



MINUTES

ORDINARY COUNCIL MEETING

TIME: 6.30 PM

24 NOVEMBER 2022

TOWN OF VICTORIA PARK

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



CITY OF VINCENT

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
2	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	3
3	DECLARATION OF INTERESTS	4
4	PUBLIC QUESTION TIME	4
5	ANNOUNCEMENT BY THE PRESIDING PERSON	4
6	APPLICATION FOR LEAVE OF ABSENCE	5
7	PETITIONS/DEPUTATIONS/PRESENTATIONS	5
8	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	5
8.1	ORDINARY COUNCIL MEETING – 29 SEPTEMBER 2022.....	5
9	CHIEF EXECUTIVE OFFICER REPORTS.....	6
9.1	FINANCIAL STATEMENTS FOR THE MONTH ENDED.....	6
	30 SEPTEMBER 2022	6
9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED.....	9
	30 SEPTEMBER 2022	9
9.3	EXTENSION TO SITE ACCESS AGREEMENT FOR NOT-FOR-PROFIT TRAINING PROVIDER	10
9.4	PROVISION OF CARETAKER HOUSE ACCESS FOR THE DELIVERY OF ASSISTED LIVING PROGRAMS	13
9.5	PROPOSED MINDARIE REGIONAL COUNCIL WASTE FACILITY SITE AMENDMENT LOCAL LAW 2022	16
10	MEMBERS INFORMATION BULLETIN – ISSUE NO. 72.....	22
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	22
12	URGENT BUSINESS	22
13	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	22
14	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	
14.1	TENDER FOR THE PROCESSING AND RECYCLING OF GREEN WASTE	23
14.2	GREEN DEAL ALLIANCE PROGRESS UPDATE	24
15	NEXT MEETING	25
16	CLOSURE.....	25

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 6.30 pm

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Councillor Attendance

Cr K Vernon (Chair)	Town of Victoria Park
Cr A Jacob	City of Joondalup
Cr C May	City of Joondalup
Cr L Gobbert, JP	City of Perth
Cr C Hatton	City of Stirling <i>entered at 6.36 pm</i>
Cr S Proud, JP	City of Stirling
Cr J Ferrante	City of Stirling
Cr Lisa Thornton	City of Stirling
Cr F Cvitan, JP	City of Wanneroo
Cr P Miles	City of Wanneroo

MRC Officers

Mr S Cairns (Chief Executive Officer)
Ms A Arapovic (Finance Manager)
Mr B Twine (Operations Manager)
Ms S Cherico (Human Resources Officer)
Ms D Toward (Executive Support)

Apologies

Cr A Castle City of Vincent

Approved leave of absence

Cr E Re City of Stirling

Member Council Observers

Mr M MacPherson	City of Joondalup
Mr R Bryant	City of Stirling
Mr P Varris	City of Vincent
Mr H Singh	City of Wanneroo
Mr A Kowero	City of Wanneroo
Mr J Wong	Town of Victoria Park

3 DECLARATION OF INTERESTS

Interest Type	Impartiality
Name and Position of Person	Cr Liam Gobbert
Report No and Topic	9.3 Extension to Site Access Agreement for Not-for-Profit Training Provider
Name of Interest	I have liaised directly with Workpower and have awarded work to the company through my employer, the Public Transport Authority

Interest Type	Impartiality
Name and Position of Person	Cr Liam Gobbert
Report No and Topic	9.4 Provision of Caretaker House Access for the delivery of Assisted Living Programs
Name of Interest	I have liaised directly with Workpower and have awarded work to the company through my employer, the Public Transport Authority

4 PUBLIC QUESTION TIME

Public question time opened at 6.32 pm
There were no members of the public present.
Public question time closed at 6.32 pm

5 ANNOUNCEMENT BY THE PRESIDING PERSON

The Chair also welcomed the City of Stirling Deputy Mayor, Cr Stephanie Proud, to the meeting as the City's alternate member covering the approved leave of absence for Cr Elizabeth Re.

The Chair announced the resignation of Mr Brendan Twine from his position of Manager Operations. The Chair acknowledged Mr Twine's professionalism and contribution to the Leadership Team and his support to the CEO. On behalf of Council, the Chair wished Mr Twine well for his future endeavours.

6 APPLICATION FOR LEAVE OF ABSENCE

Nil

7 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 ORDINARY COUNCIL MEETING – 29 SEPTEMBER 2022

The Minutes of the Ordinary Council Meeting held on 29 September 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 29 September 2022 be confirmed as a true record of the proceedings.

Moved Cr Miles, seconded Cr Jacob

RESOLVED

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

9 CHIEF EXECUTIVE OFFICER REPORTS

9.1	FINANCIAL STATEMENTS FOR THE MONTH ENDED 30 SEPTEMBER 2022
Reference:	GF-21-0000196
Appendix(s):	Appendix No. 1 and No. 2
Date:	07 November 2022
Responsible Officer:	FINANCE MANAGER

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 30 September 2022 is attached at **Appendix No. 1** to this Item. The Tonnage Report for the two months to 30 September 2022 is attached at **Appendix No. 2**.

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 September 2022

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	44,182	44,800	(618)
Tonnes – Others	16,205	8,576	7,629
TOTAL TONNES	60,387	53,376	7,011
	\$	\$	\$
Revenue – Members	6,511,112	6,496,000	15,112
Revenue – Other	3,662,861	2,762,183	900,678
TOTAL REVENUE	10,173,973	9,258,183	915,790
Expenses	9,356,461	8,859,056	497,405
Expense Roundings	-	-	-
Profit on sale of assets	-	-	-
Loss on sale of assets	-	-	-
Impairment of assets	-	-	-
NET SURPLUS/(DEFICIT)	817,512	399,127	418,385

Members

Members tonnages for the financial period ended 30 September 2022 were 618 tonnes below budget. Member Councils delivered 3,245t less processable tonnes and 2,627t more non processable tonnes with one member the City of Stirling delivering 2838t more non processable waste than budget set for the year.

Total user charges were \$896k in excess of year to date budget, Member councils \$15k and non-members \$881k respectively.

Trade & Casuals

The Casual and Trade tonnages were 7,629 tonnes higher than forecast for the financial year to date, a significant 11,997 tonnes delivered through the discounted rate waste tender and as a result of successful extension of Trade Waste Discount rate to one of the tender contracts.

Overall 7,011 additional tonnes have been received to date.

The net result variance against budget of \$418k is attributable to increased tonnages above budgeted forecast abated by increased landfill levy cost which exceeded budget by \$420k and amortisation for cell development by \$101k.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 1 for the month ended 30 September 2022.

Moved Cr Cvitan, seconded Cr May

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 9/0)

Cr Hatton entered the meeting at 6.36 pm

9.2	LIST OF PAYMENTS MADE FOR THE MONTH ENDED 30 SEPTEMBER 2022
File No:	GF-21-0000196
Appendix(s):	Appendix No. 3
Date:	7 November 2022
Responsible Officer:	Finance Manager

SUMMARY

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

COMMENT

The lists of payments for the month ended 30 September 2022 is at **Appendix 3** to this Item and 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 29 September 2022, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

It should be noted that generally all payments are GST inclusive and the Mindarie Regional Council is able to claim this tax as an input credit when GST remittances are made each month to the Australian Tax Office.

Months Ended	Account	Vouchers	Amount
30 September 2022	General Municipal	Cheques	\$510.00
		EFT	\$1,081,060.62
		DP	\$3,966,262.47
		Inter account transfers	\$0.00
		Total	\$5,047,833.09

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 30 September 2022.

Moved Cr Jacob, seconded Cr Hatton

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/0)

9.3	EXTENSION TO SITE ACCESS AGREEMENT FOR NOT-FOR-PROFIT TRAINING PROVIDER
File No:	GF-20-0001585, GF-20-0001713, GF22-0000046
Appendix:	Nil
Date:	28 October 2022
Responsible Officer:	Operations Manager

SUMMARY

This report seeks Council's endorsement to provide one three (3) year extension to the existing access agreement between the Mindarie Regional Council (MRC) and Stirling Skills Training Inc. (SST) to deliver not-for-profit training and education programs at Tamala Park.

BACKGROUND

At the OCM held on 17 December 2020, Council endorsed the administration's request to provide access for SST to the Tamala Park Waste Management Facility (TPWMF), on a 12-month trial basis, for the delivery of not-for-profit training and education programs. A further 12-month extension was subsequently endorsed at the 11 November 2021 OCM.

The initial request was to enable SST to deliver State Government-subsidised training programs at the TPWMF by providing access to a disused section of the quarry as a realistic training environment for participants. Under the original agreement, SST partnered with the Training Alliance Group (TAG) to assist in delivering the State Government's Participation Equity Program. The stated aims of this program are;

"... to assist unemployed people who have barriers accessing mainstream training to become job ready, so they can participate fully in the workforce. The eligible target groups under this program are; Aboriginal and Torres Strait Islanders; Culturally and Linguistically Diverse (CaLD); people with disabilities, and youth at risk."

The current agreement is due to expire on 31 December 2022.

DETAIL

When Council first endorsed this access agreement, the partnership was between the MRC and Stirling Skills Training (SST). SST is a Perth based not-for-profit (NFP) training organisation that was established in 1984, with the goal of providing human and charitable services to relieve unemployment, economic hardship and misfortune in the community.

SST continues to progress their stated aims in Western Australia, however as the training activities at Tamala Park have evolved, the opportunity for the MRC to partner directly with Workpower Inc. presents additional opportunities for people with a disability to access this training, along with trainees under the State's Participation Equity Program. Through their existing partnerships, SST will maintain awareness of the training delivered at Tamala Park but will relinquish their position as the engaged party to make way for Workpower and the additional opportunities that Workpower will support.

As was the case when SST was the lead NFP provider for this agreement, Workpower intends to continue the partnership with the TAG, a Registered Training Organisation (RTO), to deliver

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

These programs see cohorts of students operating plant and machinery under supervision at the TPWMF over a period of 12 weeks to achieve nationally accredited qualifications before graduating and entering the workforce.

As a trusted and proven partner to the MRC via their operations of the onsite Recycling Centre, Workpower will continue to maintain access to their own plant and machinery and holds suitable insurance coverage for the proposed activities, as well as suitable Work Health and Safety systems. Provision for MRC staff to access this equipment on an as-required basis has also been established and seeks to expand the depth of experience of MRC's plant operators.

Over the past two years of this agreement, the MRC has not experienced any notable impacts to operations from this training and does not anticipate any adverse impact to operations arising via an extension to the current agreement.

The proposed term of this agreement is for a maximum of 3 years and aligns with the end of the initial term provided to Workpower for the operation of the Tamala Park Recycling Centre, as well as the term of appointment by the State Government for the delivery of these programs.

CONSULTATION

No additional consultation with MRC stakeholders has occurred since the initial endorsement was received from Council at the 17 December 2020 OCM.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The MRC bears no financial commitment under this agreement. All costs associated with daily operations, including mobilisation and demobilisation, are the sole responsibility of Workpower. It remains a condition of this agreement with Workpower that no for-profit activities associated with this training take place at the TPWMF.

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

VOTING REQUIREMENT

Simple Majority.

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Endorses the CEO to provide access to Workpower Inc. to the Tamala Park Waste Management Facility, for a term of 3 years, for the delivery of not-for-profit training and education programs.

Moved Cr Cvitan, seconded Cr Thornton

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/0)

9.4	PROVISION OF CARETAKER HOUSE ACCESS FOR THE DELIVERY OF ASSISTED LIVING PROGRAMS
File No:	GF-22-0000047
Appendix:	Nil
Date:	31 October 2022
Responsible Officer:	Operations Manager

SUMMARY

This report seeks Council's endorsement to provide Workpower Inc. access to the disused caretaker's house at the Tamala Park Waste Management Facility (TPWMF) for the delivery of NDIS affiliated community programs.

BACKGROUND

In September 2022, the Mindarie Regional Council (MRC) received an enquiry from Workpower Inc. regarding the potential use of the old caretaker's house at Tamala Park for the delivery of National Disability Insurance Scheme (NDIS) assisted living programs. As the contracted party to the MRC for the operation of the Tamala Park Recycling Centre, Workpower are familiar with the caretaker's house and the wider operations at Tamala Park.

The caretaker's house resides within the leased area of the TPWMF and is a legacy asset reflective of the MRC's origins, originally constructed as the onsite residence for the caretaker when the landfill first opened in 1991. As time progressed and the area surrounding Tamala Park became more urbanised, the need for the house to serve its original purpose has diminished.

As a result, the house has not been used as a residence for many years and has recently served as an education centre for visiting school groups when the MRC was resourced with a community education team. Over the past two years, the house has sat dormant and used as a general storage area for non-essential items.

Due to the age of the property, the condition of the house has degraded considerably over time and is not considered suitable for habitation or commercial letting in its current state, nor does it serve an operational purpose in support of existing MRC activities on site.

DETAIL

Workpower is a registered NDIS service provider and has successfully incorporated the delivery of NDIS supported development plans into their operations at Tamala Park, principally via the Reuse shop.

The principal objective of this new access agreement is to provide Workpower with a suitable training environment for the delivery of NDIS affiliated community education programs. The following programs have been identified as compatible with the caretaker's house.

- Community Support: Activities to help NDIS participants learn daily living skills, life skills, social skills etc.
- Skills Development: Designed to assist participants in securing employment in the community.
- Skills Training: To assist participants in learning technology and office systems.

- Employment Support: Designed to assist participants in finding, applying and preparing for jobs, and presenting themselves for interviews, including the conduct of mock interviews.
- School Holiday Support: Activities to help support young people with a disability with activities during the school holidays (which also supports families who work).

Due to the nature of the property being a fully functioning house, the Community Support activities listed above are considered highly compatible with this property. Where suitable, participants will also be provided access to materials from the Recycling Centre for the purposes of upcycling products, which will then be returned to the reuse shop for sale to the general public. All activities will occur during normal hours of operation for the TPWMF, with no anticipated adverse impact to Operations as a result of this agreement. At no stage will the house be permitted to be used as an accommodation facility on either a temporary, short or long term basis.

Before commencing the delivery of community programs, Workpower have proposed to renovate the property to return the house to a workable condition for the proposed activities at an estimated cost to Workpower of \$20,000.

This access agreement has been intentionally kept separate from the existing Reuse Shop licence agreement due to the subtle differences in the overall objectives of these programs, those being direct operational support to the MRC for a site based service vs this ancillary program. For continuity, the expiry dates of both agreements have been aligned to conclude at the same time, with no provision for optional extensions in this access agreement.

As a trusted service provider through their operation of the Recycling Centre, the opportunity to further partner with Workpower in supporting community members through the provision of a realistic training environment is considered by the administration to be a beneficial use of this dormant asset.

CONSULTATION

No external consultation has occurred with Member Councils in relation to this agreement. Internally, the MRC administration has not identified any operational or strategic need for the caretaker's house for the term of this agreement.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The MRC bears no additional financial responsibility from this agreement. Workpower are required to maintain the premises at their own cost and pay for utilities, in addition to holding adequate insurance to cover the proposed activities.

The MRC is not seeking compensation for providing access to the caretaker's house and will benefit from the cosmetic improvements made to this asset upon the commencement of this agreement.

VOTING REQUIREMENT

Simple Majority.

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Endorses the CEO to provide Workpower Inc. access to the caretaker's house at the Tamala Park Waste Management Facility, for a term of three (3) years, for the delivery of NDIS assisted living programs.

Moved Cr May, seconded Cr Hatton

PROPOSED AMENDMENT

Moved Cr Vernon, Seconded Cr Proud

1. Approves the grant of access to Workpower Inc. to the caretaker's house at the Tamala Park Waste Management Facility, for a term of three (3) years, for the delivery of NDIS assisted living programs.

2. Authorises the CEO to execute an agreement with Workpower Inc for access to the Caretaker's House in accordance with point one above on terms and conditions acceptable to the Mindarie Regional Council including but not limited to the terms in the addendum to item 9.4.

Reason for Amendment:

To reflect both the grant of access and the authorisation to enter into an agreement to reflect that access.

Cr Jacob left the meeting at 5.52pm

CARRIED UNANIMOUSLY (9/0)

SUBSTANTIVE RECOMMENDATION AS AMENDED

(CARRIED UNANIMOUSLY 9/0)

9.5	PROPOSED MINDARIE REGIONAL COUNCIL WASTE FACILITY SITE AMENDMENT LOCAL LAW 2022
	GF-21-0000035
Appendices:	Appendix 4 Proposed Mindarie Regional Council Waste Facility Site Amendment Local Law 2022 (Tracked changes) Appendix 5 Proposed Mindarie Regional Council Waste Facility Site Amendment Local Law 2022
Date:	1 November 2022
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to seek Council's approval to make the Mindarie Regional Council (MRC) Waste Facility Site Amendment Local Law 2022.

BACKGROUND

The existing MRC Waste Facility Site Amendment Local Law 2020 ("the Local Law") was adopted by Council on 16 September 2021. Post a full review of the MRC Waste Facility Site Local Law 2013 under Section 3.16 of the Local Government Act 1995 ("the Act"), which requires a periodic review of the Local Law.

On 18 August 2021, the Joint Standing Committee on Delegation reviewed the Local Law and responded with undertakings to amend Local Law.

On 26 May 2022, the Committee wrote to the MRC seeking an update on the status of the amendments, as according to the records of the Department of Local Government, Sport and Cultural Industries Local Laws Register, no amendments had been made to this Local Law.

On 15 June 2022 the MRC Administration provided a report to Council enclosing a proposed amended Local Law summarising the purpose and effect, the Council recommendation as follows:

That Council:

1. Approves the proposed amendment to the Mindarie Regional Council Waste Facility Site Amended Local Law 2022 as detailed in Appendix 4 for the purposes of public advertising, under section 3.16 of the Local Government Act 1995; and
 2. Notes that the MRC is to invite submissions to the amended Mindarie Regional Council Waste Facility Site Amended Local Law 2022 by way of a statewide public notice; and
 3. Notes that a copy of the proposed amendment to the Mindarie Regional Council Waste Facility Site Amended Local Law 2022 will be sent to the Minister for Local Government under section 3.12 of the Act and the Minister for Environment administering the Waste Avoidance and Resource Recovery Act 2007; and
-

4. Notes that the matter will be referred back to the Council after the last day for submissions in relation to the proposed amendment to the Mindarie Regional Council Waste Facility Site Amended Local Law 2022.

DETAIL

The MRC Administration gave public notice and invited submissions for the proposed Local Law in the government section of the Western Australian Newspaper, the Community Newspapers and displayed on the MRC website on 4 August 2022.

On 4 August 2022 the proposed amended Local Law was forwarded to the Department of Local Government, Sports and Cultural Industries (“the Department”) requesting their review and a response was received on 14 September 2022.

The Department suggested a number of minor edits which are shown in the tracked changes at Appendix 1. These minor amendments are not considered significant enough to require the MRC to recommence the local law process.

The Department suggested the following minor amendments:

- Title and Clause 1 - change to read as follows;
 - “Mindarie Regional Council Waste Facility Site Amendment Local Law 2022”.
- Clause 3 - change to read as follows
 - “This local law amends the Mindarie Regional Council Waste Facility Local Law 2012, as published in the Government Gazette on 12 May 2012 and as amended in the Government Gazette on 15 March 2013 and 12 February 2021”
- Clause 4 – change as follows;
 - In the clause title after “27” insert “amended”.
 - In the first line, change “Remove” to “Delete”.
 - Reword the second line to read “In Clause 27B the clause heading is amended by changing “27B” to “27””.
 - Redesignate the two lines as subclause (1) and (2).
- Schedule 1 - change as follows;
 - (a) In item 18 change “27A” to “27”,
 - (b) In item 19 change “27B” to “27”
 - (c) Item 20 is deleted.

After the last day of submissions, 7 October 2022, no public submissions were received by the MRC Administration, therefore no other changes have been considered.

All suggested Departmental changes have been made in the Local Law and the changes are tracked in Appendix 1, an updated final version in Appendix 2.

CONSULTATION

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

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

No comments were received from members of the public.

STATUTORY ENVIRONMENT

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

“1.7. Local public notice

Where under this Act local public notice of a matter is required to be given, notice of the matter must be —

- (a) published on the official website of the local government concerned in accordance with the regulations; and
- (b) given in at least 3 of the ways prescribed for the purposes of this section.

1.8. Statewide public notice

Where under this Act Statewide public notice of a matter is required to be given, notice of the matter must be given in accordance with section 1.7(a) and (b) and the requirements prescribed for the purposes of this section.

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

“3.12 Procedure for making local laws

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

- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*

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

3.13. Procedure where significant change in proposal

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

3.14. Commencement of local laws

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

3.15. Local laws to be publicised

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

3.16. *Periodic review of local laws*

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

** Absolute majority required.”*

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Advertising cost of approximately \$2500 for the Gazette and local public notices.

COMMENT

Nil

VOTING REQUIREMENT

Absolute majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1. resolves to make the Mindarie Regional Council Waste Facility Site Amendment Local Law 2022 as detailed in Appendix 4 and authorises the Common Seal to be affixed;**
(Absolute Majority Required)
- 2. under section 3.12 (5) of the Act, authorises the publication of the Mindarie Regional Council Waste Facility Site Amendment Local Law 2022 in the Gazette and the provision of a copy to the relevant Minister/s; and**
- 3. under section 3.12 (6) of the Act, authorises the MRC to give local public notice in respect of the Mindarie Regional Council Waste Facility Site Amendment Local Law 2022.**

Moved Cr Vernon, Seconded Cr Hatton

(CARRIED UNANIMOUSLY 9/0)

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 72

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 72 be received.

Moved Cr Cvitan, seconded Cr Proud

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 9/0)

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 requests the Council to meet “behind closed doors” to allow the Council to consider items 14.1 & 14.2 as the items are of a confidential nature.

No members of the public were present in the gallery.

Moved Cr Vernon, Seconded Cr Proud

Procedural Motion

1. Closes the meeting to the members of the public at 7.10pm to consider items 14.1, and 14.2 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, to remain in the chamber during discussion for these items.

(CARRIED UNANIMOUSLY 9/0)

Doors closed at 6.58 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) (c) of *The Local Government Act 1995* as the report deals with a matter where a contract may be entered into

14.1	TENDER FOR THE PROCESSING AND RECYCLING OF GREEN WASTE
File No:	GF-22-000472
Attachment(s):	Nil
Date:	28 October 2022
Responsible Officer:	Operations Manager

That Council:

1. **Authorise the CEO to award the tender for Pick up and or Drop off of Green Waste to be Recycled (Tender Number: 13/158) to Craneswest (WA) Pty Ltd at the prices detailed within the report.**

Moved Cr Ferrante, Seconded Cr Hatton

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 9/0)

This Report is Confidential and dealt with in a Confidential Session, under section 5.23 (2) (c) of <i>The Local Government Act 1995</i> as the report deals with a matter where a contract has been entered into.	
14.2	GREEN DEAL ALLIANCE PROGRESS UPDATE
File No:	GF-22-0000407
Attachment(s):	Nil
Date:	3 November 2022
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1. Note the Green Deal Alliance progress report.**

Moved Cr Vernon, Seconded Cr Proud

RESOLVED

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

Moved Cr Vernon, seconded Cr Cvitan

Procedural Motion:

That Council:

- Reopen the meeting to members of the public at 7.01pm

To re-open the meeting to the public
(CARRIED UNANIMOUSLY 9/0)

Doors re-opened at 7.01 pm, the Chair declared the meeting re-opened. As there were no members of the public present, the Chair noted the resolutions passed behind closed doors

15 NEXT MEETING

The next Ordinary Council meeting will be held on Thursday 15 December 2022 at the City of Perth commencing at 6.30 pm.

16 CLOSURE

The Chair closed the meeting at 7.01 pm and thanked the Town of Victoria Park for their hospitality and use of their meeting facilities.

SignedChair

Dated.....day of2022



Ordinary Meeting of Council

Thursday 8 December 2022

MINUTES

Online Zoom Meeting

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

TABLE OF CONTENTS

MEMBERSHIP	4
1. OFFICIAL OPENING	6
2. APOLOGIES AND LEAVE OF ABSENCE.....	6
3. DISCLOSURE OF INTERESTS	6
4. PUBLIC STATEMENT/QUESTION TIME.....	6
5. ANNOUCEMENTS BY CHAIR (WITHOUT DISCUSSION)	6
6. PETITIONS.....	6
7. CONFIRMATION OF MINUTES.....	6
7A BUSINESS ARISING FROM MINUTES	6
8. ADMINISTRATION REPORTS AS PRESENTED	7
8.1 BUSINESS REPORT – FOR MONTH ENDING 30 NOVEMBER 2022	7
8.2 PROJECT FINANCIAL REPORT – OCTOBER 2022.....	7
8.3 STATEMENT OF FINANCIAL ACTIVITY FOR OCTOBER 2022.....	7
8.4 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR OCTOBER 2022	7
8.5 SALES AND SETTLEMENT REPORT – FOR MONTH ENDING 30 NOVEMBER 2022.....	8
8.6 ANNUAL REPORT FOR YEAR ENDING 30 JUNE 2022	8
8.7 APPOINTMENT OF ACTING AND TEMPORARY CHIEF EXECUTIVE OFFICER POLICY.....	8
8.8 MANAGEMENT COMMITTEE AND REVISED COUNCIL MEETING SCHEDULE 2023.....	8
9. COMMITTEE REPORTS	10
MANAGEMENT COMMITTEE (17 NOVEMBER 2022).....	10
9.1 PROJECT BUDGET FYE 2023 – MID YEAR REVIEW.....	10
9.2 PROPOSED ACQUISITION OF WAPC LAND.....	10
AUDIT AND RISK COMMITTEE (17 NOVEMBER 2022).....	11
9.3 REVIEW OF PROCUREMENT POLICY	11
9.4 REVIEW OF ELECTED MEMBER TRAINING POLICY	11
9.5 REVIEW OF SPONSORSHIP POLICY	11
9.6 REVIEW OF RECORDKEEPING POLICY.....	11
9.7 REVIEW OF ELECTED MEMBER CONFERENCE ATTENDANCE POLICY.....	11
10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	12
11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAVE BEEN GIVEN	12
12. URGENT BUSINESS APPROVED BY THE CHAIR.....	12

13.	GENERAL BUSINESS.....	12
14.	DECISION TO MOVE TO CONFIDENTIAL SESSION.....	12
14.1	TPRC LANDHOLDING AND OWNERSHIP UPDATE	13
14.2	MINDARIE REGIONAL COUNCIL GROUNDWATER MONITORING UPDATE.....	14
14.3	REVIEW OF TPRC RISK MANAGEMENT FRAMEWORK.....	14
14.4	CEO PERFORMANCE REVIEW PROCESS AND KEY PERFORMANCE INDICATORS.....	14
15.	FORMAL CLOSURE OF MEETING	15

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Alaine Haddon-Casey	
City of Joondalup	Cr John Chester Cr Nige Jones	Cr Russ Fishwick Cr John Raftis
City of Perth	Cr Brent Fleeton	Cr Clyde Bevan
City of Stirling	Cr Tony Krsticevic Cr Suzanne Migdale (DEPUTY CHAIR) Cr Bianca Sandri (CHAIR) Cr Karlo Perkov	Cr David Lagan
Town of Victoria Park	Cr Bronwyn Ife	Cr Claire Anderson
City of Vincent	Cr Ashley Wallace	Cr Jonathan Hallett
City of Wanneroo	Cr Brett Treby Cr Glynis Parker	Cr Linda Aitken Cr Vinh Nguyen

PRESENT

Chair	Cr Bianca Sandri
Deputy Chair	Cr Suzanne Migdale
Councillors	Cr John Chester Cr Brent Fleeton Cr Alaine Haddon-Casey Cr Bronwyn Ife Cr Nige Jones Cr Tony Krsticevic Cr Glynis Parker Cr Karlo Perkov (until 7:11pm) Cr Brett Treby Cr Ashley Wallace
Alternate Members	Nil
Staff	Mr Chris Adams (Chief Executive Officer) Mr Simon O'Sullivan (Manager Project Coordination) Ms Sonia Starr (Project Support Officer) Ms Vickie Wesolowski (Executive Assistant/Office Manager) Mr Daniel Govus (Senior Governance Officer – City of Stirling)
Apologies Councillors	Nil
Leave of Absence	Nil
Absent	Nil
Consultants	Mr Noel Ryan (Satterley Property Group) Mr Drew Tomkins (Satterley Property Group)
Apologies Participant Councils' Advisers	Mr David MacLennan (City of Vincent) Mr Daniel Simms (City of Wanneroo) Ms Michelle Reynolds (City of Perth) Mr Anthony Vuleta (Town of Victoria Park) Mr Stuart Jardine (City of Stirling) Mr James Pearson (City of Joondalup)
In Attendance Participant Councils' Advisers	Mr Kelton Hincks (Town of Cambridge) Mr Mat Humfrey (City of Joondalup) Mr Stevan Rodic (City of Stirling)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The Chair declared the meeting open at 6:04pm.

The Chair informed the Council that Cr Alaine Haddon-Casey had been elected the representative of the Town of Cambridge on Tamala Park Regional Council.

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

2. APOLOGIES AND LEAVE OF ABSENCE

Nil

3. DISCLOSURE OF INTERESTS

Nil

4. PUBLIC STATEMENT/QUESTION TIME

Nil

5. ANNOUCEMENTS BY CHAIR (WITHOUT DISCUSSION)

The Chair provided Councillors with an overview of TPRC's major milestones and achievements over the 2022 calendar year.

6. PETITIONS

Nil

7. CONFIRMATION OF MINUTES

Moved Cr Treby, Seconded Cr Jones.

That the minutes of the Ordinary Meeting of Council of 20 October 2022 be CONFIRMED as a true and accurate record of proceedings.

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

7A BUSINESS ARISING FROM MINUTES

Nil

8. ADMINISTRATION REPORTS AS PRESENTED

8.1 BUSINESS REPORT – FOR MONTH ENDING 30 NOVEMBER 2022

Moved Cr Chester, Seconded Cr Ife.

[The recommendation in the agenda]

That the Council RECEIVES the Business Report for the month ending 30 November 2022.

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

8.2 PROJECT FINANCIAL REPORT – OCTOBER 2022

Moved Cr Parker, Seconded Cr Treby.

[The recommendation in the agenda]

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

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

8.3 STATEMENT OF FINANCIAL ACTIVITY FOR OCTOBER 2022

Moved Cr Migdale, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statement of Financial Activity for the month ending 31 October 2022.

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

8.4 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR OCTOBER 2022

Moved Cr Migdale, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council:

1. RECEIVES and NOTES the list of accounts paid under Delegated Authority to the CEO for October 2022:

October 2022 - \$1,755,187.67

2. APPROVES the CEO Credit Card Statement for October 2022.

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

8.5 SALES AND SETTLEMENT REPORT – FOR MONTH ENDING 30 NOVEMBER 2022

Moved Cr Migdale, Seconded Cr Treby.
[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report for the month ending 30 November 2022.

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

8.6 ANNUAL REPORT FOR YEAR ENDING 30 JUNE 2022

Moved Cr Migdale, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council ADOPTS the Annual Report of the Tamala Park Regional Council for the FYE 2022.

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

8.7 APPOINTMENT OF ACTING AND TEMPORARY CHIEF EXECUTIVE OFFICER POLICY

Moved Cr Parker, Seconded Cr Krsticevic.

[The recommendation in the agenda]

That the Council APPROVES the Appointment of Acting or Temporary Chief Executive Officer Policy (November 2022).

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

8.8 MANAGEMENT COMMITTEE AND REVISED COUNCIL MEETING SCHEDULE 2023

Moved Cr Migdale, Seconded Cr Krsticevic.

That Council:

1. Modify the details of the 2023 TPRC Ordinary Council meetings to the following:

- | | | |
|--------------------|------------------|-----------|
| • 16 February 2023 | City of Stirling | 6pm start |
| • 20 April 2023 | Zoom meeting | 6pm start |
| • 15 June 2023 | City of Stirling | 6pm start |
| • 17 August 2023 | Zoom meeting | 6pm start |
| • 19 October 2023 | City of Stirling | 6pm start |
| • 7 December 2023 | Zoom meeting | 6pm start |

2. Modify the details of the 2023 TPRC Management Committee Meetings to the following:

- | | | |
|---------------------|------------------|-----------|
| • 16 March 2023 | City of Stirling | 6pm start |
| • 18 May 2023 | Zoom meeting | 6pm start |
| • 20 July 2023 | City of Stirling | 6pm start |
| • 21 September 2023 | Zoom meeting | 6pm start |
| • 16 November 2023 | City of Stirling | 6pm start |

3. Hold Strategic Project meetings / workshops during 2023 to discuss key opportunities, risks and project options for the TPRC. These meeting are to be held on the following dates/times:

- | | | |
|--------------------|------------------|-------------------------------------|
| • 16 February 2023 | City of Stirling | After completion of Council Meeting |
| • 15 June 2023 | City of Stirling | After completion of Council Meeting |
| • 19 October 2023 | City of Stirling | After completion of Council Meeting |

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

Reason for alternative resolution:

To retain Management Committee meetings as they provide a purposeful utility for Councillors to be able to review agenda items prior to Council Meetings and request additional information for the benefit of Council at those Council Meetings. To add Strategic Project Meetings / Workshops to Council's 2023 schedule to provide strategic direction to the CEO on project related matters, and a forum for ideas and feedback.

[The recommendation in the agenda]

That the Council:

1. MODIFY the location details of the TPRC Ordinary Meetings for 2023 to the following:

- | | | |
|--------------------|------------------|-----------|
| • 16 February 2023 | City of Stirling | 6pm start |
| • 20 April 2023 | Zoom meeting | 6pm start |
| • 15 June 2023 | City of Stirling | 6pm start |
| • 17 August 2023 | Zoom meeting | 6pm start |
| • 19 October 2023 | City of Stirling | 6pm start |
| • 7 December 2023 | Zoom meeting | 6pm start |

2. DISBAND the Management Committee of TPRC.

3. HOST TPRC Strategy and Project Advisory Meeting in-lieu of Management Committee noting that:

- The Advisory Meetings are not formal meetings of the TPRC under the provisions of S5.8 of the *Local Government Act 1995*.
- The intent/purpose of the Advisory Meetings is to:
 - Receive updates on key project matters including the development of special sites, land access and approval matters, land and housing market conditions and/or other matters of relevance to the strategic direction of the TPRC.
 - Workshop strategies/options related to land release, staging and development of the TPRC land estate.

- Review opportunities for innovation and best practice in line with the TPRC's Strategic Community Plan Objectives of Built Environment, Natural Environment, Social Development, Economic Development and Governance and Corporate Accountability.
 - All TPRC Councillors are invited to attend Advisory Meetings.
 - The TPRC Strategy and Project Advisory meetings will have no Delegated Authority to make any decision/s on behalf of the TPRC Council.
 - The TPRC Strategy and Project Advisory meetings will be internal meetings of the organisation and, as such, generally not advertised or open to the public.
4. Hold TPRC Strategy and Project Advisory Meetings on the following dates:
- 16 March 2023 Zoom meeting 6pm start
 - 18 May 2023 Zoom meeting 6pm start
 - 20 July 2023 Zoom meeting 6pm start
 - 21 September 2023 Zoom meeting 6pm start
 - 16 November 2023 Zoom meeting 6pm start
5. REQUEST that the TPRC Delegated Authority Register be updated and re-presented to Council with references to the TPRC Management Committee removed from the register.

9. COMMITTEE REPORTS

MANAGEMENT COMMITTEE (17 NOVEMBER 2022)

9.1 PROJECT BUDGET FYE 2023 – MID YEAR REVIEW

Moved Cr Migdale, Seconded Cr Parker.

[The recommendation in the agenda]

That the Council RECEIVES the Mid-Year Project Budget FYE 2023 Review, submitted by the Satterley Property Group (November 2022), and that it be used as the basis for financial planning, including for the Mid-Year TPRC Budget FYE 2023 Review.

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

9.2 PROPOSED ACQUISITION OF WAPC LAND

Moved Cr Parker, Seconded Cr Wallace.

[The recommendation in the agenda]

That the Council:

1. **NOTE the delays in the TPRC's proposed acquisition of 10.2209 ha of land (Part Lot 711) from the State Government in Catalina Green.**
2. **NOT actively pursue the acquisition of Part Lot 711 from the State Government in the short/medium term.**

3. **REQUEST that alternative staging plans for Catalina Green be presented to the TPRC Council whereby Part Lot 711 is potentially developed as the final component of Catalina Green.**

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

AUDIT AND RISK COMMITTEE (17 NOVEMBER 2022)

9.3 REVIEW OF PROCUREMENT POLICY

Moved Cr Migdale, Seconded Cr Jones.

That the Council APPROVES the Procurement Policy (November 2022).

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

9.4 REVIEW OF ELECTED MEMBER TRAINING POLICY

Moved Cr Treby, Seconded Cr Migdale.

That Council APPROVES the Elected Member Training Policy (November 2022) and NOTES that the TPRC's website provides a link to each member local government's website where the policy, training, and reporting requirements in respect of each of the TPRC's Councillors is provided.

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

9.5 REVIEW OF SPONSORSHIP POLICY

Moved Cr Migdale, Seconded Cr Jones.

That the Council APPROVES the Sponsorship Policy (November 2022).

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

9.6 REVIEW OF RECORDKEEPING POLICY

Moved Cr Migdale, Seconded Cr Jones.

That the Council APPROVES the Recordkeeping Policy (November 2022).

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

9.7 REVIEW OF ELECTED MEMBER CONFERENCE ATTENDANCE POLICY

Moved Cr Chester, Seconded Cr Migdale.

That the Council APPROVES the Elected Member Conference Attendance Policy (November 2022).

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

10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

Nil

12. URGENT BUSINESS APPROVED BY THE CHAIR

Nil

13. GENERAL BUSINESS

Nil

14. DECISION TO MOVE TO CONFIDENTIAL SESSION

Moved Cr Jones, Seconded Cr Ife.

That:

1. **Item 14.1 – TPRC LANDHOLDING AND OWNERSHIP** be **CONSIDERED** Behind Closed Doors in accordance with Sections 5.23(2)(d) and (e) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

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; 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 14.2 – MINDARIE REGIONAL COUNCIL GROUNDWATER MONITORING UPDATE** be **CONSIDERED** Behind Closed Doors in accordance with Sections 5.23(2)(c) and (e) *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.*
3. **Item 14.3 – REVIEW OF TPRC RISK MANAGEMENT FRAMEWORK** be **CONSIDERED Behind Closed Doors** in accordance with Sections 5.23(2)(c) and (e) 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.*
4. **Item 14.4 – CEO PERFORMANCE REVIEW PROCESS AND KEY PERFORMANCE INDICATORS** be **CONSIDERED Behind Closed Doors** in accordance with Sections 5.23(2)(c) and (e) 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 (12/0).

At 6:42pm the meeting was closed to the public, and all attendees who were not required left the meeting prior to consideration of Item 14.1.

Representatives from Satterley Property Group left the room.

14.1 TPRC LANDHOLDING AND OWNERSHIP UPDATE

Moved Cr Fleeton, Seconded Cr Parker.

That the Council:

1. **PROCEEDS** with the confidential recommendation as outlined in the Confidential Agenda.
2. **RESOLVES** that this report, attachments and resolution remain confidential in accordance with section 5.23(2)(d) and (e) of the *Local Government Act 1995*.

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

14.2 MINDARIE REGIONAL COUNCIL GROUNDWATER MONITORING UPDATE

Moved Cr Chester, Seconded Cr Wallace.

That the Council:

1. **PROCEEDS** with the confidential recommendation as outlined in the Confidential Agenda.
2. **RESOLVES** that this report, attachments and resolution remain confidential in accordance with section 5.23(2)(c) and (e) of the *Local Government Act 1995*.

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

Councillor Perkov left the room at 7:11pm.

14.3 REVIEW OF TPRC RISK MANAGEMENT FRAMEWORK

Moved Cr Treby, Seconded Cr Parker.

That the Council:

1. **PROCEEDS** with the confidential recommendation as outlined in the Confidential Agenda.
2. **RESOLVES** that this report, attachments and resolution remain confidential in accordance with section 5.23(2)(c) and (e) of the *Local Government Act 1995*.

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

14.4 CEO PERFORMANCE REVIEW PROCESS AND KEY PERFORMANCE INDICATORS

Moved Cr Migdale, Seconded Cr Treby.

That the Council:

1. **PROCEEDS** with the confidential recommendation as outlined in the Confidential Agenda.
2. **RESOLVES** that this report, attachments and resolution remain confidential in accordance with section 5.23(2)(c) and (e) of the *Local Government Act 1995*.

The Motion was put and declared CARRIED (10/1).

For: Councillors Fleeton, Haddon-Casey, Ife, Jones, Krsticevic, Migdale, Parker, Sandri, Treby, and Wallace.

Against: Councillor Chester.

Moved Cr Fleeton, Seconded Cr Treby.

That the meeting be REOPENED to the public.

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

At 7:17pm the meeting was reopened to the public.

15. FORMAL CLOSURE OF MEETING

The Chair declared the meeting closed at 7:17pm.



MINUTES

ORDINARY COUNCIL MEETING

TIME: 6.30 PM

15 DECEMBER 2022

CITY OF PERTH

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



CITY OF VINCENT

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
2	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	3
3	DECLARATION OF INTERESTS	4
4	PUBLIC QUESTION TIME	4
5	ANNOUNCEMENT BY THE PRESIDING PERSON	4
	9.5 ANNUAL REPORT 2022.....	5
6	APPLICATION FOR LEAVE OF ABSENCE.....	9
7	PETITIONS/DEPUTATIONS/PRESENTATIONS	9
8	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	10
	8.1 ORDINARY COUNCIL MEETING – 24 NOVEMBER 2022	10
9	CHIEF EXECUTIVE OFFICER REPORTS.....	11
	9.1 FINANCIAL STATEMENTS FOR THE MONTH ENDED	11
	31 OCTOBER 2022	11
	9.2 LIST OF PAYMENTS MADE FOR THE MONTH ENDED	14
	31 OCTOBER 2022	14
	9.3 FINANCIAL STATEMENTS FOR THE MONTH ENDED.....	16
	30 NOVEMBER 2022.....	16
	9.4 LIST OF PAYMENTS MADE FOR THE MONTH ENDED	19
	30 NOVEMBER 2022.....	19
	9.6 GENERAL INSURANCE RENEWAL 2022/23.....	21
	9.7 MINDARIE REGIONAL COUNCIL ORDINARY COUNCIL MEETING AND STRATEGY WORKSHOP DATES FOR 2023.....	25
10	MEMBERS INFORMATION BULLETIN – ISSUE NO. 73.....	27
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	27
12	URGENT BUSINESS.....	27
13	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	27
14	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	28
	14.1 AUDIT AND RISK COMMITTEE CONFIDENTIAL DOCUMENTS.....	28
15	NEXT MEETING	29
16	CLOSURE.....	29

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 6.32 pm

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Councillor Attendance

Cr K Vernon (Chair)	Town of Victoria Park
Cr A Jacob (Deputy Chair)	City of Joondalup
Cr L Gobbert, JP	City of Perth
Cr C Hatton <i>arrived at 6.36 pm</i>	City of Stirling
Cr E Re <i>arrived at 6.45 pm</i>	City of Stirling
Cr J Ferrante	City of Stirling
Cr Lisa Thornton	City of Stirling
Cr A Castle	City of Vincent
Cr F Cvitan, JP	City of Wanneroo
Cr P Miles	City of Wanneroo
Cr K Shannon <i>arrived 6.35 pm</i>	Town of Cambridge

MRC Officers

Mr S Cairns (Chief Executive Officer)
Ms A Arapovic (Finance Manager)
Ms S Cherico (Human Resources Officer)
Ms D Toward (Executive Support)

Apologies

Cr C May City of Joondalup

Approved leave of absence

Nil

Member Council Observers

Mr M MacPherson	City of Joondalup
Mr G Taylor	City of Perth
Mr R Bryant	City of Stirling
Mr P Varris	City of Vincent
Mr H Singh	City of Wanneroo
Mr A Kowero	City of Wanneroo

Visitors

Mr Kien Neoh (Director Financial Audit) Office of the Auditor General (*attended electronically*)

3 DECLARATION OF INTERESTS

Nil

4 PUBLIC QUESTION TIME

Public question time opened at 6.34 pm
There were no members of the public present.
Public question time closed at 6.34 pm

Cr Shannon entered the Council Chambers at 6.35 pm
Cr Hatton entered the Council Chambers at 6.36 pm

5 ANNOUNCEMENT BY THE PRESIDING PERSON

As 2022 draws to a close, on behalf of Council, I would like to thank the CEO, Executive management and staff for their collective efforts to deliver quality Waste management services to our MRC member communities, and for exploring future waste management options that can benefit our communities well into the future.

The past 12 months have been very challenging for the MRC and all member councils as we have all experienced ongoing staff shortages, reductions in front facing services, and the negative impact of rising costs. Council really appreciates the commitment and enthusiasm shown by the MRC administration even when it seemed hard to keep calm and carry on every day.

Thank you to all of the member council officers who assist MRC councillors to be well informed, and who have worked closely with MRC as we navigated preparations for a WTE tender and a FOGO tender.

Finally, I would like to thank my Council colleagues for your patience and good humour as we worked via a hybrid environment for part of this year, for your contributions to the important decisions of Council, for your respect for each other in discussions and debates, and helping me to perform the role of Chairperson. I wish everyone a peaceful and joyous Christmas and festive season with your family and friends, and look forward to seeing you all refreshed in 2023 for the important work that lies ahead.

Procedural Motion

To suspend the operation of clause 5.2 – Order of Business - in accordance with clause 10.1(j) of the Mindarie Regional Council Meeting Procedures Local Law 2020.

Reasons:

For efficiency of the meeting to enable consideration of item 9.5 allowing the representative from the Office Auditor General (OAG), Mr Neoh, to participate in this item and then leave.

Moved Cr Vernon, seconded Cr Cvitan

RESOLVED

That the procedural motion be put

(CARRIED UNANIMOUSLY 10/0)

9.5	ANNUAL REPORT 2022
	GF-21-0000035
Appendices:	Appendix 7
Date:	8 December 2022
Responsible Officer:	Chief Executive Officer

BACKGROUND

The *Local Government Act 1995* (the Act) requires every local government to prepare an Annual Report for each financial year and to accept it prior to 31 December following the end of the financial year (section 5.53 and 5.54 of the Local Government Act 1995). The Act also specifies the contents required to be included in the Annual Report. If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than two months after the auditor's report becomes available.

The annual audit of the Mindarie Regional Council (MRC) has been completed and the Financial Report for the financial year ended 30 June 2022 has been considered by the Audit Committee.

DETAIL

The Annual Financial Report for the financial year ended 30 June 2022 is now submitted to Council for adoption. The Annual Report contains the Annual Financial Report of the MRC for 2021/2022. This includes the Statement of Financial Position, Statement of Changes in Equity, Statements of Comprehensive Income, Statement of Cash Flows and notes to and forming part of the accounts. The Auditor, in accordance with the Local Government (Audit) Regulations 1996 Sections 10.2 and 10.3 is required to issue an audit report after the completion of the annual audit that expresses an opinion on the financial position and results of the operations of the local government for each financial year. Under S7.9 of the Local Government Act 1995, the auditor must prepare and sign a report on the financial audit and present the report to the Chairperson, the CEO and the Minister.

The OAG issued an unqualified report and expressed that in their opinion, the financial report of the MRC gives a true and fair view of the financial position as at 30 June 2022 and complies with the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) and the Australian Accounting Standards.

The Auditor has not issued an interim management letter for 2021/2022. In the final Management Letter that was presented to the MRC only one finding, carried over from prior year's audit was raised and relates to the Long Term Financial Plan and Asset Management pPlan not being reviewed and approved since April 2017. This has been addressed by the management, the date for review has been deferred to 30 June 2023 to coincide with the new Strategic Community Plan.

The Audit Committee met on 1 December 2022 to consider the Financial Report for the year ended 30 June 2022 and have recommended that these be accepted by the Council. The unconfirmed minutes of this meeting are included in the Members' Information Bulletin.

A copy of the Annual Report, including the Financial Report, is included at **Appendix 7**.

The MRC, in accordance with the Local Government (Financial Management) Regulations 1996 Section 51.1, is required to include in the annual Financial Report a signed Statement of Declaration by the Chief Executive Officer after this report has been audited in accordance with the Local Government Act 1995. This declaration is included in the Annual Report.

STATUTORY ENVIRONMENT

Relevant Extracts from the Local Government Act 1995

“5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.*
 - (2) The annual report is to contain —*
 - (a) a report from the mayor or president; and*
 - (b) a report from the CEO; and*
 - [(c), (d) deleted]*
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
 - (f) the financial report for the financial year; and*
 - (g) such information as may be prescribed in relation to the payments made to employees; and*
 - (h) the auditor's report prepared under section 7.9(1) or s7.12AD(1) for the financial year; and*
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) the number of complaints recorded in the register of complaints; and*
 - (ii) how the recorded complaints were dealt with; and*
-

(iii) any other details that the regulations may require;
and

(i) such other information as may be prescribed.

[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5);
No. 1 of 2007 s. 6.]

5.54. Acceptance of annual reports

(1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* Absolute majority required.

(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.55A Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

7.9. Audit to be conducted

(1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —

- (a) the mayor or president; and
- (b) the CEO of the local government; and
- (c) the Minister."

Relevant Extracts from the Local Government (Audit) Regulations 1996

"10. Report by auditor

(1) An auditor's report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.

(2) The report is to give the auditor's opinion on —

- (a) the financial position of the local government; and
- (b) the results of the operations of the local government.

(3) The report is to include —

- (a) *any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government; and*
 - (b) *any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law; and*
 - (c) *details of whether information and explanations were obtained by the auditor; and*
 - (d) *a report on the conduct of the audit; and*
 - (e) *the opinion of the auditor as to whether or not the following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions —*
 - (i) *the asset consumption ratio; and*
 - (ii) *the asset renewal funding ratio.*
- (4) *Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor's report."*

POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

The MRC has a deficit from operations of \$12,651,628 which will increase the accumulated losses to \$35,597,552.

STATUTORY IMPLICATIONS

The Annual Report for the MRC has been prepared in accordance with the requirements of Local Government Act 1995 and applicable Australian Accounting Standards.

AMENDMENTS

There have been no amendments made to the Financial Statements presented to the Audit Committee.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council resolve to:

1. Notes the recommendation of the Audit Committee meeting held on 1 December 2022 to adopt the Financial Report for the year ended 30 June 2022; and
2. Adopts the Annual Report for the year ended 30 June 2022, which includes the Financial Report detailed in point 1 above.

(Absolute Majority Required)

Cr Re entered the Council Chambers at 6.45 pm

The Chair invited Mr Neoh, Director Financial Audit, Office of the Auditor General (OAG), to speak to the item.

Mr Neoh presented to Council the key points of Financial Year 2022 Audit and Final Audit Report and responded to questions from Council. Mr Neoh acknowledged that there had been some complexities in the Audit and congratulated the MRC staff involved in the Audit.

On behalf of the Council, the Chair thanked Mr Neoh for attending the Council meeting and for his work on the MRC Audit.

Moved Cr Vernon, seconded Cr Jacob

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

6 APPLICATION FOR LEAVE OF ABSENCE

Nil

7 PETITIONS/DEPUTATIONS/PRESENTATIONS
--

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 ORDINARY COUNCIL MEETING – 24 NOVEMBER 2022

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

Moved Cr Hatton, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9	CHIEF EXECUTIVE OFFICER REPORTS
----------	--

9.1	FINANCIAL STATEMENTS FOR THE MONTH ENDED 31 OCTOBER 2022
Reference:	GF-21-0000196
Appendix(s):	Appendix No. 1 and No. 2
Date:	24 November 2022
Responsible Officer:	FINANCE MANAGER

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 October 2022 is attached at **Appendix No. 1** to this Item. The Tonnage Report for 31 October 2022 is attached at **Appendix No. 2**.

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.

	YTD Budget	YTD Actual	Variance
	t	t	t
Tonnes – Members	59,663	58,889	(774)
Tonnes – Others	11,467	22,085	10,618
TOTAL TONNES	71,130	80,974	9,844
	\$	\$	\$
Revenue – Members	8,651,135	8,644,586	(6,549)
Revenue – Other	3,676,462	5,169,596	1,493,134
TOTAL REVENUE	12,327,597	13,814,182	1,486,585
Expenses	(11,866,027)	(12,382,844)	516,817
NET SURPLUS/(DEFICIT)	461,570	1,431,338	969,768

Members

Member's tonnages for the financial period ended 31 October 2022 were 774 tonnes below budget.

Trade & Casuals

The Casual and Trade tonnages are 10,618 tonnes higher than forecast for the financial year to date, 16,069 tonnes delivered through the discounted rate waste tender.

Overall tonnages for the financial period ended 31 October 2022 were 9,844 tonnes more than budgeted.

The net result variance against year to date budget \$969,768 is attributable to increased revenue (tonnages) above budgeted forecast, increased landfill levy costs and amortisation for cell development and decrease in depreciation expense.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 1 for the month ended 31 October 2022.

Moved Cr Re, seconded Cr Vernon

RESOLVED

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

9.2	LIST OF PAYMENTS MADE FOR THE MONTH ENDED 31 OCTOBER 2022
File No:	GF-21-0000196
Appendix(s):	Appendix No. 3
Date:	24 November 2022
Responsible Officer:	Finance Manager

SUMMARY

The purpose of this report is to provide details of payments made during the periods identified above. 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 October 2022 is at **Appendix 3** to this Item and 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.

Months Ended	Account	Vouchers	Amount
31 October 2022	General Municipal	Cheques	\$1,633.76
		EFT	\$4,845,265.24
		DP	\$2,407,103.04
		Inter account transfers	\$0.00
		Total	\$7,254,002.04

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 31 October 2022.

Moved Cr Re seconded Cr Cvitan

RESOLVED

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

9.3	FINANCIAL STATEMENTS FOR THE MONTH ENDED 30 NOVEMBER 2022
Reference:	GF-21-0000196
Appendix(s):	Appendix No. 4 and No. 5
Date:	24 November 2022
Responsible Officer:	FINANCE MANAGER

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:

- Statement of Comprehensive Income by Nature and Type
- Income Statement by Program
- Statement of Financial Position
- Statement of Reserves
- Statement of Investing Activities
- Tonnage Report

DETAIL

The Financial Statements for the month ended 30 November 2022 is attached at **Appendix No. 4** to this Item. The Tonnage Report for 30 November 2022 is attached at **Appendix No. 5**.

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.

	YTD Budget	YTD Actual	Variance
	t	t	t
Tonnes – Members	74,549	73,741	(808)
Tonnes – Others	14,151	24,933	10,782
TOTAL TONNES	88,700	98,674	9,974
	\$	\$	\$
Revenue – Members	10,809,605	10,799,590	(10,015)
Revenue – Other	4,489,787	6,149,503	1,659,716
TOTAL REVENUE	15,299,392	16,949,093	1,649,701
Expenses	(14,758,792)	(15,263,517)	504,725
NET SURPLUS/(DEFICIT)	540,600	1,685,575	1,144,975

Members

Members tonnages for the financial period ended 30 November 2022 were 808 tonnes below budget.

Trade & Casuals

The Casual and Trade tonnages are 10,782 tonnes higher than forecast for the financial year to date with 10857 tonnes attributed to the discounted rate waste tender.

The financial period ended 30 November 2022 closed with an overall 9,974 tonnes delivered more than budget year to date.

The net surplus against year to date budget variance \$1,144,975 is a result of increased revenue (tonnages) above budgeted forecast, directly impacted landfill levy costs and amortisation for cell development and on the other hand a decrease in depreciation expense.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 4 for the month ended 30 November 2022.

Moved Cr Jacob, seconded Cr Hatton

RESOLVED

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

9.4 LIST OF PAYMENTS MADE FOR THE MONTH ENDED 30 NOVEMBER 2022	
File No:	GF-21-0000196
Appendix(s):	Appendix No. 6
Date:	24 November 2022
Responsible Officer:	Finance Manager

SUMMARY

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

COMMENT

The lists of payments for the months ended 30 November 2022 is at **Appendix 6** to this Item and 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.

Months Ended	Account	Vouchers	Amount
30 November 2022	General Municipal	Cheques	\$1,678.10
		EFT	\$817,989.48
		DP	\$4,432,699.32
		Inter account transfers	\$0.00
		Total	\$5,252,366.90

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 30 November 2022.

Moved Cr Re, seconded Cr Cvitan

RESOLVED

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

9.6 GENERAL INSURANCE RENEWAL 2022/23	
File No:	GF-21-0000495
Appendices:	Nil
Date:	8 December 2022
Responsible Officer:	Chief Executive Officer

SUMMARY

This report seeks to update Council on the progress of an investigation in to the advantages and disadvantages of undertaking a regular cyclic process of publishing public tenders for general insurance services, as per previous council resolution.

BACKGROUND

At the 30 July 2020 Audit Committee Meeting, a query was raised as to why the Mindarie Regional Council (MRC) had not gone out to tender for its general insurance renewals.

At that time, the MRC sought advice from WALGA, which held the view that local governments do not need to go out to tender for insurance services purchased from LGIS.

Accordingly, the MRC has continued to access general insurance services through LGIS. These practices have continued since.

On 24 March 2022 a report was presented to Council that highlighted the results of a review undertaken on the experiences of other Western Australian local governments with respect to accessing adequate insurance provision in the current market, and sought endorsement of the recommendation to renew general insurances for 2022/23, Council resolved:

That the Council:

- 1. Notes the information contained in this report.*
- 2. Recommends that the MRC does not undertake a public tender process for the provision of insurance services, and continues to remain within the LGIS WA local government group self-insurance scheme.*
- 3. Requests the CEO to investigate the advantages and disadvantages of undertaking a regular cyclic process for undertaking a public tender process for insurance services, and if necessary to seek independent expert advice, and bring a report back to Council by December 2022, including a recommendation for the procurement of insurances services in 2023.*

DETAIL

On 16 August 2022 the administration sent out a request for quotation to risk advisory consultants, seeking independent expert advice to review the MRC's current insurance arrangements, develop a tender, assist in the evaluation of responses and provide an assessment report.

At the time of close two proposals were received:

- *Risk Advisory Services* provided a short proposal, with minimal information, stating a service fee of circa \$25k.
- *Procurement Australia* provided a detailed proposal, stating a service fee of \$15k.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 2022/23 budget approved by Council at the 7 July 2022, has been made in respect of risk advisory services.

VOTING REQUIREMENT

Absolute majority

COMMENTS

Given the level of detail provided, Procurement Australia's response was considered to be the highest value proposal when compared to that received from Risk Advisory Services.

Accordingly, the MRC engaged Procurement Australia's services on 16 September 2022. It is expected that a tender for the provision of insurance services shall be released in late January 2023, and an evaluation report finalised by March/April 2023. The Administration intends to present a report to the 27 April 2023 Ordinary Council meeting with the outcome of the review and evaluation of the insurance tender.

LGIS were formally advised that the MRC had resolved to release a formal tender for the 2022/23 insurances on 28 November 2022, and asked to provide an initial response to this decision. Their response is provided, below:

- *"The Scheme will not be in a position to respond to an 'insurance broking / insurer' tender as the mutual is neither an insurer nor an insurance broker. MRC would need to ensure the tender is crafted in a manner that would allow the mutual to respond.*
 - *Members may only withdraw membership from the Scheme at the expiry of a fund year (30 June) provided that at least 60 days' notice is given (please refer to Section 35.1 of the LGISWA Scheme Rules available from the Members Section of the LGIS website). The email below does not suffice as formal notification of exit.*
 - *We note the timing of the tender (early in January/ February) will limit our ability to respond. LGIS does not respond to speculative pricing and would be reluctant to provide terms outside our usual renewal cycle.*
 - *Membership of the Scheme provides MRC with a whole of risk approach to protection and LGIS provides a single membership and cost. Exit of any one protection would result in MRC existing all protection policies offered by LGISWA.*
 - *We would also like to add that MRC, along with all Cities, Towns and other Shires across the State, was gazetted by the Minister as an "exempt employer" under the Act. This has placed it as part of a self-insured group (WA Local Government Sector,*
-

through the LGIS WorkCare Scheme) for workers compensation. Withdrawing from this arrangement in favour of a return to the workers compensation system through insurance arrangements, would require application to, the Minister and publication of his approval of the change in the Government Gazette. Please note there are regulatory requirements under WorkCover to apply for exit. We are happy to provide MRC with copies of same if this has not been considered by PA. I believe the period of notice is 90 days

- *Exit of the Scheme would obviously lead to a loss of access to a range of complimentary risk services across Injury Management, LGIS Health and Wellbeing, Liability Risk Management, Organisation Risk Management, Occupational Safety and Health and HR Risk Management.”*

The administration is currently assessing these responses, and will work with Procurement Australia to ensure that all necessary steps are taken to undertake a compliant tender process that takes account of the apparent prerequisites and timelines highlighted by LGIS.

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

- 1. Notes the information contained in this report.**
- 2. Requests the CEO to present a report to Council with a recommendation for the procurement of insurance for 2023/24 in April 2023.**

Moved Cr Re, seconded Cr Jacob

Moved Cr Shannon, seconded Cr Re

AMENDMENT

To add the following words:

- 3. Requests the CEO to obtain independent legal advice in relation to whether Local Governments have to go out to Tender for Insurance services and whether they are exempt from s3.57 of the Local Government Act.**

REASONS:

To clarify previous advice so that the MRC understands whether it needs to go to tender every year.

(CARRIED 10/1)

For: Crs Castle, Cvitan, Ferrante, Gobbert, Hatton, Miles, Re, Shannon, Thornton, Vernon

Against: Cr Jacob

SUBSTANTIVE RECOMMENDATION, AS AMENDED

That the Council:

- 1. Notes the information contained in this report.**
- 2. Requests the CEO to present a report to Council with a recommendation for the procurement of insurance for 2023/24 in April 2023.**
- 3. Requests the CEO to obtain independent legal advice in relation to whether Local Governments have to go out to Tender for Insurance services and whether they are exempt from *s3.57 of the Local Government Act*.**

(CARRIED UNANIMOUSLY 11/0)

9.7	MINDARIE REGIONAL COUNCIL ORDINARY COUNCIL MEETING AND STRATEGY WORKSHOP DATES FOR 2023
File No:	GF-20-0000469
Appendix(s):	Nil
Date:	02 December 2022
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to provide notice of the dates, times and locations for the Mindarie Regional Council's (MRC) Ordinary Council Meetings (OCM) and to provide advice regarding Strategy Workshops (SW) for 2023.

BACKGROUND

In accordance with the *Local Government Act 1995*, the MRC is required to schedule OCM's for the forthcoming calendar year and provide public notice of their dates, times and locations. In addition, the MRC also set two SW dates for the year.

DETAIL

In setting the dates for the 2023 OCM's consideration is given to the following:

- The Tamala Park Regional Council meeting dates for 2023
- The WALGA Metropolitan Zone meeting dates for 2023
- The Australian Local Government Association (ALGA) Annual Conference
- Relevant Waste Conferences
- Availability of Member Councils' Chambers.

To achieve compliance and present financial reports within 2 months after the end of the month to which the statement of financial activity relates in accordance with *s.6.4 of the Local Government Act 1995* and *s.34(4) of the Local Government (Financial Management) Regulations 1996*, the MRC are required to meet 7 times in 2023.

With a view to trying to achieve compliance, and at the same time being mindful of conflicting priorities, the following meeting dates are proposed for consideration:

23 February 2023	6.30pm	City of Joondalup	OCM
27 April 2023	6.30pm	City of Wanneroo	OCM
01 June 2023	6.30pm	Town of Cambridge	OCM
13 July 2023	6.30pm	City of Stirling	OCM
21 September 2023	6.30pm	City of Vincent	OCM
30 November 2023	6.30pm	Town of Victoria Park	OCM
14 December 2023	6.30pm	City of Perth	OCM

Traditionally the MRC also holds two strategic workshops which are usually included in the meeting schedule. These workshops are important as they provide Councillors, member council CEOs and representatives on the Strategic Working Group and MRC management an opportunity to review and discuss the MRC's strategic direction.

The MRC held a SW on 10 September 2022 and a follow up SW is planned for 2 February 2023. The MRC propose to consult with the Chair after the 2 February 2023 SW to decide on the timing of future SWs in 2023.

STATUTORY ENVIRONMENT

Local Government Act 1995
Local Government (Administration) Act 1996

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMENT

The proposed schedule for OCM's for 2023 is submitted for approval.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. Adopt the meeting dates as follows:

23 February 2023	6.30pm	City of Joondalup	OCM
27 April 2023	6.30pm	City of Wanneroo	OCM
01 June 2023	6.30pm	Town of Cambridge	OCM
13 July 2023	6.30pm	City of Stirling	OCM
21 September 2023	6.30pm	City of Vincent	OCM
30 November 2023	6.30pm	Town of Victoria Park	OCM
14 December 2023	6.30pm	City of Perth	OCM

2. Issue a Public Notice on the meeting locations, dates and times as detailed in (1) above in accordance with Part 12 (1) of the *Local Government (Administration) Regulations 1996* and the *Local Government Act 1995*.

3. Note that a Strategy Workshop has been planned for 2 February 2023. Future workshop dates for 2023 will be determined, in consultation with the Chair, later in 2023.

Moved Cr Vernon, seconded Cr Re

RESOLVED

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

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 73

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 73 be received.

Moved Cr Ferrante, seconded Cr Hatton

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 requests the Council to meet “behind closed doors” to allow the Council to consider item 14.1 as the items are of a confidential nature.

No members of the public were present in the gallery.

**Moved Cr Vernon, Seconded Cr Re
Procedural Motion**

- 1. Closes the meeting to the members of the public at 7.47 pm to consider item 14.1 in accordance with Section 5.23 of the *Local Government Act 1995*.**
- 2. Permits the MRC Chief Executive Officer and MRC staff to remain in the chamber during discussion for these items.**

(CARRIED UNANIMOUSLY 11/0)

Doors closed at 7.47 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) (c) of *The Local Government Act 1995* as the report deals with a matter where a contract may be entered into

14.1 AUDIT AND RISK COMMITTEE CONFIDENTIAL DOCUMENTS

File No: GF-22-000070

Attachment(s): Nil

Date: 5 December 2022

Responsible Officer: Chief Executive Officer

That Council:

- Notes the Annual Financial Audit Planning Summary Year Ended 30 June 2022
- Notes the Auditor General Independent Auditors Report 2022
- Notes the Annual Financial Audit Exit Brief Year Ended 30 June 2022
- Notes the Representation Letter Year Ended 30 June 2022

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

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

Moved Cr Vernon, seconded Cr Hatton

**Procedural Motion:
That Council:**

- **Reopen the meeting to members of the public at 7.56 pm**

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

Doors re-opened at 7.57 pm, the Chair declared the meeting re-opened. As there were no members of the public present, the Chair noted the resolutions passed behind closed doors

15 NEXT MEETING

The next Ordinary Council meeting will be held on 23 February 2023 at the City of Joondalup.

16 CLOSURE

The Chair closed the meeting at 7.58 pm and thanked the City of Perth for their hospitality and use of their meeting facilities.

SignedChair

Dated.....day of2023
