPTEMBER 2012 AND 31 OCTOBER 2012
File No:	FIN/5-02
Appendix(s):	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	14 November 2012
Responsible Officer:	Gunther Hoppe

SUMMARY

The purpose of this report is to provide financial reporting in line with statutory requirements which provides useful information to stakeholders of the Council.

BACKGROUND

Reporting requirements are defined by Financial Management Regulations 34 of the Local Government (Financial Management) Regulations 1996.

The financial statements presented for each month consist of:

- Operating Statement by Nature – Combined
- Operating Statement by Nature – RRF Only
- Operating Statement by Function
- Statement of Financial Activity
- Statement of Reserves
- Statement of Financial Position
- Statement of Investing Activities
- Information on Borrowings
- Tonnage Report

DETAIL

The Financial Statements attached are for the months ended 30 September 2012 and 31 October 2012 and are attached at **Appendix 1 and 2** to this Item. The Tonnage Report for the 4 months to 31 October 2012 is attached at **Appendix 3**.

The complete suite of Financial Statements which includes the Operating Statements, Statement of Financial Position, Statement of Financial Activity and other related information are reported on a monthly basis.

These Statements include:

- Accruals
- Provisions for Amortisation of Cell Development, Capping and Post Closure expenditure

to provide meaningful reporting to Stakeholders.

The estimates for Provisions for Amortisation of Cell Development, Capping and Post Closure expenditure are based on the estimated rates per tonne calculated with reference to estimated excavation cost of various stages of the landfill and the life of the landfill. An adjustment is made (if necessary) at the end of the year based on actual tonnages on a survey carried out to assess the “air space” remaining and other relevant information.

Summary of results for the year to 31 October 2012

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	79,149	83,132	(3,983)
Tonnes – Others	13,202	17,681	(4,479)
TOTAL TONNES	92,351	100,813	(8,462)
	\$	\$	\$
Revenue - Members	10,435,646	11,028,868	(593,222)
Revenue – Other	2,753,404	2,853,492	(100,088)
TOTAL REVENUE	13,189,050	13,882,360	(693,310)
Expenses	13,223,699	13,963,571	739,872
Loss on sale of assets	6,387	(9,238)	(15,625)
NET DEFICIT	(41,036)	(71,973)	30,937

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Financial Statements set out in Appendix 1 and 2 for the months ended 30 September 2012 and 31 October 2012, respectively, be received.

RESOLVED

Cr Bissett moved, Cr Hollywood seconded
That the recommendation be adopted.

CARRIED UNANIMOUSLY

Cr MacTiernan left the chambers at 5.57pm

9.7	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 30 SEPTEMBER 2012 AND 31 OCTOBER 2012
File No:	FIN/5-02
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	14 November 2012
Responsible Officer:	Gunther Hoppe

SUMMARY

The purpose of this report is to provide details of payments made during the periods identified. This is in line with the requirement under the delegated authority to the Chief Executive Officer (CEO), that a list of payments made from the Municipal Fund since the last Ordinary Council meeting be presented to Council.

COMMENT

The lists of payments for the months ended 30 September 2012 and 31 October 2012 are at **Appendix 4 and 5** to this Item and are presented to Council for noting. Payments have been made in accordance with the delegated authority to CEO which allows payments to be made between meetings. At the Ordinary Council Meeting held on 5 July 2012, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

It should be noted that generally all payments are GST inclusive and Mindarie Regional Council is able to claim this tax as an input credit when GST remittances are made each month to the Australian Tax Office.

Months Ended	Account	Vouchers	Amount
30 September 2012	General Municipal	Cheques	\$100,770.28
		EFT	\$3,043,616.20
		DP	\$338,694.23
		Total	\$3,483,080.71
31 October 2012	General Municipal	Cheques	\$160,926.30
		EFT	\$3,841,044.02
		DP	\$494,882.65
		Total	\$4,496,852.97

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 30 September 2012 and 31 October 2012 be noted.

RESOLVED

**Cr Gray moved, Cr Newton seconded
 That the recommendation be adopted.**

CARRIED UNANIMOUSLY

Cr MacTiernan returned to chambers at 5.59pm

9.8	MINDARIE REGIONAL COUNCIL ANNUAL REPORT 2012 AND MINUTES OF THE AUDIT COMMITTEE MEETING OF 21 NOVEMBER 2012
File No:	COR/9-02/05
Appendix(s):	Appendix No. 6 Appendix No. 7
Date:	22 November 2012
Responsible Officer:	Gunther Hoppe

BACKGROUND

The Mindarie Regional Council, in accordance with the Local Government Act 1995 Section 5.53, is required to submit an Annual Report. The Local Government Act specifies that the Annual Report is to contain:

- A report from the Chairman.
- A report from the Chief Executive Officer.
- A report of the principal activities commenced or continued during the Financial Year.
- An assessment of the Local Government's performance in relation to each principal activity.
- An overview of the principal activities that are proposed to commence or to continue in the next Financial Year.
- The Financial Report for the Financial Year.
- Such information as may be prescribed in relation to the payments made to employees.
- The Auditor's Report for the Financial Year.
- Such other information as may be prescribed.

The annual audit of the Financial Statements for the financial year ended 30 June 2012 has been completed and the Financial Report has been considered by the Audit Committee.

The Annual Report, which includes the Financial Statements, is presented for consideration by Council.

The Annual Report for a Financial Year is to be accepted by the Local Government no later than 31 December after that Financial Year.

DETAIL

Annual Audit Process

The Auditor, in accordance with the Local Government (Audit) Regulations 1996 Sections 10.2 and 10.3 is required to issue an audit report after the completion of the annual audit that expresses an opinion on the financial position and results of the operations of the local government for each financial year.

The Auditor has completed the audit of the Mindarie Regional Council and has issued an unqualified audit opinion in respect of the year ended 30 June 2012.

The Audit Committee met on 21 November 2012 to consider the Financial Statements for the year ended 30 June 2012 and have recommended that these be adopted by the Council. The minutes of this meeting are attached at **Appendix 6**.

The Annual Report of the Mindarie Regional Council (excluding artwork), which includes the Financial Statements considered by the Audit Committee as mentioned above, has been prepared and is attached at **Appendix 7**.

The Mindarie Regional Council, in accordance with the Local Government (Financial Management) Regulations 1996 Section 51.1, is required to include in the annual Financial Statements a signed Statement of Declaration by the Chief Executive Officer after this report has been audited in accordance with the Local Government Act 1995. This declaration is included in the Annual Report (**Appendix 7**).

STATUTORY ENVIRONMENT

The submission of the Annual Report for 2011/12 is in conformity with the requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996. The Auditor's Report for 2011/12 conforms with the requirements of the Local Government (Audit) Regulations 1996.

POLICY IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

COMMENT

The Annual Report for the Mindarie Regional Council has been prepared in accordance with the requirements of Local Government Act 1995 and applicable Australian Accounting Standards.

VOTING REQUIREMENT

Absolute Majority

A. AUDIT COMMITTEE RECOMMENDATIONS

That Council:

- i. receive the Unconfirmed Minutes of the Audit Committee dated 21 November 2012; and**
- ii. adopt the Financial Report for year ended 30 June 2012.**
(Absolute Majority Required)

B. RESPONSIBLE OFFICER RECOMMENDATION

That Council adopts the Annual Report for year ended 30 June 2012, which includes the Financial Report detailed in A. ii. above.
(Absolute Majority Required)

The Chairman thanked the MRC staff for their efforts in preparing the Annual Report.

RESOLVED

**Cr Bissett moved, Cr Hollywood seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 8

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 8 be received.

Cr MacTiernan complimented the MRC staff for their role at the Beaufort Street Festival promoting the Cash for Cans and Recycling message. The staff did an excellent job and worked well with the City of Vincent staff.

Cr Newton complimented the MRC staff for their role at the Wanneroo Show.

Cr Gray congratulated MRC staff member Peg Davies on an exceptional job she does.

RESOLVED

**Cr Bissett moved, Cr Gray seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS

The Chairman advised that members can raise any issues or call for a report from administration under this Item.

Cr MacTiernan reported on the Cash for Cans project advising that it has been very successful over the last month with various councils participating. Finale event will be held in the City of Perth's Murray St Mall on Sunday 9 December 2012 from 12noon to 2pm.

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

Cr Bissett moved that in accordance with MRC Standing Orders part 7.1(3) and s5.23 of the Local Government Act 1995, Council proceed to meet “behind closed doors” to allow the Council to consider Confidential Item 14.1 of this agenda which deals with the withdrawal of City of Stirling.

Cr MacTiernan seconded.

CARRIED (9/1)

For: Cr Fishwick, Cr Bissett, Cr Cooke, Cr Gray, Cr Hollywood, Cr MacTiernan, Cr Newton, Cr Robbins, Cr Withers

Against: Cr Stewart

There were no members of the public or journalists present. Member Council CEOs, Member Council Officers and one MRC staff member departed the Chamber at 6.15pm.

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

Report withheld due to confidential nature of its content.

14.1	CITY OF STIRLING WITHDRAWAL – SUBMISSION TO THE MINISTER FOR LOCAL GOVERNMENT
File No:	LEG/14
Attachment(s):	1. Deloitte Valuation of the City of Stirling’s interest in the Mindarie Regional Council (MRC) dated 23 October 2012. 2. Submission to the Minister for Local Government to facilitate the City of Stirling’s withdrawal from the MRC.
Date:	23 November 2012
Responsible Officer:	CEO

Council Resolution

That

- A. That in accordance with part 2 clause 10 of the Local Government (Administration) Regulations 1996 Councillors Bissett, Newton, Gray and Withers supported that Council reconsider parts 3a.,3c. and 3e. of Item 4 – “City of Stirling Withdrawal” as resolved by Council at its meeting on 28 March 2012, which reads as follows:**

- “3. The City of Stirling be advised that the MRC is prepared to negotiate an agreement for its withdrawal pursuant to section 699 of the Local Government Act 1960 on the basis that the City of Stirling:**
- a. be paid no more than its:
(i) paid-in capital contributions (\$840,000); and
(ii) share of the Members Revenue Equalisation Reserve i.e. unders/overs account (\$670,000);
from current accumulated Mindarie Regional Council funds;**
 - c. retain its post closure liabilities for the Tamala Park landfill, including but not limited to remediation and rehabilitation on the landfill site and other lands potentially affected, in proportion to the tonnes tipped to the total of members tonnes over the life of the landfill;**
 - e. Should the value of the land assets exceed liabilities post the closure of the Tamala Park land-fill site, then the City of Stirling shall receive a portion of that net asset value proportional to their period as members of the Mindarie Regional Council”.**

- B. The Council revokes parts 3a.,3c. and 3e. of the Council resolution made at its meeting on 28 March 2012 as detailed in (A) above.**
-

RESOLVED

**Cr Bissett moved, Cr MacTiernan seconded
That the recommendation be adopted.**

CARRIED (7/3)

*For: Cr Fishwick, Cr Bissett, Cr Gray, Cr Hollywood, Cr MacTiernan, Cr Newton,
Cr Withers.*

Against: Cr Stewart, Cr Cooke, Cr Robbins.

C. That:

1. ***The report entitled “Valuation of the City of Stirling’s Interest in the Mindarie Regional Council” dated 23 October 2012 as prepared by Deloitte and presented in attachment 1 be endorsed.***

RESOLVED

**Cr Bissett moved, Cr MacTiernan seconded
That the recommendation be adopted.**

CARRIED (7/3)

*For: Cr Fishwick, Cr Bissett, Cr Gray, Cr Hollywood, Cr MacTiernan, Cr Newton, Cr
Withers.*

Against: Cr Stewart, Cr Cooke, Cr Robbins.

2. ***The report detailed in (1) above be used as the basis for determining the adjustment of assets and liabilities for the withdrawal of the City of Stirling in accordance with s.699 (3) (a) of the Local Government Act 1960 as follows:***
 - a. ***The City of Stirling be provided the Adjusted Value of \$754,500 minus \$302,000 being the City of Stirling’s proportionate share of the insurance cover required to address MRC’s lease obligations for environmental liability. Total payment to the City of Stirling being \$452,500.***

RESOLVED

**Cr Bissett moved, Cr MacTiernan seconded
That the recommendation be adopted.**

CARRIED (7/3)

*For: Cr Fishwick, Cr Bissett, Cr Gray, Cr Hollywood, Cr MacTiernan, Cr Newton, Cr
Withers.*

Against: Cr Stewart Cr Cooke, Cr Robbins.

3. **The City of Stirling retains:**
 - a. **Its liability under the Resource Recovery Facility Deed of Guarantee;**
 - b. **Its ownership share in the land at Tamala Park Landfill Site; and**
 - c. **Its equity share (one third) in the land (lot 805 Pederick Street) owned by the Mindarie Regional Council and currently partially leased to BioVision for the operations of a Resource Recovery Facility. The equity share of the land will only be realised by the City of Stirling when the Mindarie Regional Council at its sole discretion decides to sell the land or if/when Mindarie Regional Council is wound up.**
-

RESOLVED

**Cr Bissett moved, Cr MacTiernan seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY

***D. The Mindarie Regional Council endorses the submission, and its release, to
the Minister for Local Government, as presented in attachment 2.***

RESOLVED

**Cr Bissett moved, Cr MacTiernan seconded
That the recommendation be adopted.**

CARRIED (7/3)

*For: Cr Fishwick, Cr Bissett, Cr Gray, Cr Hollywood, Cr MacTiernan, Cr Newton, Cr
Withers.*

Against: Cr Stewart, Cr Cooke, Cr Robbins.

Cr Stewart moved, Cr Hollywood seconded to reopen the meeting to the public.

CARRIED UNANIMOUSLY

The attendees were invited back to the meeting at 6.45pm.

**No attendees returned. The Chairperson read out the resolution, made behind
closed doors, of Item 14.1 as detailed above.**

15 NEXT MEETING

The next council meeting will be held at City of Joondalup on 7th March 2013 commencing at 5.30pm.

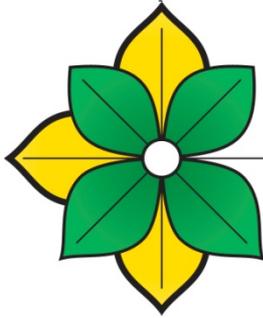
16 CLOSURE

*The Chairman closed the meeting at 6.52 pm and wished the members a festive season
and thanked the Town of Victoria Park for their hospitality and the use of their meeting
facilities.*

*These Minutes were confirmed by the Council as a true and accurate record of the Ordinary
Meeting of the Council held on 6 December 2012.*

Signed Chairman

Dated this day of 2013



TAMALA PARK
Regional Council

Ordinary Meeting of Council

MINUTES

Thursday 13 December 2012
Town of Victoria Park, 6.00pm

TAMALA PARK
REGIONAL COUNCIL
(TPRC)
COMPRISES THE
FOLLOWING
COUNCILS:

Town of Cambridge
City of Joondalup
City of Perth
City of Stirling
Town of Victoria Park
City of Vincent
City of Wanneroo

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Corinne MacRae	
City of Joondalup	Cr Geoff Amphlett Cr Tom McLean	
City of Perth	Cr Eleni Evangel	
City of Stirling	Cr Giovanni Italiano (CHAIRMAN) Cr David Michael Cr Terry Tyzack Cr Rod Willox	Cr Stephanie Proud
Town of Victoria Park	Mayor Trevor Vaughan (DEPUTY CHAIRMAN)	Cr David Ashton
City of Vincent	Mayor Alannah MacTiernan	
City of Wanneroo	Cr Frank Cvitan Cr Dianne Guise	Cr Bob Smithson Cr Stuart Mackenzie

NB: Although some Councils have nominated alternate members, it is a precursor to any alternate member acting that a Council carries a specific resolution for each occasion that the alternate member is to act, referencing Section 51 of the Interpretation Act. The current Local Government Act does not provide for the appointment of deputy or alternate members of Regional Councils. The DLGRD is preparing an amendment to rectify this situation.

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PRESENT

Chairman	Cr Giovanni Italiano
Councillors	Cr Geoff Amphlett Cr Frank Cvitan Cr Eleni Evangel Cr Corinne MacRae Cr Alannah MacTiernan Cr Tom McLean Cr Terry Tyzack Cr Trevor Vaughan Cr Rod Willox
Alternate Members	Cr Rudi Steffens (City of Wanneroo)
Staff	Mr Tony Arias (Chief Executive Officer) Mr Wayne Burns (Senior Projects Officer) – from 6.10pm Mrs Kylie Jeffs (Executive Assistant) – from 6.30pm
Apologies Councillors	Cr Dianne Guise Cr David Michael
Leave of Absence	Nil
Absent	Nil
Consultants	Mr Justin Crooks (Satterley Property Group) Mr Aaron Grant (Satterley Property Group) Mr Nigel Satterley (Satterley Property Group)
Apologies Participant Councils' Advisers	Mr John Giorgi (City of Vincent) Mr Arthur Kyron (Town of Victoria Park)
In Attendance Participant Councils' Advisers	Mr Garry Hunt (City of Joondalup) Mr Jason Lyon (Town of Cambridge) Mr John Paton (City of Wanneroo) Mr Ross Povey (City of Stirling) Cr Stephanie Proud (City of Stirling) Mr Anthony Vuleta (Town of Victoria Park)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

At 6.09pm the Chairman declared the meeting of the Tamala Park Regional Council open.

DISCLOSURE OF INTERESTS

Nil

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies were received from Cr Dianne Guise, Cr David Michael and Cr MacTiernan who was expected to attend at 6.30pm due to a pre –existing commitment. Cr Rudi Steffens was nominated alternative member for Cr Guise.

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 11 October 2012

Moved Cr Tyzack, Seconded Cr Willox

That the minutes of the Ordinary Meeting of Council of 11 October 2012 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

The Motion was put and declared CARRIED (9/0).

5A. BUSINESS ARISING FROM THE MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

Nil

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

Item 9.21 – Project Cashflow Review 2012/13

Item 9.22 – BGC Put Options/Department of Housing Purchase of Stage 3 Lots

8. REPORTS OF COMMITTEES

- Management Committee Meeting – 22 November 2012

Moved Cr Willox, Seconded Cr Cvitan

That the Council RECEIVE the minutes of the Management Committee Meeting dated 22 November 2012.

The Motion was put and declared CARRIED (9/0).

- Audit Committee Meeting – 29 November 2012

Moved Cr McLean, Seconded Cr Amphett

That the Council RECEIVE the minutes of the Audit Committee Meeting dated 29 November 2012.

The Motion was put and declared CARRIED (9/0).

9. ADMINISTRATION REPORTS

9.1 BUSINESS REPORT – PERIOD ENDING 6 DECEMBER 2012

Moved Cr Tyzack, Seconded Cr Willox

[The recommendation in the agenda]

That the Council RECEIVE the Business Report to 6 December 2012.

The Motion was put and declared CARRIED (9/0).

9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF OCTOBER & NOVEMBER 2012

Moved Cr Amphett, Seconded Cr Tyzack

[The recommendation in the agenda]

That the Council RECEIVE and NOTE the list of accounts paid under Delegated Authority to the CEO for the months of October and November 2012:

- **Month ending 31 October 2012 (Total \$699,817.43)**
- **Month ending 30 November 2012 (Total \$4,731,513.40)**
- **Total Paid - \$5,431,330.83**

The Motion was put and declared CARRIED (9/0).

9.4 PROJECT FINANCIAL REPORT - OCTOBER 2012

Cr Evangel arrived during discussion on this item at 6.15 pm.

Moved Cr Willox, Seconded Cr Cvitan

[The recommendation in the agenda]

That the Council RECEIVE the Project Financial Report (October 2012) submitted by the Satterley Property Group.

The Motion was put and declared CARRIED (10/0).

9.5 SALES REPORT – PERIOD ENDING 6 DECEMBER 2012

Mr Nigel Satterley (Satterley Property Group) provided an update on the property and land sales market and expectations for 2013.

Moved Cr Cvitan, Seconded Cr Willox

[The recommendation in the agenda]

That the Council RECEIVE the Sales Report to 6 December 2012.

The Motion was put and declared CARRIED (10/0).

9.6 ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2012

Moved Cr Tyzack, Seconded Cr Amphett

[The recommendation in the agenda]

That the Council ADOPT the Annual Report of the TPRC for the year ended 30 June 2012.

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (10/0).

9.7 TPRC ANNUAL FINANCIAL REPORT FOR THE YEAR 1 JULY 2011 TO 30 JUNE 2012

Cr MacTiernan arrived during discussion on this item at 6.26 pm.

Moved Cr Tyzack, Seconded Cr McLean

[The recommendation in the agenda]

That the Council RECEIVE the Financial Report for the year ended 30 June 2012 and it be INCLUDED in the Annual Report of the TPRC Council.

The Motion was put and declared CARRIED (11/0).

9.8 REVIEW OF THE AUDITOR'S REPORT FOR THE FINANCIAL YEAR ENDED 30 JUNE 2012

Moved Cr McLean, Seconded Cr Cvitan

[The recommendation in the agenda]

1. **RECEIVE the Auditor's report for the financial year ended 30 June 2012.**
2. **NOTE that the Audit Report does not note or make recommendations on any matter requiring attention from the Annual Audit for the year ended 30 June 2012.**

The Motion was put and declared CARRIED (11/0).

9.9 CODE OF CONDUCT FOR ELECTED MEMBERS & STAFF

Moved Cr Evangel, Seconded Cr Vaughan

[The recommendation in the agenda]

That the Code of Conduct, dated 11 October 2012 of the Tamala Park Regional Council be ADOPTED.

The Motion was put and declared CARRIED (11/0).

9.10 FINANCIAL MANAGEMENT – SIGNIFICANT ACCOUNTING POLICIES

Moved Cr Tyzack, Seconded Cr McLean

[The recommendation in the agenda]

That the Council ADOPT the Policy, Financial Management – Significant Accounting Policies, dated 13 December 2012 and agree to a review of the Policy in December 2013.

The Motion was put and declared CARRIED (11/0).

9.11 DELEGATION AUTHORITY

Moved Cr Amphett, Seconded Cr McLean

[The recommendation in the agenda]

That Council APPROVE the amendments to the Delegation Register 2011/12, dated November 2012.

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (11/0).

9.12 CATALINA SALES OFFICE – CHILDRENS PLAYGROUND

Mrs Kylie Jeffs (Executive Assistant) arrived during discussion on this item at 6.30pm.

Moved Cr Tyzack, Seconded Cr Evangel

[The recommendation in the agenda]

1. **RECEIVE the Satterley Property Group letter regarding assessment of risk of the Sales Office Children’s Play Area dated 8th November 2012.**
2. **NOTE the advice from the TPRC insurers (LGIS) that the TPRC Public Liability insurance would cover the TPRC, including councilors and officers, against any Public Liability claims which may be made against it as a result of the Children’s Play Area.**
3. **AGREE to the LGIS recommendations to reduce risk in relation to the Children’s Play Area and require the Satterley Property Group to implement the following ;**
 - a) **The playground to be designed under the ‘Australian Standards for Playground Safety’.**
 - b) **The playground to be subject to a regular/maintenance program in accordance with manufacturer requirements managed by the SPG;**
 - c) **The SPG provide a management strategy for the use of the Children’s Play Area for approval by the TPRC.**
4. **AGREE to LGIS undertaking a full risk management audit on completion of the facility.**

5. **REQUEST** the Satterley Property Group to demonstrate currency of insurance relating to Public Liability, Personal Accident/Workers Compensation Property/Equipment and Professional Indemnity relating to this matter.
6. **Subject to 1, 2, 3, 4 and 5 above, AGREE** that the risk assessment matters concerning the children's play area have been satisfactorily addressed.

The Motion was put and declared CARRIED (11/0).

9.13 STAGE 2B DESIGN GUIDELINES, INCENTIVES AND SALES PROCESS

Moved Cr Amphett, Seconded Cr McLean

[The recommendation in the agenda]

1. **APPROVE** the following modifications to the Catalina Central Cell Design Guidelines for single dwellings for the Stage 2B lots:-
 - a) Insert a requirement for an additional architectural feature to be provided at the front elevation of all dwellings; and
 - b) Insert a requirement for the design of upper storey elevations of two storey corner lots to address secondary street frontages.
2. **APPROVE** the sale of Lots 115 and 121 by the Sales Procedure – Private Purchaser Lots Strategy, September 2011, approved by the Council at its meeting held on 13 October 2011, subject to the same sales contracts, building incentives and commercial terms, with the addition of 1.1m high open style front boundary fencing being provided.
3. **APPROVE** the sale of Lots 116 – 120 as a single package to builders by public tender, via the use of Put Option Deeds approved by Council for the Stage 3 Builders Allocation Lots in April 2012, subject to the same procedures, selection criteria, evaluation process, and terms and conditions; with the addition of a \$3,000 per lot cash rebate to the builder, subject to landscaping and fencing (including 1.1m high open style front side boundary fencing) being completed by the builder within 18 months following settlement of the lot.
4. **APPROVE** the sale of Lots 168 and 169, by the Sales Procedure – Private Purchaser Lots Strategy, September 2011, approved by the Council at its meeting held on 13 October 2011, subject to the same sales contract.
5. **APPROVE** the lease of Lots 169 and 171 – 174 from private purchasers, for an initial term of 3 years commencing from 1st April 2013, with four 12 month options at the discretion of the TPRC, and rent based on 7% of the purchase price per annum, with all outgoings paid for by the purchaser.
6. **APPROVE** the lease of Lot 168 from private purchasers, for an initial term of 3 years commencing from 1st April 2013, with one 12 month options at the discretion of the TPRC, and rent based on 7% of the purchase price per annum, with all outgoings paid for by the purchaser.
7. **APPROVE** the lease of Lot 170 and the Catalina Sales Office structure from private purchasers, for an initial term of 3 years commencing from 1st October 2013, with four 12 month options at the discretion of the TPRC, and rent based on 6.5% of the purchase price per annum, with all outgoings paid for by the purchaser.
8. **APPROVE** the disposal of Lots 115, 168, 169, 121 and 171 - 174 by Private Treaty in accordance with Section 3.58(3) and (4) of the Local Government Act 1995.

The Motion was put and declared CARRIED (11/0).

9.14 PHASE 1 PUBLIC ART IMPLEMENTATION PLAN

Mr Justin Crooks was invited to provide more information on the Public Art Implementation Plan (PAIP).

It was noted that the PAIP needs to be amended to focus on the selection of artwork rather than the artist.

Moved Cr T Tyzack, Seconded Cr R Willox

[The recommendation in the agenda]

1. APPROVE the Phase 1 Public Art Implementation Plan dated November 2012, submitted by the Satterley Property Group for the implementation of public art within Phase 1 of the Estate, subject to the following modifications:-
 - a) Step 2 identifying that selection of artists must be undertaken in accordance with the TPRC Procurement Policy;
 - b) Step 2 identifying that approval of preselected artists is required from the TPRC, based on the recommendations of the landscape architect and SPG;
 - c) Step 3 stipulating that work briefs are to include guidance drawn from the Catalina Public Art Strategy prepared by Artsource;
 - d) Step 4 being deleted;
 - e) Step 5 being amended to refer to 'presentation' as opposed to 'workshop';
 - f) Step 5 being amended to stipulate that final selection of an artist is to be approved by the TPRC, based on the recommendation of the landscape architect and SPG;
 - g) Step 6 being amended to delete the requirement for a model of proposed artwork to be provided;
 - h) Steps 8 and 9 being replaced with a single Step titled 'construction';
 - i) Step 10 being deleted;
 - j) Step 11 including the requirement for certification of the public artwork to be issued by the landscape architect and SPG;
 - k) Insert the need for public art outcomes of the Phase 1 area to be reviewed by the Satterley Property Group, following the completion of works, with recommendations provided to the Council; and
 - l) Amend the Public Art Implementation Plan to require involvement of an artist for design and delivery of the main feature public art piece.
2. REQUEST the Satterley Property Group to investigate further alternative funding options for the delivery of public art.
3. ACCEPT that Satterley Property Group has achieved Key Performance Indicator item 1.4.5 – TPRC Objective; Long term Health of the Social and Cultural Environment requires the Identification of Public Art opportunities of various levels and an action plan for implementation, subject to the receipt of a revised document addressing the above items.

Moved Cr A MacTiernan, Seconded Cr R Willox, a procedural motion as follows:

That Item 9.14 be deferred to the next meeting of Council in February 2013.

The Motion was put and declared CARRIED (11/0).

9.15 PUBLIC TRANSPORT INITIATIVES STRATEGY

Mr Justin Crooks & Mr Nigel Satterley were invited to speak on transport options and peak hour transport initiatives respectively.

Moved Cr G Amphlett, Seconded Cr T McLean

[The recommendation in the agenda]

1. RECEIVE the report by the Satterley Property Group dated 20th November 2012 regarding options to promote greater use of public transport.
2. REQUEST the Satterley Property Group to obtain written confirmation of the Early Engagement Programme allowing the location of bus stops and public transport infrastructure and budgeting implications to be determined in collaboration with the Public Transport Authority in the design of the Greenlink.
3. REQUEST the Satterley Property Group to request the Public Transport Authority to reconsider its refusal to re-route existing services through the Phase 1 area, to provide public transport services to initial residents of the Catalina Estate.
4. REQUEST the Satterley Property Group to investigate the feasibility and costs associated with a PTA funding agreement, to provide public transport services to initial residents of the Catalina Estate.
5. ADVISE the Satterley Property Group that Key Performance Indicator – Strategy and Planning; 3.2.2 Public Transport, requiring the preparation of a Public Transport Initiatives Strategy by June 2012, will be further considered following the resolution of items 3, 4 & 5.
6. ACCEPT that Key Performance Indicator - Effective Use Of Land And Infrastructure 1.2.3 requiring the Investigation and recommendation on the viability of a local area transit system linking local schools, rail station and shops has been ACHIEVED by the Satterley Property Group.

Moved Cr A MacTiernan, Seconded Cr E Evangel an Amendment to recommendation (5) as follows:

5. ADVISE the Satterley Property Group that Key Performance Indicator – Strategy and Planning; 3.2.2 Public Transport, requiring the preparation of a Public Transport Initiatives Strategy by June 2012, will be further considered following the resolution of items 2, 3 & 4.

Moved Cr A MacTiernan, Seconded Cr E Evangel an addition to the recommendation (7) as follows:

7. That consideration be given for a community bus service, for peak periods from 2014 to 2016 and that the SPG provide a report to the meeting of Council in April 2013.

The Motion for amendment was then read aloud as follows:

1. **RECEIVE the report by the Satterley Property Group dated 20th November 2012 regarding options to promote greater use of public transport.**

2. **REQUEST** the Satterley Property Group to obtain written confirmation of the Early Engagement Programme allowing the location of bus stops and public transport infrastructure and budgeting implications to be determined in collaboration with the Public Transport Authority in the design of the Greenlink.
3. **REQUEST** the Satterley Property Group to request the Public Transport Authority to reconsider its refusal to re-route existing services through the Phase 1 area, to provide public transport services to initial residents of the Catalina Estate.
4. **REQUEST** the Satterley Property Group to investigate the feasibility and costs associated with a PTA funding agreement, to provide public transport services to initial residents of the Catalina Estate.
5. **ADVISE** the Satterley Property Group that Key Performance Indicator – Strategy and Planning; 3.2.2 Public Transport, requiring the preparation of a Public Transport Initiatives Strategy by June 2012, will be further considered following the resolution of items 2, 3 & 4.
6. **ACCEPT** that Key Performance Indicator - Effective Use Of Land And Infrastructure 1.2.3 requiring the Investigation and recommendation on the viability of a local area transit system linking local schools, rail station and shops has been **ACHIEVED** by the Satterley Property Group.
7. **That consideration be given for a community bus service, for peak periods from 2014 to 2016 and that the SPG provide a report to the meeting of Council in April 2013.**

The Motion for amendment was put and declared **CARRIED** (11/0).

The Motion as then amended was put and declared **CARRIED** (11/0).

9.16 PROCUREMENT POLICY REVIEW

Moved Cr T Vaughan, Seconded Cr T Tyzack

[The recommendation in the agenda]

That the Council APPROVE the modified TPRC Procurement Policy (14 November 2012).

The Motion was put and declared **CARRIED** (11/0).

9.17 PROJECT CONSULTANCY – MEDIA CONSULTANCY SERVICES TENDER

Moved Cr F Cvitan, Seconded Cr T Tyzack

[The recommendation in the agenda]

1. **ACCEPT** the OMD tender (dated 3rd September 2012) for media consultancy services in accordance with Tender 10/2012 (Media Consultancy Services, dated September 2012).

- 2. AUTHORISE the Chairman and the CEO to sign and affix the TPRC common seal to the Contracts.**

The Motion was put and declared CARRIED (11/0).

9.18 STAGES 5 SALES PROCESS

Moved Cr G Amphlett, Seconded Cr R Willox

[The recommendation in the agenda]

- 1. APPROVE the sale of Stage 5, 20 traditional lots and 17 cottage lots (Plan 2228-158A-01) by the Sales Procedure – Private Purchaser Lots Strategy, September 2011, approved by the Council at its meeting held on 13 October 2011, subject to the same sales contract, building incentives and commercial terms.**
- 2. APPROVE the disposal of the Stage 5, 20 traditional lots and 17 cottage lots (Plan 2228-158A-01) by Private Treaty in accordance with Section 3.58(3) and (4) of the Local Government Act 1995.**
- 3. APPROVE the sale of Stage 5, 26 medium density lots (7.5m rear loaded cottage lots) (Plan 2228-158A-01) as builder allocation lots, in 6 parcels of between 2 and 10 lots each, by public tender, via the use of Put Option Deeds as approved by Council for the Stage 3 Builders Allocation Lots in April 2012, subject to the same procedures, selection criteria and evaluation process, and terms and conditions.**

The Motion was put and declared CARRIED (11/0).

9.19 BUILT FORM AND DEMONSTRATION HOUSING STRATEGY

Mr Justin Crooks was invited to clarify the intent of the Built Form & Demonstration Housing Strategy.

Moved Cr T Vaughan, Seconded Cr R Willox

[The recommendation in the agenda]

- 1. RECEIVE the Built Form and Demonstration Housing Strategy, June 2012, submitted by the Satterley Property Group.**
- 2. DETERMINE that the Key Performance Indicators, Built Form and Demonstration Housing Strategy, June 2011, requiring the preparation of a Built Form And Demonstration Housing Strategy, June 2012 has not been met; and that the Built Form And Demonstration Housing Strategy, is required to be modified to include consideration matters listed in (3).**
- 3. ADVISE the Satterley Property Group that the following matters require further consideration;**
 - a) The Strategy should be directed at encouraging a range of housing that meets the existing and future housing needs for the Catalina Project. The Strategy should seek to meet the demand for housing, as well as improving housing mix,**

- affordability, and the availability of housing for those with special needs. It should contain concrete measures to implement these objectives.
- b) The Strategy should articulate a clear framework to help guide TPRC decision making and planning, and should clearly communicate the TPRC's housing-related strategies and objectives. It should provide clarity and certainty about future housing within Catalina.
 - c) It should identify potential sites for innovation, demonstration projects and partnering. These sites should be subject to feasibility assessments, negotiation with builders, community housing providers and other levels of government.
 - d) It should identify circumstances and criteria where the TPRC may consider contributions towards affordable housing projects, as well as the nature of such contributions.
 - e) It should consider in detail the potential and impacts for housing projects being undertaken or managed by not-for-profit housing providers, social housing or community housing providers. The Strategy should provide direction in respect of further options to investigate delivery of such proposals.
 - f) The Strategy should include consideration of potential aged persons developments.
 - g) The Strategy recommends a contemporary approach to housing but does not demonstrate significant innovation or industry leadership. It does not outline any strategic direction for the Project to pursue alternative approaches worthy of investigation for the delivery of affordable housing.

Moved Cr C MacRae, Seconded Cr G Amphlett an amendment to recommendation (3) as follows:

3. ADVISE the Satterley Property Group that the following matters require further consideration;
- a) The Strategy should be directed at encouraging a range of housing that meets the existing and future housing needs for the Catalina Project. The Strategy should seek to meet the demand for housing, as well as improving housing mix, affordability, and the availability of housing for those with special needs. It should contain concrete measures to implement these objectives.
 - b) The Strategy should articulate a clear framework to help guide TPRC decision making and planning, and should clearly communicate the TPRC's housing-related strategies and objectives. It should provide clarity and certainty about future housing within Catalina.
 - c) It should identify potential sites for innovation, demonstration projects and partnering. These sites should be subject to feasibility assessments, negotiation with builders, community housing providers and other levels of government.
 - d) It should identify circumstances and criteria where the TPRC may consider contributions towards affordable housing projects, as well as the nature of such contributions.
 - e) It should consider in detail the potential and impacts for housing projects being undertaken or managed by not-for-profit housing providers, social housing or community housing providers. The Strategy should provide direction in respect of further options to investigate delivery of such proposals.
 - f) The Strategy should include consideration of potential aged persons developments.
 - g) The Strategy recommends a contemporary approach to housing but does not demonstrate significant innovation or industry leadership. It does not outline any strategic direction for the Project to pursue alternative approaches worthy of investigation for the delivery of affordable housing.

- h) A separate report be provided by the Satterley Property Group to Council outlining ways (3d and 3e) can be achieved).

The Motion for amendment then reads as follows:

1. **RECEIVE the Built Form and Demonstration Housing Strategy, June 2012, submitted by the Satterley Property Group.**
2. **DETERMINE that the Key Performance Indicators, Built Form and Demonstration Housing Strategy, June 2011, requiring the preparation of a Built Form And Demonstration Housing Strategy, June 2012 has not been met; and that the Built Form And Demonstration Housing Strategy, is required to be modified to include consideration matters listed in (3).**
3. **ADVISE the Satterley Property Group that the following matters require further consideration;**
 - a) **The Strategy should be directed at encouraging a range of housing that meets the existing and future housing needs for the Catalina Project. The Strategy should seek to meet the demand for housing, as well as improving housing mix, affordability, and the availability of housing for those with special needs. It should contain concrete measures to implement these objectives.**
 - b) **The Strategy should articulate a clear framework to help guide TPRC decision making and planning, and should clearly communicate the TPRC's housing-related strategies and objectives. It should provide clarity and certainty about future housing within Catalina.**
 - c) **It should identify potential sites for innovation, demonstration projects and partnering. These sites should be subject to feasibility assessments, negotiation with builders, community housing providers and other levels of government.**
 - d) **It should identify circumstances and criteria where the TPRC may consider contributions towards affordable housing projects, as well as the nature of such contributions.**
 - e) **It should consider in detail the potential and impacts for housing projects being undertaken or managed by not-for-profit housing providers, social housing or community housing providers. The Strategy should provide direction in respect of further options to investigate delivery of such proposals.**
 - f) **The Strategy should include consideration of potential aged persons developments.**
 - g) **The Strategy recommends a contemporary approach to housing but does not demonstrate significant innovation or industry leadership. It does not outline any strategic direction for the Project to pursue alternative approaches worthy of investigation for the delivery of affordable housing.**
 - h) **A separate report be provided by the Satterley Property Group to Council outlining ways (3d and 3e) can be achieved.**

The Motion for amendment was put and declared CARRIED (11/0).

The Motion as then amended was put and declared CARRIED (11/0).

9.20 STAGE 5 CIVIL CONSTRUCTION AND EXTERNAL SEWER

Moved Cr E Evangel, Seconded Cr F Cvitan

[The recommendation in the agenda]

1. **ACCEPT the Catalina Stage 5 civil works and external sewer pricing submitted by R J Vincent for the lump sum value of \$4,618,168.53 (excluding GST).**
2. **AUTHORISE the Chairman and CEO to sign and affix the TPRC common seal to the Contract.**

The Motion was put and declared CARRIED (11/0).

Moved Cr T Tyzack, Seconded Cr R Willox that the meeting move behind closed doors at 7.25pm to allow confidential items 9.21 & 9.22 to be discussed.

The Motion was put and declared CARRIED (11/0).

9.21 PROJECT CASHFLOW REVIEW – 2012/2013 CONFIDENTIAL

Moved Cr T McLean, Seconded Cr F Cvitan

[The recommendation in the agenda]

1. **RECEIVE the review of the Project Cashflow (May12) for the 2012/2013 financial year submitted by the Satterley Property Group.**
2. **APPROVE the use of the review of the Project Budget 2012/13 (May12), submitted by the Satterley Property Group, as the basis of financial planning for the review of the TPRC Budget 2012/13.**

The Motion was put and declared CARRIED (11/0).

9.22 BGC PUT OPTIONS / DEPARTMENT OF HOUSING PURCHASE OF STAGE 3 LOTS - CONFIDENTIAL

Moved Cr R Willox, Seconded Cr G Amphlett

[The recommendation in the agenda]

1. Accepts the confidential legal advice relating to BGC Put Options and the Department of Housing potential purchase of Stage 3 Put Options Lots;
2. Authorises the Chief Executive Officer to take all necessary action to implement the recommendations of the confidential legal advice as referred to in 1, including engaging the Council's solicitors.

Motion was withdrawn by Cr R Willox and Cr G Amphlett

Moved Cr R Willox, Seconded Cr G Amphlett an alternative recommendation as follows:

1. Accepts the confidential legal advice relating to BGC Put Options and the Department of Housing potential purchase of Stage 3 Put Options Lots.

2. Decline to enter into any Land Contract with Department of Housing for Lots 11-18 and 20-25 which are the subject Put Option Deeds with the Buckeridge Group of Companies.
3. Authorises the Chief Executive Officer to take all necessary action to implement the recommendations of the confidential legal advice as referred to in 1, including engaging the Council's solicitors.
4. Approve an extension of 60 days to the Put Option Deeds relating to the Buckeridge Group of Companies for lots 11-18 and 20-25 subject to Put Option Deeds being amended to require Land Contracts to be drawn up with individual private purchasers; should BGC decline to agree to the extension the Put Option Deeds authorize the Chief Executive Officer to release the lots as builder allocation lots, in 2 parcels of 5 and 6 lots each, by public tender, via the use of Put Option Deeds as approved by Council for the Stage 3 Builders Allocation Lots in April 2012, subject to the same procedures, selection criteria and evaluation process, and terms and conditions.

Moved Cr A MacTiernan, Seconded Cr E Evangel an amendment to recommendation (2) as follows:

2. Decline to enter into a general Land Contract with Department of Housing for Lots 11-18 and 20-25 which are the subject Put Option Deeds with the Buckeridge Group of Companies but be prepared to enter into an agreement with Department of Housing on the provision that the housing be used under the shared equity scheme.

The Motion for amendment was then read aloud as follows:

1. **Accepts the confidential legal advice relating to BGC Put Options and the Department of Housing potential purchase of Stage 3 Put Options Lots.**
2. **Decline to enter into a general Land Contract with Department of Housing for Lots 11-18 and 20-25 which are the subject Put Option Deeds with the Buckeridge Group of Companies but be prepared to enter into an agreement with Department of Housing on the provision that the housing be used under the shared equity scheme.**
2. **Authorises the Chief Executive Officer to take all necessary action to implement the recommendations of the confidential legal advice as referred to in 1, including engaging the Council's solicitors.**
3. **Approve an extension of 60 days to the Put Option Deeds relating to the Buckeridge Group of Companies for lots 11-18 and 20-25 subject to Put Option Deeds being amended to require Land Contracts to be drawn up with individual private purchasers; should BGC decline to agree to the extension the Put Option Deeds authorize the Chief Executive Officer to release the lots as builder allocation lots, in 2 parcels of 5 and 6 lots each, by public tender, via the use of Put Option Deeds as approved by Council for the Stage 3 Builders Allocation Lots in April 2012, subject to the same procedures, selection criteria and evaluation process, and terms and conditions.**

The Motion for amendment was put and declared CARRIED (11/0).

The Motion as then amended was put and declared CARRIED (11/0).

Moved Cr F Cvitan, Seconded Cr T Vaughan that standing orders be reopened and the meeting doors be opened at 7.45pm.

The Motion was put and declared CARRIED (11/0).

9.23 STAGE 4 BUILDERS ALLOCATION LOTS TENDER – LATE ITEM

Mr Justin Crooks was invited to comment on the monopoly the Homebuyers Centre & BGC seem to have on submission of tenders.

Moved Cr T Tyzack, Seconded Cr R Willox

[The recommendation in the agenda]

1. **APPROVE** the allocation of Lot Parcels B and C to Homebuyers Centre, subject to the conditions of Tender 17/2012, and Put Option Deeds being amended to require Land Contracts to be drawn up with individual private purchasers only.
2. **APPROVE** the allocation of Lot Parcel A to Buckeridge Group of Companies, subject to the conditions of Tender 17/2012, and Put Option Deeds being amended to require Land Contracts to be drawn up with individual private purchasers only.
3. **AUTHORISE** the CEO and Chairman to sign and seal relevant Put Option Deed documentation.

The Motion was put and declared CARRIED (8/3).

For: Cr G Amphlett, Cr F Cvitan, Cr G Italiano, Cr T McLean, Cr R Steffens, Cr T Tyzack, Cr T Vaughan and Cr R Willox.

Against: Cr E Evangel, Cr C MacRae and Cr A MacTiernan.

9.24 MARMION AVENUE INTERSECTION CONSTRUCTION CONTRACT – LATE ITEM

Moved Cr G Amphlett, Seconded Cr T McLean

[The recommendation in the agenda]

1. **ACCEPT** the Marmion Avenue intersection bulk earthworks price submitted by R J Vincent for the lump sum value of \$515,146.41 (excluding GST).
2. **ACCEPT** the quote submitted by Telstra for underground service relocation works of \$104,183 (excluding GST).
3. **ACCEPT** the quote submitted by Optus for underground service relocation works of \$110,810 (excluding GST).
4. **ACCEPT** the quote submitted by ATCO for underground service relocation works of \$41,778 (excluding GST).
5. **AUTHORISE** the Chairman and CEO to sign and affix the TPRC common seal to the Contracts.

The Motion was put and declared CARRIED (11/0).

The Chairman announced the recommendations for items 9.21 and 9.22 in turn.

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF JUNE, JULY, AUGUST, SEPTEMBER AND OCTOBER 2012 - LATE ITEM

Moved Cr A MacTiernan, Seconded Cr T Tyzack

That Item 9.2 be deferred to the next meeting of Council in February 2013.

The Motion was put and declared CARRIED (11/0).

10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS APPROVED BY THE CHAIRMAN

Nil

13. MATTERS BEHIND CLOSED DOORS

Item 9.21 – Project Cashflow Review 2012/13

Item 9.22 – BGC Put Options/Department of Housing Purchase of Stage 3 Lots

14. GENERAL BUSINESS

The Chairman thanked elected members, TPRC staff and Satterley Property Group for all the achievements in 2012 and wished everyone a merry Christmas.

15. FORMAL CLOSURE OF MEETING

The Chairman declared the meeting closed at 8.08pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2013

as a true record of proceedings.

CHAIRMAN