



TAMALA PARK
Regional Council

Meeting of Council

MINUTES

Thursday 18 February 2016, 6:00pm
City of Stirling
25 Cedric Street, Stirling

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

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MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Louis Carr	
City of Joondalup	Cr John Chester Cr Kerry Hollywood	
City of Perth	Cr Janet Davidson OAM JP	Cr Jim Adamos
City of Stirling	Cr Karen Caddy Mayor Giovanni Italiano JP (Chairman) Cr David Michael Cr Rod Willox AM JP	Cr Terry Tyzack
Town of Victoria Park	Cr Keith Hayes	
City of Vincent	Mayor John Carey	Cr Jimmy Murphy
City of Wanneroo	Cr Dianne Guise (Deputy Chair) Cr Brett Treby	Cr Domenic Zappa Cr Hugh Nguyen

PRESENT

Chairman	Cr Giovanni Italiano
Councillors	Cr Karen Caddy Cr John Carey Cr Louis Carr Cr John Chester Cr Janet Davidson Cr Diane Guise Cr Keith Hayes Cr Kerry Hollywood Cr David Michael Cr Brett Treby Cr Rod Willox
Staff	Mr Tony Arias (Chief Executive Officer) Mr Luke Aitken (Project Coordinator) Ms Vickie Wesolowski (Executive Assistant)
Apologies	Nil
Leave of Absence	Nil
Absent	Nil
Consultants	Mr Aaron Grant (Satterley Property Group) Mr Simon Flesher (Satterley Property Group) Mr Kim Lawrence (Satterley Property Group) Mr Nigel Satterley (Satterley Property Group) Ms Lauren Vidler (Satterley Property Group)
Councils' Advisors Apologies	Mr Anthony Vuleta (Town of Victoria Park) Mr Jason Buckley (Town of Cambridge) Mr Len Kosova (City of Vincent)
Councils' Advisors in Attendance	Mr Phil St John (City of Wanneroo) Mr Jason Lyon (Town of Cambridge) Mr Stuart Jardine (City of Stirling) Mr Garry Hunt (City of Joondalup) Mr Martin Mileham (City of Perth) Mr John Paton (City of Vincent)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

Chairman declared the meeting open at 6:00pm.

DISCLOSURE OF INTERESTS

The Chief Executive Officer confirmed a Disclosure of Interest - Impartial Interest in relation to Item 9.16

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Nil

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 10 December 2015

Moved Cr Willox, Seconded Cr Treby.

That the minutes of the Ordinary Meeting of Council of 10 December 2015 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

The Motion was put and declared CARRIED (12/0).

BUSINESS ARISING FROM MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

Nil

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

Item 9.15 Review of Project Milestones
Item 9.16 CEO Performance Review 2014/15

8. REPORTS OF COMMITTEES

Audit Committee Meeting – 11 February 2016

Cr Michael – Chairman Audit Committee advised that the Committee considered four Items, three of which are listed in this agenda Items 9.7, 9.10 and 9.11 at its meeting of 11 February 2016 and were recommended to Council.

CEO Performance Review Committee Meeting – 28 January 2016

Cr Italiano – Chairman CEO Performance Review Committee advised that the Committee's confidential report and recommendations were attached under Item 9.16 and would be considered later in the agenda.

9. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 9.1 – 9.16)

9.1 BUSINESS REPORT – PERIOD ENDING 11 FEBRUARY 2016

Moved Cr Chester, Seconded Cr Caddy.

[The recommendation in the agenda]

That the Council RECEIVES the Business Report to 11 February 2016.

The Motion was put and declared CARRIED (12/0).

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF NOVEMBER & DECEMBER 2015

Moved Cr Guise, Seconded Cr Willox.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statements of Financial Activity for the months ending:

- **30 November 2015; and**
- **31 December 2015.**

The Motion was put and declared CARRIED (12/0).

9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF NOVEMBER & DECEMBER 2015

Moved Cr Treby, Seconded Cr Hollywood.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the list of accounts paid under Delegated Authority to the CEO for the months of November and December 2015:

- **Month ending 30 November 2015 (Total \$8,528,340.06)**
- **Month ending 31 December 2015 (Total \$970,898.99)**
- **Total Paid - \$9,499,239.05**

The Motion was put and declared CARRIED (12/0).

9.4 PROJECT FINANCIAL REPORT – DECEMBER 2015

Moved Cr Caddy, Seconded Cr Davidson.

[The recommendation in the agenda]

That the Council RECEIVES the Project Financial Report (December 2015) submitted by the Satterley Property Group.

The Motion was put and declared CARRIED (12/0).

9.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 11 FEBRUARY 2016

Moved Cr Chester, Seconded Cr Carr.

[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report to 11 February 2016.

The Motion was put and declared CARRIED (12/0).

9.6 PROJECT BUDGET 2015/2016 – MID YEAR REVIEW

Moved Cr Guise, Seconded Cr Michael.

[The recommendation in the agenda]

That the Council:

- 1. RECEIVES the Mid Year Review of the Project Budget FYE 2016 (July 2015) submitted by the Satterley Property Group (dated 22 January 2016).**
- 2. ACCEPTS that the Satterley Property Group has achieved Key Performance Indicator - Financial Management 4.5 Monitor the performance against the Approved Project Budget requiring the completion of a six monthly review of the approved Project Budget.**

The Motion was put and declared CARRIED (12/0).

9.7 TPRC BUDGET 2015/2016 REVIEW

Moved Cr Treby, Seconded Cr Michael.

[The recommendation in the agenda]

That the Council ADOPTS the Budget Review with the variations for the period 1 July 2015 to 30 June 2016 as detailed in the Budget Analysis Worksheet attached to Appendix 9.7.

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (12/0).

9.8 REVIEW OF CATALINA SALES OFFICE OPENING HOURS

Moved Cr Willox, Seconded Cr Carr.

[The recommendation in the agenda]

That the Council:

- 1. RECEIVES the Satterley Property Group correspondence on the proposed revised opening hours for the Catalina Sales Office, dated 14 January 2016.**
- 2. APPROVES the extension of the current trial Sales Office opening hours (approved by Council in December 2014) for a further 6 months, until the end of July 2016.**
- 3. REQUESTS the Satterley Property Group to provide a comprehensive report on the operation of the trial Sales Office opening hours, including advice on competing estates, sales against budget and feedback from the public and display builders to be presented for Council's consideration at its October 2016 meeting.**

The Motion was put and declared CARRIED (12/0).

9.9 EXTENSION OF EARLY CONSTRUCTION SALES REBATE

Moved Cr Chester, Seconded Cr Willox.

[The recommendation in the agenda]

That the Council APPROVES the extension of the payment of an Early Construction Rebate to the value of \$8,000 per lot for selected lots with lot sizes up to 380m² for contracts entered into after 18 February 2016 and until 30 June 2016, subject to the purchaser providing a copy of a signed Building Contract prior to settlement, with the rebate being paid to the purchaser(s) nominated builder within 6 months of the settlement of the lot.

The Motion as amended was as follows:

That the Council APPROVES the extension of the payment of an Early Construction Rebate to the value of \$8,000 per lot for selected lots that have been on the market for longer than six months with lot sizes up to 380m² for contracts entered into after 18 February 2016 and until 30 June 2016, subject to the purchaser providing a copy of a signed Building Contract prior to settlement, with the rebate being paid to the purchaser(s) nominated builder within 6 months of the settlement of the lot.

The Motion was put and declared CARRIED (12/0).

9.10 LOCAL GOVERNMENT COMPLIANCE AUDIT FOR YEAR ENDED 31 DECEMBER 2015

Moved Cr Michael, Seconded Cr Carey.

[The recommendation in the agenda]

That the Compliance Audit Return for the TPRC for the year ended 31 December 2015 be ADOPTED, RECORDED in the minutes, CERTIFIED and SENT to the Executive Director of the Department of Local Government, in accordance with the Local Government Act and Regulations.

The Motion was put and declared CARRIED (12/0).

9.11 CODE OF CONDUCT FOR COUNCIL MEMBERS AND STAFF

Moved Cr Michael, Seconded Cr Caddy.

[The recommendation in the agenda]

That the Council ADOPTS the Tamala Park Regional Council Code of Conduct for Council Members and Staff (dated February 2016).

The Motion as amended was as follows:

That the Council ADOPTS the Tamala Park Regional Council Code of Conduct for Council Members and Staff (dated February 2016), subject to:

- 1. Clause 1.1 Role of Council Members being amended to reflect TPRC Establishment Agreement, in accordance with report circulated at the meeting.**
- 2. Clause 2.4 (d) being amended as follows: “The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c). The register of notifiable gifts is to be public and maintained on the TPRC website.”**

The Motion was put and declared CARRIED (12/0).

9.12 NEERABUP ROAD PHASE 2 AND STAGE 14B CIVIL WORKS TENDER (TENDER 8/2015)

Moved Cr Willox, Seconded Cr Davidson.

[The recommendation in the agenda]

That the Council:

- 1. ACCEPTS the RJ Vincent Tender submission (dated December 2015) for Civil and Infrastructure Works in accordance with Tender 08/2015 (Neerabup Road Phase 2 and Stage 14B Civil Works) for the lump sum value of \$1,770,003.39, excluding GST.**
- 2. AUTHORISES the Chairman and the CEO to sign and affix the TPRC common seal to the Contracts.**

The Motion was put and declared CARRIED (12/0).

9.13 CATALINA EARTHWORKS AND SUBDIVISION WORKS FIXED RATES TENDER (TENDER 9/2015)

Moved Cr Carr, Seconded Cr Hollywood.

[The recommendation in the agenda]

That the Council:

- 1. ACCEPTS the RJ Vincent Tender submission (dated December 2015), for earthworks and subdivision works in accordance with Tender 09/2015 (Catalina Earthworks and Subdivision Works).**
- 2. ACCEPTS the fixed rates provided by RJ Vincent in the tender submission (dated December 2015) for the award of earthworks and subdivision works for further stages for a period of two years until April 2018, with an option to extend the contract a further 12 months to April 2019 at the absolute discretion of the TPRC.**
- 3. APPROVES the award of further stages of works during the term of the Tender 09/2015 at the absolute discretion of the TPRC and subject to:**
 - a. Approval of a lump sum, in accordance with the Tender 9/2015 rates;**
 - b. The contract lump sum being in accordance with the approved TPRC budget and program for the works;**
 - c. Market conditions and Sales Rates;**
 - d. Ongoing satisfactory performance of the contractor, during the execution of each separable portion of the contract.**
- 4. AUTHORISES the Chairman and the CEO to sign and affix the TPRC common seal to the Contract.**

The Motion was put and declared CARRIED (12/0).

9.14 CATALINA FENCING SERVICES TENDER (TENDER 1/2016)

Moved Cr Treby, Seconded Cr Willox.

[The recommendation in the agenda]

That the Council:

- 1. ACCEPTS the Treacy Fencing tender submission (dated January 2016), for the provision of fencing services in accordance with Tender 1/2016 (Catalina Fencing Services).**
- 2. AUTHORISES the Chairman and the CEO to sign and affix the TPRC common seal to the Contract.**

The Motion was put and declared CARRIED (12/0).

Moved Cr Caddy, Seconded Cr Davidson.

That Standing Orders be suspended to allow Confidential Items 9.15 and 9.16 to be discussed.

The Motion was put and declared CARRIED (12/0).

9.15 REVIEW OF PROJECT MILESTONES - CONFIDENTIAL

Moved Cr Caddy, Seconded Cr Willox.

[The recommendation in the agenda]

That Council:

- 1. RECEIVES the Satterley Property Group report on Project Milestones (February 2016).**
- 2. ADVISES the Satterley Property Group that Key Performance Indicator 2.10 requires that the Development Manager completes two Milestone Reviews in each financial year to meet the KPI. The Council will reassess Key Performance Indicator 2.10 when the second Milestone Review is satisfactorily completed.**
- 3. ADVISES the Satterley Property Group that it notes that a number of the designated Milestones in the Annual Plan have not been met and that these need to be satisfactorily addressed so that they do not adversely affect the Project.**

The Motion was put and declared CARRIED (12/0).

9.16 CEO PERFORMANCE REVIEW 2014/2015 - CONFIDENTIAL

Moved Cr Treby, Seconded Cr Hollywood.

[The recommendation in the agenda]

That the Council:

1. **ADOPTS** the 2015 Annual Appraisal Report, dated 28 January 2016, submitted by John Phillips Consulting.
2. **ENDORSES** the rating of “Meets Expectations” for the review period 2014/15.
3. **ENDORSES** the performance criteria and indicators for the October 2016 review.
4. **ENDORSES** commencement of the 2016 appraisal process by 12 August 2016, with the appraisal to be completed before the October 2016 Ordinary Council Meeting.
5. **APPROVES** the CEO remuneration package as per the recommendations of the CEO Performance Review Committee meeting of 28 January 2016.

The Motion lapsed.

Moved Cr Davidson, Seconded Cr Carey.

That the CEO Performance Review 2014/2015 be REFERRED to a Special Meeting of the Council to be arranged at the next appropriate time to finalise the CEO Performance Review.

The Motion was put and declared CARRIED (12/0).

Moved Cr Hollywood, Seconded Cr Davidson

That Standing Orders be reopened and the meeting doors be opened.

The Motion was put and declared CARRIED (12/0).

The recommendations for Item 9.15 and 9.16 were read out as follows:

9.15 REVIEW OF PROJECT MILESTONES

That Council:

1. *RECEIVES* the Satterley Property Group report on Project Milestones (February 2016).
2. *ADVISES* the Satterley Property Group that Key Performance Indicator 2.10 requires that the Development Manager completes two Milestone Reviews in each financial year to meet the KPI. The Council will reassess Key Performance Indicator 2.10 when the second Milestone Review is satisfactorily completed.

3. *ADVISES the Satterley Property Group that it notes that a number of the designated Milestones in the Annual Plan have not been met and that these need to be satisfactorily addressed so that they do not adversely affect the Project.*

9.16 *CEO PERFORMANCE REVIEW 2014/2015 - CONFIDENTIAL*

That the CEO Performance Review 2014/2015 be REFERRED to a Special Meeting of the Council to be arranged at the next appropriate time to finalise the CEO Performance Review.

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 9.15 Review of Project Milestones

Item 9.16 CEO Performance Review 2014/2015

14. GENERAL BUSINESS

Cr Guise advised that she intended to move a motion regarding Audit Committee membership.

Moved Cr Guise, Seconded Cr Carey.

That Cr Davidson replace Cr Guise as a member of the TPRC Audit Committee.

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (12/0).

15. FORMAL CLOSURE OF MEETING

The Chairman declared the meeting closed at 7:20pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2016

as a true record of proceedings.

CHAIRMAN



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

THURSDAY 14 APRIL 2016

CITY OF WANNEROO

Winning Back Waste

*Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park*



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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairperson declared the meeting open at 5.30pm

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

Cr R Fishwick JP (Chairperson)	City of Joondalup
Cr D Boothman (Deputy)	City of Stirling
Cr J Carey	City of Vincent
Cr A Guilfoyle	City of Stirling
Cr S Jenkinson	City of Stirling
Cr C MacRae	Town of Cambridge
Cr V Maxwell	Town of Victoria Park
Cr D Newton JP	City of Wanneroo
Cr M Norman	City of Joondalup
Cr S Proud	City of Stirling

Apologies

Cr J Adamos	City of Perth
Cr R Driver	City of Wanneroo

Leave of Absence

Nil

Absent

Nil

MRC Officers

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

MRC Observers

Nil

Member Council Observers

Mr S Cairns (City of Wanneroo)
Mr N Claassen (City of Joondalup)
Mr C Colyer (Town of Cambridge)
Mr R Lotznicker (City of Vincent)
Mr A Murphy (City of Stirling)
Mr G Tattersall (City of Wanneroo)
Mr J Wong (Town of Victoria Park)

Visitors

Nil

Members of the Public

Nil

Press
Nil

3 DECLARATION OF INTERESTS

Interest Type	Financial Interest
Name and Position of Person	Gunther Hoppe, Director Corporate Services, MRC
Report Item No. and Topic	Item 9.3 Western Metropolitan Regional Council – Request for an extension to the Agreement for the Supply of Municipal Solid Waste
Nature of Interest	Mr Hoppe dual position as Director Corporate Services for the MRC and A/CEO for the WMRC gives rise to a financial interest

Interest Type	Financial Interest
Name and Position of Person	Gunther Hoppe, Director Corporate Services, MRC
Report Item No. and Topic	Item 14.1 Continuation of the secondment of MRC'S Director Corporate Services, Mr Gunther Hoppe, to the Position of Acting CEO at the Western Metropolitan Regional Council
Nature of Interest	Mr Hoppe dual position as Director Corporate Services for the MRC and A/CEO for the WMRC gives rise to a financial interest

4 PUBLIC QUESTION TIME

Nil

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Fishwick from the 26 April 2016 to 24 May 2016 inclusive.

RESOLVED

That the application for leave be granted

CARRIED UNANIMOUSLY (10/0)

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
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8.1 ORDINARY COUNCIL MEETING – 18 FEBRUARY 2016

The Minutes of the Ordinary Council Meeting held on 18 February 2016 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 18 February 2016 be confirmed as a true record of the proceedings.

RESOLVED

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

CARRIED UNANIMOUSLY (10/0)

9 CHIEF EXECUTIVE OFFICER REPORTS
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9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 31 JANUARY 2016 AND 29 FEBRUARY 2016
File No:	FIN/5-06
Appendix(s):	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	30 March 2016
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 31 January 2016 and 29 February 2016 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 8 months to 29 February 2016 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.

Summary of results for the eight month period ended 29 February 2016

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	193,040	201,467	(8,427)
Tonnes – Others	10,817	11,994	(1,177)
TOTAL TONNES	203,857	213,461	(9,604)
	\$	\$	\$
Revenue – Members	29,544,325	30,865,553	(1,321,228)
Revenue – Other	4,111,423	4,792,907	(681,484)
TOTAL REVENUE	33,655,748	35,658,460	(2,002,712)
Expenses	29,951,559	30,810,280	858,721
Profit on sale of assets	2,331	2,331	-
Loss on sale of assets	53,404	53,404	-
NET SURPLUS	3,653,116	4,797,107	(1,143,991)

Commentary

Member tonnes for the 8 months to February 2016 are tracking 2% behind budget, which is materially in line with the budget. Non-processable variances can partly be explained by bulk/verge collection timings, which should be picked up later in the year. Trade and casuals are 10% behind budget due mainly to the drop in trade customers.

This translates into reduced revenue for the 8 months, which is exacerbated by the losses realised through asset sales. Roughly half of the negative revenue variance relates to revenue which was expected to be earned from the Western Metropolitan Regional Council, but this is fully matched by a reduction in the budgeted operating expenses and as a result, has a net nil impact on the bottom line.

Overall, the MRC is still generating a strong surplus for the year.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 January 2016 and 29 February 2016, respectively, be received.

RESOLVED

**Cr Norman moved, Cr Jenkinson seconded
 That the recommendation be adopted.**

CARRIED UNANIMOUSLY (10/0)

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 JANUARY 2016 AND 29 FEBRUARY 2016
File No:	FIN/5-06
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	30 March 2016
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 31 January 2016 and 29 February 2016 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 20 August 2015, 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
31 January 2016	General Municipal	Cheques	\$7,795.54
		EFT	\$6,196,988.51
		DP	\$432,886.77
		Inter account transfers	-
		Total	<u>\$6,637,670.82</u>
29 February 2016	General Municipal	Cheques	\$6,025.55
		EFT	\$3,313,588.84
		DP	\$308,089.39
		Inter account transfers	<u>\$2,400,000.00</u>
		Total	<u>\$6,027,703.78</u>

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 31 January 2016 and 29 February 2016, be noted.

RESOLVED

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

CARRIED UNANIMOUSLY (10/0)

9.3	WESTERN METROPOLITAN REGIONAL COUNCIL – REQUEST FOR AN EXTENSION TO THE AGREEMENT FOR THE SUPPLY OF MUNICIPAL SOLID WASTE
File No:	WST/101-03
Appendix(s):	Nil
Date:	30 March 2016
Responsible Officer:	Chief Executive Officer

SUMMARY

The report seeks consideration of a request from the Western Metropolitan Regional Council (WMRC) to extend an agreement previously provided by the Mindarie Regional Council (MRC) for the supply of 18,500 tonnes of Municipal Solid Waste (MSW) to assist the WMRC in meeting its contract obligations to supply MSW to the DiCOM Plant (now trading as Brockwaste).

BACKGROUND

On 14 January 2015 correspondence was received from the Chief Executive Officer of the WMRC requesting that the MRC make 18,500 tonnes of MSW available to help the WMRC meet its supply obligations to the Brockwaste Plant.

The WMRC advised that it was committed to supplying 33,000 tonnes of MSW to the Brockwaste Plant, but that it could only source/supply 14,500 tonnes from its own councils. The correspondence went on to seek assistance from the MRC for the supply of up to an additional 18,500 tonnes to enable the WMRC to meet its supply obligations to the Brockwaste Plant.

The details of the request are as follows:

- 1. The MRC commit 18,500 tonnes of MSW to the WMRC, but with contractual flexibility to ensure MRC continues to meet its own RRF contractual obligations.*
- 2. The MRC and its member Councils experience no financial loss, that is the agreement is at least revenue neutral to the MRC. To achieve this the WMRC will:*
 - Charge a gate fee for MSW received equal to the MRC member gate fee for landfill.*
 - Deliver at least an equal tonnage of waste each month for disposal at the MRC landfill and pay the MRC member gate fee for landfill. The waste would consist of residual waste from the Brockwaste Plant and be topped up where required with waste that is not processed*
- 3. Price to be directly linked to the member gate fee or to annual CPI if this is greater.*

The MRC at its meeting on 19 February 2015 considered the request and resolved the following:

That the Council advise the WMRC that:

- 1. the MRC is prepared to supply up to 18,500 tonnes of MSW to the WMRC's DiCOM Plant for a 12 month period (the Term) at the MRC's members' rate at the time of supply (currently set at \$138.50 per tonne) subject to:*
-

-
- a) *a supply arrangement being agreed by the parties (including the City of Stirling) prior to the agreement being finalised;*
 - b) *the WMRC supplying the MRC with the same amount of waste (in tonnes) that the MRC supplies to the WMRC's DiCOM Plant;*
 - c) *the waste supplied in 1.b) above be delivered to the Tamala Park Waste Facility at 1700 Marmion Avenue, Tamala Park, WA 6030 within 30 days of the date the MRC delivers its waste to the DiCOM Plant.*
 - d) *the WMRC agreeing to pay the MRC's members' per tonne gate fee for waste it delivers to the MRC in accordance with 1.b) and 1.c) above (currently set at \$138.50 per tonne), plus*
 - i) *an additional 4.5% of the MRC members gate fee; or*
 - ii) *the supply of 800 tonnes of waste (pro rata on the proportion of the 18,500 tonnes provided).*
 - e) *a legal agreement being developed to accommodate the arrangements.*
2. *advise the WMRC that the MRC would be willing to enter into discussions three (3) months prior to the expiration of the Term to consider any extension to the agreement and that any further Term will be the subject of further consideration by the Council.*

DETAIL

In line with Part 2 of the MRC's resolution above the A/CEO of the WMRC, Mr Gunther Hoppe, has requested a 12 month extension to the agreement between the WMRC and the MRC for the supply of 18,500 tonnes of MSW per annum.

In accordance with part 1e) of the MRC's resolution, a legal agreement was developed confirming the arrangements set by the council of the MRC and was duly signed by both parties on 26 June 2015 for a term of 12 months.

There have been a number of issues that have prevented the Brockwaste Plant from being commissioned, thus preventing the plant from going into full production. As a result, the waste supply anticipated in the agreement has not been called upon by the WMRC to date. To ensure that it can provide the waste committed to the Brockwaste Plant, the WMRC has requested an extension to the term of the agreement with the MRC for a further twelve (12) months until 26 June 2017.

The request for an extension is supportable as it is cost neutral for the MRC and provides a benefit to the WMRC by enabling it to meet its requirements for the supply of the committed waste to the Brockwaste Plant. This continues to provide a positive example of how regional councils can work together to achieve good waste outcomes in the Perth Metropolitan area.

The WMRC will require a flexible arrangement for the supply of the waste initially to allow them to provide the committed tonnes to the Brockwaste Plant through the plant's commissioning phase. The City of Stirling is able to provide this flexibility and has acknowledged that it is capable of supplying the waste as required by the WMRC.

CONSULTATION

The MRC has consulted with the City of Stirling on the supply arrangements required to accommodate this request.

LEGAL COMPLIANCE

The request for a 12 month extension for the supply of 18,500 tonnes of waste from the WMRC, if approved by the MRC, will require an amendment to clause 2.2(a) of the “Deed regarding the delivery of waste” (the Deed) entered into in by the MRC and WMRC.

The amendment will require the deletion of the number (1) after “on the” and inserting number 2 in its place as highlighted below:

Clause 2.2

“(a) on the **1 2** year anniversary of its commencement of this Deed, as determined by clause 2.1(a)”

The WMRC should be notified of the change by formal letter with the ability to have the parties sign the letter in the same manner as the original Deed was signed to meet the requirements of clause 8.2 of the Deed, which reads as follows:

“8.2 *Review and variation*

Where this Deed is to be modified, amended or varied, then this Deed may only be amended by a document in writing signed by the Parties to the agreed amendment.”

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The provision of waste to the WMRC as proposed is cost neutral for the MRC, as the same amount of waste will be returned to Tamala Park by the WMRC at a gate fee that will be the same value as the supply cost. To attain cost neutrality that covers the discount provided to the City of Stirling on the waste it delivers to the MRC and the MRC’s admin costs associated with managing the agreement, an additional charge equal to 4.5% of the MRC’s gate fee will be charged, alternatively the WMRC can provide to the MRC an additional 800 tonnes of waste on a pro rata basis to tonnes it has been provided by the MRC.

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Strategic Community Plan 2013/14 - 2033/34	
Strategy 1.2	Review and improve collaboration between participating councils as primary stakeholders on matters associated with waste management The collaboration between the MRC and the City of Stirling has produced an outcome of regional benefit.
Strategy 3.3	Identify opportunities for the MRC to participate in the operation of additional waste management ventures based on existing technologies The provision of waste to the WMRC demonstrates that the MRC is willing to participate and assist other regional councils.

Corporate Business Plan 2013/14 – 2016/17	
Strategies Action 3.3.1	Collaborate with peer organisations with like facilities to benefit from each other’s intellectual property or identify opportunities for shared projects This agreement demonstrates the MRC’s ability to collaborate with the WMRC and assist them in finding a solution for the challenges they are facing with their new resource recovery facility

COMMENT

Given that the provision of MSW to the WMRC in the manner proposed is cost neutral to the MRC and is supported by the main supplier of the waste, being the City of Stirling, the extension of the Deed to supply waste is acceptable and is therefore recommended for approval.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. advise the WMRC that it is prepared to extend the agreement entitled “Deed regarding the delivery of waste” (the Deed) to supply 18,500 tonnes of waste for a further twelve (12) months until 26 June 2017;
2. will formalise the time extension referred to in (1) above by varying clause 2.2(a) of the Deed by deleting the number (1) after “on the” and inserting number 2 so that it reads:

“2.2(a) on the 2 year anniversary of its commencement of this Deed, as determined by clause 2.1(a)”;
3. will prepare a formal letter confirming the extension of time providing the ability for both parties to sign the letter in the same manner as the Deed.

*Cr Boothman moved an alternative motion to the Responsible Officers Recommendation.
Cr Proud seconded the alternate motion.*

That the Council:

1. **advise the WMRC that it is prepared to amend the agreement entitled “Deed regarding the delivery of waste” (the Deed) to supply 18,500 tonnes of waste for a further twelve (12) months until 26 June 2017 with the inclusion of an additional clause that reads as follows:**

“The WMRC use its best endeavours to facilitate an average turnaround time of 20 minutes or less for any vehicles directed to the DiCom Facility by the Mindarie Regional Council;
 2. **will formalise the changes referred to in (1) above by:**
-

- (a) **varying clause 2.2(a) of the Deed by deleting the number (1) after “on the” and inserting number 2 so that it reads:**
“2.2(a) on the 2 year anniversary of its commencement of this Deed, as determined by clause 2.1(a)”; and
 - (b) **including an additional clause that reads as follows:**
“The WMRC use its best endeavours to facilitate an average turnaround time of 20 minutes or less for any vehicles directed to the DiCom Facility by the Mindarie Regional Council”; and
- 3. will prepare an amended Deed to include the changes referred to in 1. and 2. above.**

CARRIED UNANIMOUSLY (10/0)

Reason for Motion alternative to the Responsible Officer Recommendation

To encourage the WMRC to use its best endeavours to facilitate an average turnaround time of 20 minutes or less for any vehicles directed to the DiCom facility by the Mindarie Regional Council.

9.4	MINDARIE REGIONAL COUNCIL STRATEGIC ACTION PLAN – WASTE PRECINCT PLANNING
File No:	WST/211
Appendix(s):	Nil
Date:	24 March 2016
Responsible Officer:	Chief Executive Officer

SUMMARY

This report seeks to gain formal commitment to a Waste Precinct previously conceptually approved by the Council of the Mindarie Regional Council (MRC) at its meeting on 3 December 2015.

BACKGROUND

The MRC together with its member councils have been developing infrastructure solutions that will achieve at least a 65% reduction in Municipal Solid Waste (MSW) going to landfill by 2020, which is in line with both the Waste Authority's pre-set targets and the MRC's vision of "*Winning Back Waste*".

The MRC engaged Hyder Consulting in 2014 to evaluate various options and strategies that might assist the MRC and its member councils in helping increase the diversion rate to 65% or greater. The Hyder report confirmed that in order to achieve this level of waste diversion the following infrastructure would be required:

- Transfer Station/s
- Landfill
- Resource Recovery Facility (RRF)
- Materials Recovery Facility (MRF)
- Greens Processing Facility
- Bulk waste sorting shed
- Waste to Energy Facility

A number of workshops have been held with the MRC's Councillors, member council CEOs and the Strategic Working Group (SWG). The SWG is a group made up of executives from each of the member councils and the MRC, with the aim of working collaboratively for the Region to achieve common goals in waste management.

Following on from the workshops a report was presented to Council at its meeting on 3 December 2015 recommending the approval of the concept of a Waste Precinct at the Neerabup Industrial Estate that would address the main infrastructure requirements detailed in the Hyder report. The Council supported the recommendation, which read as follows:

"That the Council:

- 1. approve the concept of the MRC proceeding to create a Waste Precinct in accordance with its Strategic Direction;*
 - 2. continue to work with the Strategic Working Group on the works, and commitments, required for the development of a Waste Precinct; and*
 - 3. receive a further report at its meeting on 18 February 2016 detailing the process and estimates of the works associated with the development of the Waste Precinct."*
-

DETAIL

The MRC engaged Mr Ian Watkins of IW Projects to provide timelines for the projects required to be developed to deliver the Waste Precinct. Part 3 of the resolution of the Council above, required a further report to be presented at the 18 February 2016 Council meeting. On review of the work undertaken by Mr Watkins it was considered more appropriate to have the Waste Precinct concept workshopped further to allow discussion and debate on the concept prior to the Council making a formal decision.

As a consequence, a workshop was held on Thursday, 18 February 2016, where a presentation was made by Mr Watkins detailing the various streams of waste that the MRC and the member councils manage and using extracts from the Hyder Report provided estimated tonnages for each of the waste streams and indicating how the new (and existing) infrastructure would handle them. The following information is extracted from the presentation.

1. Kerbside Waste

Kerbside waste is the waste material that is in the general waste bin presented for collection at the kerbside by residents and some commercial properties. This is typically the (dark) green-lidded wheelie bin; however in the City of Stirling and the Town of Cambridge, this is the red-lidded bin. This waste material is collected on a weekly basis.

Project Plan Assumptions

Tonnes Per Annum: 230,000 tpa in 2022

Infrastructure Solutions:

- **Landfill** – Existing (last resort disposal option)
 - Tamala Park at capacity 2024
- **RRF** – Existing 100,000 tpa (50,000 t diversion, 50,000 t residue)
 - Contract termination 2030, with future options
- **WtE** – New project
 - Tonnage to be determined at time of tender.

2. Kerbside Recycling

Kerbside Recycling is the material that is in the yellow-lidded bin presented for collection at the kerbside by residents and some commercial properties. This material is collected on a fortnightly basis and taken to various MRFs for sorting and separation into numerous recyclable material streams.

Project Plan Assumptions

Tonnes Per Annum: 75,000 tpa in 2022

Infrastructure Solutions:

- **Materials Recovery Facility (MRF)** – Existing (45,000 tpa)
 - Member Council solutions – Contracted out to commercial operators
 - Residue to landfill (not necessarily Tamala Park)
- **Materials Recovery Facility (MRF)** – New Project
 - MRC solution – Contract out to commercial operators (75,000 tpa)
 - Commence delivery 2019
 - Residue disposed of by contracted party; or
 - MRC solution – Develop in-house process (75,000 tpa)
 - Commence delivery 2021
 - Residue to WtE facility and/or landfill

3. Kerbside and Vergeside Greenwaste

Kerbside greenwaste is material that is in the light-green-lidded wheelie bin presented for collection at the kerbside by residents.

Vergeside greenwaste is a portion of vergeside bulk waste that is material presented at the vergeside by residents for collection by local government.

Project Plan Assumptions

Tonnes Per Annum: 32,000 tpa in 2022

Infrastructure Solution:

- **Greenwaste processing** – Existing (12,000 tpa)
 - Member Council solutions – Contracted out to commercial operators
 - MRC Solution - Contracted out to commercial operators, currently CoJ & CoW participation, but available to all member councils
- No proposed change to current operating methodology

4. Vergeside Bulk Waste

Vergeside bulk waste is material that is presented at the vergeside by residents for collection by local government. This waste stream typically consists of larger household items that do not fit into the general waste wheelie bin and also bulk greenwaste.

Bulk greenwaste has been covered in Kerbside and Vergeside Greenwaste above.

Project Plan Assumptions

Tonnes Per Annum: 25,000 to 40,000 tpa in 2022 (excludes greenwaste)

Infrastructure Solution:

- **Landfill** – Existing (30,000 tpa)
 - Tamala Park at capacity 2024
- **Vergeside recycling by member councils** - Existing (1,000 tpa)
- **Bulk Waste Sorting** – New Project
- **MRC solution** – Contract out to commercial operators (25,000 to 40,000 tpa)
 - Commence delivery 2018
 - Residue disposed of by contracted party; or
- **MRC solution** – Develop in-house sorting shed (25,000 to 40,000 tpa & C&I)
 - Commence delivery 2020
 - Residue to WtE facility and/or landfill

5. Domestic Waste

Domestic waste is material generated by residents and self-hauled to drop off facilities within the region, the two main drop-off facilities being Tamala Park and the Recycling Centre Balcatta (City of Stirling).

Project Plan Assumptions

Tonnes Per Annum: Unspecified quantity (included in bulk waste processing quantity)

Infrastructure Solution:

- **Drop off recycling** – Existing
 - Tamala Park (MRC)
 - Balcatta (CoS)
- **Landfill** – Existing
 - Tamala Park at capacity 2024
- **Bulk Waste Sorting** – New Project
 - Material included in Bulk Waste Sorting solution above

6. Member Council Waste

This waste stream is typically waste generated as a result of council operations such as construction and maintenance activities and includes greenwaste, construction and demolition waste and maintenance workshop waste.

Project Plan Assumptions

Tonnes Per Annum: 11,000 tpa (current generation)

Infrastructure Solution:

- **Inert and greenwaste material processing** – Existing
 - Member Council solutions – Contracted out to commercial operators
- Domestic type waste fed into existing member council or MRC systems
- No proposed change to current operating methodology

7. Commercial & Industrial Waste

This is the waste material that is generated by private industry through a wide range of commercial and industrial activities, from grass cuttings and mixed waste collected by the large waste collection companies.

Project Plan Assumptions

Tonnes Per Annum: 50,000 tpa (current generation)

Infrastructure Solution:

- **Landfill** – Existing
 - MRC direct receipt at Tamala park from industry
 - MRC receipt from CoS via Balcatta Transfer Station
- **Bulk Waste Sorting – New Project**
- **MRC solution** – Contract out to commercial operators (minor quantities)
 - Commence delivery 2018
 - Residue disposed of by contracted party; or
- **MRC solution** – Develop in-house sorting shed (quantity unknown, price dependent)
 - Commence delivery 2020
 - Residue to WtE facility and/or landfill

8. Landfill

There is still a need for landfill to accommodate residue from the infrastructure solutions and manage buffer volumes.

Project Plan Assumptions

Tonnes Per Annum: 60,000 tpa in 2022 (highly dependent on recycling solutions)

Infrastructure Solution:

- **Tamala Park Landfill** – Existing
 - Maximum capacity in 2024
- **Contracting out waste disposal** – New Project
 - Contract out to commercial operators
 - Commence delivery 2024
- **MRC Develops new landfill** – New Project
 - Search for suitable landfill site
 - Commence delivery 2024

The infrastructure solutions required to complete the Waste Precinct will require a number of projects and contracts to be developed in stages. The following table provides details of the projects and contracts required for the Waste Precinct and include indicative costs, commencement and completion dates and the staging of the projects.

STAGE 1	
Projects/Contracts	Commencement/Completion
1.1 Appoint Manager of Projects and Procurement	April 2016 - Ongoing
<p><u>Contract Type:</u> Permanent Employment with the MRC.</p> <p>This new position is required due to an anticipated increase in procurement of contracts on behalf of the MRC's member councils, whether or not these projects proceed to final approval.</p> <p><u>Estimated cost:</u> \$120,000 per annum</p>	
1.2 Appoint Probity Officer	April 2016 – completion of the Waste Precinct
<p><u>Contract Type:</u> Public Tender or use WALGA/State Government's preferred suppliers.</p> <p>The timing of this appointment will be based on the works associated with the larger tenders and contracts such as the Materials Recovery and Waste to Energy Facilities. The timing of this engagement will also be determined by the amount of interest the MRC council and/or administration is receiving from contractors that may tender for the projects.</p> <p><u>Estimated cost:</u> Up to \$80,000 per annum</p>	
1.3 Regional Waste Audits	July 2016 – July 2017
<p><u>Contract Type:</u> Public Tender or use a Regional Council (i.e. SMRC) to provide this service</p> <p><u>Estimated cost:</u> \$150,000 per Audit</p>	

STAGE 1 (cont.)	
Projects/Contracts	Commencement/Completion
1.4 Community Engagement	July 2016 – Ongoing
<p><u>Contract Type:</u> Public Tender.</p> <p>Initially the community engagement will be focussed on informing the Region’s communities on the facts about Waste to Energy. The engagement will be more concentrated around the location of the facility/s.</p> <p><u>Estimated cost:</u> \$100,000 per annum</p>	
1.5 Resource Recovery Facility	April 2016 – Ongoing
<p><u>Contract Type:</u> Existing contract</p> <p>Management of existing agreement between the MRC and BioVision (Resource Recovery Facility Agreement) and other associated agreements/contracts.</p> <p><u>Estimated cost:</u> \$23 Million per annum (approx.) indexed as per the RRFA</p>	
1.6 Land for Waste Precinct	January 2017 – June 2017
<p><u>Contract Type:</u> Land may be purchased as required, in accordance with the requirement of the Local Government Act 1995 and the Constitution</p> <p><u>Estimated Cost:</u> Dependent on land requirements.</p> <p><i>Note: There may be no need for the Council to purchase land as it could be leased or purchased by the tenderer.</i></p>	
1.7 Bulk Waste Sorting Shed	January 2017 - Ongoing
<p><u>Contract Type:</u> Public Tender that may include an in-house bid.</p> <p><u>Estimated cost:</u> \$5 Million</p>	

STAGE 2	
Projects/Contracts	Commencement/Completion
2.1 Greenwaste Processing	2018 - Ongoing
<p><u>Contract Type:</u> Public Tender</p> <p><u>Estimated Cost:</u> Per tonne processing fee paid by councils using the service</p>	
2.2 Material Recovery Facility	January 2017 - Ongoing
<p><u>Contract Type:</u> Public Tender</p> <p>This may require the inclusion of the City of Swan, as it is currently a stakeholder in a MRF with the Cities of Wanneroo and Joondalup</p> <p><u>Estimated Cost:</u> Depending on the amount of waste committed and size of facility the cost will be in the region of \$15 Million. It is likely that this capital cost will be funded by the contractor that is the successful tenderer.</p>	
2.3 Waste to Energy	July 2016 - Ongoing
<p><u>Contract Type:</u> Public Tender</p> <p>It is likely that the tender will be requesting responses on a 'fee for service' basis committing member councils to a gate fee. The gate fee will depend on the amount of waste committed to the project. For example the recent Rivers Regional Council tender outcome resulted in a gate fee of \$118 per tonne and a proposed development of a facility capable of receiving 400,000 tonnes of MSW.</p> <p><u>Estimated Cost:</u> Dependent on the size of facility constructed</p>	
2.4 Transfer Stations	January 2017 - Ongoing
<p><u>Contract Type:</u> Uncertain</p> <p>To be determined once a review of the need for transfer stations within the Region has been completed. It is likely that transfer stations at the City of Stirling and Tamala Park will be required.</p>	

The development of a waste precinct of this magnitude was not anticipated when the original constituent municipalities drafted the MRC's existing Constitution to enable the MRC to manage a landfill facility on their behalf. As such, there are a number of amendments required to the current Constitution to allow the MRC to undertake the range of activities and processes necessary to implement the projects required for the precinct.

The SWG (previously known as the Strategic Projects Committee) has been working on amendments to the current Constitution to address services not anticipated in the original Constitution, which will accommodate processes for the projects that are required for the Waste Precinct and other similar projects.

The amendments will also consolidate a number of Deeds and Variations that have occurred over time.

Note: The Constitution used to establish the MRC was enacted using the Local Government Act 1960, which has since been repealed and replaced with the Local Government Act 1995 (LGA95). The LGA95 contains transitional provisions allowing the MRC to continue to operate under the current Constitution.

The amendments to the Constitution (Establishment Agreement as defined in the LGA95) are aimed at expanding the MRC's ability to operate on a metropolitan wide basis and provide a broader range of services. The Establishment Agreement also consolidates and updates a number of Deeds and Variations made to the Constitution over time and enables the MRC to provide services to any subset of its member councils, which is important when seeking commitment to projects that may not be required by all members.

The SWG has endorsed a draft of the new Establishment Agreement for release to the member councils. The MRC on 15 February 2016 sent correspondence to the CEOs of each of the member councils requesting feedback on the document prior to the final draft being presented to the member councils for formal endorsement, preceding its being sent on to the Minister for his approval.

The member councils' support for this Waste Precinct is integral to its success. The CEO of the MRC has met with the CEOs of the member councils to discuss the Waste Precinct and the importance of obtaining the Minister's approval for the new Establishment Agreement in a timely manner or at very least, the changes to the existing Constitution that would enable the MRC to progress the projects and contracts required for the Waste Precinct.

The funding required to accommodate the process and development of the Waste Precinct is detailed in the Financial Implications section below. These projects will not go ahead without the support of the member councils. To date the member councils have demonstrated strong support for the Waste Precinct. It is anticipated that each new project that requires a commitment of waste by the member councils will be managed using the new projects clause proposed, which is one of the amendments being suggested to the current Constitution (refer below to the proposed clause for projects). This clause allows members to opt in to the projects and requires business plans to be developed prior to a formal agreement being signed by the parties

CONSULTATION

The concept of the Waste Precinct has been discussed with Council and the SWG at council meetings, SWG meetings and separate workshops.

The work done by Hyder Consulting, Ian Watkins and the MRC's legal advisors has been taken into account in preparing this report and the proposal for the Waste Precinct more generally.

LEGAL COMPLIANCE

The following clause is proposed to be included as one of a number of changes being proposed to the current Constitution.

“9 PROPOSALS AND PROJECTS

9.1 Adoption of Proposal

- (1) *The MRC shall only adopt a Proposal in accordance with the requirements of this clause 9.*
- (2) *The MRC shall only adopt a Proposal when authorised to do so by an Absolute Majority of the MRC Council.*

9.2 Business Plan for each Proposal

- (1) *Where the MRC has adopted a Proposal it shall prepare and adopt a business plan to carry out the Proposal (**Business Plan**), which shall clearly define the Project.*
- (2) *The MRC must provide the Business Plan to:*
 - (a) *each of the Participants; and*
 - (b) *any other Local Governments which are not Participants, but which the MRC considers may wish to participate in the Project.*
- (3) *If a Local Government to whom the MRC has provided the Business Plan wishes to participate in the Project, it must give written notice of its decision to participate in the Project to the MRC within 45 Business Days of receiving the Business Plan.*

9.3 Project Agreement

- (1) *Before the MRC undertakes a Project, the MRC and the Local Governments which have provided written notice of their decision to participate in the Project pursuant to clause 9.2(3) (each a **Project Member**), must negotiate and enter into an agreement with respect to the Project (**Project Agreement**).*
 - (2) *A Project Agreement must set out:*
 - (a) *the proportion in which the Project Members will make contributions to:*
 - (i) *the acquisition of any asset of a capital nature required for the Project; and*
 - (ii) *the operating expenditure, including administrative expenses, relating to the Project;*
 - (b) *the timing and manner of payment of the contributions referred to in paragraph 9.3(2)(a) above;*
 - (c) *the proportional entitlement or liability, and the basis of its calculation, of a Project Member when the withdrawal of that Project Member from the Project takes effect; and*
 - (d) *the timing and manner of payment of the entitlement or liability referred to in paragraph 9.3(2)(c) above.*
 - (3) *Unless otherwise agreed in writing by the MRC and all Project Members, a Project Agreement must contain the withdrawal clause set out at Schedule 3, with any consequential amendments to defined terms where necessary.”*
-

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

To progress the concept of the Waste Precinct the following funds will be expended from the 2015/16 budget from existing budget allocations:

STAGE 1 PROJECTS/CONTRACTS	
Funding Description	Amount (excl GST)
1.1 Appoint Manager of Projects and Procurement	\$20,000
1.2 Appoint Probity Officer	\$20,000
1.5 Resource Recovery Facility (<i>existing commitment</i>)	ca \$23,000,000
Total opex cost	\$23,040,000

To progress the concept of the Waste Precinct the following funds will have to be included in the 2016/17 budget:

STAGE 1 PROJECTS/CONTRACTS	
Funding Description	Amount (excl GST)
1.1 Appoint Manager of Projects and Procurement	\$120,000
1.2 Appoint Probity Officer	\$80,000
1.3 Regional Waste Audits	\$150,000
1.4 Community Engagement	\$100,000
1.5 Resource Recovery Facility (<i>existing commitment</i>)	ca \$23,000,000
Total opex cost	\$23,450,000
1.6 Land for Waste Precinct	\$6,000,000
1.7 Bulk Waste Sorting Shed	\$5,000,000
Total capex cost	\$11,000,000

The costs detailed in the table above are estimates based on knowledge of similar projects. This additional expenditure will be presented as part of the deliberations in the 2016/17 budget.

The MRC currently pays approximately \$12 million (\$55 per tonne) in landfill levies to the State Government despite its current landfill diversion rate of approximately 20%. Where the MRC is able to increase its diversion rate to say 40% in the medium term, this would free up approximately \$3 million which could be invested into the Waste Precinct plan.

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Performance against Strategic Community Plan and Corporate Business Plan	
Objective 1 Long Term Viability	Responsible Use of Resources
Strategy 1.3 – Manage and acquire suitable assets to achieve an optimal mix of waste management solutions Action 1.3.4 – Construct new Sorting Facility	
Objective 2 Effective Management	Industry leading waste management practices Improving resource recovery and waste diversion
Strategy 2.1 - Operate waste management activities effectively Strategy 2.2 – Continually assess and utilise the best appropriate waste management solutions.	
Objective 3 Sustainable Waste Management	Engaging with new opportunities to achieve an optimal mix of waste solutions Evaluating and implementing improved initiatives
Strategy 3.1 – Identify and adopt improved approaches to waste minimisation, resource recovery and the associated community engagement Action 3.1.1 – Assist member councils in finalising a new establishment agreement Action 3.1.2 – Ensure that a new Establishment Agreement provides the MRC with flexibility to avail itself of commercial and partnership opportunities, including recycling and bulk verge collections. Strategy 3.4 – Partner with organisations in order to further develop new and innovative approaches to waste minimisation and resource recovery Action 3.4.4 – Engage with existing member councils to improve waste recovery/diversion targets through source and varied collection strategies	

COMMENT

The Waste Precinct as detailed in this report is consistent with the MRC’s strategic direction and with the Strategies and Objectives of the Waste Authority.

The infrastructure proposed for the precinct will enable the MRC to provide the member councils with a higher diversion rate from landfill and assist them in meeting the Waste Authority’s target of 65% diversion of MSW by the year 2020.

The landfill levy payment to the State Government that is avoided by diverting waste from landfill will play a significant role in the future to help fund these initiatives.

VOTING REQUIREMENT

Simple Majority / Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

- 1. confirm its support for the development of a Waste Precinct and the associated projects/contracts required to accommodate the Waste Precinct as detailed in this report.**
- 2. be presented with further reports on each of the projects and consultant engagements associated with the Waste Precinct as detailed in this report.**
- 3. confirm that the projects and engagements detailed in (2) above will be managed in line with the requirements of the “Proposals and Projects” clause detailed in the Legal Compliance section of this report.**
- 4. write to the member councils informing them of its decision to support the development of the Waste Precinct and impress on them the need to either;**
 - i) approve, in a timely manner, the draft Establishment Agreement as presented to them in correspondence, from the MRC, dated 15 February 2016; or**
 - ii) adopt amendments to the current Constitution.**

as the changes are required to enable the MRC enter into negotiations and contracts associated with the infrastructure required for the Waste Precinct.

RESOLVED

Cr Boothman moved, Cr Fishwick seconded

That the recommendation be adopted.

CARRIED (9/1)

*For: Cr Fishwick, Cr Boothman, Cr Norman, Cr Guilfoyle, Cr Jenkinson, Cr Proud,
Cr Carey, Cr Newton, Cr Maxwell*

Against: Cr MacRae

9.5	TAMALA PARK RECYCLING REDEVELOPMENT PROJECT
File No:	COP/21
Appendix(s):	Appendix 6
Date:	30 March 2016
Responsible Officer:	Director Corporate Services

SUMMARY

The report seeks consideration of the proposed Recycling Redevelopment Project of the Mindarie Regional Council's (MRC) Tamala Park public recycling area to provide a larger, more efficient and safer area where members of the public can deliver their recyclable items to.

BACKGROUND

Over time the public recycling area at Tamala Park has grown in both the volume and variety of goods it takes from members of the public. Directly correlated to this, there has been an increase in the number of people accessing the drop off area and recycling shop.

This has put increasing pressure on the existing infrastructure with respect to managing the flow of goods, people and vehicle traffic safely and efficiently. In response to this, a limited redevelopment of the recycling area is being proposed.

DETAIL

Phase 1 – Recycling Redevelopment Project (Road Realignment)

Over the last number of years the volume and variety of recyclable items being accepted at the Tamala Park recycling area have increased dramatically. This in turn has led to an increase in the volume of vehicle and pedestrian traffic accessing the area.

The current vehicle traffic layout results in frequent pedestrian and vehicle interactions as pedestrians who are purchasing items cross roads on their way to and from the shop or as they move around the yard area examining the merchandise available for sale. Over time, this has increased the likelihood of an accident involving a vehicle and a pedestrian occurring.

The increased volume of vehicle traffic through the recycling area has also created pressure on traffic management during peak periods. This is further exacerbated by the necessary operational movements of heavy vehicles in the area as they move waste containers around the site.

Phase 1 – Recycling Redevelopment Project (Road Realignment) has been designed to help address and manage these constraints and risks on an ongoing, sustainable basis. Phase 1 of the Project primarily involves reducing the frequency with which vehicles and pedestrians come into contact with each other.

The proposal contemplates the closure of the existing access lane which passes directly in front of the recycling shop, while widening the existing exit lane so that it can handle bi-directional traffic.

By doing this, the pedestrian/vehicle interactions are halved and vehicle traffic is kept totally away from the retail area where a large number of pedestrians, including children, make use of the shop. The proposed realignment will also improve the traffic flow in and around the public drop off area during peak periods.

Detailed plans for the proposed Phase 1 realignment are attached at Appendix 6.

Phase 2 – Recycling Redevelopment Project (Shop Redevelopment)

Phase 2 of the proposed recycling area redevelopment builds on the realignment work undertaken in Phase 1 and primarily relates to increasing the footprint and amenity of the current recycling shop.

Over the last four year, sales from the recycling shop have increased from an average of \$10,000 per month and 2,000 transactions, to an average of \$32,000 in sales per month and 3,000 transactions. For both January and February 2016, sales exceeded \$40,000 per month.

The increase in sales revenue is partly attributable to the increased number of customers and as a consequence, transactions, through the shop, but it is predominantly attributable to the concerted effort staff have been making to keep better quality stock undercover in the shop, so that they can achieve a reasonable price for the merchandise.

One of the limitations of the current infrastructure is the fact that a significant amount of merchandise has to be stored outside where it is exposed to the elements. This results in a lot of the merchandise becoming water damaged and unsaleable. This has a twofold cost to the MRC in that this damaged stock represents a lost revenue stream and the items then need to be landfilled at a cost to the MRC.

To help reduce this wastage and cost to the MRC, and to improve the service offering and performance of the recycling shop, Phase 2 of the Recycling Redevelopment Project seeks to improve the size and quality of the retail space currently available at Tamala Park.

The current footprint of the undercover recycling retail area is roughly 450m². Under the proposed Phase 2 of the Recycling Redevelopment Project, this footprint would be doubled to approximately 900m², with the sides of the building being more fully enclosed to protect the merchandise from the rain.

No detailed design work or costing has yet been undertaken in relation to Phase 2 of the Recycling Redevelopment Project.

CONSULTATION

The MRC has worked with officers from the City of Joondalup to prepare the drawings outlining the required traffic flow and associated road infrastructure changes contemplated in Phase 1 of the project, so that the design of the realignment complies with the relevant codes and regulations. Quotes to complete the construction work have been obtained.

LEGAL COMPLIANCE

The MRC has complied with the requirements of Council Policy CP06 Purchase of Goods and Services and the Local Government Act 1995 for Phase 1 – Recycling Redevelopment Project (Road Realignment) in that it intends to use the City of Wanneroo to undertake the works.

If approved by Council, the MRC will go to tender for Phase 2 – Recycling Redevelopment Project (Shop Redevelopment).

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In the 2015/16 budget the following capital expenditure allocations had been made in respect of buildings:

	<u>Budgeted</u>	<u>Spent</u>	<u>Unspent</u>
Administration office renovations	\$60,000	-	\$60,000
Recycling renovation and realignment	\$60,000	\$31,805	\$28,195
Recycling centre toilet	\$15,000	\$4,549	\$10,451
Education centre toilet	\$15,000	-	\$15,000
	<u>\$150,000</u>	<u>\$36,354</u>	<u>\$113,646</u>

Of the total \$150,000 allocated to buildings, \$36,354 has been spent to date on the refit of the staff crib room and bathroom amenities housed in the recycling shop area.

As part of the half year budget review, the unspent capital amounts totalling \$85,451 in respect of the admin office renovations (\$60,000), the recycling centre toilet (\$10,451) and the education centre toilet (\$15,000) were reallocated to the recycling renovation and realignment project.

This leaves a combined amount of \$113,646 unspent building capex, available to fund Phase 1 – Recycling Redevelopment Project (Road Realignment)

A further saving of approximately \$400,000 has been achieved on the purchase of a landfill compactor in the 2015/16 budget. It is proposed that a portion of this be used to fund the shortfall in funding required to complete Phase 1 and Phase 2.

Based on quotes obtained for the work, it is estimated that the Phase 1 – Recycling Redevelopment Project (Road Realignment) will cost in the order of \$153,000 including a 5% contingency.

No quotes have yet been obtained for the Phase 2 – Recycling Redevelopment Project (Shop Redevelopment), however it is estimated that costs are likely to be in the region of \$275,000, including design drawings and planning approvals.

To complete both phases of the project, this gives a total estimated capital spend of \$428,000.

For Phase 1 – Recycling Redevelopment Project (Road Realignment), there is currently a \$19,354 shortfall in the funds available (\$153,000 less \$113,646) and it is proposed that this shortfall be funded through the capital expenditure savings achieved on the purchase of a landfill compactor in the 2015/16 budget.

For Phase 2 – Recycling Redevelopment Project (Shop Redevelopment), there are currently no funds allocated to this project in the 2015/16 budget and it is proposed that funding for this project will be discussed at the Budget Workshop that is to be held after the council meeting on 14 April 2016. .

Given that the above proposal is simply a reallocation of funds available in the 2015/16 capital expenditure budget, there would be no impact on the MRC members' gate fee as a result of this proposal.

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

STRATEGIC COMMUNITY PLAN 2013/14 - 2033/34	
Strategic Objective 1: Long Term Viability	
Strategy 1.3	Manage and acquire suitable assets to achieve an optimal mix of waste management solutions
Action 1.3.5	Manage and maintain buildings owned by the MRC.
Action 1.3.9	Assist operations in obtaining suitable funding for significant infrastructure projects.
Strategic Objective 2: Effective Management	
Strategy 2.2	Continually assess and utilise the best appropriate waste management solutions
Action 2.2.2	Annual review of current operations with a view to continuously improving the MRC's waste management practices.
Strategy 2.3	Make ongoing reviews of waste streams to ensure optimal recovery/diversion is being achieved
Action 2.3.2	Educate member councils and community as to how to best manage their problematic waste streams.
Strategic Objective 3: Sustainable Waste Management	
Strategy 3.1	Identify and adopt improved approaches to waste minimisation, resource recovery and the associated community engagement
Action 3.1.4	Explore options with waste industry and member councils to improve/expand services.

COMMENT

The landfill at Tamala Park is currently forecast to close in 2024 however, it is considered highly likely, and desirable, that the public recycling will continue to operate long past that date. The recycling area at Tamala Park is a vital community asset that provides a convenient waste management service to residents of the northern corridor, where there are no real practical alternatives for them to deal with their waste.

In this context, the redevelopment work being proposed for the recycling area will stand the MRC and its communities in good stead for the next generation as it continues to provide a valuable, professional recycling and waste management service to the public.

The results being achieved out of the existing retail area are highly likely to improve further once the Recycling Redevelopment Project is completed, which in turn will go a long way to helping generate a return on the proposed investment in the redevelopment work contemplated in Phases 1 and 2 of the project.

The Recycling Redevelopment Project is also highly aligned to helping the MRC deliver against its Vision of “*Winning Back Waste*”.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. a) note the reallocation of \$85,451 worth of capital expenditure earmarked for building projects in the 2015/16 budget to Phase 1 - Recycling Redevelopment Project (Road Realignment), as approved by Council in the half yearly budget review in February 2016; and
b) approve the use of \$19,354 of the capital expenditure savings achieved on the purchase of a landfill compactor in the 2015/16 budget to fund the remaining shortfall on Phase 1 - Recycling Redevelopment Project (Road Realignment).
2. a) give its approval for Phase 2 - Recycling Redevelopment Project (Shop Redevelopment) to proceed in the 2015/16 financial year at an estimated cost of \$275,000; and
b) approve the use of \$275,000 of the capital expenditure savings achieved on the purchase of a landfill compactor in the 2015/16 budget to fund the project.

AMENDED RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. a) note the reallocation of \$85,451 worth of capital expenditure earmarked for building projects in the 2015/16 budget to Phase 1 - Recycling Redevelopment Project (Road Realignment), as approved by Council in the half yearly budget review in February 2016; and
b) approve the use of \$19,354 of the capital expenditure savings achieved on the purchase of a landfill compactor in the 2015/16 budget to fund the remaining shortfall on Phase 1 - Recycling Redevelopment Project (Road Realignment).
 2. Consider approval of the funding required for Phase 2 of the Recycling Redevelopment Project, as indicated in the Detail and Financial sections of this report, at the Budget Workshop to be held on 14 April 2016.
-

RESOLVED

**Cr Norman moved, Cr Carey seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (10/0)

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 28

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 28 be received.

RESOLVED

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

CARRIED UNANIMOUSLY (10/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS

Nil

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(2) 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 Items 14.1 and 14.2 as they were of a confidential nature.

Cr Jenkinson moved, Cr Guilfoyle seconded

CARRIED UNANIMOUSLY (10/0)

No Public or visitors in attendance. Member Council CEOs and Officers and Mindarie Regional Council Director Corporate Services left the chambers for Confidential Item 14.1. Doors were closed at 5.54pm.

14.1	CONTINUATION OF THE SECONDMENT OF MRC'S DIRECTOR CORPORATE SERVICES, MR GUNTHER HOPPE, TO THE POSITION OF ACTING CEO AT THE WESTERN METROPOLITAN REGIONAL COUNCIL
File No:	GOV/41-02
Appendix(s):	Nil
Date:	30 March 2016
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That the Council of the MRC approves the further secondment of Mr Hoppe to the WMRC to take up the part time role as its Acting Chief Executive Officer based on the following conditions:

- 1. The secondment will be for a period of twelve (12) months ending 30 June 2017;**
- 2. The WMRC will pay Mr Hoppe at least the amount prescribed in the table included in the "Financial Implications" section of this report;**
- 3. The position will be part time for two (2) days per week (790.4 hours per year). The days/hours will be flexible to work in with the needs of both the WMRC and the MRC;**
- 4. Additional days/hours over and above those detailed in 3. above will be paid at the rate of \$98.17 per hour; and**
- 5. All other rights and obligations for this position (secondment) will be the subject of an employment contract negotiated between the WMRC and Mr Hoppe.**

RESOLVED

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

CARRIED (9/1)

*For: Cr Fishwick, Cr Boothman, Cr Norman, Cr Guilfoyle, Cr Jenkinson, Cr Proud,
Cr Carey, Cr Newton, Cr MacRae
Against: Cr Maxwell*

NOTE: The Chief Executive Officer has NOT released Report 14.1 for Public information as Councils decision may affect an employee.

Member Council CEOs and Officers and Mindarie Regional Council Director of Corporate Services were invited to return for Confidential Item 14.2 at 6.00pm.

14.2	WASTE TO ENERGY OPPORTUNITY
File No:	WST/209
Appendix(s):	Nil
Date:	31 March 2016
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

- 1. authorise the Chief Executive Officer (CEO) to enter into formal discussions with the Phoenix Group on a without prejudice basis to determine if an agreement could be reached that would enable disposal of up to 140,000 tonnes of Municipal Solid Waste to its Waste to Energy Facility located in Kwinana; and**
- 2. receive a further report form the CEO on the outcome of the discussions detailed in (1) above.**

RESOLVED

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

CARRIED (8/2)

*For: Cr Fishwick, Cr Boothman, Cr Norman, Cr Guilfoyle, Cr Proud, Cr Newton,
Cr MacRae, Cr Maxwell
Against: Cr Carey, Cr Jenkinson*

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

The Chairperson sought that the meeting be reopened to the public
Cr Maxwell moved, Cr Proud seconded.

CARRIED UNANIMOUSLY (10/0)

The meeting was reopened at 6.22 pm.

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

15 NEXT MEETING

Next meeting to be held on Thursday 7 July 2016 in the Council Chambers at City of Stirling commencing at 5.30pm.

16 CLOSURE

The Chairman closed the meeting at 6.25pm and thanked the City of Wanneroo 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 14 April 2016.

Signed Chairman

Dated this day of 2016
