



WALGA

**North Metropolitan Zone
Minutes**

21 November 2013



North Metropolitan Zone WALGA

Hosted by the City of Wanneroo
23 Dunbebar Road Wanneroo 9405 5000
Thursday 21 November 2013

Mayor Tracey Roberts opened the meeting at 6:05pm

Minutes

MEMBERS

4 Voting Delegates from each Member Council

City of Joondalup	Cr Geoff Amphlett JP Chair Cr Russ Fishwick JP Cr Philippa Taylor Cr Sam Thomas Mr Jamie Parry, Director Governance and Strategy – non-voting delegate	
City of Stirling	Cr David Michael Cr David Boothman Mayor Giovanni Italiano JP Mr Aaron Bowman, Manager Governance & Council Support	6:25pm
City of Wanneroo	Mayor Tracey Roberts JP Cr Frank Cvitan JP Cr Domenic Zappa Cr Norman Hewer (Deputy) Mr Michael Barry, Manager Executive Services – non-voting delegate	
WALGA Representatives	Mayor Troy Pickard, President Ms Ricky Burges, Chief Executive Officer Mr Tim Lane, Manager Strategy and Reform	
DLGC Representative	Mr Gary Angel	

APOLOGIES

City of Joondalup	Mr Garry Hunt, Chief Executive Officer – non-voting delegate
City of Stirling	Cr Elizabeth Re JP Mr Stuart Jardine, Chief Executive Officer
City of Wanneroo	Cr Russell Driver Mr Daniel Simms, Chief Executive Officer – non-voting delegate
Department of Agriculture and Food	Mr Simon Merewether,

ANNOUNCEMENTS

Confirmation of Attendance an attendance sheet was circulated prior to the commencement of the meeting to register your name for the Minutes.

ATTACHMENTS WITHIN THE AGENDA

1. Minutes of previous meeting
2. Zone Status Report
3. Standing Orders

1. ELECTIONS

The Chair handed over to the secretariat to conduct the elections:

1.1 Elections of Chair and Deputy Chair of the North Metropolitan Zone

Pursuant to the WALGA Constitution, the Secretariat assumed the Chair for conducting the election of office bearers.

Guidelines for elections were distributed to Member Councils as an attachment to a letter dated 5 September 2013.

The election for the Chairperson and Deputy Chairperson was conducted and the term set at two years, expiring in November 2015, in line with the terms of State Council representatives and in sync with Local Government Elections.

The Secretariat called for nominations from the floor for the position of Chairperson for the period of 2 years, November 2013 to November 2015.

One nomination was received from Cr Geoff Amphlett.

The Secretariat declared Cr Geoff Amphlett elected as Chairperson of the North Metropolitan Zone for the term of 2 years, November 2013 to November 2015.

The Secretariat invited nominations for the position of Deputy Chairperson from the floor.

The election of Deputy Chairperson was deferred until Cr David Michael arrived.

1.2 Elections of State Council Representative and Deputy State Council Representative of the North Metropolitan Zone

Pursuant to the WALGA Constitution, the Secretariat assumed the Chair for conducting the election of representatives and deputy representatives to the State Council.

Guidelines for elections were distributed to Member Councils as an attachment to a letter dated 5 September 2013.

WALGA incorporates a 24 members State Council with its members derived from Metropolitan and Country Zones. The State Council is chaired by the Association President.

In accordance with sub-clause 9(3) of the WALGA Constitution representatives and deputy representatives to the State Council shall be elected by Zones of the metropolitan and country constituencies for two (2) year terms, commencing from the Ordinary Meeting of State Council in December 2013 and concluding at the Ordinary Meeting of State Council in December two years later.

For the North Metropolitan Zone, there are three (3) representative positions on State Council and three (3) deputy representative positions. The term is from the Ordinary Meeting of State Council in December 2013 and concluding at the Ordinary Meeting of State Council in December 2015.

The following written nominations were received for the position of State Council Representative:

- Cr Geoff Amphlett City of Joondalup
- Cr David Michael City of Stirling
- Mayor Tracey Roberts City of Wanneroo

The secretariat declared:

- **Cr Geoff Amphlett City of Joondalup**
- **Cr David Michael City of Stirling**
- **Mayor Tracey Roberts City of Wanneroo**

elected as Representatives of the North Metropolitan Zone to the State Council for the term of 2 years, December 2013 to December 2015.

The following written nominations were received for the position of Deputy State Council Representative:

- Cr Frank Cvitan JP City of Wanneroo
- Cr Giovanni Italiano JP City of Stirling
- Cr Sam Thomas City of Joondalup

The secretariat declared:

- **Cr Frank Cvitan JP City of Wanneroo**
- **Cr Giovanni Italiano JP City of Stirling**
- **Cr Sam Thomas City of Joondalup**

elected as Deputy Representatives of the North Metropolitan Zone to the State Council for the term of 2 years, December 2013 to December 2015.

2. DEPUTATIONS

The secretariat handed over to the Chair to Cr Geoff Amphlett

2.1 Rainbow Lorikeet and Introduced Corella Management Response Strategy

Mr Simon Merewether, Department of Agriculture and Food was unable to attend the meeting due to the change of date.

RESOLUTION

Moved Cr Frank Cvitan Seconded Cr David Boothman

That Mr Simon Merewether be invited to present to the next meeting of North Metropolitan Zone to be held 27 February at the City of Joondalup. CARRIED

3. CONFIRMATION OF MINUTES

RESOLUTION

Moved Cr Russ Fishwick Seconded Cr Giovanni Italiano

That the Minutes of the meeting of the North Metropolitan Zone held on 29 August 2013 be confirmed as a true and accurate record of the proceedings. CARRIED

4. 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

5. BUSINESS ARISING

A Status Report outlining the actions taken on the Zone's resolutions was enclosed as an attachment to the Agenda.

Noted

6. REPORTS FROM MEMBER COUNCILS

Nil

7. 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)

All items within the 2013 December State Council Agenda were supported by the North Metropolitan Zone.

The North Metropolitan Zone congratulated the WALGA Governance Staff for their report on the Local Government Amendment Bill – State Council Item 5.1

8. EXECUTIVE REPORTS

8.1 President's Report to the Zone

Cr David Michael joined the meeting at 6:25pm.

Mayor Troy Pickard presented the President's Report.

Noted

8.2 State Councillor's report to the Zone

Mayor Tracey Roberts reported to the Zone in regards to the previous State Council meeting.

Noted

8.3 Department of Local Government Representative Update Report.

Mr Gary Angel, Department of Local Government and Communities updated the Zone about the Department's activities.

Noted

9. BUSINESS

9.1 Election of Deputy Chair

The Chair handed over to the secretariat to conduct the election of Deputy Chair:

The secretariat called for nominations for the position of Deputy Chairperson of the North Metropolitan Zone:

One nomination was received from Cr David Michael

The Secretariat declared Cr David Michael elected as Deputy Chairperson of the North Metropolitan Zone for the term of 2 years, November 2013 to November 2015.

10. OTHER BUSINESS

The secretariat handed over to the Chair, Cr Geoff Amphlett.

10.1 Media Issue – Bus Shelters

The WALGA President, Mayor Troy Pickard, updated the Zone on an emerging issue relating to pressure on Local Governments to install and maintain bus shelters.

Noted

11. DATE, TIME AND PLACE OF NEXT MEETING

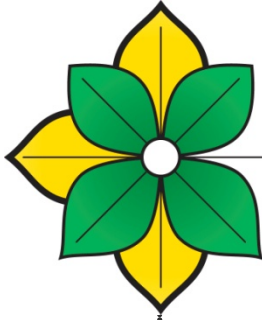
RESOLUTION

Moved Cr Russ Fishwick Seconded Cr Sam Thomas

That the next ordinary meeting of the North Metropolitan Zone will be held at 6:00pm on Thursday 27 February 2014 at the City of Joondalup commencing at 6pm. CARRIED

12. CLOSURE

There being no further business the Chair declared the meeting closed at 6:40pm.



TAMALA PARK
Regional Council

Special Meeting of Council

MINUTES

Thursday 28 November 2013
City of Stirling, 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 Louis Carr	
City of Joondalup	Cr Geoff Amphlett Cr Tom McLean	
City of Perth	Cr Janet Davidson OAM JP	Cr Jim Adamos
City of Stirling	Cr Giovanni Italiano JP Cr David Michael Cr Terry Tyzack Cr Rod Willox AM JP	Cr Elizabeth Re JP
Town of Victoria Park	Mayor Trevor Vaughan	Cr David Ashton
City of Vincent	Cr Joshua Topelberg	
City of Wanneroo	Cr Brett Treby Cr Dianne Guise	Cr Frank Cvitan Cr Hugh Nguyen

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 52 of the Interpretation Act. The current Local Government Act does not provide for the appointment of deputy or alternate members of Regional Councils. The DLG is preparing an amendment to rectify this situation.

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The Chief Executive Officer of the Tamala Park Regional Council, Mr Tony Arias, assumed the chair in order to conduct the meeting until election of a Chairman was conducted.

PRESENT

Chairman	Cr Giovanni Italiano
Councillors	Cr Geoff Amphlett Cr Louis Carr Cr Dianne Guise Cr Tom McLean Cr David Michael Cr Joshua Topelberg Cr Brett Treby Cr Terry Tyzack Cr Rod Willox
Alternate Members	Nil
Staff	Mr Tony Arias (Chief Executive Officer) Wayne Burns (Senior Project Officer) Mrs Kylie Jeffs (Executive Assistant)
Apologies Councillors	Cr Trevor Vaughan Cr Janet Davidson
Leave of Absence	Nil
Absent	Nil
Consultants	Mr Brenton Downey (Satterley Property Group)
Apologies Participant Councils' Advisers	Mr John Giorgi (City of Vincent) Mr Garry Hunt (City of Joondalup) Mr Stuart Jardine (City of Stirling)
In Attendance Participant Councils' Advisers	Mr Ross Povey (City of Stirling)
Members of the Public	Nil
Press	Nil

DECLARATION BY ELECTED MEMBERS OF COUNCIL

Each of the members appointed by the Councils of the participants of the TPRC completed the written Declarations of Office required by the Local Government Act and Local Government (Constitution) Regulations. Council members then repeated the Declaration of Office in unison. The written declarations were then witnessed by the TPRC Chief Executive Officer Mr Tony Arias.

1. OFFICIAL OPENING

Congratulations were expressed to all Council members on their election to the Tamala Park Regional Council.

At 6pm the TPRC Chief Executive Officer Mr Tony Arias, declared the meeting of the Tamala Park Regional Council open.

2. ELECTION OF CHAIRMAN

In accordance with the Local Government Act 1995, the TPRC Chief Executive Officer Mr Tony Arias, assumed the chair in order to conduct the election of Chairman.

Written nomination forms for Chairman, in accordance with the Local Government Act 1995 (schedule 2.31), were given to the Chief Executive Officer. Written approval was also obtained from the elected members nominated for the position of Chairman.

The Chief Executive Officer advised that one nomination for the position of Chairman had been received as follows:

Cr Giovanni Italiano (as nominated by Cr David Michael)

The Chief Executive Officer called for any further nominations and due to no further nominations being received, declared nominations for Chairman closed.

The TPRC CEO formally announced Cr Giovanni Italiano Chairman of the Tamala Park Regional Council.

Cr Italiano was invited to complete the required Declaration (Form 7 - Local Government Constitution Regulations), duly completed the Declaration and was formally congratulated on his appointment.

Cr Italiano thanked councillors for electing him Chairman and assumed the Chair at 6.04pm to conduct the remainder of the meeting.

3. ELECTION OF DEPUTY CHAIRMAN

Written nomination forms for Deputy Chairman, in accordance with the Local Government Act 1995 (schedule 2.31) were given to the Chairman. Written approval was also obtained from the elected members nominated for the position of Deputy Chairman.

The Chairman advised that one nomination for the position of Deputy Chairman had been received as follows:

Cr Trevor Vaughan (as nominated by Cr David Michael)

The Chairman called for any further nominations and, due to no further nominations being received, declared nominations for Deputy Chairman closed.

The Chairman formally announced Cr Trevor Vaughan as Deputy Chairman of the Tamala Park Regional Council.

4. DISCLOSURE OF INTERESTS

Nil

5. PUBLIC STATEMENT/QUESTION TIME

Nil

6. APOLOGIES AND LEAVE OF ABSENCE

Apologies were received from Cr Trevor Vaughan and Cr Janet Davidson.

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

Not applicable.

9. BUSINESS ARISING FROM THE MINUTES

Not applicable.

10. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

Nil

11. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

12. ELECTION OF COMMITTEES

12.1 Audit Committee

The Chairman called for nominations from elected members for Audit Committee membership.

The Chairman advised that the following nominations had been received:

- Cr Tom McLean (nominated by Cr Geoff Amphlett)
- Cr Terry Tyzack (nominated by Cr Rod Willox)
- Cr Louis Carr (nominated by Dianne Guise)
- Cr David Michael (nominated by Cr Tom McLean)
- Cr Janet Davidson (nominated by Cr Terry Tyzack) **subject to her acceptance*

No further nominations were received. The TPRC CEO will contact Cr Davidson to confirm her acceptance of the nomination.

Moved Cr D Michael, Seconded Cr D Guise

[The recommendation in the agenda]

In accordance with the provisions of the Local Government Act 1995, sections 2.28, 5.8 and 5.10, **APPOINTS BY ABSOLUTE MAJORITY** the following five Council members to the Audit Committee:

Members:

1. **Cr Louis Carr**
2. **Cr Janet Davidson**
3. **Cr Tom McLean**
4. **Cr David Michael**
5. **Cr Terry Tyzack**

(The Chair will be elected at the next Audit Committee Meeting)

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

12.2 Management Committee

The Chairman called for nominations from elected members for Management Committee membership.

The Chairman advised that the following nominations had been received:

- Cr Geoff Amphlett (nominated by Cr Tom McLean)
- Cr Dianne Guise (nominated herself)
- Cr Brett Treby (nominated himself)
- Cr Joshua Topelberg (nominated himself)
- Cr Rod Willox (nominated himself)
- Cr Giovanni Italiano (nominated himself)

Moved Cr G Amphlett, Seconded Cr B Treby

[The recommendation in the agenda]

In accordance with the provisions of the Local Government Act 1995, **APPOINTS BY ABSOLUTE MAJORITY** the following six Council members to the Management Committee:

Members:

1. **Cr Geoff Amphlett**
2. **Cr Dianne Guise**
3. **Cr Giovanni Italiano**
4. **Cr Joshua Topelberg**
5. **Cr Brett Treby**
6. **Cr Rod Willox**

(* The Chair is elected at the next Management Committee Meeting)

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

12.3 CEO Performance Review Committee

The Chairman called for nominations from elected members for CEO Performance Review Committee membership.

The Chairman advised that the following nominations had been received:

- Cr Terry Tyzack (nominated himself)
- Cr Trevor Vaughan (nominated himself)
- Cr Giovanni Italiano (nominated himself)
- Cr Joshua Topelberg (nominated himself)
- Cr Brett Treby (nominated by Cr Dianne Guise)
- Cr Janet Davidson (nominated by Cr Geoff Amphlett) **subject to her acceptance*

No further nominations were received. The TPRC CEO will contact Cr Davidson to confirm her acceptance of the nomination.

Moved Cr T Tyzack, Seconded Cr B Treby

[The recommendation in the agenda]

In accordance with the provisions of the Local Government Act 1995, APPOINTS BY ABSOLUTE MAJORITY the following six Council members to the CEO Performance Review Committee:

Members:

- 1. Cr Janet Davidson**
- 2. Cr Giovanni Italiano**
- 3. Cr Joshua Topelberg**
- 4. Cr Brett Treby**
- 5. Cr Terry Tyzack**
- 6. Cr Trevor Vaughan**

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

13. REPORTS OF COMMITTEES

Not applicable.

14. ADMINISTRATION REPORTS

Nil

15. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

Nil

17. URGENT BUSINESS APPROVED BY THE CHAIRMAN

Nil

18. MATTERS BEHIND CLOSED DOORS

Nil

19. GENERAL BUSINESS

Nil

20. FORMAL CLOSURE OF MEETING

The Chairman declared the meeting closed at 6.15pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2013

as a true record of proceedings.

CHAIRMAN



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

THURSDAY 12 DECEMBER 2013

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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Prior to the meeting Cr Re made the required Declaration to the Mindarie Regional Council.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 5.31pm.

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

Cr R Fishwick JP (Chairman)	City of Joondalup
Cr J Bissett (Deputy Chairman)	Town of Victoria Park
Cr D Boothman	City of Stirling
Cr J Carey (<i>arrived at 5.35pm</i>)	City of Vincent
Cr J Davidson OAM JP	City of Perth
Cr R Driver	City of Wanneroo
Cr K Hollywood	City of Joondalup
Cr D Newton JP	City of Wanneroo
Cr S Proud	City of Stirling
Cr E Re JP	City of Stirling
Cr S Withers (<i>arrived at 5.55pm</i>)	Town of Cambridge

Apologies

Cr B Stewart	City of Stirling
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MRC Officers

Mr B Callander (Chief Executive Officer)
Mr G Hoppe (Director Corporate Services)
Ms L Nyssen (Executive Support)

Member Council Observers

Mr G Eves (City of Stirling)
Mr D Forster (City of Perth)
Mr I Hamilton (City of Wanneroo)
Mr J Manov (City of Wanneroo)
Mr A Vuleta (Town of Victoria Park)

Visitors

Mr G Alford (CEO – Landfill Gas and Power)
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Members of the Public

Nil

Press

Nil

3 DECLARATION OF INTERESTS

Interest Type	Financial
Name and Position of Person	Mr Brian Callander, CEO Mindarie Regional Council
Report Item No. and Topic	14.3 – Chief Executive Officer – Extension of Term
Nature of Interest	CEO's contract could be extended

4 PUBLIC QUESTION TIME

Nil

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

The Chair wished all Councillors and staff a happy and safe Christmas.

The CEO advised Councillors that the Department of Environment Regulation (DER) has completed a full inspection of the Mindarie Regional Council and gave a glowing report on the condition of all aspects of the landfill.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 ORDINARY COUNCIL MEETING – 10 October 2013

The Minutes of the Ordinary Council Meeting held on 10 October 2013 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 10 October 2013 be confirmed as a true record of the proceedings.

CARRIED UNANIMOUSLY (9/0)

8.2 SPECIAL COUNCIL MEETING – 7 November 2013

The Minutes of the Special Council Meeting held on 7 November 2013 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Special Council Meeting of Council held on 7 November 2013 be confirmed as a true record of the proceedings.

RESOLVED

Cr Newton moved, Cr Bissett seconded

That the recommendations for Item 8.1 and Item 8.2 be adopted.

CARRIED UNANIMOUSLY (9/0)

Cr Carey arrived at 5.35pm

9 CHIEF EXECUTIVE OFFICER REPORTS
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9.1	FINANCIAL STATEMENTS FOR THE PERIODS ENDED 30 SEPTEMBER 2013 AND 31 OCTOBER 2013
File No:	FIN/5-03
Appendix(s):	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	21 November 2013
Responsible Officer:	Director Corporate Services

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 2013 and 31 October 2013 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 4 months to 31 October June 2013 is attached at **Appendix No. 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.

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.

The results for the year ended 30 June 2013 are still subject to external audit which may result in changes to the numbers included in this report, including certain balance sheet reclassifications and reserve transfers. It is not expected however, that there will be material changes to the underlying profit numbers reported.

Summary of results for the year to 31 October 2013

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	113,639	106,565	7,074
Tonnes – Others	10,745	13,333	(2,588)
TOTAL TONNES	124,384	119,898	4,486
	\$	\$	\$
Revenue – Members	15,299,850	15,471,787	(171,937)
Revenue – Other	3,113,725	3,580,443	(466,718)
TOTAL REVENUE	18,343,575	19,052,230	(638,655)
Expenses	15,027,928	15,986,092	958,164
Loss/(profit) on sale of assets	-	-	-
NET SURPLUS	3,385,647	3,066,138	319,509

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Financial Statements set out in Appendix No. 1 and 2 for the months ended 30 September 2013 and 31 October 2013, respectively, be received.

RESOLVED

**Cr Boothman moved, Cr Re seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY (10/0)

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 30 SEPTEMBER 2013 AND 31 OCTOBER 2013
File No:	FIN/5-03
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	21 November 2013
Responsible Officer:	Director Corporate Services

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 2013 and 31 October 2013 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 the CEO which allows payments to be made between meetings. At the Ordinary Council Meeting held on 5 September 2013, 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 the 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 2013	General Municipal	Cheques	\$120,979.88
		EFT	\$2,276,802.66
		DP	\$208,513.84
		Total	\$2,606,296.38
31 October 2013	General Municipal	Cheques	\$124,785.15
		EFT	\$4,294,677.10
		DP	\$300,597.62
		Total	\$4,720,059.87

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 2013 and 31 October 2013 be noted.

RESOLVED

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

CARRIED UNANIMOUSLY (10/0)

9.3	APPOINTMENT OF DEPUTY ON MUNICIPAL WASTE ADVISORY COUNCIL
File No:	GOV/1-02
Attachment(s):	1. Municipal Waste Advisory Council Details
Date:	14 November 2013
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to appoint a Mindarie Regional Council (MRC) Councillor on to the Municipal Waste Advisory Council as a Deputy to the previously nominated Councillor Bissett.

BACKGROUND

The Council at a Special Meeting held on 7 November 2013 resolved to appoint Councillors on to committees and working groups of the MRC. One of the Working Groups is the Municipal Waste Advisory Council (MWAC), which is a standing committee of the Western Australian Local Government Association (WALGA).

DETAILS

The Council resolved to appoint Cr Bissett as its member of MWAC but the report presented to Council did not require the appointment of a Deputy. However after discussion with WALGA it became clear that other Councils appoint deputies on MWAC.

MWAC was established in December 1994 to represent WALGA in respect of matters relating to municipal waste issues. MWAC is established under a partnership agreement with WALGA, Eastern Metropolitan Regional Council, City of Geraldton/Greenough, Mindarie Regional Council, Rivers Regional Council, Southern Metropolitan Regional Council and Western Metropolitan Regional Council.

The objective of MWAC is to encourage and promote economically sound, environmentally safe waste management practices and to ensure that the shared interests of all Western Australian Local Governments, as they relate to waste management, are effectively managed. An Officer Advisory Group has been created as an advisory committee to the MWAC. Membership of the MWAC and the Officers' Advisory Group currently consists of the major regional councils. *Attachment 1* of this agenda item provides details of the tenure, membership, duties and responsibilities associated with the Municipal Waste Advisory Council (MWAC).

LEGAL COMPLIANCE

Refer *attachment 1* to determine the varying compliance requirements of MWAC.

FINANCIAL IMPLICATIONS

There is no remuneration attached to the positions on any of the MRC's Committees and/or Working Groups.

COMMENT

Given that other Councils have nominated deputies on to MWAC it is considered appropriate that the MRC does the same as such it is recommended that Council appoint a deputy on to MWAC.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council appoint Cr _____ as Deputy on to the Municipal Waste Advisory Council.

Cr Re was nominated by Cr Davidson to be a Deputy of the Municipal Waste Advisory Council. Cr Re accepted the nomination. No further nominees were received.

The Council resolved to appoint Cr Re as Deputy on to the Municipal Waste Advisory Council.

CARRIED UNANIMOUSLY (10/0)

ATTACHMENT 1

MUNICIPAL WASTE ADVISORY COUNCIL

MEMBERSHIP

One Councillor
Supported by one staff member who is on a sub-group of MWAC entitled the Officers' Advisory Group.

MEETING FREQUENCY

Bi-Monthly

DUTIES AND RESPONSIBILITIES

General Functions of the MWAC

- (a) The principal role of the MWAC in exercise of the delegated authority is to govern the Municipal Waste Program and to represent the interests of the Parties and Local Government generally, in all matters relating to local government waste management.
- (b) Without limiting the MWAC's principal role, the broad functions and responsibilities of the MWAC include:
 - (i) defining policy and providing the overall strategic direction of the Municipal Waste Program to achieve the interests of the Parties to this Partnership Agreement;
 - (ii) maintaining the MWAC as a credible, active and effective peak body in the area of waste management;
 - (iii) facilitating and encouraging cooperative linkages between Local, State and Federal Government, Regional Councils, FORC, WMAA, Waste Authority, industry and the community;
 - (iv) representing the interests of the Association in all matters relating to local government waste management in accordance with the Association's policy statements and formal positions on an issue, and without prior reference to the Association where a formal Association position on an issue is not current or has not yet been developed PROVIDED THAT any such position is subsequently put to the Association as soon as practicable for confirmation;
 - (v) acting as an interface between the Parties to this Partnership Agreement and other local governments;
 - (vi) promoting economically sound, environmentally safe and socially acceptable waste management and minimisation strategies;
 - (vii) coordinating and initiating research on waste management issues;
 - (viii) through the WALGA Chief Executive Officer and the MWAC Chair, monitoring and evaluating the performance of the Executive Officer against established key performance indicators;
 - (ix) approving major operating plans, including the strategic plan;
 - (x) approving the Annual Budget in accordance with the terms of this Partnership Agreement; and
 - (xi) ensuring the Municipal Waste Program complies with the law and the Association's operational policies and procedures.

-
- | |
|--|
| <p>(c) Under the terms of the delegated authority, the MWAC may not make decisions:</p> <ul style="list-style-type: none">(i) concerning the acquisition, holding and disposition of real property or the borrowing of money or setting Association subscription levels;(ii) that are inconsistent with an existing formal policy statement of the Association without prior reference to and the prior approval of the State Council; and(iii) relating to operational matters as such matters remain the responsibility of the Executive Officer, reporting to the WALGA Chief Executive Officer or to their delegate. |
|--|

APPOINTMENT/TENURE

Membership continues until notification is given to the other party advising of a change in the membership
--

9.4	MINDARIE REGIONAL COUNCIL CHANGE OF MEETING DATE FOR 2014
File No:	COR/10-02
Appendix(s):	Nil
Date:	14 November 2014
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to propose an alternate meeting date for the Ordinary Council Meeting scheduled for 13 February 2014 at the City of Joondalup.

BACKGROUND

The Mindarie Regional Council (MRC) at its 10 October 2013 council meeting resolved the dates and locations for its Ordinary Council meetings to be held in 2014 as follows:-

That Council:

(1) *adopt the following schedule for Ordinary Council Meetings for the Year 2014:*

- *13 February 2014 (City of Joondalup)*
- *24 April 2014 (City of Wanneroo)*
- *3 July 2014 (City of Stirling)*
- *4 September 2014 (City of Vincent)*
- *23 October 2014 (City of Perth)*
- *11 December 2014 (Town of Victoria Park)*

DETAIL

At the 7 November 2013 Special Council Meeting, members were advised by the Chairperson that the date of the meeting to be held at the City of Joondalup on Thursday 13 February 2014 will need to be changed due to other commitments the City of Joondalup has on that day/evening. On review of other suitable dates Thursday 20 February 2014 was most suitable.

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 resolution of Council on 10 October 2013 scheduling the dates for next year was not advertised and as such the change to the meeting date requested by the City of Joondalup is considered minor and, as it had not been acted on by the Administration, does not require a revocation motion. Public Notice will be issued once the Council has resolved the Ordinary Council meeting dates for 2014.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. **Change the date of the Ordinary Council Meeting from 13 February 2014, as resolved at its meeting on 10 October 2013, to 20 February 2014.**
2. **In accordance with Part 12 (2) of the *Local Government (Administration) Regulations 1996* and the *Local Government Act 1995* issue a Public Notice of the meetings dates resolved by Council at its meeting on 10 October 2013 and amended in (1) above as follows:**
 - **20 February 2014 (City of Joondalup)**
 - **24 April 2014 (City of Wanneroo)**
 - **3 July 2014 (City of Stirling)**
 - **4 September 2014 (City of Vincent)**
 - **23 October 2014 (City of Perth)**
 - **11 December 2014 (Town of Victoria Park)**

RESOLVED

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

CARRIED UNANIMOUSLY (10/0)

9.5	CLAY LINING PROJECT
File No:	WST/195
Attachment(s):	1. Tamala Park Landfill Stage 2 Phase 4-Side Slope Lining Estimate
Date:	22 November 2013
Responsible Officer:	Landfill Manager

SUMMARY

The purpose of this report is to seek approval for the continuation of the clay lining work of stage 2 phase 3 of the landfill at Tamala Park in accordance with the tender awarded to Ertech Pty Ltd and source the funds required to cover the cost of the works through borrowings.

BACKGROUND

The Council at its meeting on 4 July 2013 resolved to award a tender for the clay lining to stage 2 phase 3 of the landfill at Tamala Park to Ertech Pty Ltd as follows:

“That:

- 1. Ertech Pty Ltd be awarded the tender, at a value of \$1,395,192 excluding GST, for the clay lining to stage 2 phase 3 of the landfill at Tamala Park.*
- 2. Funds of \$40,000 excluding GST be set aside for a Project Superintendent of the project.*
- 3. A Contingency of 5% of the awarded tender price, being \$67,500 be set aside for the project.*
- 4. The use of the contingency detailed in (3) above be delegated to the Chief Executive Officer*
- 5. The tender value, Project Superintendent Costs and Contingency sum totalling \$1,502,692 be funded from borrowings as contained in the 2013/14 budget of the Mindarie Regional Council.”*

The awarded tender ensured that Ertech would complete the clay lining of the landfill over a five year period plus two single year options and was staged to coincide with the placement of waste on the landfill. Progressively placing the clay as the waste is placed in the landfill ensures that the clay does not dry out thus preventing the clay from cracking ensuring that it is an effective barrier. The overall cost of the work for the total project is estimated at \$5M. The first stage was designed to allow the first lifts of the clay lining, which was valued at \$1.5M including on-costs and contingencies.

Ertech commenced work on the first stage of the project in August 2013. Significant rain fall in September resulting in significant delays in the placement of the clay. As the landfill is continuing to receive waste, including additional waste received from the City of Stirling, the operators have had to step the waste back from the edge of the landfill allowing Ertech a clear working area to place the clay.

DETAIL

Given the delay, and the additional tonnes of waste being received from the City of Stirling, it is now necessary to continue on with the second stage of the lining works and have Ertech continue to place the next two lifts of clay. Using the pricing approved in the original tender the estimated value of this work is \$1.23M (*refer Attachment 1*) plus an additional \$100,000 for contingencies and Superintendent costs. As this is a Capital Work

project the \$1.33M will be funded by borrowings. The repayment of the borrowings has no immediate impact on the gate fee, other than the interest payable on the borrowings and will be accommodated in the half yearly budget review. It is not considered necessary at this stage to alter the gate fee to accommodate this additional interest.

STATUTORY ENVIRONMENT

The works approval for the clay lining under the Environmental Act 1986 has been granted. As the Council has not indicated that it intends to borrow the additional funds for stage 2 of this project in its 2013/14 Budget Section 6.20 of the *Local Government Act 1995* applies requiring the Council to issue one month's public notice as follows:

"6.20. Power to borrow

- (1) Subject to this Act, a local government may —*
 - (a) borrow or re-borrow money; or*
 - (b) obtain credit; or*
 - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.*
- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —*
 - (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
 - (b) the resolution to exercise that power is to be by absolute majority."*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It was not anticipated that the next lifts of the clay lining would be required in this financial year, but due to additional waste being delivered to the landfill the next lifts are necessary. The cost of the next lifts using the price structure of the tender awarded to Ertech has been calculated at \$1.33M including contingencies and Superintendent costs.

This project will be funded from borrowings and it is not anticipated to impact on the 2013/14 gate fee. The additional borrowing interest costs will be accommodated in the half yearly budget review.

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Corporate Business Plan 2013/14 – 2016/17		
Strategies	Actions	Responsible Officer
2.1.2	Comply with DEC license conditions for sites owned and managed by the MRC, as well as guidelines for landfill sites.	Landfill Manager
2.1.5	Comply with Tamala Park site lease conditions.	Landfill Manager

COMMENT

The clay lining works is a requirement of Mindarie Regional Council's licence with the Department of Environmental Regulations and is the approved barrier for the prevention of waste leaching out of the landfill.

With the return of the City of Stirling to Tamala Park the volume of waste has greatly increased resulting in the next stages of the clay lining being brought forward. The stage being proposed is in line with the tender awarded to Ertech, however it has been brought forward due to increased waste being delivered to Tamala Park and to ensure that the clay lining keeps up with the increase in waste lifts on the landfill.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. **Approve the next stage of the clay lining work at a value of \$1.33M being made up of:**
 - a. **\$1.23M for the cost of the works;**
 - b. **\$60,000 for contingencies; and**
 - c. **\$40,000 for the role of the Superintendent.**
2. **The cost of the works detailed in (1) above be funded from borrowings; and**
3. **In accordance with Section 6.20 of the Local Government Act 1995 the Council provide one month public notice advising of its decision to undertake the additional clay lining work and borrow to fund the works as detailed in (1) and (2) above.**

(Absolute Majority Required)

RESOLVED

**Cr Boothman moved, Cr Proud seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (10/0)

Attachment 1

Tamala Park Landfill Stage 2 Phase 4-Side Slope Lining Estimate

Item	Description	Value
		\$
A1.5	Insurance, Fees & BCITF Levy	9,260.00
		\$
B3	Surface Water Control	24,306.00
		\$
B8	Supply, condition, construct and QA testing of the compacted clay lift 510m x 3.0m x 6.0m = 9180m ³ @ \$177.77 per m ³	1,081,128.60
		\$
C2	Supply and install stainless steel leachate riser pipes (3 No)	74,110.00
		\$
C3	Supply and Install HDPE clean-out pipes (2 No)	2,054.00
		\$
C4	Supply and Install Leachate Drainage Aggregate	7,702.00
		\$
C5	Supply and Installation of anti-disiccation geotextile including sandbogs of pegs 6700m ² @ \$3.18 per m ²)	21,306.00
		\$
C6	Installation of Leachate Pumps, pipes, airlines, top 2.0m of stainless steel pipe section, support bollards and concrete footing for all three leachate extraction points	3,480.00
		\$
	Total	1,223,346.60

9.6	MINDARIE REGIONAL COUNCIL ANNUAL REPORT 2013 AND MINUTES OF THE AUDIT COMMITTEE MEETING OF 14 NOVEMBER 2013
File No:	COR/9-03
Appendix(s):	Appendix No. 6 – Unconfirmed minutes of the Audit Committee Meeting held on 14 November 2013. Appendix No. 7 – Financial Report for year ended 30 June 2013
Date:	21 November 2013
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 2013 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 2013.

The Audit Committee met on 14 November 2013 to consider the Financial Statements for the year ended 30 June 2013 and have recommended that these be adopted by the

Council. The unconfirmed minutes of this meeting are attached at **Appendix 6**. The Annual Report of the Mindarie Regional Council (excluding final typesetting), 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 2012/13 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 2012/13 conforms with the requirements of the Local Government (Audit) Regulations 1996.

POLICY 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.

AMENDMENTS

The following typographical amendments have been made to the Financial Statements presented to the Audit Committee:

Page 10 – the words 'of assets' has been added to the line 'Changes on revaluation'

Page 28 – the total for capital expenditures at the bottom of the page has been changed from '6,996,317' to '6,996,137'

Page 39 - the brackets around the Debt Service Ratio results have been deleted

Page 39 - the Asset Consumption Ratio has been changed from '1.08' to '0.66'

VOTING REQUIREMENT

Absolute Majority

A. AUDIT COMMITTEE RECOMMENDATIONS

That the Council notes the recommendations of the Audit Committee to:

- 1. receive the Unconfirmed Minutes of the Audit Committee dated 14 November 2013; and**
- 2. adopt the Financial Report for the year ended 30 June 2013.**

B. RESPONSIBLE OFFICER RECOMMENDATION

- 1. receives the Unconfirmed Minutes of the Audit Committee dated 14 November 2013; and**
- 2. adopts the Annual Report for the year ended 30 June 2013, which includes the Financial Report detailed in A. 2. above, as amended.**

(Absolute Majority Required)

RESOLVED

Cr Boothman moved, Cr Proud seconded

That the recommendation be adopted.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (10/0)

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 14

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 14 be received.

RESOLVED

Cr Re moved, Cr Proud seconded

That the recommendation be adopted.

CARRIED UNANIMOUSLY (10/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS

Cr Re raised question as to whether the Community Engagement Advisory Group (CEAG) for the RRF was still in existence.

The CEO advised that it was and that the group met at least twice a year. The CEO also advised that the CEAG have raised concerns about the performance of the RRF, primarily in regard to the diversion rate and also that a pre-sort building was not built. CEAG may seek a deputation to Council to express its concerns.

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

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

The Chairperson requested that in accordance with clause 7.9(3) of the Mindarie Regional Council Standing Orders Local Law 2010 and s5.23 of the Local Government Act 1995, Council proceed to meet “behind closed doors” to allow the Council to consider Confidential Items 14.1, 14.2 and 14.3 of this agenda. As they relate to:

- Legal advice obtained and which relates to a matter to be discussed at the meeting
- A decision of Council that may result in a contract being entered into

Cr Davidson moved, Cr Hollywood seconded

CARRIED UNANIMOUSLY (10/0)

Member Council officers, Mindarie Regional Council CEO and officers and visitors were invited to stay for Items 14.1 and 14.2.

14.1	RESOURCE RECOVERY FACILITY – AMENDED AND RESTATED SECOND STANDSTILL DEED
File No:	WST/119
Attachment(s):	Copy of the Amended and Restated Second Standstill Deed with marked up changes by BioVision (in blue) and the MRC (in red)
Date:	19 November 2013
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

- 1. Receive the Amended and Restated Second Standstill Deed presented by BioVision**
 - 2. Advise BioVision that it is prepared to endorse the Amended and Restated Second Standstill Deed subject to the changes detailed in this report and marked up in the attachment to this report;**
 - 3. Authorise the Chairperson and the Chief Executive Officer to make non-material amendments to the Deed agreed between BioVision and the MRC;**
 - 4. Be presented with a further report should there be any material changes to the Deed;**
 - 5. Seek the consent of the ANZ Bank to the Amended and Restated Second Standstill Deed once agreement with BioVision has been reached on the changes to the Deed and prior to the MRC and BioVision signing the Deed; and**
 - 6. Authorise the Chairperson and the Chief Executive Officer to sign the Deed under common seal once the ANZ Bank has consented to the Deed detailed in (5).**
-

RESOLVED

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

CARRIED UNANIMOUSLY (10/0)

NOTE: The Chief Executive Officer has NOT released Report 14.1 for Public information due to the fact that the Council's decision may result in a contract being entered into.

14.2	NEW SUB-LEASE WITH LANDFILL GAS AND POWER FOR FUTURE LANDFILL GAS EXTRACTION AT TAMALA PARK
File No:	EST/2-03
Attachment(s):	Nil
Date:	15 November 2013
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

- 1. Endorses the negotiated parameters of the new sub-lease with Landfill Gas and Power as contained in the "Details" section of this report;**
 - 2. Advice Landfill Gas and Power that it is prepared to enter into a new sub-lease detailed in (1) above in accordance with Part 11. 2 (b) of the Local Government (Functions and General) Regulations 1996 using WALGA's Councils Purchasing Services subject to the MRC meeting the requirements of s.3.59 of the *Local Government Act 1995* and Regulation 8A of the Local Government (Functions and General) Regulations 1996 by:
 - a) Preparing a Business Plan;**
 - b) Providing State-Wide Public Notice and Local Public Notice advising where and when the Business Plan detailed in 2.a) above will be available to the public during the Public Notice period; and**
 - c) Reviewing any comments received from the notice detailed in 2 b) above prior to making a determination whether to proceed with the lease.****
 - 3. Receives a further report detailing any comments provided on the Business Plan as a result of the notices issued in 2.b) above.**
 - 4. If no response is received following the Public Notices the Chairperson and the Chief Executive Officer be authorised to finalise and sign the sub-lease under common seal.**
 - 5. Provide the Participants (owners of Tamala Park) the information, and a copy of the fully executed sub-lease, required by virtue of clause 6.3 of the Deed of Extension, Variation and Partial Surrender of Lease relating to Tamala Park, Marmion Avenue, Mindarie.**
-

RESOLVED

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

CARRIED UNANIMOUSLY (10/0)

NOTE: The Chief Executive Officer has NOT released Report 14.2 for Public information due to the fact that the Council's decision may result in a contract being entered into.

Member Council CEOs and Officers and visitors departed the Chamber at 5.50pm

14.3	CHIEF EXECUTIVE OFFICER – EXTENSION OF TERM
File No:	P183
Attachment(s):	Correspondence from the Chief Executive Officer received dated 22 November 2013
Date:	26 November 2013
Responsible Officer:	HUMAN RESOURCES OFFICER

RESPONSIBLE OFFICERS RECOMMENDATION

That the Council:

- 1. refer the request from the CEO to have his Term extended, as detailed in the correspondence attached to this report, to the CEO's Performance Review Committee; and**
- 2. the findings and recommendations of the Committee be presented to the Ordinary Council meeting on 20 February 2014.**

RESOLVED

**Cr Boothman moved, Cr Davidson seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY (10/0)

NOTE: The Chief Executive Officer has NOT released Report 14.3 for Public information due to the fact that the Council's decision may result in a contract being entered into.

The Chairperson sought that the meeting be reopened to the public.

Cr Proud moved, Cr Newton seconded.

CARRIED UNANIMOUSLY (10/0)

The meeting was reopened at 5.55pm

Cr Withers arrived at 5.55pm

The Chairperson read out the resolutions and the votes, made behind closed doors, of the Council Items 14.1, 14.2 and 14.3 as detailed above.

15 NEXT MEETING

Ordinary Council Meeting: Thursday 20 February 2014 at City of Joondalup commencing at 5.30pm.

16 CLOSURE

The Chairman closed the meeting at 5.59pm 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 12 December 2013.

Signed Chairman

Dated this day of 2014
