



MINUTES

SPECIAL COUNCIL MEETING

TIME: 6.30 PM

08 JULY 2021

CITY OF STIRLING

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



Town of
Cambridge



City of
Joondalup



City of Perth



City of Stirling
City of Choice



TOWN OF
VICTORIA PARK



CITY OF VINCENT



City of
Wanneroo

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Prior to taking their seats for the meeting each member nominated by the Member Councils, made the required Declaration of Elected Member for the position of Councillor of the Mindarie Regional Council (MRC) in accordance with the Local Government Act 1995 (Schedule 9.3) using s702 of the Local Government Act 1960 (repealed).

The CEO asked if there were any further nominations for the role of Chair, no further nominations were made.

The CEO asked if there were any further nominations for the role of Deputy Chair, no further nominations were made.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The CEO declared the meeting open at 6.33 pm.

2 ELECTION OF THE CHAIRPERSON

The CEO advised Council that he had received nominations for the position of Chair as follows:

A nomination received from Cr Fishwick nominating Cr Jacob.
A nomination received from Cr Vernon self-nominating.

The CEO asked Cr Jacob if the nomination was accepted and Cr Jacob accepted the nomination.

In accordance with the Local Government Act 1995 (schedule 9.3, Clause 10(c)) an election was conducted under s.709(2) of the transitional provisions of the Local Government Act 1960 (repealed).

The CEO advised Councillors that a vote would be conducted for the position of Chair.

Both Crs Jacob and Vernon made a short speech prior to the voting.

The votes were counted and both Cr Jacob and Cr Vernon received an equal share of the votes, being six votes each.

At 6.55 pm the CEO adjourned the meeting.

At 7.05 pm the CEO reopened the meeting and advised Council that a second vote would be conducted.

The votes were counted and the CEO announced that Cr Vernon received the majority of the votes and declared Cr Vernon elected as the Chair, by seven votes to five.

Cr Vernon signed form 7 and assumed the role of meeting Chair.

3 ELECTION OF THE DEPUTY CHAIRPERSON

The Chair advised Council that a nomination for the position of Deputy Chair had been received as follows:

A nomination received from Cr Cvitan self-nominating.

The Chair advised Councillors that nominations closed at 6.30pm and there being only one nomination, that Cr Cvitan was elected unopposed as the Deputy Chair.

4 ATTENDANCE/APOLOGIES

Councillor Attendance

Cr K Vernon (Chair)	Town of Victoria Park
Cr F Cvitan, JP (Deputy Chair)	City of Wanneroo
Cr A Jacob, JP	City of Joondalup
Cr R Fishwick, 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	City of Stirling
Cr L Thornton	City of Stirling
Cr A Castle	City of Vincent
Cr D Newton, JP	City of Wanneroo
Cr K Shannon	Town of Cambridge

Apologies

Cr D Boothman, JP	City of Stirling
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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 D Toward (Executive Support)

Member Council Observers

Mr S Jardine (City of Stirling)
Mr D Simms (City of Wanneroo)
Mr N Claassen (City of Joondalup)
Mr A Mason (City of Perth)
Mr M Foley (City of Perth)
Mr M Littleton (City of Stirling)
Mr R Bryant (City of Stirling)
Ms Y Plimbley (City of Vincent)
Mr S Cairns (City of Wanneroo)
Mr F Squadrito (Town of Victoria Park)

MRC Observers

Ms S Cherico
Mr B Twine
Mr A Griffiths

Visitors

Cr Karlo Perkovic (City of Stirling)

5	DECLARATION OF INTERESTS
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Nil

6	PUBLIC QUESTION TIME
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Nil

7	ANNOUNCEMENTS BY THE PRESIDING PERSON
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The Chair thanked Elected Members for their support and congratulated Cr Cvitan on being elected to the position of Deputy Chair unopposed. The Chair also thanked Cr Jacob for nominating.

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

In accordance with clause 10.1(h) of the Mindarie Regional Council Meeting Procedures Local Law 2020 and s5.23 of the Local Government Act 1995, the Chair requested the Council to meet “behind closed doors” to allow the Council to consider item 8.1 as the item is of a confidential nature.

The Chair invited MRC Officers and Member Council CEOs and Officers seated in the public gallery to remain in the gallery. Cr Perkovic left the public gallery and there were no members of the public present.

Moved Cr Vernon, seconded Cr Jacob

RESOLVED

To close the meeting to the public

(CARRIED UNANIMOUSLY 12/0)

Doors closed at 7.17 pm

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

8.1	MRC FUTURE WASTE OPTIONS REVIEW
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File No:	GF-20-0001335
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Attachment(s):	1. Letter to BioVision – 05.07.2021
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Date:	5 July 2021
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Responsible Officer:	Chief Executive Officer
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RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Authorises the Chief Executive Officer to proceed in line with Recommendation A as contained in the Comment section of the confidential report.

Cr Sargent moved, seconded Cr Ferrante

ALTERNATE MOTION

- 1 That the MRC reconfirms its position from the OCM 24.6.2021 in respect of item 14.1 as a full and final offer.**
 - 2 Endorses the Chair to accompany the CEO in any further negotiations.**
-

DURING DEBATE

Cr Shannon moved an amendment to the alternate motion by the addition of point 3 below:

- 3 The CEO conduct negotiations in respect of this matter no later than 18 August 2021.

The Chair called for a seconder for the amendment.

There was no seconder.

The Chair declared that there being no seconder, the amendment lapsed.

SUBSTANTIVE ALTERNATE MOTION:

- 1 That the MRC reconfirms its position from the OCM 24.6.2021 in respect of item 14.1 as a full and final offer.
- 2 Endorses the Chair to accompany the CEO in any further negotiations.

CARRIED 12/0
(CARRIED UNANIMOUSLY)

RATIONALE

The position of Council reached at its meeting of 24.06.2021 was still considered to be appropriate. Given the nature of the negotiations, it is considered appropriate to have the Chair present at any future negotiation meetings.

Moved Cr Vernon, seconded Cr Proud

RESOLVED

To re-open the meeting

(CARRIED UNANIMOUSLY 12/0)

Doors were reopened at 8.17 pm, the Chair declared the meeting reopened.
No one entered the public gallery. No members of the public were present.
The Chair noted resolutions passed behind closed doors.

9 NEXT MEETING

Next Ordinary Council meeting to be held on Thursday 12 August 2021 in the Council Chambers at the Town of Cambridge commencing at 6.30 pm.

10 CLOSURE

The Chair closed the meeting at 8.17 pm and thanked the City of Stirling for their hospitality and use of their meeting facilities.

Signed..... Chair

Dated..... day of2021



Special Meeting of Council

Monday 19 July 2021

MINUTES

These Minutes were confirmed as a true and correct record of proceedings at a meeting held on 19 August 2021.

Signature:
Chair

*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 David Lagan Cr Suzanne Migdale Cr Bianca Sandri Cr Philippa Taylor Cr Brett Treby Cr Domenic Zappa
Alternate Members	Nil
Staff	Mr Tony Arias (Chief Executive Officer) (left meeting for Item 7.1, 6:17pm – 6:23pm) Ms Vickie Wesolowski (Executive Assistant)
Apologies Councillors	Cr Andres Timmermanis
Leave of Absence	Nil
Absent	Nil
Consultants	Ms Bianca Starcevich (Humanitas HR Solutions)
In Attendance Participant Councils' Advisers	Nil
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The Chair declared the meeting open at 6:01pm and welcomed Councillors to the Special Meeting of the Tamala Park Regional Council.

DISCLOSURE OF INTERESTS

- Cr Anderson disclosed an Impartiality Interest for Item 7.1 - Appointment of a Temporary TPRC CEO as she works with Jon Morelli at the Town of Victoria Park.
- Crs Fleeton and Sandri each disclosed an Impartiality Interest for Item 7.1 - Appointment of a Temporary TPRC CEO as Megan Adair is known to them.

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies: Cr Andres Timmermanis

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 17 June 2021

Moved Cr Migdale, Seconded Cr Zappa.

That the minutes of the Ordinary Meeting of Council of 17 June 2021 be confirmed, and signed by the Chair, as a true and correct record of proceedings.

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

5A BUSINESS ARISING FROM MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

Nil

7. ADMINISTRATION REPORT AS PRESENTED (ITEM 7.1)

7.1 CONFIDENTIAL: APPOINTMENT OF A TEMPORARY TPRC CEO

Mr Arias left the meeting (6:17pm)

Crs Anderson, Fleeton and Sandri each disclosed an Impartiality Interest for Item 7.1 - Appointment of a Temporary TPRC CEO as detailed under Disclosures of Interest.

Moved Cr Treby, Seconded Cr Migdale.

That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the Meeting be CLOSED to the public on the grounds that it deals with:

- i) 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*
- ii) A matter that if disclosed, would reveal a trade secret or information that has a commercial value to a person or relates to the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the TPRC (section 5.23(2)(e))*

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

Moved Cr Treby, Seconded Cr Lagan.

[The recommendation in the agenda]

That the Council APPROVES the recommendations contained in the Confidential Report prepared by Humanitas HR Solutions (dated 16 July 2021).

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

Moved Cr Treby, Seconded Cr Fotakis.

That the Meeting be REOPENED to the public.

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

Mr Arias re-joined the meeting (6:23pm)

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. FORMAL CLOSURE OF MEETING

The Chair declared the meeting closed at 6:25pm.



MINUTES

ORDINARY COUNCIL MEETING

TIME: 6.30 PM

12 AUGUST 2021

TOWN OF CAMBRIDGE

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



Town of
Cambridge



City of
Joondalup



City of Perth



City of Stirling
City of Choice



TOWN OF
VICTORIA PARK



CITY OF VINCENT



City of
Wanneroo

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1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS
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The Chair declared the meeting open at 6.32 pm.

2	ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE
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Councillor Attendance

Cr K Vernon (Chair)	Town of Victoria Park
Cr F Cvitan, JP (Deputy Chair)	City of Wanneroo
Cr A Jacob, JP	City of Joondalup
Cr R Fishwick, JP	City of Joondalup
Cr R Gordon	City of Perth
Cr S Proud, JP	City of Stirling
Cr K Sargent	City of Stirling
Cr L Thornton	City of Stirling
Cr A Castle	City of Vincent
Cr D Newton, JP	City of Wanneroo
Cr A Timmermanis	Town of Cambridge

Apologies

Cr J Ferrante	City of Stirling
Cr K Shannon	Town of Cambridge

Leave of Absence

Nil

Absent

Nil

MRC Officers

Mr G Hoppe (Chief Executive Officer)
Ms S Cherico (Manager Human Resources)
Ms D Toward (Executive Support)

Member Council Observers

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 K Hincks (Town of Cambridge)
Mr J Giorgi (Town of Cambridge)

MRC Observers

Mr B Twine
Mr A Griffiths

Visitors

Nil

3	DECLARATION OF INTERESTS
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Nil

4	PUBLIC QUESTION TIME
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Nil

5	ANNOUNCEMENTS BY THE PRESIDING PERSON
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Nil

6	APPLICATIONS FOR LEAVE OF ABSENCE
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Nil

7	PETITIONS / DEPUTATIONS / PRESENTATIONS
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Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 ORDINARY COUNCIL MEETING – 24 June 2021

The Minutes of the Ordinary Council Meeting held on 24 June 2021 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 24 June 2021 be confirmed as a true record of the proceedings.

Moved Cr Proud, seconded Cr Sargent

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

8.2 SPECIAL COUNCIL MEETING – 08 July 2021

The Minutes of the Special Council Meeting held on 08 July 2021 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Special Meeting of Council held on 08 July 2021 be confirmed as a true record of the proceedings.

Moved Cr Cvitan, seconded Cr Newton

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9.1 CHIEF EXECUTIVE OFFICER REPORTS

9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 31 MAY 2021 AND 30 JUNE 2021
File No:	FIN/5-09
Appendix(s):	Appendix No. 1 Appendix No. 2
Date:	15 JULY 2021
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 months ended 31 May 2021 and 30 June 2021 are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 12 months to 30 June 2021 is attached at **Appendix No. 3**.

The financial statements are pending external auditor approval and are subject to change.

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 June 2021

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	241,153	245,878	(4,725)
Tonnes – Others	27,628	14,550	13,078
TOTAL TONNES	268,781	260,428	8,353
	\$	\$	\$
Revenue – Members	49,448,151	50,405,206	(957,055)
Revenue – Other	6,202,727	5,075,917	1,126,810
TOTAL REVENUE	55,650,878	55,481,123	169,755
Expenses	58,640,833	60,403,478	1,762,645
Profit on sale of assets	56,441	35,266	21,175
Loss on sale of assets		7,963	7,963
Impairment of assets	-	-	-
NET DEFICIT	(2,933,514)	(4,895,052)	1,961,538

Members

Members tonnages for the financial period ended 30 June 2021 were 4,725 tonnes less than budgeted, member councils delivering less waste than what was estimated.

RRF

The Resource Recovery Facility residue tonnes have delivered 57,781 tonnes in total to Tamala Park year to date, 1,081 tonnes above budgeted.

Trade & Casuals

The Casual and Trade tonnages are 13,078 tonnes higher than forecast for the financial year to date, 12,304 tonnes attributable to the discounted rate waste tender.

Overall tonnages for the financial period ended 30 June 2021 were 8,353 tonnes more than budgeted.

The net result variance against budget of \$1,961,538 is mainly attributable to RRF expenditures, abated by unbudgeted tonnages received in the commercial waste tenders, landfill costs and legal fees.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 1 and Appendix No. 2 for the months ended 31 May 2021 and 30 June 2021.

Moved Cr Gordon, seconded Cr Thornton

RESOLVED

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

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED MAY AND JUNE 2021
File No:	FIN/5-09
Appendix(s):	Appendix No. 4 and 5
Date:	13 July 2021
Responsible Officer:	Director Corporate Services

SUMMARY

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

COMMENT

The lists of payments for the months ended 31 May 2021 and 30 June 2021 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
31 May 2021	General Municipal	Cheques	\$440.00
		EFT	\$3,407,327.65
		DP	\$189,286.28
		Inter account transfers	\$5,100,000.00
		Total	\$8,697,053.93
30 June 2021	General Municipal	Cheques	\$13,653.19
		EFT	\$5,330,457.01
		DP	\$61,354.38
		Inter account transfers	\$6,300,000.00
		Total	\$11,705,464.58

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 31 May 2021 and 30 June 2021.

Moved Cr Sargent, seconded Cr Newton

RESOLVED

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

9.3

**MINDARIE REGIONAL COUNCIL MEETING PROCEDURES
LOCAL LAW 2020**

File No:

GF-20-0000550

Appendix:	Appendix 6 Mindarie Regional Council Meeting Procedures Local Law 2020
Date:	21 July 2021
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to seek Council's approval to implement the Joint Standing Committee (JSC) on Delegated Legislation's undertakings for the Mindarie Regional Council (MRC) Meeting Procedures Local Law 2020.

BACKGROUND

The MRC Meeting Procedures Local Law 2020 ("the Local Law") was adopted by Council on 17 December 2020. Section 3.16 of the Local Government Act 1995 ("the Act") requires a periodic review of the Local Law.

On 25 February 2021, the MRC administration submitted the Local Law with the required Explanatory Memorandum and supporting materials to the JSC which provided proof of process to part C of the Explanatory Memorandum for Local Governments for making a local law.

On 15 June 2021, a letter was received from the JSC in response to the Local Law submission and in part stated:

"The Local Law was considered by the JSC at its meeting on 14 June 2021. The JSC resolved to write to the MRC with the following matters:

- *Deletion of clause 16.2 from the adopted local law*
- *Typographical errors*
- *Primary and substantive motions*
- *Interaction between clauses 7.15 (3) and 7.16 (1) (b)"*

The JSC requires the MRC to respond to the above matters and is seeking the following undertakings from the MRC:

1. When the Local Law is next reviewed, the MRC will:
 - i. Correct the typographical errors outlined above
 - ii. Include a definition of 'substantive motion' in the Local Law
 - iii. Ensure all consequential amendments arising from the undertaking will be made.
2. The MRC will not enforce the Local law contrary to undertaking 1.
3. Where the Local Law is made publicly available by the MRC, whether in hard copy or electronic form, the MRC will ensure that it is accompanied by a copy of the undertaking.
4. The MRC is to provide clarification about the removal of clause 16.2
5. The MRC is to provide clarification about the interaction between clauses 7.15 (3) and 7.16 (1) (b).

DETAIL

The JSC has requested clarification and or corrections to the following matters:

1. CLARIFICATION FOR THE DELETION OF CLAUSE 16.2 FROM THE ADOPTED LAW

The JSC requires clarification as to why Clause 16.2 was deleted from the adopted local law, noting that it is included in the WALGA template.

Proposed response to the JSC:

On advice from the Department of Local Government, the MRC Administration deleted Clause 16.2 as clause 17.4 was adjudged to deal with the same matter.

2. CORRECTION TO TYPOGRAPHICAL ERRORS:

- a) Reference to Presiding Person, not Presiding Member. Each reference to Presiding Person should be changed to Presiding Member to ensure consistency.
- b) Clause 6.7(11): insert 'of' between 'copy' and 'the' in the 3rd line.
- c) Clause 7.16(11) (b) the phrases 'uses an expression which' and 'uses an expression that' both appear. The latter should be deleted from subsection (b).

Proposed response to the JSC:

The MRC Administration agrees with these changes.

3. CLARIFICATION TO PRIMARY AND SUBSTANTIVE MOTIONS:

Both 'primary motion' and 'substantive motion' appears in the local law, but only 'primary motion' is defined under 1.4 Interpretations. Noting that the WALGA template uses 'substantive motion', but not that of 'primary motion', but the definition is the same as that of primary motion in the local law.

Proposed response to the JSC:

The MRC Administration agrees with the observation and proposes to delete the words 'primary motion' and replace them with 'substantive motion' and will add a definition of 'substantive motion'.

4. Clarification to Interaction between clauses 7.15 (3) and 7.16 (1) (b)

Explain how 7.15(3) and 7.16(1) (b) interact. While clause 7.15 (3) refers to 'offensive expressions', clause 7.16 (1) (b) refers to 'an expression that is offensive or objectionable'.

Proposed response to the JSC:

The MRC Administration proposes the insertion of the word 'or objectionable' at 7.15(3) and deletion of the phrase 'uses an expression that' at clause 7.16(1) (b), as shown below.

7.15 (3) A member is not to use offensive **or objectionable** expressions in reference to any member, officer or other person.

7.16(1) (b) ~~uses an expression that~~ is offensive or objectionable must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.

It is recommended that the MRC Chair respond to the JSC with the proposed clarifications as described above and confirming compliance with all the undertakings.

CONSULTATION

Nil

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

Nil

COMMENT

Nil

VOTING REQUIREMENT

Simply majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1. Resolves to provide the following undertakings to the Joint Standing Committee on Delegated Legislation that:**
-

1. When the Local Law is next reviewed, the MRC will:
 - a) Correct the typographical errors as outlined under point 2 in the Detail section of this report
 - b) Include a definition of 'substantive motion' in the Local Law and the amendments as outlined under point 3 in the Detail section of this report
 - c) Ensure all consequential amendments arising from the undertaking will be made.
 2. The MRC will not enforce the Local Law contrary to undertaking 1.1.
 3. Where the Local Law is made publicly available by the MRC, whether in hard copy or electronic form, the MRC will ensure that it is accompanied by a copy of the undertaking.
 4. The MRC will provide clarification about the removal of clause 16.2, as outlined under point 1 in the Detail section of this report
 5. The MRC will provide clarification about the interaction between clauses 7.15 (3) and 7.16 (1) (b), as outlined under point 4 in the Detail section of this report.
2. Approves the Chair to write to the Joint Standing Committee on Delegated Legislation, providing the required clarification and corrections for the Mindarie Regional Council Meeting Procedures Local Law 2020.

Moved Cr Jacob, seconded Cr Gordon

RESOLVED

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

9.4	MINDARIE REGIONAL COUNCIL WASTE FACILITY SITE LOCAL LAW 2020
File No:	GF-21-0000550
Appendix:	Appendix 7 Mindarie Regional Council Waste Facility Site Local Law 2020
Date:	21 July 2021
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to seek Council's approval to implement the Joint Standing Committee (JSC) on Delegated Legislation's undertakings for the Mindarie Regional Council (MRC) Waste Facility Site Amendment Local Law 2020.

BACKGROUND

The MRC Waste Facility Site Amendment Local Law 2020 ("the Local Law") was adopted by Council on 17 December 2020. Section 3.16 of the Local Government Act 1995 ("the Act") requires a periodic review of the Local Law.

On 25 February 2021, the MRC administration submitted the Local Law with the required Explanatory Memorandum and supporting materials to the JSC which provided proof of process to part C of the Explanatory Memorandum for Local Governments for making a local law.

On 15 June 2021, a letter was received from the JSC in response to the Local Law submission and in part stated:

"The Local Law was considered by the JSC at its meeting on 14 June 2021. The JSC resolved to write to the MRC with the following issues:

Compliance with Waste Avoidance and Resource Recovery Act (WARR Act), ss61, ss64 and ss3.12 (3) (b) and (5) of the Local Government Act.

- *The statutory procedures checklist does not indicate whether:*
 - *A copy of the Local Law had been given to the Minister of Environment, who administers the WARR Act 2007 either before or after the Local Law was made, as required by sections 3.12 (3) (b) and (5) of the Local Government Act.*
 - *Consent to make the Amendment Local Law was obtained in accordance with section 61 (1) of the WARR Act."*

The JSC considers the new clauses in Local Law brings the Local Law within the scope of the WARR Act. Noted 'waste services' are defined in section 3 of the WARR Act to include:

(c) the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste'.

The Local Law new clauses to which they are referring are:

27. *Hours of operation*

The local government may from time to time determine the hours of operation of a waste facility.

27A. *Depositing Waste*

(1) *A person must not deposit waste at a waste facility other than—*

(a) at a location determined by a sign and in accordance with the sign; and

(b) in accordance with the direction of an authorised person.

(2) *The local government may determine the classification of any waste that may be deposited at a waste facility.*

As a separate matter, additionally, the JSC considers that items 18 and 20 in Schedule 1 of penalties exposes the public to liability under what appears to be very similar clauses and that reference to either clause should be deleted or combined under the same item.

The JSC:

- 1) requires the MRC to respond on compliance with section 3.12 (3) (b) and the WARR Act, which may affect the validity of the Amendment Local Law, and
- 2) are seeking the following undertakings from the MRC:
 6. Within six months, remove either item 18 or 20 in schedule 1 of the Local Law or combine them to the same item.
 7. The MRC will not enforce the local law contrary to undertaking 1.
 8. Ensure all consequential amendments arising from the undertaking will be made.
 9. Where the Local Law is made publicly available by the MRC, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertakings.

DETAIL

Historically the MRC Local Law has not been considered to be within the scope of the WARR Act and therefore consent to make the Local Law was not obtained from the Minister of the Environment, nor was a copy provided to the Minister of the Environment.

The MRC local law was not made for any of the purposes set out in the WARR Act. It was made to provide the MRC the ability to control and manage members of the public who attend the site by setting conditions and issuing penalties that fall within the portfolio of the Minister for Local Government.

On reflection of the considerations of the JSC, the MRC have reviewed clause 27 and 27A and determined that they are not necessary to regulate the MRC's operations for the following reasons:

- Opening hours are available on the MRC website;
- The site is well sign posted to direct site users to the appropriate goods drop off locations; and
- The MRC customers access site information from the website, contacting the administration and site signage, not the Local Law.

Therefore, it is recommended for the MRC Chair to respond to the JSC offering to delete clauses 27 and 27A, and requesting a further undertaking in respect of the deletion of these two clauses.

In addition, confirming compliance with the four undertakings requested by the JSC and respectfully requesting the JSC to give further consideration to allow the MRC Amendment Local Law 2020.

CONSULTATION

Advice has been sought from WALGA on this matter and they support this course of action.

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 —*
 - (d) *published in a newspaper circulating generally throughout the district; and*
 - (e) *exhibited to the public on a notice board at the local government's offices; and*

- (f) *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 —*
 - (c) *published under subsection (1)(a) on at least one occasion; and*
 - (d) *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 —*
 - (d) *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*
 - (e) *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*
 - (f) *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 —*
 - (d) *stating the title of the local law; and*
 - (e) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (f) *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 —*
 - (d) *the local government proposes to review the local law; and*
 - (e) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
-

- (f) 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

Nil

COMMENT

Nil

VOTING REQUIREMENT

Simply majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Resolves to provide an undertaking to the Joint Standing Committee on Delegated Legislation that:
 - i. Within six months, the MRC will remove either item 18 or 20 in Schedule 1 of the Local Law or combine them to the same item.
 - ii. The MRC will not enforce the local law contrary to the undertaking in i. above.
 - iii. The MRC will ensure all consequential amendments arising from the undertaking will be made.
 - iv. Where the Local Law is made publicly available by the MRC, whether in hard copy or electronic form, the MRC will ensure that it is accompanied by a copy of these undertakings.
-

2. Approves the Chair to write to the Joint Standing Committee on Delegated Legislation requesting the Committee to give further consideration to allow the Mindarie Regional Council Amendment Local Law 2020, on the basis that clauses 27 and 27A are deleted.

Moved Cr Gordon, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9.5	APPOINTMENT OF COUNCILLORS ON TO THE MUNICIPAL WASTE ADVISORY COUNCIL (MWAC)
File No:	GF-20-0001618
Attachment(s):	1. Municipal Waste Advisory Council Details
Date:	29 July 2021
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to seek the appointment of a Councillor of the Mindarie Regional Council (MRC) to the Municipal Waste Advisory Council (MWAC).

BACKGROUND

The MRC is currently a member of an advisory group of WALGA known as MWAC. A MRC Councillor is required to be a member of this group.

MWAC was established as part of the MRC's commitment to the Western Australia Local Government Association membership.

Attachment 1 provides details of the tenure, membership, duties and responsibilities associated with being a member of MWAC.

DETAILS

At the MRC Ordinary Council meeting held on 21 November 2019 Councillor David Boothman was appointed as a Member and Cr Russ Fishwick as a Deputy Member on to MWAC.

On 6 August 2021 Councillor Boothman retired from the City of Stirling and the Mindarie Regional Council. The resignation has resulted in the requirement for the MRC to swear in a new member of MWAC.

The purpose of this appointment is to fill the vacancy on a temporary basis up to the Local Government elections. There are 2 meetings remaining on 25 August 2021 and 13 October 2021. The Deputy Member, Cr Russ Fishwick, is unable to attend those meetings and therefore a temporary appointment is required.

It should also be noted that Councillor Boothman was also the Chair of the CEO Recruitment and Performance Review Committee and a member of the Audit Committee. As there are no scheduled meetings prior to October 2021 for these committees, appointments will be made following the Local Government elections in October 2021.

The following provides a brief explanation of the purpose of MWAC:

Municipal Waste Advisory Council

The Municipal Waste Advisory Council (MWAC) was established in December 1994 as a Standing Committee of the Western Australian Local Government Association (WALGA) with delegated authority to represent the Association in respect of matters relating to municipal waste issues. MWAC is established under a partnership agreement with WALGA, Eastern Metropolitan Regional Council, City of Geraldton/Greenough, Mindarie Regional Council, Rivers Regional Council, Southern Metropolitan Regional Council and Western Metropolitan Regional Council.

The objective of MWAC is to encourage and promote economically sound, environmentally safe waste management practices and to ensure that the shared interests of all Western Australian Local Governments, as they relate to waste management, are effectively managed. As MWAC is a standing committee of WALGA it requires councillor representation. An Officer Advisory Group (OAG) has been established as an advisory committee to the MWAC.

LEGAL COMPLIANCE

Refer attachment 1 to determine the compliance requirements of MWAC.

FINANCIAL IMPLICATIONS

There is no remuneration attached to this position.

COMMENT

There are 6 meetings per calendar year with 2 remaining meetings up to the date of the Local Government Elections.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. **Appoint Cr _____ on to the Municipal Waste Advisory Council up to the date of the Local Government Elections in October 2021.**

Cr Sargent nominated Cr Vernon to be the member of the Municipal Waste Advisory Council, the nomination was seconded by Cr Cvitan.
Cr Vernon accepted the nomination.

Moved Cr Vernon, seconded Cr Thornton

RESOLVED

To appoint Cr Vernon as the member of the Municipal Waste Advisory Council.

(CARRIED BY ABSOLUTE MAJORITY 11/0)

ATTACHMENT 1

MUNICIPAL WASTE ADVISORY COUNCIL

MEMBERSHIP

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

MEETING FREQUENCY

Bi-Monthly

DUTIES AND RESPONSIBILITIES

<i>General Functions of the MWAC</i>

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

APPOINTMENT/TENURE

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

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 62

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 62 be received.

Moved Cr Jacob, seconded Cr Cvitan

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

In accordance with clause 10.1(h) of the Mindarie Regional Council Meeting Procedures Local Law 2020 and s5.23 of the Local Government Act 1995, the Chair requested the Council to meet “behind closed doors” to allow the Council to consider item 14.1 as the item is of a confidential nature.

The Chair requested MRC Officers and Member Council CEOs and Officers seated in the public gallery to vacate the gallery.

There were no members of the public present.

The MRC Director of Corporate Services vacated the Council Chambers.

The MRC CEO, the Manager of Human Resources and the Governance Officer remained in the Council Chambers.

Moved Cr Vernon, seconded Cr Proud
To close the meeting to the public
(CARRIED UNANIMOUSLY 11/0)

Doors closed at 6.41 pm

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

This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (a) of the <i>Local Government Act 1995</i> as the report deals with a matter affecting an employee.	
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14.1	INTERIM CEO
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File No:	GF-20-0000340
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Attachment(s):	MRC POLICY CP 14
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Date:	19 JULY 2021
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Responsible Officer:	Chief Executive Officer
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That Council:

- 1. Appoint the Operations Manager, Mr Brendan Twine, as the Interim Chief Executive Officer from 3 September 2021 to the earlier of 28 September 2021 or the date the new CEO commences.**
- 2. Approves the proposed remuneration in respect of item 1, as contained in the Detail section of the confidential report, in accordance with the Salaries and Allowance Tribunal Band 3 for Regional Council CEOs.**

Moved Cr Proud, seconded Cr Sargent
RESOLVED
That the recommendation be adopted
(CARRIED BY ABSOLUTE MAJORITY 11/0)

Moved Cr Vernon, seconded Cr Proud
To re-open the meeting to the public
(CARRIED UNANIMOUSLY 11/0)

Doors re-opened at 6.44 pm, the Chair declared the meeting reopened.

MRC Officers and Members Council Officers re-entered the gallery.
The Chair read out the resolution for item 14.1, and congratulated Mr Twine on his appointment of Interim Chief Executive Officer.

15 NEXT MEETING

The next Ordinary Council meeting to be held on Thursday 16 September 2021 at the City of Vincent commencing at 6.30 pm.

16 CLOSURE

The Chair closed the meeting at 6.45 pm and thanked the Town of Cambridge for their hospitality and use of their meeting facilities.

Signed.....Chair

Datedday of2021



Ordinary Meeting of Council

Thursday 19 August 2021

MINUTES

City of Wanneroo
23 Dundobar Road, Wanneroo

These Minutes were confirmed as a true and correct record of proceedings at a meeting held on 14 October 2021.

Signature:
Chair

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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 Joanne Fotakis Cr David Lagan Cr Suzanne Migdale Cr Bianca Sandri Cr Philippa Taylor Cr Brett Treby
Alternate Members	Cr Clyde Bevan (arrived 6:18pm)
Staff	Mr Jon Morellini (Chief Executive Officer) Mr Simon O'Sullivan (Manager Project Coordination) Ms Gemma Tonkin (Executive Assistant) Ms Vickie Wesolowski (Executive Assistant)
Apologies Councillors	Cr Brent Fleeton Cr Andres Timmermanis Cr Domenic Zappa
Leave of Absence	Nil
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 Stuart Jardine (City of Stirling) Mr David MacLennan (City of Vincent) Mr James Pearson (City of Joondalup) 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 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 6:12pm.

DISCLOSURE OF INTERESTS

Nil

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies: Crs Fleeton, Timmermanis & Zappa

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Special Meeting of Council – 19 July 2021

Moved Cr Treby, Seconded Cr Chester.

That the minutes of the Special Meeting of Council of 19 July 2021 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)

Cr Bevan joined the meeting at 6:18pm.

The Chair welcomed the new CEO, Jon Morellini, and new Executive Assistant, Gemma Tonkin to the TPRC. She also acknowledged the hard work and success of the outgoing CEO, Tony Arias, and Executive Assistant, Vickie Wesolowski.

7. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 7.1 – 7.5)

7.1 BUSINESS REPORT – PERIOD ENDING 12 AUGUST 2021

Moved Cr Chester, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council RECEIVES the Business Report to 12 August 2021.

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

7.2 PROJECT FINANCIAL REPORT – JUNE 2021

Moved Cr Treby, Seconded Cr Fotakis.

[The recommendation in the agenda]

That the Council RECEIVES the Project Financial Report (June 2021) submitted by the Satterley Property Group.

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

7.3 SALES AND SETTLEMENT REPORT – PERIOD ENDING 12 AUGUST 2021

Moved Cr Sandri, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report to 12 August 2021.

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

7.4 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF JUNE AND JULY 2021

Moved Cr Chester, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statements of Financial Activity for the months ending 30 June 2021 and 31 July 2021.

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

7.5 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF JUNE - JULY 2021

Moved Cr Lagan, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council:

1. **RECEIVES and NOTES** the list of accounts paid under Delegated Authority to the CEO for the months of June and July 2021:

Month ending 30 June 2021 (Total \$10,642,844.22)

Month ending 31 July 2021 (Total \$478,929.35)

Total (\$11,121,773.57)

2. **APPROVES** the CEO Credit Card Statement for the period June - July 2021.

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

8. COMMITTEE REPORTS 8.1 - 8.14

MANAGEMENT COMMITTEE (15 JULY 2021)

The recommendations for Items 8.1 - 8.4 were moved and seconded en bloc.

Moved Cr Treby, Seconded Cr Fotakis.

8.1 CATALINA BEACH BUILDERS DISPLAY VILLAGE 2 – MODIFICATION TO DISPLAY BUILDERS REBATE TERMS

[The recommendation in the agenda]

That Council APPROVES the modification of Condition 4 of the commercial terms and conditions for the sale of lots in the Catalina Beach Builders Display Village 2, (approved by the Council on 10 December 2020) as follows:

4. **Practical completion of the Display Home is to be 65 weeks for a single-storey dwelling and 73 weeks for a double-storey dwelling from settlement or the date of development approval for the Catalina Beach Display Village 2, whichever occurs the latest.**

8.2 LOT PRICING POLICY 2021

[The recommendation in the agenda]

That the Council APPROVES the Lot Pricing Policy 2021 for public release lots at Catalina.

8.3 PURCHASER TERMS AND CONDITIONS – CATALINA GREEN

[The recommendation in the agenda]

That the Council:

1. **APPROVES** the following Purchaser Terms/Conditions and Incentives for all public and builder release lots in Catalina Green for the period to August 2022:
 - 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.**
 - 1.3 **A finance approval period of 60 days, 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 3.0kw capacity photovoltaic solar power system, with an additional \$1,000 rebate paid where the system includes integrated battery storage.**
 - 1.7 **Side and rear boundary fencing (behind the building line).**
 - 1.8 **A \$1,000 rebate for all homes that 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 Green Design Guidelines within 24 months of settlement for single storey homes and 30 months of settlement for two storey homes.**
2. **REQUESTS** the Satterley Property Group to review the Purchaser Terms/Conditions and Incentives for Catalina Green lots and provide a report to the Council for consideration in August 2022.

8.4 PROJECT FORECAST (2021)

[The recommendation in the agenda]

That the Council:

1. **RECEIVES** the Project Forecast (2021), prepared by the Satterley Property Group.
2. **REQUESTS** the Satterley Property Group to identify opportunities to increase lot income and reduce development costs in order to maximise financial returns to the member Councils while delivering environmental, social and economic objectives and provide a report on this matter for consideration at the Council's October 2021 meeting.

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

AUDIT COMMITTEE (5 AUGUST 2021)

8.5 TPRC DRAFT BUDGET FOR FYE 2022

Moved Cr Migdale, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council:

1. ADOPTS the Budget for the Tamala Park Regional Council for the year ending 30 June 2022, incorporating the following statements:
 - (a) Statement of Comprehensive Income, indicating an operating deficit of \$819,050.
 - (b) Statement of Financial Activity, showing surplus at end of year position of \$24,847,853.
 - (c) Rate Setting Statement, indicating no rates levied.
2. ADOPTS a percentage of 10% or \$5,000 whichever is the greater for the purposes of the reporting of material variances by Nature and Type monthly for the 2021/2022 financial year, in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*.

The Motion as amended was as follows:

1. **ADOPTS the Budget for the Tamala Park Regional Council for the year ending 30 June 2022, incorporating the following statements:**
 - (a) **Statement of Comprehensive Income, indicating an operating deficit of \$848,348.**
 - (b) **Statement of Financial Activity, showing surplus at end of year position of \$28,436,856.**
 - (c) **Rate Setting Statement, indicating no rates levied.**
2. **ADOPTS a percentage of 10% or \$5,000 whichever is the greater for the purposes of the reporting of material variances by Nature and Type monthly for the 2021/2022 financial year, in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*.**

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

8.6 TAMALA PARK REGIONAL COUNCIL MEETING PROCEDURES LOCAL LAW 2021

[The recommendation in the agenda]

That the Council:

1. NOTES the Notice of the Chair, in accordance with Section 3.12 of the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*, of the purpose and effect of Tamala Park Regional Council (TPRC) Meeting Procedures Local Law 2021.
2. APPROVES the Tamala Park Regional Council (TPRC) Meeting Procedures Local Law 2021, for the purposes of public advertising, under section 3.16 of the *Local Government Act 1995*; and INVITES submissions to the Tamala Park Regional Council Meeting Procedures Local Law 2021 by way of a state-wide public notice.

3. AUTHORISES a copy of the proposed Tamala Park Regional Council Meeting Procedures Local Law 2021 to be sent to the Minister for Local Government, Sport and Cultural Industries under section 3.12 of the *Local Government Act 1995*.
4. NOTES that the matter will be referred back to Council for consideration following advertising in accordance with (2) above and consideration of submissions.

Moved Cr Sandri, Seconded Cr Migdale.

That Council DEFERS the Tamala Park Regional Council Meeting Procedures Local Law 2021 to the October Council meeting and REQUESTS the CEO to seek clarification of the potential modification of Part 9.1.

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

The Chair was handed to Cr Treby for Item 8.7.

8.7 PAYMENT OF DISTRIBUTIONS POLICY

Moved Cr Migdale, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council APPROVES the Payment of Distributions Policy (2021).

The Motion as amended was as follows:

That Council APPROVES the Payment of Distributions Policy, with the following changes:

- Objectives be updated to include an additional objective: TPRC will seek, to the extent possible, to provide member Councils with predictable and smoothed distributions from year to year.
- Catalina Project Forecast section be updated to include the following statement: TPRC will provide Member Councils with updated distribution forecasts in January - March of every year to help inform their budget-setting process.

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

The Chair was returned to Cr Caddy for the remainder of the meeting.

The recommendations for Items 8.8 and 8.9 were moved and seconded en bloc.

Moved Cr Lagan, Seconded Cr Anderson.

8.8 AUDIT COMMITTEE AUDIT CHARTER & ANNUAL AUDIT PLAN REVIEW

[The recommendation in the agenda]

That Council APPROVES the TPRC Audit Charter (2022) and ADOPTS the Audit Plan 2021/2022.

8.9 CREDIT CARD STATEMENT

[The recommendation in the agenda]

That the Audit Committee RECEIVES the statement summary for the CEO credit card for the period May - June 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 Migdale, 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 items 13.1 - Annual Marketing Plan FYE 2022, 13.2 - Civil Works Contract Extension, 13.3 - Development Management Agreement - Key Personnel, 13.4 MRC Landfill Buffer - Groundwater Monitoring Results Update and 13.5 Sale of TPRC Landholding come within the following provisions:

- 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));***

- d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; or*
- 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)).*

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

The recommendations for Items 13.1, 13.3 and 13.4 were moved and seconded en bloc.

Moved Cr Migdale, Seconded Cr Lagan.

13.1 CONFIDENTIAL: ANNUAL MARKETING PLAN FYE 2022

[The recommendation in the agenda]

1. **APPROVES** the Annual Marketing Plan FYE 2022, prepared by the Satterley Property Group.
2. **ADVISES** the Satterley Property Group that marketing expenditure will be reviewed and monitored in line with market conditions and the requirements of the Project and the Project Budget FYE 2022, as approved.
3. **ACCEPTS** that the Development Manager's Key Performance Indicator (February 2020) requiring the preparation of an Annual Marketing Plan has been achieved.

13.3 CONFIDENTIAL: DEVELOPMENT MANAGEMENT AGREEMENT – KEY PEOPLE

[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
Bryony Yuill	Marketing

Name of Replacement Person	Position
Rosanne Cagorski	Marketing

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

[The recommendation in the agenda]

That the Council **RECEIVES** the report on the Mindarie Regional Council Landfill Buffer – Groundwater Monitoring.

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

13.2 CONFIDENTIAL: EXTENSION OF CIVIL CONSTRUCTION RATES CONTRACT

Moved Cr Lagan, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council APPROVES a 12-month extension to the contract with RJ Vincent and rates schedule (dated 17 June 2021) in accordance with the terms of Tender 04/2019 (Earthworks and Subdivision Works).

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

Satterley Property Group left the meeting at 7:05pm.

13.5 CONFIDENTIAL: SALE OF TPRC LANDHOLDING

Moved Cr Fotakis, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council RECEIVES the report, dated 8 July 2021.

The Motion as amended was as follows:

That the Council:

- 1. RECEIVES the report, dated 8 July 2021.**
- 2. REQUESTS the CEO to provide a report on the process and resources necessary to guide its consideration of the potential sale of all/portion of the TPRC landholding and comply with the legislative requirements. Including obtaining an independent valuation of the Catalina landholding to ascertain current market value.**
- 3. REQUESTS the CEO to schedule a Councillor workshop to be held in November 2021.**

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

13.6 CONFIDENTIAL: CIVIL ENGINEERING CONSULTANCY SERVICES TENDER 04/2021 - LATE ITEM

Moved Cr Sandri, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council:

1. **ACCEPTS** the Cossill & Webley tender submission (dated July 2021), for the provision of civil engineering consultancy services in accordance with Tender 4/2021 (Catalina Civil Engineering Consultancy Services).
2. **REQUIRES** Satterley Property Group to further review the alternative fee structure proposed in Cossill & Webley's tender submission (dated July 2021) and provide a recommendation on whether it will provide a more favourable outcome for the Council.
3. **DELEGATES** authority to the Chief Executive Officer to determine the fee schedule that is to form the basis of the civil engineering term contract.

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

Moved Cr Sandri, Seconded Cr Migdale.

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 7:11pm.



MINUTES

SPECIAL COUNCIL MEETING

TIME: 8.30 PM

19 AUGUST 2021

CITY OF STIRLING

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



Town of
Cambridge



City of
Joondalup



City of Perth



Town of
VICTORIA PARK



CITY OF VINCENT



City of
Wanneroo

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 8.40 pm.

The Chair welcomed Mr David Hugo of Herbert Smith Freehills and Cr Thornton for City of Stirling.

2 ATTENDANCE/APOLOGIES

Councillor Attendance

Cr K Vernon (Chair)	Town of Victoria Park
Cr F Cvitan, JP (Deputy Chair)	City of Wanneroo
Cr A Jacob, JP	City of Joondalup
Cr R Fishwick, 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	City of Stirling
Cr L Thornton	City of Stirling
Cr A Castle	City of Vincent
Cr D Newton, JP	City of Wanneroo
Cr K Shannon	Town of Cambridge

Apologies

Nil

Leave of Absence

Nil

Absent

Nil

MRC Officers

Mr G Hoppe (Chief Executive Officer)
Ms S Cherico (Manager Human Resources)
Ms D Toward (Executive Support)

Member Council Observers

Mr M MacPherson (City of Joondalup)
Mr Allan Mason (City of Perth)
Mr M Littleton (City of Stirling)
Mr R Bryant (City of Stirling)
Mr A Murphy (City of Vincent)
Ms Y Plimbley (City of Vincent)
Mr D Simms (City of Wanneroo)
Mr H Singh (City of Wanneroo)
Mr S Cairns (City of Wanneroo)
Mr K Hincks (Town of Cambridge)
Mr J Wong (Town of Victoria Park)

MRC Observers

Mr B Twine

Mr A Griffiths

Visitors

Mr David Hugo – Herbert Smith Freehills

3	DECLARATION OF INTERESTS
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Nil

4	PUBLIC QUESTION TIME
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Nil

5	ANNOUNCEMENTS BY THE PRESIDING PERSON
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Nil

In accordance with clause 10.1(h) of the Mindarie Regional Council Meeting Procedures Local Law 2020 and s5.23 of the Local Government Act 1995, the Chair requested the Council to meet “behind closed doors” to allow the Council to consider item 6.1 as the item is of a confidential nature.

The Chair invited MRC Officers, Member Council CEOs and Officers seated in the public gallery to remain in the gallery.

There were no members of the public present.

The MRC CEO, the Manager of Human Resources, the Governance Officer and Mr Hugo remained in the Council Chambers.

Moved Cr Vernon, seconded Cr Proud
To close the meeting to the public
(CARRIED UNANIMOUSLY 12/0)

Doors closed at 8.42pm

6 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC
--

This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the <i>Local Government Act 1995</i> as the report deals with a matter where a contract is entered into, and where a contract may be entered into.	
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6.1 MRC MAJOR LAND TRANSACTION

File No:	GF-20-0001335
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Attachment(s):	1. MRC Final Letter 2. Letter of acceptance 3. Final draft Settlement Deed 4. Final draft Operating Agreement 5. Final draft ECMS Plan 6. Communication Plan
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Date:	17 August 2021
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Responsible Officer:	Chief Executive Officer
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RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Authorises the Chief Executive Officer and the Chair to execute the Final Draft Deed of Settlement at Appendix 3, subject to:
 - a. any minor drafting changes that may be required, after consultation with the MRC's legal advisors, AND
 - b. confirmation of the final settlement amount on 31 August 2021, AND
 - c. the conditions precedent in the deed being met, and
2. Concurrent with the execution of point 1. above, authorises the Chief Executive Officer to proceed with the Major Land Transaction in respect of the re-acquisition of a leasehold interest in the land at 109 (Lot 801) Pederick Road, Neerabup, and
3. Subject to execution of point 1. above, authorises the Chief Executive Officer and the Chair to execute the Final Draft Operating Agreement at Appendix 4, subject to any minor drafting changes that may be required, after consultation with the MRC's legal advisors, with the costs reflected in the ECMS Plan at Appendix 5, being funded in the mid-year budget review, and
4. Subject to successful completion of the settlement transaction, approves the reduction in the MRC Members' Gate Fee from \$213 per tonne to \$162.50 per tonne (both excluding GST), effective from 1 September 2021, with the change to be reflected in the mid-year budget review.

Moved Cr Vernon, Seconded Cr Ferrante

The Chair invited the Chief Executive Officer, Mr Gunther Hoppe, to give a presentation on behalf of the Administration, Mr Hoppe gave a presentation to the Council.

**AMENDMENT TO PARTS 1 AND 3 OF THE OFFICER RECOMMENDATION.
PARTS 1 AND 3 PUT SEPARATELY**

Moved Cr Jacob, seconded Cr Fishwick

That Council:

1. ***Authorises the Chief Executive Officer and the Chair to execute the Final Draft Deed of Settlement at Appendix 3, subject to:***
 - a. ***minor drafting changes that may be required, after consultation with the MRC's legal advisors, and***
 - b. ***the conditions precedent in the deed being met, and***
 - c. ***inclusion of a new clause including associated drafting in the Deed of Settlement with the intent to specifically address the Contractor's release in respect of the local government parties, ensuring that on completion, the Contractor:***
 - i) ***releases and discharges the Local Government Parties from any claim, action, demand, suit or proceeding for damages, debt, restitution, equitable compensation, account, injunction, specific performance or any other remedy that Contractor has or may have against the Local Government Parties under or in in respect of the Deed of Guarantee or its termination in accordance with this document, whether arising at common law, in equity, or under statute or otherwise (the Local Government Released Matters); and***
 - ii) ***covenants with the Local Government Parties not to claim, sue or take any action against the Local Government Parties in respect of the Local Government Released Matters, and***

(CARRIED BY AN ABSOLUTE MAJORITY 8/4)

For: Crs Castle, Cvitan, Fishwick, Gordon, Newton, Jacob, Shannon, Vernon

Against: Crs Ferrante, Proud, Sargent, Thornton

3. ***Subject to execution of point 1. above, authorises the Chief Executive Officer and the Chair to execute the Final Draft Operating Agreement at Appendix 4, subject to:***
 - a. ***minor drafting changes that may be required, after consultation with the MRC's legal advisors;***
 - b. ***costs to undertake the works as reflected in the ECMS Plan at Appendix 5 be reduced by the value equal to the amount already paid for by the MRC through the RRF gate fee for the processing and disposal of the waste delivered to the RRF up to settlement date which has not yet been fully processed and/or disposed of;***
 - c. ***funded in the mid-year budget review, and***

(LOST 3/9)

For: Crs Fishwick, Jacob, Shannon

Against: Crs Castle, Cvitan, Ferrante, Gordon, Newton, Proud, Sargent, Thornton, Vernon

OFFICERS RECOMMENDATION AS AMENDED:

That Council:

- 1. *Authorises the Chief Executive Officer and the Chair to execute the Final Draft Deed of Settlement at Appendix 3, subject to:***
 - a. *minor drafting changes that may be required, after consultation with the MRC's legal advisors, and***
 - b. *conditions precedent in the deed being met, and***
 - c. *Inclusion of a new clause including associated drafting in the Deed of Settlement with the intent to specifically address the Contractor's release in respect of the local government parties, ensuring that on completion, the Contractor:***
 - i) *releases and discharges the Local Government Parties from any claim, action, demand, suit or proceeding for damages, debt, restitution, equitable compensation, account, injunction, specific performance or any other remedy that Contractor has or may have against the Local Government Parties under or in in respect of the Deed of Guarantee or its termination in accordance with this document, whether arising at common law, in equity, or under statute or otherwise (the Local Government Released Matters); and***
 - ii) *covenants with the Local Government Parties not to claim, sue or take any action against the Local Government Parties in respect of the Local Government Released Matters, and***
- 2. Concurrent with the execution of point 1. above, authorises the Chief Executive Officer to proceed with the Major Land Transaction in respect of the re-acquisition of a leasehold interest in the land at 109 (Lot 801) Pederick Road, Neerabup, and**
- 3. Subject to execution of point 1. above, authorises the Chief Executive Officer and the Chair to execute the Final Draft Operating Agreement at Appendix 4, subject to any minor drafting changes that may be required, after consultation with the MRC's legal advisors, with the costs reflected in the ECMS Plan at Appendix 5, being funded in the mid-year budget review, and**
- 4. Subject to successful completion of the settlement transaction, approves the reduction in the MRC Members' Gate Fee from \$213 per tonne to \$162.50 per tonne (both excluding GST), effective from 1 September 2021, with the change to be reflected in the mid-year budget review.**

(CARRIED BY AN ABSOLUTE MAJORITY 10/2)

For: Crs Castle, Cvitan, Ferrante, Fishwick, Gordon, Newton, Proud, Sargent, Thornton, Vernon
Against: Crs Jacob, Shannon

Moved Cr Vernon, seconded Cr Proud

To re-open the meeting to the public
(CARRIED UNANIMOUSLY 12/0)

Doors re-opened at 10.02 pm, the Chair declared the meeting reopened.

No one entered the gallery and there were no members of the public present.

The Chair noted the resolutions passed behind closed doors.

7	NEXT MEETING
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The next Ordinary Council meeting to be held on Thursday 16 September 2021 in the Council Chambers at the City of Vincent commencing at 6.30 pm.

8	CLOSURE
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The Chair closed the meeting at 10.03 pm and thanked the City of Stirling for their hospitality and use of their meeting facilities.

Signed.....Chair

Datedday of2021
