



Ordinary Meeting of Council

MINUTES

**Thursday 8 October 2020, 6:00pm
City of Wanneroo
23 Dundobar Road, Wanneroo**

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TAMALA PARK REGIONAL COUNCIL

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Andres Timmermanis (DEPUTY CHAIR)	Cr Gary Mack
City of Joondalup	Cr John Chester Cr Phillipa Taylor	Cr Christopher May Cr Suzanne Thompson
City of Perth	Cmr Andrew Hammond	Cmr Gaye McMath
City of Stirling	Cr Karen Caddy (CHAIR) Cr David Lagan Cr Suzanne Migdale Cr Bianca Sandri	Cr Karlo Perkov
Town of Victoria Park	Cr Claire Anderson	
City of Vincent	Mayor Emma Cole	Cr Joanne Fotakis
City of Wanneroo	Cr Brett Treby Cr Domenic Zappa	Cr Natalie Sangalli Cr Vinh Nguyen

PRESENT

Chair	Cr Karen Caddy
Councillors	Cr Claire Anderson Cr John Chester Cmr Andrew Hammond Cr Bianca Sandri Cr Brett Treby
Alternate Members	Cr Joanne Fotakis
Staff	Mr Michael Quirk (Acting Chief Executive Officer) Mr Simon O’Sullivan (Manager Project Coordination) Ms Vickie Wesolowski (Executive Assistant)
Apologies Councillors	Mayor Emma Cole Cr David Lagan Cr Suzanne Migdale Cr Philippa Taylor Cr Andres Timmermanis Cr Domenic Zappa
Leave of Absence	Mr Tony Arias (Chief Executive Officer)
Absent	Nil
Consultants	Mr Alan Abel (Satterley Property Group) Mr Carl Buckley (Satterley Property Group) Ms Renata Steenland (Satterley Property Group) Ms Bryony Yuill (Satterley Property Group)
Apologies Participant Councils’ Advisers	Mr Stuart Jardine (City of Stirling) Mr John Giorgi (Town of Cambridge) Mr Anthony Vuleta (Town of Victoria Park) Ms Michelle Reynolds (City of Perth) Mr Daniel Simms (City of Wanneroo) Mr David MacLennan (City of Vincent)
In Attendance Participant Councils’ Advisers	Mr Garry Hunt (City of Joondalup) Mr Mat Humfrey (City of Joondalup) Mr Stevan Rodic (City of Stirling) Ms Noelene Jennings (City of Wanneroo)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The Chair declared the meeting open at 6:13pm and welcomed Cr Fotakis to the Tamala Park Regional Council Meeting.

DISCLOSURE OF INTERESTS

Cr Fotakis advised a Disclosure of Interest – Impartial Interest in relation to Item 10.1 (there has been an association with one of the consultants under the tender).

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies: Mayor Cole
Cr Lagan
Cr Migdale
Cr Taylor
Cr Timmermanis
Cr Zappa

Leave of Absence: Mr Arias

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 20 August 2020

Moved Cr Treby, Seconded Cr Sandri.

That the minutes of the Ordinary Meeting of Council of 8 August 2020 be confirmed, and signed by the Chair, as a true and correct record of proceedings.

The Motion was put and declared CARRIED (7/0).

5A BUSINESS ARISING FROM MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

Nil

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

- 9.5 Review of Deliverables – Development Manager’s Key Performance Indicators - Confidential
- 9.6 Key Personnel – Development Manager / Project Resourcing – Confidential
- 9.7 Mindarie Regional Council Landfill Buffer – Groundwater Monitoring Update - Confidential
- 10.1 Built Form Partnership – Stage 18 – Confidential
- 10.2 Catalina Central Local Centre Site – Change of Ownership - Confidential

8. COUNCIL REPORTS 8.1 – 8.6

8.1 BUSINESS REPORT – PERIOD ENDING 24 SEPTEMBER 2020

Moved Cr Treby, Seconded Cr Chester.

[The recommendation in the agenda]

That the Council RECEIVES the Business Report to 24 September 2020.

The Motion was put and declared CARRIED (7/0).

8.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 1 OCTOBER 2020

Moved Cr Sandri, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report to 1 October 2020.

The Motion was put and declared CARRIED (7/0).

The recommendations for Items 8.2, 8.3, 8.4 and 8.6 were moved and seconded en bloc.

Moved Cr Treby, Seconded Cr Chester.

8.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF JULY & AUGUST 2020

[The recommendation in the agenda]

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

- 31 July 2020; and
- 31 August 2020.

8.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF JULY & AUGUST 2020

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the list of accounts paid under Delegated Authority by the CEO for the months of July and August 2020:

- **Month ending 31 July 2020 (Total \$274,849.97)**
- **Month ending 31 August 2020 (Total \$200,189.45)**
- **Total Paid - \$475,039.42**

8.4 PROJECT FINANCIAL REPORT – AUGUST 2020

[The recommendation in the agenda]

That the Council RECEIVES the Project Financial Report (August 2020) submitted by the Satterley Property Group.

8.6 COUNCIL MEETING SCHEDULE 2021

[The recommendation in the agenda]

- 1. That the schedule of Ordinary Council meetings dates be APPROVED for 2021 as follows:**
 - **18 February 2021 (Town of Cambridge)**
 - **15 April 2021 (City of Joondalup)**
 - **17 June 2021 (City of Perth)**
 - **19 August 2021 (City of Stirling)**
 - **14 October 2021 (City of Wanneroo)**
 - **9 December 2021 (City of Vincent)**
- 2. That the commencement time for Council meetings be 6:00pm.**
- 3. That Council meetings be held on a rotational basis at participant Council premises.**
- 4. That the schedule of Management Committee meetings dates be APPROVED for 2021 as follows:**
 - **18 March 2021**
 - **20 May 2021**
 - **15 July 2021**
 - **16 September 2021**
 - **18 November 2021**
- 5. That the Management Committee meetings be held at the City of Stirling and the commencement time be 6:00pm.**
- 6. That the schedule of meeting dates be advertised as required by the *Local Government Act 1995*.**

The Motions were put and declared CARRIED en bloc (7/0).

The recommendations for Items 9.1, 9.2, 9.3 and 9.4 were moved and seconded en bloc.

Moved Cr Sandri, Seconded Cr Fotakis.

9. COMMITTEE REPORTS 9.1 - 9.7

AUDIT COMMITTEE (17 SEPTEMBER 2020)

9.1 REVIEW OF THE AUDITOR'S REPORT FOR THE FINANCIAL YEAR ENDED 30 JUNE 2020

[The recommendation in the agenda]

That the Council:

- 1. RECEIVES the Auditor's Report for the financial year ended 30 June 2020.**
- 2. In relation to Item 2 - Presentation of Financial Activity Statement of the Audit Report APPROVE the Audit Committee meeting on a bi-monthly basis, on alternative months to Council meetings, to consider Statements of Financial Activity; and that the monthly Statements of Financial Activity be circulated to Council members on a monthly basis.**
- 3. NOTES that the Council's Auditor (Butler Settineri) met with the Audit Committee at its meeting of 17 September 2020 to discharge the statutory obligation to meet with the Local Government at least once per annum.**

9.2 TPRC ANNUAL FINANCIAL REPORT FOR THE YEAR 1 JULY 2019 TO 30 JUNE 2020

[The recommendation in the agenda]

That the Council RECEIVES the Annual Financial Report for the year ended 30 June 2020 and that it be INCLUDED in the Annual Report.

9.3 FINANCIAL MANAGEMENT – SIGNIFICANT ACCOUNTING POLICIES REVIEW 2020

[The recommendation in the agenda]

That the Council APPROVES the Financial Management – Significant Accounting Policies (September 2020).

MANAGEMENT COMMITTEE (17 SEPTEMBER 2020)

9.4 CATALINA PROJECT WEBSITE

[The recommendation in the agenda]

That the Council NOTES the Satterley Property Group advice dated 20 July 2020 in relation to the Catalina Project website.

The Motions were put and CARRIED en bloc (7/0).

Moved Cr Sandri, Seconded Cr Treby.

That the Meeting be CLOSED to the public.

The Motion was put and declared CARRIED (7/0).

9.5 REVIEW OF DELIVERABLES - DEVELOPMENT MANAGER'S KEY PERFORMANCE INDICATORS – CONFIDENTIAL

Moved Cr Sandri, Seconded Cr Chester.

[The recommendation in the Agenda]

That the Item be held over to the Management Committee meeting of 12 November 2020 and that the Satterley Property group be requested to provide information on the achievement of the measures as required by the revised Development Manager's KPIs, approved 20 February 2020.

The Motion was put and declared CARRIED (7/0).

9.6 KEY PERSONNEL – DEVELOPMENT MANAGER / PROJECT RESOURCING – CONFIDENTIAL

Moved Cr Sandri, Seconded Cr Treby.

[The recommendation in the Agenda]

That the Council APPROVES the appointment of the following key personnel pursuant to Clause 4.5 of the Development Management Agreement:

Name of Replacement Person	Position
Julia Nelson	Development Manager

9.7 MINDARIE REGIONAL COUNCIL LANDFILL BUFFER – GROUNDWATER MONITORING UPDATE - CONFIDENTIAL

Moved Cr Treby, Seconded Cr Anderson.

That the Council RECEIVES the update on groundwater monitoring.

The Motion was put and declared CARRIED (7/0).

Moved Cr Sandri, Seconded Cr Treby.

That Standing Orders be suspended to allow Confidential Item 10.1 to be discussed.

The Motion was put and CARRIED (7/0).

10.1 BUILT FORM PARTNERSHIP – STAGE 18 – UPDATE - CONFIDENTIAL

Moved Cr Sandri, Seconded Cr Treby.

That Standing Orders be resumed.

The Motion was put and CARRIED (7/0).

[The recommendation in the agenda]

That the Council:

1. NOTES that negotiations with Schlager Group/David Barr Architects/Josh Burns and Associates as the preferred tenderer on Tender 05/19 have failed to reach agreement on satisfactory project management and development arrangements for the Stage 18 grouped housing site.
2. AGREES to cease negotiations with Schlager Group/David Barr Architects/Josh Burns and Associates.
3. ADVISES Schlager Group/David Barr Architects/Josh Burns and Associates of the Council's decision to cease negotiations and EXPRESSES its thanks for their effort in attempting to negotiate a suitable development outcome.
4. REQUIRES the Satterley Property Group to prepare an appropriate subdivision and development option, consistent with the Council's objectives for the Stage 18 site and cognisant of market conditions.

Moved Cr Chester, Seconded Cmr Hammond.

[An Alternative Motion]

That the Council:

1. **AGREES to provide Schlager Group/David Barr Architects/Josh Burns and Associates an additional 14 days to provide the following information to inform the preparation of a Project Plan and Project Budget that sets out satisfactory project management and development arrangements for the Stage 18 grouped housing site including:**
 - i) **Details and pricing of the proposed sustainability initiatives to be incorporated into the development;**
 - ii) **Dwelling design plans that comply with the Catalina Central Design Guidelines; and**
 - iii) **Detailed dwelling construction costs and included specifications.**
2. **In the event that satisfactory information set out in 1. above is not provided CEASES negotiations with Schlager Group/David Barr Architects/Josh Burns and Associates:**

- i) expresses its thanks for their effort in attempting to negotiate a suitable development outcome;
- ii) requires the Satterley Property Group to prepare an appropriate subdivision and development option for the Stage 18 site that is consistent with the Council's objectives, is cognisant of market conditions and provides opportunities to achieve sustainable and innovative built form within the development.

The Motion was put and declared CARRIED (7/0).

10.2 CATALINA CENTRAL LOCAL CENTRE SITE – CHANGE OF OWNERSHIP AND AMENDED CONTRACTUAL TERMS – CONFIDENTIAL

Moved Cr Treby, Seconded Cr Chester.

[The recommendation in the agenda]

That the Council:

1. **AGREES** to the proposed sale of Lot 646 Aviator Boulevard, Clarkson from Catalina Gateway Site Pty Ltd as trustee for the Catalina Gateway Site Trust to Auswide International Investments (Cardup) Pty Ltd, subject to the latter preparing a deed of agreement setting out suitable development terms including the following construction milestones:
 - i) Amended development application to be submitted by 31 October 2020.
 - ii) Construction of the child care centre to be substantially commenced by 1 May 2021.
 - iii) Practical completion of the entire development within 30 months from 30 November 2020 or the date of settlement of the sale, whichever occurs sooner.
2. **AUTHORISES** the CEO to sign a deed of agreement with Auswide International Investments (Cardup) Pty Ltd to establish suitable contractual terms for the development of Lot 646 Aviator Boulevard, Clarkson.

The Motion was put and declared CARRIED (7/0).

11. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

Nil

13. URGENT BUSINESS APPROVED BY THE CHAIR

Nil

14. MATTERS BEHIND CLOSED DOORS

- 9.5 Review of Deliverables – Development Manager’s Key Performance Indicators - Confidential
- 9.6 Key Personnel – Development Manager / Project Resourcing – Confidential
- 9.7 Mindarie Regional Council Landfill Buffer – Groundwater Monitoring Update - Confidential
- 10.1 Built Form Partnership – Stage 18 – Confidential
- 10.2 Catalina Central Local Centre Site – Change of Ownership - Confidential

15. GENERAL BUSINESS

Nil

16. FORMAL CLOSURE OF MEETING

The Chair declared the meeting closed at 7:33pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2020

as a true record of proceedings.

CHAIR



Ordinary Meeting of Council

Thursday 10 December 2020

MINUTES

City of Vincent
244 Vincent Street, Leederville

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

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MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Andres Timmermanis (DEPUTY CHAIR)	Cr Gary Mack
City of Joondalup	Cr John Chester Cr Phillipa Taylor	Cr Christopher May Cr Suzanne Thompson
City of Perth	Cr Brent Fleeton	Cr Clyde Bevan
City of Stirling	Cr Karen Caddy (CHAIR) Cr David Lagan Cr Suzanne Migdale Cr Bianca Sandri	Cr Karlo Perkov
Town of Victoria Park	Cr Claire Anderson	
City of Vincent	Cr Joanne Fotakis	Cr Alex Castle
City of Wanneroo	Cr Brett Treby Cr Domenic Zappa	Cr Natalie Sangalli Cr Vinh Nguyen

PRESENT

Chair	Cr Karen Caddy
Councillors	Cr Claire Anderson Cr Brent Fleeton Cr Joanne Fotakis Cr David Lagan Cr Suzanne Migdale Cr Philippa Taylor Cr Bianca Sandri
Alternate Members	Cr Christopher May
Staff	Mr Tony Arias (Chief Executive Officer) Mr Simon O’Sullivan (Manager Project Coordination) Ms Vickie Wesolowski (Executive Assistant)
Apologies Councillors	Cr John Chester Cr Vinh Nguyen - Alternate Member Cr Natalie Sangalli - Alternate Member Cr Andres Timmermanis Cr Brett Treby Cr Domenic Zappa
Leave of Absence	Cr Brett Treby
Absent	Nil
Consultants	Mr Alan Abel (Satterley Property Group) Mr Carl Buckley (Satterley Property Group) Ms Julia Nelson – Satterley Property Group Mr John Silla (Satterley Property Group)
Apologies Participant Councils’ Advisers	Mr John Giorgi (Town of Cambridge) Mr Garry Hunt (City of Joondalup) Mr Stuart Jardine (City of Stirling) Ms Michelle Reynolds (City of Perth) Mr Daniel Simms (City of Wanneroo) Mr Anthony Vuleta (Town of Victoria Park)
In Attendance Participant Councils’ Advisers	Mr Mat Humfrey (City of Joondalup) Mr David MacLennan (City of Vincent) Mr Stevan Rodic (City of Stirling)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The Chair declared the meeting open at 6:06pm and welcomed Cr Brent Fleeton and Cr Christopher May – Alternative Member to the Tamala Park Regional Council Meeting.

DISCLOSURE OF INTERESTS

Cr Fotakis advised a Disclosure of Interest – Impartial Interest in relation to Item 13.1 (there has been an association with one of the consultants under the tender).

Cr Sandri advised a Disclosure of Interest – Impartial Interest in relation to Item 13.2 (there has been an association with one of the consultants under the tender).

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies: Cr John Chester
Cr Vinh Nguyen - Alternate Member
Cr Natalie Sangalli - Alternate Member
Cr Andres Timmermanis
Cr Brett Treby
Cr Domenic Zappa

Request for Leave of Absence – Cr Brett Treby

Cr Treby has requested Leave of Absence from Council duties covering the period 17 November 2020 to 31 January 2021 inclusive.

Moved Cr Migdale, Seconded Cr Sandri.

That Council approve Cr Treby's Leave of Absence from 17 November 2020 to 31 January 2021 (inclusive).

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

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 8 October 2020

Moved Cr Sandri, Seconded Cr Fotakis.

That the minutes of the Ordinary Meeting of Council of 8 October 2020 be confirmed, and signed by the Chair, as a true and correct record of proceedings.

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

5A BUSINESS ARISING FROM MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

Nil

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

- 13.1 Tender 05/19, Built Form Partnership – Stage 18 Update – Confidential
- 13.2 Tender 01/20, Landscape Architecture Services – Confidential
- 13.3 MRC Landfill Buffer – Groundwater Monitoring Results Update – Confidential
- 13.4 Built Environment Strategy – Confidential
- 13.5 Review of Catalina Risk Management Plan 2019 – Confidential
- 13.6 Review of Deliverables – Development Manager's KPIs – Confidential
- 13.7 Catalina Economic Strategy (2020) – Confidential
- 13.8 Key Personnel – Catalina Sales Representative - Confidential

8. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 8.1 – 8.13)

8.1 BUSINESS REPORT – PERIOD ENDING 3 DECEMBER 2020

Moved Cr Fotakis, Seconded Cr Anderson.

[The recommendation in the agenda]

That the Council RECEIVES the Business Report to 3 December 2020.

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

8.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 3 DECEMBER 2020

Moved Cr Migdale, Seconded Cr Fotakis.

[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report to 3 December 2020.

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

8.6 ANNUAL REPORT FOR THE YEAR ENDING 30 JUNE 2020

Moved Cr Migdale, Seconded Cr Lagan.

[The recommendation in the agenda]

That the Council ADOPTS the Annual Report of the Tamala Park Regional Council for the FYE 2020.

The Motion as amended was as follows:

That the Council ADOPTS the Annual Report of the Tamala Park Regional Council for the FYE 2020, subject to the Structure Plan (page 16) being replaced with the current approved Structure Plan.

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

8.7 DELEGATION AUTHORITY 2020

Moved Cr Sandri, Seconded Cr May.

[The recommendation in the agenda]

That the Council APPROVES the Delegation Register 2020 (December 2020).

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

8.9 ELECTED MEMBER ALLOWANCES

Moved Cr Lagan, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council APPROVES:

- 1. An Annual Allowance for the Chair of the Council to be \$20,063 per annum.**
- 2. An Annual Attendance fee for the Chair of the Council to be \$15,839 per annum.**
- 3. An Annual Allowance for the Deputy Chair of the Council to be 25% of the amount paid to the Chair per annum.**
- 4. An Attendance fee for Council members to be an amount of \$10,560 per annum.**
- 5. Council members not being entitled to claim separate telecommunications, IT allowances or travelling allowance to meetings.**
- 6. Elected member allowances being made quarterly in arrears.**

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

8.11 PROJECT BUDGET FYE 2021 – MID-YEAR REVIEW

Moved Cr Migdale, Seconded Cr Anderson.

[The recommendation in the agenda]

That the Council RECEIVES the FYE 2021 Mid-Year Budget Review, submitted by the Satterley Property Group (November 2020), and that it be used as the basis for financial planning for the TPRC Mid-Year Budget FYE 2021.

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

The recommendations for Items 8.2, 8.3, 8.4, 8.8, 8.10, 8.12 and 8.13 were moved and seconded en bloc.

Moved Cr Lagan, Seconded Cr Migdale.

8.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF SEPTEMBER & OCTOBER 2020

[The recommendation in the agenda]

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

- **30 September 2020; and**
- **31 October 2020.**

8.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF SEPTEMBER & OCTOBER 2020

[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 September and October 2020:

- **Month ending 30 September 2020 (Total \$605,065.43)**
- **Month ending 31 October 2020 (Total \$1,768,246.65)**
- **Total Paid - \$2,373,312.08**

8.4 PROJECT FINANCIAL REPORT – OCTOBER 2020

[The recommendation in the agenda]

That the Council RECEIVES the Project Financial Report (October 2020) submitted by the Satterley Property Group.

8.8 CORPORATE BUSINESS PLAN 2020-2024

[The recommendation in the agenda]

That the Council **APPROVES** the Corporate Business Plan 2020-2024.

8.10 REVIEW OF PURCHASER TERMS AND CONDITIONS

[The recommendation in the agenda]

That the Council:

1. **APPROVES** the following Purchaser Terms/Conditions and Incentives for all public and builder release lots for the period December 2020 to December 2021:
 - 1.1 **Use of the REIWA Offer and Acceptance Contract with Special Conditions and Annexure.**
 - 1.2 **A \$2,000 deposit to be used in the Sales Contracts for Catalina Central and a \$5,000 deposit to be used in the Sales Contracts for Catalina Beach.**
 - 1.3 **A finance approval period of 60 days for Catalina Central and 45 days for Catalina Beach, where finance is required.**
 - 1.4 **A 21-day settlement period from finance approval or the issue of titles, whichever is the later.**
 - 1.5 **A waterwise landscaping package to the front garden.**
 - 1.6 **A \$2,000 rebate for all homes constructed with a minimum 1.5kW capacity photovoltaic solar power system.**
 - 1.7 **Side and rear boundary fencing (behind the building line).**
 - 1.8 **A \$1,000 rebate for all homes in Catalina Central and Beach Precincts which include appropriate WELS rated fittings and fixtures.**
 - 1.9 **Sales incentives (Items 1.5 – 1.8) subject to homes being constructed in accordance with the approved Catalina Design Guidelines within 18 months of settlement for single storey homes and 24 months of settlement for two storey homes.**
2. **REQUESTS** the Satterley Property Group to provide a report on the recommended Purchaser Terms/Conditions and Incentives for public release and builder release lots for Catalina Grove prior to the launch of lot sales in this Precinct.
3. **REQUESTS** the Satterley Property Group to review the Purchaser Terms/Conditions and Incentives for all other public release lots and provide a report to the Council for consideration in December 2021.

8.12 CATALINA GROVE DEVELOPMENT STRATEGY – ADDITIONAL INFORMATION

[The recommendation in the agenda]

That the Council:

1. **RECEIVES** the additional information provided by the Satterley Property Group dated 2 November 2020 regarding the implementation of the Catalina Grove Development Strategy and;

2. **NOTES** that reports on market research, design guidelines and potential innovation and sustainability initiatives will be presented to the Council for consideration in the second half of FYE 2021.

8.13 CATALINA BEACH BUILDERS DISPLAY VILLAGE 2 – COMMERCIAL TERMS AND LOT ALLOCATION PROCESS

[The recommendation in the agenda]

That the Council APPROVES the commercial terms and conditions, the lot allocation process and the criteria for the sale of lots to builders in the Catalina Beach Builders Display Village 2, as set out in the Satterley Property Group correspondence dated 2 December 2020.

The Motions were put and CARRIED en bloc (9/0).

9. COMMITTEE REPORTS 9.1

AUDIT COMMITTEE (26 NOVEMBER 2020)

9.1 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTH OF SEPTEMBER 2020

Moved Cr Sandri, Seconded Cr May.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statements of Financial Activity for the month ending 30 September 2020.

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

10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

Nil

12. URGENT BUSINESS APPROVED BY THE CHAIR

Nil

13. MATTERS BEHIND CLOSED DOORS

Moved Cr Sandri, Seconded Cr Migdale.

That the Meeting be CLOSED to the public.

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

13.1 **CONFIDENTIAL: TENDER 05/19, BUILT FORM PARTNERSHIP – STAGE 18 – UPDATE**

Moved Cr Lagan, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council:

1. **NOTES** that negotiations with Schlager Group/David Barr Architects/Josh Burns and Associates, as the preferred tenderer on Tender 05/19, have failed to reach agreement on satisfactory project management and development arrangements for the Stage 18 grouped housing site.
2. **AGREES** to cease negotiations with Schlager Group/David Barr Architects/Josh Burns and Associates and **DECLINES** to proceed with Tender 05/19, in accordance with the terms and conditions of Tender 05/19.
3. **ADVISES** Schlager Group/David Barr Architects/Josh Burns and Associates of the Council's decision to cease negotiations and **EXPRESSES** its thanks for their effort in attempting to negotiate a suitable development outcome.
4. **REQUIRES** the Satterley Property Group to prepare an appropriate subdivision and development option, consistent with the Council's objectives to achieve sustainable and innovative built form within the development of the Stage 18 site and cognisant of market conditions.

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

13.2 **CONFIDENTIAL: TENDER 01/20 LANDSCAPE ARCHITECTURE CONSULTANCY SERVICES**

Moved Cr Migdale, Seconded Cr Fotakis.

[The recommendation in the agenda]

That the Council:

1. **DECLINES** the tender submission submitted by Tim Davies Landscaping dated 22 October 2020 for Landscape Architecture Consultancy Services in accordance with Tender 01/2020.

- 2. AUTHORISES the CEO to extend until 28 February 2021 the current contract with the incumbent landscape architect engaged on the Catalina Project, Plan E, as was awarded under Tender 08/2017 on the same terms and conditions of this contract.**

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

13.3 CONFIDENTIAL: MINDARIE REGIONAL COUNCIL LANDFILL BUFFER – GROUNDWATER MONITORING RESULTS UPDATE

Moved Cr Sandri, Seconded Cr Migdale

[The recommendation in the agenda]

That the Council RECEIVES the report (dated October 2020) on the Mindarie Regional Council Landfill Buffer – Groundwater Monitoring Results.

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

13.4 CONFIDENTIAL: CATALINA BUILT ENVIRONMENT STRATEGY (2020)

Moved Cr Sandri, Seconded Cr Anderson

[The recommendation in the agenda]

That the Council:

- 1. APPROVES the Catalina Built Environment Strategy (2020).**
- 2. ACCEPTS that the Satterley Property Group has achieved the deliverables required by the Development Manager's Key Performance Indicators (February 2020) - Governance, requiring the delivery of the Catalina Built Environment Strategy.**

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

13.5 CONFIDENTIAL: REVIEW OF CATALINA RISK MANAGEMENT PLAN 2019

Moved Cr May, Seconded Cr Fotakis

[The recommendation in the agenda]

That the Council:

- 1. RECEIVES the Catalina Project Risk Register Review 2019 submitted by the Satterley Property Group.**
- 2. APPROVES the Catalina Risk Management Plan (FYE 2021) prepared by the Satterley Property Group.**
- 3. ACCEPTS that the Satterley Property Group has achieved the Development Manager's Key Performance Indicator requiring it to implement actions arising from the approved Catalina Project Risk Management Plan.**

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

13.6 CONFIDENTIAL: REVIEW OF DELIVERABLES - DEVELOPMENT MANAGER'S KEY PERFORMANCE INDICATORS

Moved Cr Lagan, Seconded Cr Sandri

[The recommendation in the agenda]

That the Council:

1. **RECEIVES** the Satterley Property Group report (October 2020) on the review of deliverables required by the Development Manager's Key Performance Indicators (February 2020).
2. **ACCEPTS** that the Satterley Property Group has achieved the deliverables required by the Development Manager's Key Performance Indicators (February 2020) for the period between 1 March 2020 and 30 June 2020, with the exception of the following:
 - i) **Economic Deliverable 3**, which requires achievement of project milestones as endorsed by the Council through the annual planning process or otherwise by Council resolution, and
 - ii) **Governance Deliverable 6**, which requires effective leadership and management of the Project team to achieve innovative and best practice outcomes for the Project and agreed Project outcomes consistent with the approved Annual Plan.
3. **ADVISES** the Satterley Property Group that the following Annual Plan FYE 2020 project milestones were not met and are to be progressed in 2021:
 - i) **Commencement of development of the Stage 18 grouped housing site by May 2020.**
 - ii) **Identification of the first stage of subdivision for Catalina Grove by April 2020.**
 - iii) **Commencing construction of the Portofino Promenade extension and the Foreshore Access Road and Carpark by April 2020.**
 - iv) **A public art installation approved by May 2020.**

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

13.7 CONFIDENTIAL: CATALINA ECONOMIC STRATEGY (2020)

Moved Cr Sandri, Seconded Cr Lagan

[The recommendation in the agenda]

That the Council:

1. **APPROVES** the Catalina Economic Strategy (2020).
2. **ACCEPTS** that the Satterley Property Group has achieved the deliverables required by the Development Manager's Key Performance Indicators (February 2020) -

Governance, requiring the delivery of the Catalina Economic and Marketing Strategy.

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

13.8 CONFIDENTIAL: KEY PERSONNEL - CATALINA SALES REPRESENTATIVE

Moved Cr Migdale, Seconded Cr May

[The recommendation in the agenda]

That the Council APPROVES the following replacement of key personnel pursuant to Clause 4.5 of the Development Management Agreement:

Name of Person	Position
Dominique Rain	Sales Representative

Name of Replacement Person	Position
Alan Abel	Sales Representative

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

Moved Cr Lagan, Seconded Cr Migdale.

That the Meeting be REOPENED to the public.

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

14. GENERAL BUSINESS

Nil

15. FORMAL CLOSURE OF MEETING

The Chair wished everyone a safe and happy Christmas and declared the meeting closed at 7:10pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2021

as a true record of proceedings.

CHAIR



Ordinary Meeting of Council

Thursday 18 February 2021

MINUTES

**Town of Cambridge
1 Bold Park Drive, Floreat**

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

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MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Andres Timmermanis (DEPUTY CHAIR)	Cr Gary Mack
City of Joondalup	Cr John Chester Cr Phillipa Taylor	Cr Christopher May Cr Suzanne Thompson
City of Perth	Cr Brent Fleeton	Cr Clyde Bevan
City of Stirling	Cr Karen Caddy (CHAIR) Cr David Lagan Cr Suzanne Migdale Cr Bianca Sandri	Cr Karlo Perkov
Town of Victoria Park	Cr Claire Anderson	
City of Vincent	Cr Joanne Fotakis	Cr Alex Castle
City of Wanneroo	Cr Brett Treby Cr Domenic Zappa	Cr Natalie Sangalli Cr Vinh Nguyen

PRESENT

Chair	Cr Karen Caddy
Councillors	Cr Claire Anderson Cr John Chester Cr Brent Fleeton Cr Joanne Fotakis Cr Bianca Sandri Cr Philippa Taylor Cr Andres Timmermanis Cr Brett Treby Cr Domenic Zappa
Alternate Members	Nil
Staff	Mr Tony Arias (Chief Executive Officer) Mr Simon O'Sullivan (Manager Project Coordination) Ms Vickie Wesolowski (Executive Assistant)
Apologies Councillors	Cr David Lagan Cr Suzanne Migdale
Leave of Absence	Cr Suzanne Migdale
Absent	Nil
Consultants	Mr Alan Abel (Satterley Property Group) Mr Carl Buckley (Satterley Property Group) Ms Julia Nelson – Satterley Property Group
Apologies Participant Councils' Advisers	Mr Stuart Jardine (City of Stirling) Mr David MacLennan (City of Vincent) Ms Michelle Reynolds (City of Perth) Mr Anthony Vuleta (Town of Victoria Park)
In Attendance Participant Councils' Advisers	Mr John Giorgi (Town of Cambridge) Mr Mat Humfrey (City of Joondalup) Mr Stevan Rodic (City of Stirling) Mr Daniel Simms (City of Wanneroo)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The Chair declared the meeting open at 6:00pm.

DISCLOSURE OF INTERESTS

Cr Sandri declared an Impartiality Interest for Item 13.1 - Tender 02/20 Landscape Architecture Consultancy Services due to an association with one of the consultants under the tender

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies: Cr David Lagan
Cr Suzanne Migdale

Request for Leave of Absence – Cr Suzanne Migdale

Cr Migdale has requested Leave of Absence from Council duties covering the period 12 February 2021 to 14 March 2021 inclusive.

Moved Cr Sandri, Seconded Cr Timmermanis.

That Council approve Cr Migdale's Leave of Absence from 12 February 2021 to 14 March 2021 (inclusive).

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

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 10 December 2020

Moved Cr Fotakis, Seconded Cr Anderson.

That the minutes of the Ordinary Meeting of Council of 10 December 2020 be confirmed, and signed by the Chair, as a true and correct record of proceedings.

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

5A BUSINESS ARISING FROM MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

Nil

7. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 7.1 – 7.6)

7.1 BUSINESS REPORT – PERIOD ENDING 11 FEBRUARY 2021

Moved Cr Treby, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council RECEIVES the Business Report to 11 February 2021.

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

7.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 11 FEBRUARY 2021

Moved Cr Sandri, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report to 11 February 2021.

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

7.6 CATALINA BEACH SALES OFFICE OPENING HOURS

Moved Cr Chester, Seconded Cr Fotakis.

[The recommendation in the agenda]

That the Council:

1. APPROVES the following opening hours for the Catalina Sales Office on a trial basis until 31 December 2021:

Day	Opening Hours
Monday	By Appointment
Tuesday	By Appointment
Wednesday	12:00pm to 5:00pm
Thursday	By Appointment
Friday	By Appointment
Saturday	12:00pm to 5:00pm
Sunday	12:00pm to 5:00pm

2. REQUIRES the Satterley Property Group to review the Catalina Sales Office opening hours and provide a recommendation to the Council prior to the launch of sales in Catalina

Grove to determine if the opening hours approved in 1. above are sufficient to cater for purchaser enquiries.

3. **REQUIRES** the Satterley Property Group to provide a report at the Council's December 2021 meeting on the outcomes of the trial of the revised Sales Office opening hours and a recommendation on opening hours to apply beyond 31 December 2021.

The Motion as amended was as follows:

1. **APPROVES** the following opening hours for the Catalina Sales Office on a trial basis until 1 July 2021:

Day	Opening Hours
Monday	By Appointment
Tuesday	By Appointment
Wednesday	12:00pm to 5:00pm
Thursday	By Appointment
Friday	By Appointment
Saturday	12:00pm to 5:00pm
Sunday	12:00pm to 5:00pm

2. **REQUIRES** the Satterley Property Group to review the Catalina Sales Office opening hours and provide a recommendation to the Council prior to the launch of sales in Catalina Grove to determine if the opening hours approved in 1. above are sufficient to cater for purchaser enquiries.
3. **REQUIRES** the Satterley Property Group to provide a report at the Council's June 2021 meeting on the outcomes of the trial of the revised Sales Office opening hours and a recommendation on opening hours to apply beyond 1 July 2021.

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

7.7 APPOINTMENT OF ADDITIONAL MEMBER TO MANAGEMENT COMMITTEE - LATE ITEM

Moved Cr Sandri, Seconded Cr Zappa.

[The recommendation in the agenda]

That in accordance with the provisions of the *Local Government Act 1995*, Cr XXX be APPOINTED BY ABSOLUTE MAJORITY to the Management Committee.

The Motion as amended was as follows:

That in accordance with the provisions of the *Local Government Act 1995*, Cr Fotakis be APPOINTED BY ABSOLUTE MAJORITY to the Management Committee.

The Motion was put and declared CARRIED by ABSOLUTE MAJORITY (9/1).

For: Cr Anderson, Cr Caddy, Cr Chester, Cr Fleeton, Cr Fotakis, Cr Sandri, Cr Taylor, Cr Treby and Cr Zappa.

Against: Cr Timmermanis.

The recommendations for Items 7.2, 7.3 and 7.4 were moved and seconded en bloc.

Moved Cr Fleton, Seconded Cr Fotakis.

7.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF NOVEMBER 2020 - JANUARY 2021

[The recommendation in the agenda]

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

- 30 November 2020;
- 31 December 2020; and
- 31 January 2021

7.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF NOVEMBER 2020 - JANUARY 2021

[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 2020 - January 2021:

- Month ending 30 November 2020 (Total \$1,647,046.35)
- Month ending 31 December 2020 (Total \$515,417.01)
- Month ending 31 January 2021 (Total \$1,129,210.29)
- Total Paid - \$3,291,673.65

7.4 PROJECT FINANCIAL REPORT – DECEMBER 2020

[The recommendation in the agenda]

That the Council **RECEIVES** the Project Financial Report (December 2020) submitted by the Satterley Property Group.

The Motions were put and declared CARRIED (10/0).

8. COMMITTEE REPORTS 8.1 - 8.4

AUDIT COMMITTEE (8 FEBRUARY 2021)

8.1 TPRC FYE 2021 BUDGET REVIEW

Moved Cr Zappa, Seconded Cr Taylor

[The recommendation in the agenda]

That the Council ADOPTS the Budget Review with the variations for the period 1 July 2020 to 30 June 2021, as detailed in the Budget Analysis Worksheet attached to Appendix 8.1.

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

8.2 LOCAL GOVERNMENT COMPLIANCE AUDIT FOR YEAR ENDED 31 DECEMBER 2020

Moved Cr Zappa, Seconded Cr Treby

[The recommendation in the agenda]

That the Compliance Audit Return for the Tamala Park Regional Council for the year ended 31 December 2020 be ADOPTED, RECORDED in the minutes, CERTIFIED and SENT to the Director General of the Department of Local Government, Sport and Cultural Industries, in accordance with the Local Government Act and Regulations.

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

The recommendations for Items 8.3 and 8.4 were moved and seconded en bloc.

Moved Cr Zappa, Seconded Cr Taylor.

8.3 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF NOVEMBER & DECEMBER 2020

[The recommendation in the agenda]

That the Committee RECEIVES and NOTES the Statements of Financial Activity for the months of November 2020 and December 2020.

8.4 FRAUD PREVENTION PLAN 2021 AND FRAUD AND CORRUPTION POLICY 2021

[The recommendation in the agenda]

That the Council APPROVES the Fraud Prevention Plan 2021 and the Fraud and Corruption Policy 2021.

The Motions were put and declared CARRIED (10/0).

9. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

Nil

11. URGENT BUSINESS APPROVED BY THE CHAIR

Nil

12. GENERAL BUSINESS

Nil

13. DECISION TO MOVE TO CONFIDENTIAL SESSION

Moved Cr Sandri, Seconded Cr Treby.

That the Council move into Closed Session and exclude members of the press and public from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 5.23 of the *Local Government Act 1995*, as the items listed come within the following provisions:-

13.1 CONFIDENTIAL: TENDER 02/2020 LANDSCAPE ARCHITECTURE CONSULTANCY SERVICES

This item satisfies the requirements of Section 5.23 c) and e) of the Local Government Act 1995, enabling it to be considered at a meeting, or part of a meeting, that is closed to members of the public, on the grounds that it deals with:

- c) A contract entered into, or which may be entered into, by the TPRC and which relates to a matter to be discussed at a meeting (section 5.23(2)(c)); and*
- e) A matter that if disclosed, would reveal –*
 - i) Information that has a commercial value to a person; or*
 - ii) Information about the business, professional, commercial or financial affairs of a person where the information is held by, or is about, a person other than the TPRC (section 5.23(2)(e)).*

13.2 CONFIDENTIAL: MINDARIE REGIONAL COUNCIL LANDFILL BUFFER – GROUNDWATER MONITORING RESULTS UPDATE

This item satisfies the requirements of Section 5.23 of the Local Government Act 1995, enabling it to be considered at a meeting, or part of a meeting, that is closed to members of the public, on the grounds that it deals with:

Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

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

13.1 CONFIDENTIAL: TENDER 02/2020 LANDSCAPE ARCHITECTURE CONSULTANCY SERVICES

Cr Sandri declared an Impartiality Interest for Item 13.1 - Tender 02/20 Landscape Architecture Consultancy Services due to an association with one of the consultants under the tender.

Moved Cr Chester, Seconded Cr Fotakis

[The recommendation in the agenda]

That the Council ACCEPTS the tender submission submitted by Tim Davies Landscaping dated 20 January 2021 for Landscape Architecture Consultancy Services in accordance with Tender 02/2020.

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

13.2 CONFIDENTIAL: MINDARIE REGIONAL COUNCIL LANDFILL BUFFER – GROUNDWATER MONITORING RESULTS UPDATE

Moved Cr Timmermanis, Seconded Cr Chester.

[The recommendation in the agenda]

That the Council RECEIVES the report (dated December 2020) on the Mindarie Regional Council Landfill Buffer – Groundwater Monitoring Results.

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

Moved Cr Sandri, Seconded Cr Treby.

That the Meeting be REOPENED to the public.

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

14. FORMAL CLOSURE OF MEETING

The Chair declared the meeting closed at 7:15pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2021

as a true record of proceedings.

CHAIR



MINUTES

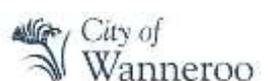
ORDINARY COUNCIL MEETING

TIME: 6.30 PM

17 DECEMBER 2020

CITY OF PERTH

*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 Gordon and Cr Timmermanis completed the required declarations of Office of the Mindarie Regional Council.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 6.30 pm

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

Cr D Boothman, JP (Chair)	City of Stirling
Cr K Vernon (Deputy Chair) 6.38 pm	Town of Victoria Park
Cr R Fishwick, JP	City of Joondalup
Cr A Jacob, JP	City of Joondalup
Cr R Gordon	City of Perth
Cr J Ferrante	City of Stirling
Cr S Proud, JP 6.36 pm	City of Stirling
Cr K Sargent 6.36 pm	City of Stirling
Cr E Cole 6.31pm	City of Vincent
Cr F Cvitan, JP	City of Wanneroo
Cr D Newton, JP	City of Wanneroo
Cr A Timmermanis - <i>Alternate member</i>	Town of Cambridge

Apologies

Cr K Shannon	Town of Cambridge
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Leave of Absence

Nil

Absent

Nil

MRC Officers

Mr G Hoppe (Chief Executive Officer)
Ms A Slater (Director Corporate Services)
Ms S Cherico (Manager Human Resources)
Ms D Toward (Executive Support)

Member Council Observers

Mr N Claassen (City of Joondalup)
Mr M MacPherson (City of Joondalup)
Mr M Littleton (City of Stirling)
Mr R Bryant (City of Stirling)
Mr A Murphy (City of Vincent)
Mr H Singh (City of Wanneroo)
Mr S Cairns (City of Wanneroo)
Mr C Kopec (City of Perth)
Mr K Hincks (Town of Cambridge)
Mr J Wong (Town of Victoria Park)

MRC Observers

Mr B Twine
Mr A Griffiths

3 DECLARATION OF INTERESTS

Interest Type	Financial Interest
Name and Position of Person	Gunther Hoppe, Chief Executive Officer
Report No and Topic	11 Notice of Motion by Cr Shannon
Name of Interest	Matter under consideration affects the CEO's employment

Interest Type	Interest that may affect impartiality
Name and Position of Person	Cr Joe Ferrante
Report No and Topic	14.1 Tender to auction landfill capacity/supply of Waste
Name of Interest	The Director of Kelair Holdings Pty Ltd (also trading as Instant Waste Management) is known to Cr Ferrante

4 PUBLIC QUESTION TIME

Cr Cole entered 6.31pm

Nil

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

The Chair acknowledged that it had been a challenging year and wished everyone a merry Christmas and a happy new year.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
--

8.1 ORDINARY COUNCIL MEETING – 22 October 2020

The Minutes of the Ordinary Council Meeting held on 22 October 2020 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 22 October 2020 be confirmed as a true record of the proceedings.

Moved Cr Cvitan, seconded Cr Newton

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 9/0)

9.1 CHIEF EXECUTIVE OFFICER REPORTS

9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 30 SEPTEMBER 2020 AND 31 OCTOBER 2020
File No:	FIN/5-09
Appendices:	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	23 November 2020
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 are for the months ended 30 September 2020 and 31 October 2020 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 4 months to 31 October 2020 is attached at **Appendix No. 3**.

The financial statements are pending external auditor approval of the 2019/2020 final accounts.

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 year to date period ended 31 October 2020

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	83,077	82,662	415
Tonnes – Others	4,926	4,362	564
TOTAL TONNES	88,003	87,024	979
	\$	\$	\$
Revenue – Members	17,033,062	16,945,633	87,429
Revenue – Other	1,659,810	1,397,598	262,212
TOTAL REVENUE	18,692,872	18,343,231	349,641
Expenses	20,493,034	19,533,286	(959,748)
Profit on sale of assets	-	-	-
Loss on sale of assets	-	-	-
Impairment of assets	-	-	-
NET DEFICIT	(1,800,162)	(1,190,055)	(610,107)

Commentary

Overall tonnages for the financial period ended 31 October 2020 were 979 tonnes more than budgeted, variances are mainly attributable to the Cities of Stirling, Wanneroo and Vincent.

The net deficit result variance against budget of \$610,107 is mainly attributable to RRF expenditures abated by unbudgeted income received.

RRF

The Resource Recovery Facility residue tonnes are below phased budget by 432 tonnes delivering 20,072 tonnes in total to Tamala Park year to date.

Trade & Casuals

The Casual and Trade tonnages are 564 tonnes higher than forecast for the financial year to date.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 1 and 2 for the months ended 30 September 2020 and 31 October 2020, respectively.

Moved Cr Fishwick, seconded Cr Cole

RESOLVED

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 9/0)**

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 30 SEPTEMBER 2020 AND 31 OCTOBER 2020
File No:	FIN/5-09
Appendices:	Appendix No. 4 Appendix No. 5
Date:	12 November 2020
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 2020 and 31 October 2020 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 24 September 2020, 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 2020	General Municipal	Cheques	\$1,176.08
		EFT	\$3,856,953.00
		DP	\$156,724.92
		Inter account transfers	\$0.00
		Total	\$4,014,854.00
31 October 2020	General Municipal	Cheques	\$5,167.00
		EFT	\$6,422,826.77
		DP	\$136,259.13
		Inter account transfers	\$0.00
		Total	\$6,564,252.90

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 30 September 2020 and 31 October 2020.

Cr's Sargent and Proud entered at 6.36 pm

Moved Cr Jacob, seconded Cr Ferrante

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9.3	PROVISION OF SITE ACCESS FOR NOT-FOR-PROFIT TRAINING PROVIDER
File No:	GF-20-001585
Appendix:	Nil
Date:	27 November 2020
Responsible Officer:	Chief Executive Officer

SUMMARY

This report seeks Council's endorsement to provide access to the Tamala Park Waste Management Facility (TPWMF) for Stirling Skills Training Inc. (SST) to deliver not-for-profit training and education programs, on an initial 12-month trial basis.

BACKGROUND

In September 2020, the Mindarie Regional Council (MRC) was approached by SST, a Perth based not-for-profit training provider, with a proposal to deliver State Government-subsidised training programs at the TPWMF. These programs are centred around assisting disadvantaged youth, people from culturally and linguistically diverse backgrounds, and people with a disability find employment opportunities through practical training and education.

The MRC has previously held similar long-term training agreements with the ERTECH Training Academy, which operated on site for eight years between 2012 and 2020.

DETAIL

SST is a Perth based not-for-profit training organisation that was established in 1984, with the goal of providing human and charitable services to relieve unemployment, economic hardship and misfortune in the community.

Through the delivery of training and education programs to at-risk persons, SST delivers the following State and Federal Government subsidised programs:

- Transition to Work Program (Federal) – An arm of the Australian Government's Youth Employment Strategy aimed at supporting young people aged 15-21 on their journey to employment.
- Youth Jobs PaTH (Federal) – Youth Jobs PaTH is designed to support young people to gain the employability skills and work experience they need to get and keep a job.
- Participation Equity Program (State) - This program aims to assist unemployed people who have barriers accessing mainstream training to become job ready, so they can participate fully in the workforce. The eligible target groups under this program are; Aboriginal and Torres Strait Islanders; Culturally and Linguistically Diverse (CaLD) people; people with disabilities, and youth at risk.

For the purpose of this proposal, SST has partnered with the Training Alliance Group, a Registered Training Organisation (RTO) to deliver the Certificate III in Civil Construction Operations and the Certificate III in Surface Extraction. Both training programs are delivered

under the State Government's Participation Equity Program, managed by the Department of Training and Workforce Development.

Courses will see cohorts of students working under supervision at TPWMF over a 12 week period to achieve nationally accredited qualifications, before graduating and entering the workforce.

A currently disused section of the quarry at the TPWMF is available to ensure a safe working environment for trainees and provide a realistic training environment. SST have access to their own plant and machinery, with the only commitment to this program from the MRC being the provision of physical access to a suitable training area.

SST have demonstrated they hold suitable insurance coverage for the proposed activities, as well as ISO45001:2018 Occupational Health and Safety certification.

Given the MRC's prior experience with other training providers, the MRC does not anticipate any adverse impact to operations arising from this proposal.

CONSULTATION

The proposal evaluation process has included consultation with member council officers via the Strategic Working Group.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The MRC bears no financial commitment via this proposal. All costs associated with daily operations, including mobilisation and demobilisation, are the sole responsibility of SST. Written assurances have been received from SST to ensure that no for-profit activities take place at the TPWMF.

The MRC is not seeking compensation for allowing access to the quarry.

VOTING REQUIREMENT

Simple Majority.

Cr Vernon entered at 6.38 pm

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Endorses the CEO's provision of access for Stirling Skills Training to the Tamala Park Waste Management Facility, on a 12-month trial basis, for the delivery of not-for-profit training and education programs.

Moved Cr Cole, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 12/0)

9.4	PROPOSED MINDARIE REGIONAL COUNCIL WASTE FACILITY SITE LOCAL LAW 2020
	D-20-0000550
Appendices:	Appendix 6 Proposed Mindarie Regional Council Waste Facility Site Local Law 2020 – clean copy Appendix 7 Proposed Mindarie Regional Council Waste Facility Site Local Law 2020 – tracked copy Appendix 8 Summary Purpose and Effect
Date:	25 November 2020
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to seek Council's approval to make the Mindarie Regional Council (MRC) Waste Facility Site Local Law 2020.

BACKGROUND

The existing MRC Waste Facility Site Local Law 2013 ("the Local Law") was adopted by Council on 7 March 2013. Section 3.16 of the Local Government Act 1995 ("the Act") requires a periodic review of the Local Law, which for the MRC falls due on 7 March 2021.

On 17 September 2020 the MRC Administration provided a report to Council enclosing a proposed amended Local Law summarising the purpose and effect, the Council recommendation as follows:

That Council:

- 1. under section 3.16 of the Local Government Act 1995, the Council proposes to amend the Mindarie Regional Council Waste Facility Site Local Law 2013.*
- 2. under section 3.12 of the Act, Statewide public notice is to be given that the MRC invites submissions to the amended Mindarie Regional Council Waste Facility Site Local Law 2013.*
- 3. notes that the matter will be referred back to the Council after the last day for submissions in relation to the proposed amended local law.*

DETAIL

The MRC Administration gave public notice and invited submissions for the proposed Local Law in the government section of the Western Australian Newspaper on 2 October 2020, the Community News on 8 October 2020 and requested member councils to display the notice at their public libraries.

On 8 October 2020 the proposed amended Local Law was forwarded to the Department of Local Government, Sports and Cultural Industries ("the Department") requesting their review and a response was received on 29 October 2020.

The Department suggested a number of minor edits which are shown in the tracked changes at Appendix 7. These minor amendments are not considered significant enough to require the MRC to recommence the local law process.

The Department suggested the following minor amendments:

- Clause 3 - Title Repeal be replaced with Principal Local Law Amended and redrafted wording;
- Clause 4 - Definition ACROD sticker be replaced with disability parking permit;
- Clause 16 and 21 - Remove penalty clause as this is covered by clause 25 and 26;
- Clause 23 - Food gathering be removed as it covered by other provisions;
- Clause 25 - to return to the original number (clause 25) Enforcements;
- Clause 27 – new clause waste disposal services to be clause 27;
- Clause 27- additional subclause (4) be added;
- Schedule 1 – amend modified penalties, the LG Act 1995 provides that a modified penalty cannot exceed 10% of the maximum unmodified penalty. The current unmodified penalty in the Local Law is \$1000.

After the last day of submissions, 23 November 2020, no public submissions were received by the MRC Administration, therefore no other changes have been considered.

All suggested Departmental changes have been made in the Local Law and the changes are tracked in Appendix 7.

A detailed summary of the proposed amendments' purpose and their effect is detailed in Appendix 8.

CONSULTATION

The draft Local Law has been provided to the Department for comment and has been made available for public comment as required.

Comments received back from the Department are considered to be minor in nature and have been incorporated in the final version of the Local Law. None of the changes made would require further public consultation to be undertaken.

No comments were received from members of the public.

STATUTORY ENVIRONMENT

The process for advertising the Local law is covered in s1.7 and s1.8 of the *Local Government Act 1995*, which reads as follows:

“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.

1.8. Statewide public notice

Where under this Act Statewide public notice of a matter is required to be given, section 1.7 applies except that the newspaper referred to in section 1.7(1)(a) is required to circulate generally throughout the State.”

The process for amending the text of a Local Law is covered in s3.12 of the *Local Government Act 1995*, which reads as follows:

“3.12 Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give local public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - and
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* Absolute majority required.

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
 - (a) *stating the title of the local law; and*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

3.13. *Procedure where significant change in proposal*

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14. *Commencement of local laws*

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
[Section 3.14 amended: No. 1 of 1998 s. 9.]

3.15. *Local laws to be publicised*

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

3.16. *Periodic review of local laws*

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
 - (2) *The local government is to give local public notice stating that —*
 - (a) *the local government proposes to review the local law; and*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
-

- (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required."*

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Advertising cost of approximately \$1000 for the Gazette and local public notices.

COMMENT

Nil

VOTING REQUIREMENT

Absolute majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1. resolves to make the Mindarie Regional Council Waste Facility Site Local Law 2020 as detailed in Appendix 6 and authorises the Common Seal to be affixed;
(Absolute Majority Required)**
- 2. under section 3.12 (5) of the Act, authorises the publication of the Mindarie Regional Council Waste Facility Site Local Law 2020 in the Gazette and the provision of a copy to the relevant Minister/s; and**
- 3. under section 3.12 (6) of the Act, authorises the MRC to give local public notice in respect of the Mindarie Regional Council Waste Facility Site Local Law 2020.**

Moved Cr Jacob, seconded Cr Cole

RESOLVED

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 12/0)**

9.5	MINDARIE REGIONAL COUNCIL MEETING PROCEDURES LOCAL LAW 2020
File No:	GF-20-0000550
Appendices:	Appendix 9 Proposed Mindarie Regional Council Meeting Procedures Local Law 2020 - clean copy Appendix 10 Proposed Mindarie Regional Council Meeting Procedures Local Law 2020 - tracked changes
Date:	25 November 2020
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to seek Council's approval to make the Mindarie Regional Council Meeting Procedures Local Law 2020 ("the Local Law").

BACKGROUND

At the Mindarie Regional Council (MRC) Ordinary Council meeting held on 24 September 2020 Council resolved to commence the local law-making process. The Council resolved as follows:

That Council:

1. *Approves the proposed Mindarie Regional Council Meeting Procedures Local Law 2020 as detailed in Attachment 1 for the purposes of public advertising, under section 3.16 of the Local Government Act 1995 with:*
 - a) *Clause 6.7 (8) deleting the word 'two' and replacing with the word 'three', so that the new clause reads 'A member of the public shall have three minutes to ask a question';*
 - b) *Clause 6.9 adding the word 'Statement' so that the title of clause 6.9 now reads 'Deputations and Statements';*
 - c) *including any consequential changes to give effect to a) and b); and*
2. *Notes that the MRC is to invite submissions to the Mindarie Regional Council Meeting Procedures Local Law 2020 by way of a statewide public notice; and*
3. *Notes that a copy of the proposed Mindarie Regional Council Meeting Procedures Local Law 2020 will be sent to the Minister for Local Government under section 3.12 of the Act; and*
4. *Notes that the matter will be referred back to the Council after the last day for submissions in relation to the proposed Mindarie Regional Council Meeting Procedures Local Law 2020.*

In accordance with section 3.12(3) of the Local Government Act 1995 the MRC publicly advertised the proposed Local Law and arranged with the Department of Local Government, Sport and Cultural Industries to forward a copy of the Local Law to the relevant Minister/s.

At the close of the public consultation period on 23 November 2020, the MRC had not received any public submissions.

DETAIL

The MRC Administration gave public notice and invited submissions for the proposed Local Law in the government section of the Western Australian Newspaper on 2 October 2020, the Community News on 8 October 2020 and requested member councils to display the notice at their public libraries.

On the 8 October 2020 the proposed Local Law was forwarded to the Department of Local Government, Sports and Cultural Industries ("the Department") requesting their review and a response was received on 29 October 2020.

The Department suggested a number of minor edits which are shown in the tracked changes at Appendix 10. These minor edits are not considered significant enough to require the MRC to recommence the local law process.

After the last day of public submissions on 23 November 2020 the MRC had not received any submissions, therefore no other changes have been considered.

CONSULTATION

The draft Local Law has been provided to the Department for comment and has been made available for public comment as required.

Comments received back from the Department are considered to be minor in nature and have been incorporated in the final version of the Local Law. No of the changes made would require further public consultation to be undertaken.

No comments were received from members of the public.

STATUTORY ENVIRONMENT

The process for advertising the Local law is covered in s1.7 and s1.8 of the *Local Government Act 1995*, which reads as follows:

"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.

1.8. Statewide public notice

Where under this Act Statewide public notice of a matter is required to be given, section 1.7 applies except that the newspaper referred to in section 1.7(1)(a) is required to circulate generally throughout the State.”

The process for amending the text of a Local Law is covered in s3.12 of the *Local Government Act 1995*, which reads as follows:

“3.12 Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) The local government is to —*
 - (a) give local public notice stating that —*
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - and*
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) After the local law has been published in the Gazette the local government is to give local public notice —*
 - (a) stating the title of the local law; and*

- (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
 - (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
 - (8) *In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*
 - 3.13. *Procedure where significant change in proposal*

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.
 - 3.14. *Commencement of local laws*
 - (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
 - (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

[Section 3.14 amended: No. 1 of 1998 s. 9.]
 - 3.15. *Local laws to be publicised*

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.
 - 3.16. *Periodic review of local laws*
 - (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
 - (2) *The local government is to give local public notice stating that —*
 - (a) the local government proposes to review the local law; and*
 - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
 - (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
-

- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required."*

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Advertising cost of approximately \$1000 for the Gazette and local public notices.

COMMENT

Nil

VOTING REQUIREMENT

Absolute majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1. resolves to make the Mindarie Regional Council Meeting Procedures Local Law 2020 as detailed in Appendix 9 and authorises the Common Seal to be affixed; (Absolute Majority Required)**
- 2. under section 3.12 (5) of the Act, authorises the publication of the Mindarie Regional Council Meeting Procedures Local Law 2020 in the Gazette and the provision of a copy to the relevant Minister/s; and**
- 3. under section 3.12 (6) of the Act, authorises the MRC to give local public notice in respect of the Mindarie Regional Council Meeting Procedures Local Law 2020.**

Moved Cr Cole, seconded Cr Gordon

PROPOSED AMENDMENT 1

Moved Cr Timmermanis, seconded Cr Cole

To amend clause 5.4. At clause 5.4 (2) remove the number 15 and replace with number 7 so that clause 5.4(2) now reads:

A notice of motion under clause 5.4(1) is to be in the form prescribed by the Local Government, to be signed by the Member and given as least 7 clear working days before the meeting at which the motion is to be moved.

Motion Lost 8/4

For: Cole, Jacob, Timmermanis, Vernon

Against: Gordon, Boothman, Sargent, Proud, Newton, Cvitan, Fishwick, Ferrante

PROPOSED AMENDMENT 2

Moved by Cr Cole, seconded Cr Vernon

At clause 9.1(1) remove the words “or amendment”; and
at clause 9.1(a) remove the words “or an amendment to the officer recommendation”;
and
at clause 9.1(b) remove the words “an amendment”, so that clause 9.1 now reads:

9.1 Motions to be stated and in writing

- (1) The procedure for moving any motion is that-
 - (a) A Member who wishes to move a motion that is different to the officer recommendation, is to give notice of that motion by midday on the day that is 2 business days before the meeting.
 - (b) Any motion for which notice has not been given in accordance with clause 9.1(a) is required to have the consent of the Presiding Member.
 - (c) The mover must state the motion without speaking to it and is to put the motion in writing if required by the Presiding Member.
- (2) Where a Member moves a motion which differs from the relevant recommendation, or an amendment to a motion, the Presiding Member shall ask if the CEO wishes to give a verbal report to the meeting on the matter.

CARRIED 11/1

For: Boothman, Cole, Cvitan, Ferrante, Fishwick, Gordon, Newton, Proud, Sargent, Timmermanis, Vernon
Against: Jacob

SUBSTANTIVE MOTION AS AMENDED BY AMENDMENT 2

(CARRIED UNANIMOUSLY 12/0)

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 57

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 57 be received.

Moved Cr Proud, seconded Cr Sargent

That the recommendation be adopted

(CARRIED UNANIMOUSLY 12/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

The Chair confirmed that a Notice of Motion had been received from Cr Shannon. Due to the confidential nature of the item, the Chair proposed that this matter will be dealt with behind closed doors after item 14.3.

Moved Cr Boothman, seconded Cr Proud

RESOLVED

That the order of business will be changed, and item 11 will be dealt with after item 14.3

(CARRIED 11/1)

For: Boothman, Cole, Cvitan, Ferrante, Fishwick, Gordon, Jacob, Newton, Proud, Sargent, Vernon

Against: Timmermanis

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 Chair requested that in accordance with clause 7.1(e) of the Mindarie Regional Council Standing Orders Local Law 2012 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, 14.2 and 14.3 as the items are of a confidential nature.

The Chair invited MRC Officers and members of the MRC Strategic Working Group (SWG) to remain in the meeting in the meeting for items 14.1, 14.2 and 14.3.

The Chair requested members of the public to vacate the public gallery, no members of the public were present in the gallery.

The Chair announced that there were no limitations on the number of speeches made in accordance with clause 7.9(4) of the Mindarie Regional Council Standing Orders Local Law 2012.

Moved Cr Boothman, seconded Cr Gordon

RESOLVED

To close the meeting to the public

(CARRIED 11/1)

For: Boothman, Cole, Cvitan, Ferrante, Fishwick, Gordon, Jacob, Newton, Proud, Sargent, Vernon

Against: Timmermanis

Doors closed at 7.15 pm.

MRC officers and members of the SWG remained in the public gallery.

There were no members of the public present.

Note: The Chief Executive Officer has not released the reports for items 14.1, 14.2 and 14.3 for public information.

Prior to the item 14.1 Cr Ferrante declared an interest, the meeting paused in order for Cr Ferrante to complete the required declaration of interest form.

This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the *Local Government Act 1995* as the report deals with a matter where a contract is entered into.

14.1	TENDER TO AUCTION LANDFILL CAPACITY/SUPPLY OF WASTE
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File No:	GF-20-0001521
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Attachments(s):	Nil
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Date:	1 December 2020
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Responsible Officer:	Chief Executive Officer
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RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1. Authorise the CEO to award the tender to supply allocated tonnage tranches to the Tamala Park landfill (Tender Number: 13/144) to both Cleanaway Pty Ltd and Kelair Holdings Pty Ltd at the prices detailed within the report.**
- 2. Authorise the CEO to advise the successful tenderers of the outcome of the tender process.**

Moved Cr Newton, seconded Cr Cole

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 12/0)

This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the *Local Government Act 1995* as the report deals with a matter where a contract is entered into.

14.2 TENDER TO UPGRADE THE MRC LEDGER SYSTEM	
File No:	GF-20-0001576
Appendix:	Nil
Date:	1 December 2020
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Authorise the CEO to award the tender to upgrade the MRC Ledger System (Tender Number: 13/145) to Open Office Holdings Pty Ltd at the price detailed within the report.
2. Authorise the CEO to advise the unsuccessful tenderers of the outcome of the tender process.

Moved Cr Jacob, seconded Cr Proud
RESOLVED
That the recommendation be adopted
(CARRIED UNANIMOUSLY 12/0)

This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the *Local Government Act 1995* as the report deals with a matter where a contract is entered into.

14.3 RRFA INSURANCE	
File No:	GF-20-0000794
Appendix:	Nil
Date:	24 November 2020
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Approve the additional expenditure of \$560,000 in respect of the insurance costs for the 2020/21 financial year under the Resource Recovery Facility Agreement, with the increase to be funded through the half year budget review process.

**Moved Cr Newton, seconded Cr Cole
RESOLVED
That the recommendation be adopted
(CARRIED UNANIMOUSLY 12/0)**

DEFERRED: 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Due to the confidential nature of the motion, the Chair directed all officers to leave the meeting except the MRC Manager Human Resources and MRC Governance Officer to remain in the Chambers.

No members of the public were present.

At 7.15 pm MRC officers and Member Council Officers left the public gallery. The CEO and the Director of Corporate Services also left the Chambers.

The Chair announced that in accordance with clause 3.13 of the Mindarie Regional Council Standing Orders Local Law 2012, Cr Shannon had given notice of her intention to move a Motion, the notice did not meet the required notice period therefore under 3.15 the Chair advised that he had dispensed with the notice requirements as the motion is a matter of urgency and the motion could not reasonably be dealt with at the next ordinary meeting of the Council.

The Notice of Motion and Reasons had previously been circulated to Member Council Councillors under confidential cover.

Cr Shannon was not present at the meeting however had provided written authority on 14 December 2020 for Cr Timmermanis to move the Motion.

Moved Cr Timmermanis, seconded Cr Cole:

- 1. Pursuant to clause 3.2(h) of the CEO's Contract of Employment grants/ does not grant written consent to the CEO to undertake the duties of Executive Chairman for the North Coast Church until 31 January 2021 with no reduction in salary.**

AMENDMENT

Moved Cr Vernon, seconded Cr Cole

- 1. Pursuant to clause 3.2(h) of the CEO's Contract of Employment grants written consent to the CEO to undertake the duties of Executive Chairman for the North Coast Church until 31 January 2021 with no reduction in salary.**

(CARRIED 11/1)

For: Boothman, Cole, Cvitan, Ferrante, Fishwick, Gordon, Jacob, Newton, Proud, Sargent, Vernon
Against: Timmermanis

SUBSTANTIVE MOTION AS AMENDED

(CARRIED 11/1)

For: Boothman, Cole, Cvitan, Ferrante, Fishwick, Gordon, Jacob, Newton, Proud, Sargent, Vernon
Against: Timmermanis

**Moved Cr Boothman, seconded Cr Proud
RESOLVED**

**That the meeting be reopened
(CARRIED UNANIMOUSLY 12/0)**

Doors were reopened 7.37pm and the Chair declared the meeting reopened.
MRC Officers and Member Council Officers returned to their seats.
No members of the public were present.

The Chair noted the resolutions passed behind closed doors.

15 NEXT MEETING

The next Ordinary Council meeting to be held on Thursday 28 January 2021 at the City of Joondalup commencing at 6.30 pm.

16 CLOSURE

The Chair closed the meeting at 7.38 pm and thanked the City of Perth for their hospitality and use of their meeting facilities.

SignedChair

Dated day of2021



Minutes

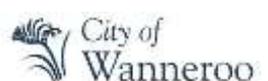
ORDINARY COUNCIL MEETING

TIME: 6.30 PM

28 JANUARY 2021

CITY OF JOONDALUP

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



CITY OF VINCENT

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 6.31 pm.

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

Cr D Boothman, JP (Chair)	City of Stirling
Cr K Vernon (Deputy Chair)	Town of Victoria Park
Cr R Fishwick, JP	City of Joondalup
Cr A Jacob, JP	City of Joondalup
Cr R Gordon	City of Perth
Cr J Ferrante	City of Stirling
Cr S Proud, JP	City of Stirling
Cr K Sargent <i>arrived 6.32 pm</i>	City of Stirling
Cr F Cvitan, JP	City of Wanneroo
Cr D Newton, JP	City of Wanneroo
Cr K Shannon	Town of Cambridge

Apologies

Cr E Cole	City of Vincent
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Leave of Absence

Nil

Absent

Nil

MRC Officers

Mr G Hoppe (Chief Executive Officer)
Ms A Slater (Director Corporate Services)
Ms S Cherico (Manager Human Resources)
Ms D Toward (Executive Support)

Member Council Observers

Mr M Humfrey (City of Joondalup)
Mr M MacPherson (City of Joondalup)
Mr C Hoskisson (City of Joondalup)
Mr R Bryant (City of Stirling)
Mr A Murphy (City of Vincent)
Ms N Jennings (City of Wanneroo)
Mr G Chettleburgh (City of Wanneroo)
Mr S Cairns (City of Wanneroo)
Mr C Kopec (City of Perth)
Mr K Hincks (Town of Cambridge)
Mr J Wong (Town of Victoria Park)

MRC Observers

Mr A Griffiths

Cr K Sargent entered 6.32 pm

3 DECLARATION OF INTERESTS

Interest Type	Financial Interest
Name and Position of Person	Gunther Hoppe, Chief Executive Officer
Report No and Topic	14.2 CEO'S CONTINUED SERVICE ON NOT-FOR-PROFIT BOARDS OF DIRECTORS
Name of Interest	Affects CEO employment

4 PUBLIC QUESTION TIME

Nil

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
--

8.1 ORDINARY COUNCIL MEETING – 17 December 2020

The Minutes of the Ordinary Council Meeting held on 17 December 2020 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 17 December 2020 be confirmed as a true record of the proceedings.

Moved Cr Newton, seconded Cr Gordon

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9.1 CHIEF EXECUTIVE OFFICER REPORTS

9.1	FINANCIAL STATEMENTS FOR THE MONTH ENDED 30 NOVEMBER 2020
File No:	FIN/5-09
Appendix(s):	Appendix No. 1 Appendix No. 2
Date:	22 December 2020
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 for the month ended 30 November 2020 is attached at **Appendix No. 1** to this Item. The Tonnage Report for the 5 months to 30 November 2020 is attached at **Appendix No. 2**.

The financial statements are pending external auditor approval of the 2019/2020 final accounts.

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 year to date period ended 30 November 2020

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	101,738	101,711	27
Tonnes – Others	6,224	5,491	733
TOTAL TONNES	107,962	107,202	760
	\$	\$	\$
Revenue – Members	22,867,302	20,850,722	16,580
Revenue – Other	1,949,562	1,676,299	273,263
TOTAL REVENUE	22,816,864	22,527,021	289,843
Expenses	24,542,393	23,502,273	(1,040,120)
Profit on sale of assets	-	-	-
Loss on sale of assets	-	-	-
Impairment of assets	-	-	-
NET DEFICIT	(1,725,528)	(972,252)	(750,277)

Commentary

Overall tonnages for the financial period ended 30 November 2020 were 760 tonnes more than budgeted, member councils bringing in more processable waste and less non processable waste than anticipated.

The net deficit result variance against budget of \$750,277 is mainly attributable to RRF expenditures, including catch up payments relating to insurance increases and fixed operating costs, abated by unbudgeted income received and other operational cost savings.

RRF

The Resource Recovery Facility residue tonnes are below phased budget by 453 tonnes delivering 23,846 tonnes in total to Tamala Park year to date.

Trade & Casuals

The Casual and Trade tonnages are 733 tonnes higher than forecast for the financial year to date.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 1 for the month ended 30 November 2020.

Moved Cr Proud, seconded Cr Vernon

RESOLVED

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)**

9.2	LIST OF PAYMENTS MADE FOR THE MONTH ENDED 30 NOVEMBER 2020
File No:	FIN/5-09
Appendix(s):	Appendix No. 3
Date:	22 December 2020
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 month ended 30 November 2020 is at **Appendix 3** to this Item and is 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 24 September 2020, 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 November 2020	General Municipal	Cheques	\$1,891.75
		EFT	\$3,649,932.55
		DP	\$163,713.69
		Inter account transfers	\$0.00
		Total	\$3,815,537.99

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 30 November 2020.

Moved Cr Sargent, seconded Cr Ferrante

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9.3	MRC WASTE PLAN
File No:	GF-20-0000729
Appendix 4:	MRC Final Waste Plan
Date:	8 January 2021
Responsible Officer:	Chief Executive Officer

SUMMARY

The report seeks Council's endorsement and adoption of the Mindarie Regional Council's (MRC) Waste Plan.

BACKGROUND

In November 2019, the MRC received notice from the Director General of the Department of Water and Environmental Regulation (DWER) that the MRC is required to prepare a waste plan under section 40(4) of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act).

DETAIL

Under section 40(4) of the WARR Act, the Chief Executive Officer (CEO) of the department, principally assisting the Minister of Environment in the administration of the WARR Act, may by written notice require a local government to include within its plan for the future a waste plan outlining how, in order to protect human health and the environment, waste services provided by the local government will be managed to achieve consistency with the Western Australian Waste Avoidance and Resource Recovery Strategy 2030 (Waste Strategy).

Waste Strategy and waste plans

In line with this, the Waste Strategy includes a headline strategy to "*Implement local government waste plans, which align local government waste planning processes with the Waste Strategy*".

Waste plans are to provide a link between the targets and objectives of the Waste Strategy and local government's waste management activities.

The purpose of the waste plans is to:

- Align local government waste management activities with the Waste Strategy;
- Map current performance and establish a benchmark to achieve Waste Strategy targets;
- Monitor progress on local government achievements of the Waste Strategy targets;
- and
- Design programs and activities which will support the implementation of waste plans.

All local governments and regional local governments (commonly referred to as regional councils) located in the Perth metropolitan region and Peel region, and major regional centres that provide waste services, are required to develop waste plans for the 2020/21 financial year, and perform their functions in respect of waste management in accordance with their plans.

The MRC was provided with a Waste Plan Template and guidance documentation which detailed service and performance provisions as well as an implementation plan.

The MRC was provided an option to submit a draft Waste Plan to the DWER for feedback prior to final submission for adoption and endorsement by the MRC's Council for inclusion in future planning. The draft Waste Plan was submitted on 29 April 2020. Feedback from DWER was received on 28 May 2020 and incorporated into the MRC's draft Waste Plan.

In August 2020, the MRC undertook several structural changes resulting in education services and operation of the recycling / drop off area and reuse shop no longer be provided by the MRC directly. This has had an impact on the Waste Plan resulting in a number of significant changes. Further changes are also anticipated from the outcomes of the MRC's review of its Strategic Community Plan and related plans, currently underway.

The DWER have advised that the final Waste Plan, endorsed and adopted by Council, must be submitted to the CEO of the DWER by 31 March 2021. The review of the Strategic Community Plan and related plans is a significant undertaking and is only expected to be completed by 30 June 2021, which is after the final waste plan submission deadline.

To ensure the DWER reporting deadline requirements are met, the MRC has updated the final Waste Plan to reflect the MRC's current operational status, with commentary noting that the waste plan is subject to change, pending the outcomes of the MRC's review of its Strategic Community Plan and related plans.

It should be noted that the first annual reports on the implementation for the waste plans for the 2021/22 financial year are due on 1 October 2022.

CONSULTATION

The plan was developed in consultation with MRC and DWER officers through various workshops and a draft submission / feedback process.

STATUTORY ENVIRONMENT

The MRC is required to prepare a waste plan under section 40(4) of the WARR Act.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Section 6.2(2) of the Local Government Act 1995 requires local governments to have regard to their plans for the future (which include waste plans made under section 40 of the WARR Act) in preparation of their annual budget.

VOTING REQUIREMENT

Simple majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

- 1. Endorses and adopts the MRC's Waste Plan and authorises the CEO to submit the Waste Plan to the DWER for assessment.**

Moved Cr Cvitan, seconded Cr Jacob

RESOLVED

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)**

9.4	MID YEAR BUDGET REVIEW – 2020/21
File No:	GF-20-00001311
Appendix(s):	Appendix 5
Date:	13 January 2021
Responsible Officer:	Director Corporate Services

SUMMARY

The purpose of this report is to describe the financial position and performance of the organisation in relation to the Adopted Budget and recommend changes that will reflect the anticipated outcomes for the remainder of the 2020/21 financial year. This will provide stakeholders with a view of the likely results of the Mindarie Regional Council's (MRC) operations at the conclusion of the financial year.

It is anticipated that the MRC will move from a forecast deficit of \$4.18 million to a forecast deficit of \$4.89 million, an increase in deficit \$0.7m (*Refer **Appendix 5***). This change is primarily as a result of increasing costs associated with the Resource Recovery Facility (RRF) and environmental site monitoring expenditures at Tamala Park.

It is anticipated that there will be a marginal increase in tonnes received by the MRC of 153 tonnes.

There will be no changes made to Members' and Non-members' gate fees in light of the COVID-19 pandemic, the gate fee will remain the same until July 2021.

BACKGROUND

Council at its ordinary council meeting held on 2 July 2020, resolved that council:

- (i) *adopt the Budget for the Mindarie Regional Council for 2020/21 financial year*
- (ii) *endorse the on-going strategy of deferred payment of operational surpluses, as approved by Council at its August 2005 meeting, for the 2005/06 financial year and future years to meet its on-going capital requirements*
- (iii) *Approve the Capital Budget Program of \$2,106,154 as follows:*

New capital expenditures

	\$
• <i>Buildings</i>	-
• <i>Office furniture and equipment</i>	10,000
• <i>Computer equipment</i>	86,000
• <i>Plant and equipment and vehicles</i>	1,330,000
• <i>Infrastructure</i>	<u>610,154</u>
	2,036,154

Carry forward capital expenditure

• <i>Computer equipment</i>	<u>70,000</u>
<i>Total Capital Expenditure</i>	<u>2,106,154</u>

- (v) *approve that \$349,482 will be transferred from the Operating Deficit to the Site Rehabilitation Reserve.*
- (vi) *approve that \$2,106,154 be transferred from the Reserve for Capital Expenditure to Operating Deficit to fund capital expenditures.*
- (vii) *Approve that \$250,000 will be transferred from Operating Deficit to the RRF Maintenance Reserve*
- (viii) *Approve that any funds required for carbon abatement projects be transferred from the Carbon Abatement Reserve to the Operating Deficit.*
- (ix) *Approve that any funds required for RRF Maintenance obligations be transferred from the RRF Maintenance Reserve to the Operating Deficit.*
- (x) *Approve that all interest earned on cash funds associated with cash-backed reserves will not be credited to the respective reserves.*
- (xi) *Approve that the budgeted Operating Deficit will be funded from the Participants' Surplus Reserve and Retained Surpluses as required.*

Council operations have been conducted in line with the Adopted Budget for 2020/21.

Monthly Financial Statements on the actual expenditure and variations from the Adopted Budget have been submitted to each Council meeting. In addition, monthly management accounts have been provided to Councillors and Member Council Officers on a regular basis.

In line with sound financial management practice, and in order to comply with Local Government Regulations, a detailed review of the MRC's operations, financial position and financial performance has been carried out as at 31 October 2020.

This reports highlights:

- those items that reflect significant trend variations to budgeted allocations, and
- the anticipated revised financial projections to 30 June 2021.

The Income Statement reflecting the Adopted Budget, Actual Expenditure to 31 October 2020 and projected expenditure to 30 June 2021, as well as the projected capital expenditure is enclosed as **Appendix 5** of this report.

DETAIL

Marginal Tonnage variation

The reforecast tonnes have marginally changed from the originally budgeted tonnage estimate:

TONNAGES RECEIVED BY THE MRC 2020/2021			
	Budget	Reforecast	Variance
Cambridge	5,455	5,845	390
Joondalup	31,670	33,475	1,805
Perth	13,000	12,505	(495)
Stirling	48,000	47,803	(197)
Victoria Park	12,900	12,300	(600)
Vincent	13,400	12,400	(1,000)
Wanneroo	64,850	64,850	-
	189,275	189,178	(97)
RRF Residue	56,700	56,700	-
Non-members	14,300	14,550	250
	71,000	71,250	250
Total	260,275	260,428	153

Revenue

Overall revenue is expected to decrease by \$414,393 (0.74%) from \$55.8 million to \$55.4 million. This is mostly as a result of the lost revenue from resource recovery activities as Workpower took over this part of operations in September 2020 and is abated by \$275,000 income received that was not anticipated at Adopted Budget.

Operating Expenditure

Operating expenditures have increased overall by \$315,562 (0.53%) primarily as a result of the increase in RRF contractor fees and RRF Insurance costs, and Tamala Park environmental site monitoring costs.

The high level change in operating costs are explained by the following:

Materials and Contract	Adopted Budget	Mid Year Budget	Variance	Explanation
Restructure savings	\$3,829,688	\$2,550,066	(\$1,279,622)	Savings resulting from the MRC's restructured operating model from September 2020 to June 2021.
RRF Operational expenses	\$30,695,864	\$31,711,870	\$1,016,006	Increase in Insurance of \$560,000 – <i>Approved at 17 December 2020 OCM.</i> \$ 240,165 - Fixed Operating cost true up from 19/20. Contractors fees - \$216,000
Monitoring Costs	\$ 430,000	\$ 704,090	\$ 274,090	\$204k additional ground monitoring costs – <i>Approved at 22 October 2020 OCM.</i> \$70k odour management trial
Right of Use Asset/Leases	\$815,486	\$968,162	\$152,676	Impact of AASB 16 – Leases (interest and depreciation charges). Rent Review
General – high level	\$46,000	\$91,801	\$45,801	Audit Fees - \$10,000 Building Maintenance – Admin \$17,301 Computer licences/security - \$18,500

Capital Expenditure

Forecast capital expenditure for the year has not changed from Adopted Budget.

CONSULTATION

Consultation occurred with Member Councils in relation to their forecast tonnes for the remainder of the 2020/21 financial year.

STATUTORY ENVIRONMENT

The half yearly budget review was carried out in accordance with the provision of the Local Government Act and Regulations.

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

The revised half yearly budget review presented for approval is consistent with the objectives and actions outlined in the MRC's Community Strategic Plan, Financial Plan and Asset Management Plan.

FINANCIAL IMPLICATIONS

As outlined above, there will be no changes made to the members' or non-members' gate fees and there will be an increase in the original budgeted deficit (\$4.18 million) of \$712,976, leaving an estimated deficit of \$4.89 million.

COMMENT

The budget revision reflects the efforts being made on the part of the MRC's member councils to improve the efficiency and diversion results of their individual waste collection system.

As member councils and the MRC itself increase their efforts to improve diversion of waste from landfill, the residual cost per tonne to operate the Tamala Park landfill site and the RRF contract will continue to increase.

The Site Rehabilitation reserve will have an estimated balance of \$15.1 million at the end of Financial Year 2020/2021. The estimated rehabilitation liability balance will be funded in future years. During the year the rehabilitation estimates were reviewed by an external consultant, this resulted in an increase of \$5 million being required for end of life rehabilitation for the landfill cells. These estimates are reviewed by external consultants periodically.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Approve by Absolute Majority the forecast deficit position estimated to be \$4,895,054 at 30 June 2021, which includes the following:
 - A net estimated decrease in total revenue of \$414,393;
 - A net estimated increase in expenditures of \$315,562;
 - A net estimated increase in the profit on sale of assets of \$16,979.

Moved Cr Newton, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted
(CARRIED ABSOLUTE MAJORITY 11/0)

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 58

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 58 be received.

Moved Cr Fishwick, seconded Cr Proud

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

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 Chair requested that in accordance with clause 7.1(e) of the Mindarie Regional Council Standing Orders Local Law 2012 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 the items are of a confidential nature.

The Chair invited MRC Officers and Member Council Officers seated in the public gallery to remain in the gallery for item 14.1 – MRC Future Waste Options Review.

The Chair requested members of the public to vacate the public gallery. There were no members of the public were present in the gallery.

The Chair announced that there were no limitations on the number of speeches made in accordance with clause 7.9(4) of the Mindarie Regional Council Standing Orders Local Law 2012.

Moved Cr Boothman, seconded Cr Proud

RESOLVED

To close the meeting to the public

(CARRIED 11/0)

Doors closed at 6.37pm.

MRC officers and member council officers remained in the public gallery.
There were no members of the public present.

Note: The Chief Executive Officer has not released the report for items 14.1 and 14.2 for public information.

This item is Confidential and dealt with in a confidential session, under section 5.23 (2) (c) of the Local Government Act 1995 as the report deals with a matter where a contract is entered into	
14.1	MRC Future Waste Options Review
File No:	GF-20-0001335
Attachment(s):	1. BRIEFING PACK – PART A – JUNE 2020 2. BRIEFING PACK – PART B – NOVEMBER 2020 3. PROGRESS CALCULATIONS – 15 DEC 2020
Date:	7 January 2020
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That Council notes the CEO's progress report contained in the confidential report and endorses the proposed course of action with respect to the due diligence process.

Moved Cr Jacob, seconded Cr Fishwick

AMENDMENT

Moved Cr Vernon, seconded Cr Shannon

That Council notes the CEO's progress report contained in the confidential report and endorses the proposed course of action with respect to the due diligence process, subject to the Cities of Wanneroo, Joondalup and Stirling indemnifying Mindarie Regional Council (MRC) for all costs associated with the due diligence process referred to the confidential report, if for any reason the transaction does not proceed after the due diligence process is completed.

LOST 2/9

For: Cr's Vernon, Shannon

Against: Cr's Jacob, Fishwick, Newton, Cvitan, Boothman, Proud, Ferrante, Sargent, Gordon

SUBSTANTIVE MOTION

That Council notes the CEO's progress report contained in the confidential report and endorses the proposed course of action with respect to the due diligence process.

RESOLVED

That the recommendation be adopted

(CARRIED 9/2)

For: Cr's Jacob, Fishwick, Newton, Cvitan, Boothman, Proud, Ferrante, Sargent, Shannon

Against: Cr's Gordon, Vernon

Due to the confidential nature of item 14.2, the Chair directed all MRC officers and Member Council officers to vacate the public gallery.

There were no members of the public present.

At 7.26 pm officers vacated the public gallery. The MRC CEO, Director of Corporate Services, HR Manager and Governance Officer remained in the meeting.

The Chair announced that there were no limitations on the number of speeches made in accordance with clause 7.9(4) of the Mindarie Regional Council Standing Orders Local Law 2012.

This item is Confidential and dealt with in a confidential session, under section 5.23 (2) (c) of the Local Government Act 1995 as the report deals with a matter where a contract is entered into	
14.2	CEO'S CONTINUED SERVICE ON NOT-FOR-PROFIT BOARDS OF DIRECTORS
File No:	P188
Attachment(s):	1. Original memo to Councillors – 11 November 2020 CEO 2. Letter to the Chair – 22 January 2021
Date:	22 January 2020
Responsible Officer:	Chief Executive Officer

At 7.28pm, prior to voting on this item, the MRC CEO and the Director of Corporate Services left the meeting.

RESPONSIBLE OFFICER RECOMMENDATION:

That Council:

- 1. Gives written consent for the CEO to undertake the proposed executive role with North Coast Church (NCC), pursuant to clause 3.2(h) of his contract of employment, from 1 February 2021 until the expiry of his contract with the MRC or such shorter period until the proposed NCC role ceases; and**
- 2. Acknowledges that the CEO will take leave from the MRC when working for NCC during normal business hours.**

Moved Cr Shannon, seconded Cr Gordon

AMENDMENT

Moved Cr Jacob, seconded Cr Shannon

- 1. Subject to the role being performed in an unpaid capacity only, gives written consent for the CEO to undertake the proposed executive role with North Coast Church (NCC), pursuant to clause 3.2(h) of his contract of employment, from 1 February 2021 until the expiry of his contract with the MRC or such shorter period until the proposed NCC role ceases; and**
- 2. Acknowledges that the CEO will take leave from the MRC when working for NCC during normal business hours.**

(CARRIED UNANIMOUSLY 11/0)

Moved Cr Fishwick, seconded Cr Proud

RESOLVED

That the meeting be reopened

(CARRIED UNANIMOUSLY 11/0)

Doors were reopened at 7.32 pm and the Chair declared the meeting reopened.

The MRC CEO and Director of Corporate Services returned to their seats in the Council Chamber.

MRC Officers and Member Council Officers returned to their seats in the gallery. No members of the public were present.

The Chair noted the resolutions passed behind closed doors.

15 NEXT MEETING

The next Ordinary Council meeting to be held on Thursday 25 March 2021 at the City of Wanneroo commencing at 6.30 pm.

16 CLOSURE

The Chair closed the meeting at 7.33 pm and thanked the City of Joondalup for their hospitality and use of their meeting facilities.

SignedChair

Dated day of2021
