



# Ordinary Meeting of Council

Thursday 21 April 2022

## MINUTES

### Online Zoom Meeting

*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 Jane Cutler  |                                    |
| City of Joondalup     | Cr John Chester<br>Cr Nige Jones  | Cr Russ Fishwick<br>Cr John Raftis |
| City of Perth         | Cr Brent Fleeton  | Cr Clyde Bevan                     |
| City of Stirling      | Cr Tony Krsticevic<br>Cr Suzanne Migdale<br>Cr Bianca Sandri<br>Cr Karlo Perkovic | Cr David Lagan                     |
| Town of Victoria Park | Cr Bronwyn Iffe   | Cr Claire Anderson                 |
| City of Vincent       | Cr Ashley Wallace   | Cr Jonathan Hallett                |
| City of Wanneroo      | Cr Brett Treby<br>Cr Glynis Parker  | Cr Linda Aitken<br>Cr Vinh Nguyen  |

## PRESENT

|   |   |
|---|---|
| <b>Chair</b>  | Cr Bianca Sandri  |
| <b>Councillors</b>                                  | Cr John Chester<br>Cr Jane Cutler<br>Cr Brent Fleeton<br>Cr Bronwyn Ife<br>Cr Nige Jones<br>Cr Tony Krsticevic<br>Cr Glynis Parker ( <i>until 6:30pm</i> )<br>Cr Karlo Perkovic<br>Cr Brett Treby   |
| <b>Alternate Members</b>                            | Nil   |
| <b>Staff</b>  | Mr Jon Morellini (Chief Executive Officer)<br>Mr Simon O'Sullivan (Manager Project Coordination)<br>Mr Daniel Govus (Senior Governance Advisor – City of Stirling)  |
| <b>Apologies Councillors</b>                        | Cr Suzanne Migdale  |
| <b>Leave of Absence</b>                             | Nil   |
| <b>Absent</b>                                       | Cr Ashley Wallace   |
| <b>Consultants</b>                                  | Mr Carl Buckley (Satterley Property Group)<br>Mr John Silas (Satterley Property Group)  |
| <b>Apologies Participant Councils' Advisers</b>     | Mr David MacLennan (City of Vincent)<br>Mr James Pearson (City of Joondalup)<br>Mr Karl Heiden (Town of Cambridge)<br>Ms Michelle Reynolds (City of Perth)<br>Mr Daniel Simms (City of Wanneroo)<br>Mr Anthony Vuleta (Town of Victoria Park)<br>Mr Stuart Jardine (City of Stirling) |
| <b>In Attendance Participant Councils' Advisers</b> | Ms Noelene Jennings (City of Wanneroo)<br>Mr Stevan Rodic (City of Stirling)  |
| <b>Members of the Public</b>                        | Nil   |
| <b>Press</b>  | Nil   |

## 1. OFFICIAL OPENING

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

The Chair informed the Council that Cr Jane Cutler had been elected the representative of the Town of Cambridge on Tamala Park Regional Council, after the resignation of Andres Timmermanis.

A formal declaration was verbally made by Cr Jane Cutler, and a declaration form was signed to indicate that she agreed to abide by the *Local Government (Model Code of Conduct) Regulations (2021)*.

## DISCLOSURE OF INTERESTS

Nil.

## 2. PUBLIC STATEMENT/QUESTION TIME

Nil

## 3. APOLOGIES AND LEAVE OF ABSENCE

**Apologies:** Cr Suzanne Migdale

**Absent:** Cr Ashley Wallace

## 4. PETITIONS

Nil

## 5. CONFIRMATION OF MINUTES

Moved Cr Jones, Seconded Cr Treby.

**That the minutes of the Ordinary Meeting of Council of 17 February 2022 be CONFIRMED as a true and accurate 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 – 7.8)**

### **7.1 BUSINESS REPORT – PERIOD ENDING 14 APRIL 2022**

Moved Cr Chester, Seconded Cr Jones.

[The recommendation in the agenda]

**That the Council RECEIVES the Business Report to 14 April 2022.**

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

### **7.2 STATEMENT OF FINANCIAL ACTIVITY FOR FEBRUARY 2022**

Moved Cr Krsticevic, Seconded Cr Treby.

[The recommendation in the agenda]

**That the Council RECEIVES and NOTES the Statement of Financial Activity for the month ending 28 February 2022.**

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

### **7.3 STATEMENT OF FINANCIAL ACTIVITY FOR MARCH 2022**

Moved Cr Krsticevic, Seconded Cr Treby.

[The recommendation in the agenda]

**That the Council RECEIVES and NOTES the Statement of Financial Activity for the month ending 28 February 2022.**

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

### **7.4 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR FEBRUARY and MARCH 2022**

Moved Cr Chester, Seconded Cr Jones.

[The recommendation in the agenda]

**That the Council:**

- 1. RECEIVES and NOTES the list of accounts paid under Delegated Authority to the CEO for February and March 2022:**

**February 2022 - \$1,772,393.59**

**March 2022 - \$1,252,737.81**

**Total Paid - \$3,025,131.40**

**2. APPROVES the CEO Credit Card Statement for February and March 2022.**

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

**7.5 PROJECT FINANCIAL REPORT – FEBRUARY 2022**

Moved Cr Chester, Seconded Cr Jones.

[The recommendation in the agenda]

**That the Council RECEIVES the Project Financial Report (February 2022) submitted by the Satterley Property Group.**

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

**7.6 SALES AND SETTLEMENT REPORT – PERIOD ENDING 14 APRIL 2022**

Moved Cr Krsticevic, Seconded Cr Treby.

[The recommendation in the agenda]

**That the Council RECEIVES the Sales and Settlement Report to 14 April 2022.**

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

**7.7 ELECTED MEMBER ALLOWANCES**

Moved Cr Krsticevic, Seconded Cr Treby.

[The recommendation in the agenda]

**That the Council APPROVES:**

- 1. An Annual Allowance for the Chair of the Council to be \$20,565 per annum.**
- 2. An Annual Attendance fee for the Chair of the Council to be \$16,235 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 Annual Attendance fee for Council members to be an amount of \$10,824 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 (10/0) by an Absolute Majority.

## **7.8 CATALINA SALES INCENTIVES – EXTENSION OF REDEMPTION VALIDITY PERIOD**

Moved Cr Krsticevic, Seconded Cr Treby.

[The recommendation in the agenda]

**That the Council AUTHORISES the Chief Executive Officer to approve an extension of up to six months to the eligibility period for the redemption of sales incentive packages on Catalina lots that settled between 1 October 2020 and 31 August 2021 and have been the subject of delayed completion of home construction due to high levels of demand on home builders.**

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

## **8. COMMITTEE REPORTS**

Consideration of Item 8.1 was deferred until after Item 13.1.

## **9. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

## **10. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAVE BEEN GIVEN**

Nil

## **11. URGENT BUSINESS APPROVED BY THE CHAIR**

Nil

## **12. GENERAL BUSINESS**

Nil

## **13. DECISION TO MOVE TO CONFIDENTIAL SESSION**

Moved Cr Treby, Seconded Cr Perkov.

**That**

- 1. Item 8.1 – DEVELOPMENT MANAGEMENT AGREEMENT STAGE 3 BOUNDARY AMENDMENTS be CONSIDERED Behind Closed Doors in accordance with Section 5.23(2)(c) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:**



- 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 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)).*
2. Item 13.1 – EXTENSION OF CIVIL CONSTRUCTION RATES CONTRACT be CONSIDERED Behind Closed Doors in accordance with Section 5.23(2)(c) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:
- 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 commercial value to a person; or*
    - ii) *information about the business, professional, commercial or financial affairs of a person.*

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

At 6:28pm the meeting was closed to the public, and all attendees who were not required left the meeting prior to consideration of Item 13.1.

Cr Parker left the meeting at 6:30pm.

### **13.1 EXTENSION OF CIVIL CONSTRUCTION RATES CONTRACT**

Moved Cr Krsticevic, Seconded Cr Cutler.

**That the Council APPROVES an extension to the contract with RJ Vincent to 30 June 2023 and rates schedule (dated 4 April 2022) in accordance with the terms of Tender 04/2019 (Earthworks and Subdivision Works).**

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

### **8.1 DEVELOPMENT MANAGEMENT AGREEMENT STAGE 3 BOUNDARY AMENDMENTS**

Moved Cr Krsticevic, Seconded Cr Treby.

[The recommendation in the agenda]

**That the Council APPROVES the minor boundary amendments of the Development Management Agreement Stage 3 as shown on the Staging Plan Amendment 2022 and gives written notice in accordance with the Development Management Agreement (2010).**

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

Moved Cr Treby, Seconded Cr Jones.

**That the meeting be REOPENED to the public.**

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

At 6:39pm the meeting was reopened to the public.

#### **14. FORMAL CLOSURE OF MEETING**

The Chair declared the meeting closed at 6:40pm.



# MINUTES

ORDINARY COUNCIL MEETING

TIME: 6.30 PM

26 MAY 2022

ELECTRONIC MEETING BY ZOOM

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*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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The Chair welcomed Council Members, MRC staff, Member Council officers and visitors to the meeting which was conducted by electronic means in accordance with the *Local Government (Administrations) Regulations 1996*.

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Mr David Hugo Herbert Smith Freehills

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### 3 DECLARATION OF INTERESTS

|                    |   |
|--------------------|---|
| Name /Position     | Mr Scott Cairns   |
| Item No./Subject   | 14.3 Engagement of consultant to assist in the annual review of the CEO's performance |
| Nature of Interest | Financial Interest  |
| Extent of Interest | Mr Cairns holds the position of Chief Executive Officer.                              |

### 4 PUBLIC QUESTION TIME

Due to health-related concerns with COVID-19 the public gallery was closed and public questions were invited by email.  
No public questions were received.

*6.34 pm Cr Shannon connected to the meeting*

### 5 ANNOUNCEMENTS BY THE PRESIDING PERSON

The Chair invited all attendees to participate in a Budget Workshop following the Ordinary Council meeting.

### 6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Albert Jacob requested Leave of Absence from Council duties covering the period 04 July 2022 to 22 July 2022 inclusive.

**Moved Cr Vernon, Seconded Cr Hatton**

**That Council approves the request for Leave of Absence from Council duties for Cr Jacob covering the period 04 July 2022 to 22 July 2022.**

(CARRIED UNANIMOUSLY 10/0)

### 7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

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|   |
|---|
| <b>8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b> |
|---|

**8.1 ORDINARY COUNCIL MEETING – 24 March 2022**

The Minutes of the Ordinary Council Meeting held on 24 March 2022 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 March 2022 be confirmed as a true record of the proceedings.**

**Moved Cr Cvitan, seconded Cr Hatton**

**RESOLVED**

**That the recommendation be adopted**  
(CARRIED UNANIMOUSLY 10/0)

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## 9.1 CHIEF EXECUTIVE OFFICER REPORTS

|                      |   |
|----------------------|---|
| 9.1                  | FINANCIAL STATEMENTS FOR THE MONTH ENDED<br>31 MARCH 2022 AND 30 APRIL 2022 |
| Reference:           | FIN/5-09  |
| Appendix(s):         | Appendix No. 1<br>Appendix No. 2<br>Appendix No. 3                          |
| Date:                | 15 MAY 2022   |
| 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 Function
- Statement of Financial Activity
- Statement of Reserves
- Statement of Investing Activities
- Tonnage Report

### DETAIL

The Financial Statements for the month ended 31 March 2022 and 30 April 2022 are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 10 months to 30 April 2022 is attached at **Appendix No. 3**.

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

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

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Summary of results for the year to date period ended 30 April 2022

|                              | Actual            | Budget             | Variance         |
|------------------------------|-------------------|--------------------|------------------|
|                              | t                 | t                  | t                |
| Tonnes – Members             | 162,362           | 158,565            | 3,797            |
| Tonnes – Others              | 27,792            | 26,346             | 1,446            |
| <b>TOTAL TONNES</b>          | <b>190,154</b>    | <b>184,911</b>     | <b>5,243</b>     |
|                              | \$                | \$                 | \$               |
| Revenue – Members            | 27,402,577        | 26,380,294         | 1,022,283        |
| Revenue – Other              | 9,270,998         | 8,071,031          | 1,199,967        |
| <b>TOTAL REVENUE</b>         | <b>36,673,575</b> | <b>34,451,325</b>  | <b>2,222,250</b> |
| Expenses                     | 36,479,034        | 35,635,040         | (843,994)        |
| Profit on sale of assets     | 9,846             | 12,308             | (2,462)          |
| Loss on sale of assets       | 15,879            | -                  | (15,879)         |
| Impairment of assets         | -                 | -                  | -                |
| <b>NET SURPLUS/(DEFICIT)</b> | <b>188,509</b>    | <b>(1,171,407)</b> | <b>1,359,916</b> |

Members

Members tonnages for the financial period ended 30 April 2022 were 3,797 tonnes in excess of budget.

RRF

The Resource Recovery Facility residue tonnes delivered 15,938 tonnes in total to Tamala Park year to date as they have now completed the empty, clean and make safe (ECMS) of the facility.

Trade & Casuals

The Casual and Trade tonnages are 1,446 tonnes higher than forecast for the financial year to date. 13,269 tonnes delivered through the discounted rate waste tender.

Overall tonnages for the financial period ended 30 April 2022 were 5,243 tonnes more than budgeted.

The net result variance against budget of \$1,359,916 is mainly attributable to increased tonnages above budgeted forecast.

**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 31 March 2022 and 30 April 2022.**

*Cr Miles connected to the meeting at 6.44 pm*

**Moved Cr Sargent, seconded Cr Re**

**RESOLVED**

**That the recommendation be adopted**

**(CARRIED UNANIMOUSLY 11/0)**

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|                             |  |
|-----------------------------|--|
| <b>9.2</b>                  | <b>LIST OF PAYMENTS MADE FOR THE MONTH ENDED<br/>31 MARCH 2022 AND 30 APRIL 2022</b> |
| <b>File No:</b>             | <b>FIN/5-09</b>  |
| <b>Appendix(s):</b>         | <b>Appendix No. 4<br/>Appendix No. 5</b>   |
| <b>Date:</b>                | <b>15 May 2022</b>   |
| <b>Responsible Officer:</b> | <b>Director Corporate Services</b>   |

### 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 March 2022 and 30 April 2022 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 16 September 2021, 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.

| <b>Months Ended</b> | <b>Account</b>       | <b>Vouchers</b>         | <b>Amount</b>          |
|---------------------|----------------------|-------------------------|------------------------|
| 31 March 2022       | General<br>Municipal | Cheques                 | \$3,329.31             |
|                     |                      | EFT                     | \$799,169.25           |
|                     |                      | DP                      | \$363,945.89           |
|                     |                      | Inter account transfers | \$14,019,520.96        |
|                     |                      | <b>Total</b>            | <b>\$15,185,965.41</b> |
| 30 April 2022       | General<br>Municipal | Cheques                 | \$540.00               |
|                     |                      | EFT                     | \$4,288,914.85         |
|                     |                      | DP                      | \$358,063.11           |
|                     |                      | Inter account transfers | \$3,000,000.00         |
|                     |                      | <b>Total</b>            | <b>\$7,647,517.96</b>  |

### 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 March 2022 and 30 April 2022.**

**Moved Cr Cvitan, seconded Cr Castle**

**RESOLVED**

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

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| 9.3 AUDIT COMMITTEE REVISED TERMS OF REFERENCE |                                  |
|--|----------------------------------|
| File No:                                       | GF-22-0000070                    |
|  |                                  |
| Appendix(s):                                   | Appendix No. 6<br>Appendix No. 7 |
| Date:  | 13 MAY 2022                      |
| Responsible Officer:                           | Chief Executive Officer          |

### SUMMARY

The purpose of this report is to review the Audit Committee Terms of Reference.

### BACKGROUND

At an Ordinary Council Meeting held on 7 July 2005 the Audit Committee was established by Council under s7.1A of the Local Government Act 1995. On 27 October 2005 Council adopted the Terms of Reference for the operation of the Audit Committee. These terms of reference were subsequently revised by Council at an Ordinary Council Meeting held on 24 April 2014.

### DETAIL

In line with Function 16 of the Local Government (Audit) Regulations 1996, the objective of the Audit and Risk committee is to:

- Support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management and external audit functions and ethical accountability.
- Critically examine the annual external audit and liaise with the Office of the Auditor General (OAG) so that Council can be satisfied with the performance of the local government in managing its financial affairs.
- Receive and review reports prepared by the Chief Executive Officer in accordance with the Regulations, and present a report to Council on its findings and recommendations.

Reports from the Committee will assist Council in discharging its legislative responsibilities of controlling the Council's affairs, determining the Council's policies and overseeing the allocation of the Council's finances and resources. The Committee will ensure openness in the Council's financial reporting and will liaise with the Chief Executive Officer (CEO) to ensure the effective and efficient management of the Council's financial accounting systems and compliance with legislation.

The Committee is to facilitate:

- the enhancement of the credibility and objectivity of external financial reporting;
- effective management of financial and other risks and the protection of Council assets;
- compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control and legislative compliance;
- the provision of an effective means of communication between the OAG, the CEO and the Council.

The main changes to the terms of reference which were proposed included;

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- Change in name from Audit Committee to Audit and Risk Committee
- Removing the duties and responsibilities of recommending and adopting an external auditor, due to the fact that MRC audits are now conducted by the Office of the Auditor General (OAG).
- The inclusion of performing an annual review of the risk management framework and full risk register

The marked up version of the Terms of Reference can be found at Appendix 6 to this agenda and the clean copy at Appendix 7

### **CONSULTATION**

The revised Terms of Reference were discussed at an Audit Committee Workshop held on 12 May 2022.

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **COMMENT**

These Terms of Reference have been prepared in accordance with the requirements of the Local Government Act 1995 and Local Government (Audit) Regulations 1996 and Local Government Operational Guidelines.

### **VOTING REQUIREMENT**

Absolute Majority

### **RESPONSIBLE OFFICER RECOMMENDATION**

That Council

1. Endorse the change of the title of the current 'Audit Committee' to the 'Audit and Risk Committee'.
2. Adopts the revised Audit and Risk Committee Terms of Reference.

Moved Cr Vernon, seconded Cr Re

### **RESOLVED**

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

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|---|
| <b>10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 68</b> |
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**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Members Information Bulletin Issue No. 68 be received.**

**Moved Cr May, seconded Cr Sargent**

**RESOLVED**

**That the Members Information Bulletin No 68 be received.**

**(CARRIED UNANIMOUSLY 11/0)**

|   |
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| <b>11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b> |
|---|

Nil

|                           |
|---------------------------|
| <b>12 URGENT BUSINESS</b> |
|---------------------------|

Nil

|   |
|---|
| <b>13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b> |
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Nil

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**Moved Cr Vernon, seconded Cr Jacob**

**Procedural motion**

**That Council:**

- 1. Closes the meeting to the members of the public at 6.52pm to consider items 14.1, 14.2, 14.3 and 14.4 in accordance with Section 5.23 of the *Local Government Act 1995*.**
- 2. Permits the MRC Chief Executive Officer, MRC staff, Member Council CEOs and Officers, and Mr David Hugo to remain in the chamber during discussion for item 14.1.**
- 3. Permits the MRC Chief Executive Officer, MRC Staff and Member Council CEOs and Officers to remain in the chamber during discussion for Item 14.2.**
- 4. Permits the MRC Human Resource Officer and the meeting secretary to remain in the chamber during discussion for item 14.3**
- 5. Permits the MRC Chief Executive Officer and MRC Staff to remain in the chamber during discussion for Item 14.4.**

**(CARRIED UNANIMOUSLY 11/0)**

6.52 pm doors closed.

The public gallery was closed and therefore no members of the public were present.

MRC officers, Member Council Officers and Mr David Hugo, Herbert Smiths Freehills, remained online observing the meeting for item 14.1.

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**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)(c) of the *Local Government Act 1995* as the report deals with a matter where a contract maybe entered into.

**14.1 TENDER FOR THE PROVISION OF WASTE TO ENERGY SERVICES**

**File No:** GF-22-0000289

**Appendix(s):** Attachment 1 - Draft Request for Tender (RFT)  
Attachment 2 - Draft Waste Supply Agreement (WSA)

**Date:** 10 May 2022

**Responsible Officer:** Chief Executive Officer

This report has not been released for public viewing.

**RESPONSIBLE OFFICER RECOMMENDATION**

**That Council:**

1. Authorise the CEO to advertise a tender for the provision of waste to energy services, and
2. The CEO bring back to council a report, detailing the outcome of the tender and recommendations regarding award.

**Moved Cr Vernon, seconded Cr Hatton**

*7.22 pm Cr Gobbert connected to the meeting*

**RESOLVED**

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

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**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 may be entered into.**

**14.2 TENDER FOR ONSITE SECURITY SERVICES**

**File No:** GF-22-0000191

**Appendix(s):** Nil

**Date:** 12 May 2022

**Responsible Officer:** Operations Manager

This report has not been released for public viewing

**RESPONSIBLE OFFICER RECOMMENDATION**

**That Council:**

- 1. Award the tender supply onsite security services at the Resource Recovery Facility (Tender Number: 13/153) to MA Services Group Pty Ltd, and;**
- 2. Authorises the CEO to inform the unsuccessful tenderers of the decision.**

**Moved Cr Jacob, seconded Cr Cvitan**

**RESOLVED**

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

*7.39 pm Cr Miles left meeting*

*7.42 pm Cr May left meeting*

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*7.43 pm MRC CEO and Staff, and Member Council Officers left the meeting.*

The MRC Human Resource Officer and Executive Assistant remained on line connected to the meeting.

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|--|---|
| <b>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.</b> |   |
| <b>14.3</b>  | <b>ENGAGEMENT OF CONSULTANT TO ASSIST IN THE ANNUAL REVIEW OF THE CEO'S PERFORMANCE</b> |
| <b>File No:</b>  | <b>GF-22-0000115</b>  |
| <b>Attachment(s):</b>  | <b>Attachment 1. Contract Action Plan – CEO Contract of Employment</b>                  |
| <b>Date:</b>   | <b>16 May 2022</b>  |
| <b>Responsible Officer:</b>  | <b>Human Resource Officer</b>   |

This report has not been released for public viewing

**That Council:**

- 1. Appoints Learning Horizons as the external Human Resource Consultant, subject to their acceptance of the appointment, to conduct a review of the MRC's Chief Executive Officer performance, remuneration, and KPIs for the period 20 September 2021 to 1 July 2023.**
- 2. Notes the Contract Action Plan as contained in this report.**
- 3. Notes that the CEO probation period has passed and no further action is needed.**

**Moved Cr Vernon, Seconded Cr Gobbert**

*7.48 pm Cr May returned to the meeting*

*Prior to any discussions on this item, Councillors made the following declarations of interest in accordance with the Local Government Act 1995 s.5.65(b).*

|                           |   |
|---------------------------|---|
| <b>Name /Position</b>     | <b>Cr Karen Vernon</b>  |
| <b>Item No./Subject</b>   | 14.3 Engagement of consultant to assist in the annual review of the CEO's performance |
| <b>Nature of Interest</b> | Interest that may affect impartiality   |
| <b>Extent of Interest</b> | Two of the Agencies are known to Cr Vernon  |

|                           |   |
|---------------------------|---|
| <b>Name /Position</b>     | <b>Cr Lisa Thornton</b>   |
| <b>Item No./Subject</b>   | 14.3 Engagement of consultant to assist in the annual review of the CEO's performance |
| <b>Nature of Interest</b> | Interest that may affect impartiality   |
| <b>Extent of Interest</b> | One of the Agencies known to Cr Thornton  |

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|                           |   |
|---------------------------|---|
| <b>Name /Position</b>     | <b>Cr Frank Cvitan</b>  |
| <b>Item No./Subject</b>   | 14.3 Engagement of consultant to assist in the annual review of the CEO's performance |
| <b>Nature of Interest</b> | Interest that may affect impartiality   |
| <b>Extent of Interest</b> | One of the Agencies known to Cr Cvitan  |

|                           |   |
|---------------------------|---|
| <b>Name /Position</b>     | <b>Cr Alex Castle</b>   |
| <b>Item No./Subject</b>   | 14.3 Engagement of consultant to assist in the annual review of the CEO's performance |
| <b>Nature of Interest</b> | Interest that may affect impartiality   |
| <b>Extent of Interest</b> | One of the Agencies known to Cr Castle  |

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|---------------------------|---|
| <b>Name /Position</b>     | <b>Cr Keith Sargent</b>   |
| <b>Item No./Subject</b>   | 14.3 Engagement of consultant to assist in the annual review of the CEO's performance |
| <b>Nature of Interest</b> | Interest that may affect impartiality   |
| <b>Extent of Interest</b> | One of the Agencies is known to Cr Sargent  |

|                           |   |
|---------------------------|---|
| <b>Name /Position</b>     | <b>Cr Chris Hatton</b>  |
| <b>Item No./Subject</b>   | 14.3 Engagement of consultant to assist in the annual review of the CEO's performance |
| <b>Nature of Interest</b> | Interest that may affect impartiality   |
| <b>Extent of Interest</b> | One of the Agencies is known to Cr Hatton   |

|                           |   |
|---------------------------|---|
| <b>Name /Position</b>     | <b>Cr Elizabeth Re</b>  |
| <b>Item No./Subject</b>   | 14.3 Engagement of consultant to assist in the annual review of the CEO's performance |
| <b>Nature of Interest</b> | Interest that may affect impartiality   |
| <b>Extent of Interest</b> | One of the Agencies is known to Cr Re   |

|                           |   |
|---------------------------|---|
| <b>Name /Position</b>     | <b>Cr Keri Shannon</b>  |
| <b>Item No./Subject</b>   | 14.3 Engagement of consultant to assist in the annual review of the CEO's performance |
| <b>Nature of Interest</b> | Interest that may affect impartiality   |
| <b>Extent of Interest</b> | Two of the Agencies are known to Cr Shannon   |

|                           |   |
|---------------------------|---|
| <b>Name /Position</b>     | <b>Cr Albert Jacob</b>  |
| <b>Item No./Subject</b>   | 14.3 Engagement of consultant to assist in the annual review of the CEO's performance |
| <b>Nature of Interest</b> | Interest that may affect impartiality   |
| <b>Extent of Interest</b> | One of the Agencies is known to Cr Jacob  |

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|                           |   |
|---------------------------|---|
| <b>Name /Position</b>     | <b>Cr Christopher May</b>   |
| <b>Item No./Subject</b>   | 14.3 Engagement of consultant to assist in the annual review of the CEO's performance |
| <b>Nature of Interest</b> | Interest that may affect impartiality   |
| <b>Extent of Interest</b> | One of the Agencies is known to Cr Jacob  |

**RESOLVED**

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

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7.57 pm CEO, Manager Operations and the Manager Projects and Procurement reconnected to the meeting

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| <b>This Report is Confidential and dealt with in a Confidential Session, under section 5.23 (2) (f)(ii) of <i>The Local Government Act 1995</i> as the report deals with a matter that if disclosed , could be reasonably expected to endanger the security of the local governments property.</b> |   |
| <b>14.4</b>  | <b>AUDIT COMMITTEE CONFIDENTIAL DOCUMENTS</b>   |
| <b>File No:</b>  | <b>GF-22-0000070</b>  |
| <b>Attachment(s):</b>  | <b>Attachment 1 – High Risk Register – Review 5 April 2022<br/>Attachment 1a – High Risk Register – Review 5 April 2022 (Marked up version)<br/>Attachment 1b – Risk Tables<br/>Attachment 2 – Draft Risk Appetite Statement and Risk Management Plan</b> |
| <b>Date:</b>   | <b>13 May 2022</b>  |
| <b>Responsible Officer:</b>  | <b>Chief Executive Officer</b>  |

This report has not been released for public viewing

**That Council:**

- 1. Note the High Risk Register.**
- 2. Note the Risk Tables.**
- 3. Note the Draft Risk Appetite Statement and Risk Management Plan.**
- 4. Note the Audit Committee Recommendation to item 7.2 as detailed on page 8 of this report.**

**Moved Cr Vernon, seconded Cr Cvitan  
RESOLVED**

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

**Moved Cr Vernon, seconded Cr Re  
Procedural Motion  
That Council:**

- 1. Reopens the meeting to members of the public at 7.59 pm.**
- 2. Invites Member Council CEOs and Officers to reconnect to the meeting.**

**To re-open the meeting to the public**  
(CARRIED UNANIMOUSLY 11/0)

Doors re-opened at 7.59 pm, the Chair declared the meeting re-opened.

There were no members of the public present, Member Council Officers reconnected to the meeting.

The Chair noted the resolutions passed behind closed doors.

#### **15 NEXT MEETING**

The next Ordinary Council meeting will be held on Thursday 07 July 2022 at the City of Stirling commencing at 6.30 pm.

#### **16 CLOSURE**

The Chair closed the meeting at 8.00 pm and thanked Councillors for their participation.

These minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of Council held on 26 May 2022.

Signed.....Chair

Dated ..... day of ..... 2022