



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

11 DECEMBER 2014

TOWN OF VICTORIA PARK

Managing waste and recovering resources responsibly
Constituent Members: *Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo*
Towns of Cambridge and Victoria Park



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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairperson declared the meeting open at 5.30pm.

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

Cr R Fishwick (Chair)	City of Joondalup
Cr J Bissett	Town of Victoria Park
Cr D Boothman	City of Stirling
Cr J Carey	City of Vincent
Cr R Driver	City of Wanneroo
Cr J Davidson	City of Perth
Cr K Hollywood	City of Joondalup
Cr D Newton JP	City of Wanneroo
Cr S Proud (<i>arrived at 5.32pm</i>)	City of Stirling
Cr E Re JP	City of Stirling

Leave of Absence

Nil

Apologies

Cr B Stewart (Deputy Chairman)	City of Stirling
Cr S Withers	Town of Cambridge

MRC Officers

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

Member Council Observers

Mr A Murphy (City of Joondalup)
Mr D Forster (City of Perth)
Mr M Littleton (City of Stirling)
Mr S Sciberras (City of Stirling)

Visitors

Ian Watkins (Consultant)

Members of the Public

Nil

Press

Nil

3 DECLARATION OF INTERESTS

Nil

4 PUBLIC QUESTION TIME

Nil

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

Cr Proud arrived at 5.32pm

The Chair welcomed Mr Ian Watkins, consultant to the MRC who has written the Confidential Report 14.1 and is in attendance to respond to technical questions on the report.

The MRC Strategic Workshop has been brought forward from 19th February 2015 to the 22nd January 2015.

The Chair and CEO attended the Metropolitan Regional Councils Working Group meeting on the 10th December 2014. The Chair provided an overview of the discussion at the meeting.

The Department of Environment Regulations has released the WARR Act Review Discussion Paper with reform proposals for collection and processing of waste.

The CEO advised that a report will be presented to council at the February 2015 meeting in response to the discussion paper on the WARR Act review.

WALGA have formed a Policy Forum to focus on the WARR Act Review. Cr Re and the CEO have nominated to be on this forum.

The Chair wished Councillors and MRC staff a merry Christmas.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 ORDINARY COUNCIL MEETING – 30 OCTOBER 2014

The Minutes of the Ordinary Council Meeting held on 30 October 2014 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of Council held on 30 October 2014 be confirmed as a true record of the proceedings.

Cr Bissett informed the Council that both Cr Newton and himself would have supported the recommendation as it related to the performance of the CEO but as the motion included the engagement of a consultant they felt obligated to vote against the motion. It was agreed that the minutes would include a note to this effect.

RESOLVED

Cr Proud moved, Cr Boothman seconded

That the recommendation be adopted with the following note to Item 14.1:

“Both Cr Bissett and Cr Newton wanted it noted that they supported the recommendation as it related to the performance of the CEO but voted against the alternative motion moved by Cr Fishwick as it related to the engagement of a consultant that in their view should have been dealt with as a separate item.

CARRIED UNANIMOUSLY (10/0)

9 CHIEF EXECUTIVE OFFICER REPORTS
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9.1	FINANCIAL STATEMENTS FOR THE PERIODS ENDED 30 SEPTEMBER 2014 AND 31 OCTOBER 2014
File No:	FIN/5-04
Appendix(s):	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	24 November 2014
Responsible Officer:	Director Corporate Services

SUMMARY

The purpose of this report is to provide financial reporting in line with statutory requirements which provides useful information to stakeholders of the Council.

BACKGROUND

Reporting requirements are defined by Financial Management Regulations 34 of the Local Government (Financial Management) Regulations 1996.

The financial statements presented for each month consist of:

- Operating Statement by Nature – Combined
- Operating Statement by Nature – RRF Only
- Operating Statement by Function
- Statement of Financial Activity
- Statement of Reserves
- Statement of Financial Position
- Statement of Investing Activities
- Information on Borrowings
- Tonnage Report

DETAIL

The Financial Statements attached are for the months ended 30 September 2014 and 31 October 2014 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 4 months to 31 October 2014 is attached at **Appendix No. 3**.

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

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

Summary of results for the period ended 31 October 2014

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	126,745	129,147	(2,402)
Tonnes – Others	7,032	11,566	(4,534)
TOTAL TONNES	133,777	140,713	(6,936)
	\$	\$	\$
Revenue – Members	14,429,267	14,651,592	(222,325)
Revenue – Other	1,871,305	2,446,673	(575,368)
TOTAL REVENUE	16,300,572	17,098,265	(797,693)
Expenses	15,377,194	16,385,226	1,008,032
Profit on sale of assets	3,372	-	3,372
Loss on sale of assets	9,158	5,898	(3,260)
NET SURPLUS	917,592	707,141	210,451

Commentary

Member tonnes for the 4 months to October 2014 are 2,402 tonnes below budget, primarily as a result of differences in the timing of waste deliveries.

Non-member tonnes are 4,543 tonnes below budget, primarily as a result of the loss of a large commercial customer which has developed its own facility.

Expenses are \$1,008,032 below budget primarily as a result of delays in the commencement of a number of projects and the reduced tonnes to landfill.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Financial Statements set out in Appendix No. 1 and 2 for the months ended 30 September 2014 and 31 October 2014, respectively, be received.

RESOLVED

**Cr Re moved, Cr Davidson seconded
 That the recommendation be adopted.**

CARRIED UNANIMOUSLY (10/0)

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 30 SEPTEMBER 2014 AND 31 OCTOBER 2014
File No:	FIN/5-04
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	24 November 2014
Responsible Officer:	Director Corporate Services

SUMMARY

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

COMMENT

The lists of payments for the months ended 30 September 2014 and 31 October 2014 are at **Appendix 4 and 5** to this Item and are presented to Council for noting. Payments have been made in accordance with the delegated authority to the CEO which allows payments to be made between meetings. At the Ordinary Council Meeting held on 4 September 2014, 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 2014	General Municipal	Cheques	\$50,390.26
		EFT	\$3,111,809.16
		DP	\$494,401.71
		Inter account transfers	<u>\$1,200,000.00</u>
		Total	\$4,856,601.13
31 October 2014	General Municipal	Cheques	\$62,987.72
		EFT	\$4,678,568.07
		DP	\$533,993.70
		Inter account transfers	<u>\$600,000.00</u>
		Total	\$5,875,549.49

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 30 September 2014 and 31 October 2014 be noted.

RESOLVED

Cr Re moved, Cr Hollywood seconded

That the recommendation be adopted.

CARRIED UNANIMOUSLY (10/0)

9.3	MINDARIE REGIONAL COUNCIL AND STRATEGIC MEETING DATES FOR 2015
File No:	COR/10-02
Appendix(s):	Nil
Date:	10 November 2014
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to provide the dates, times and locations for the meetings for the Ordinary Council Meetings and Strategic Workshops for 2015.

BACKGROUND

The Mindarie Regional Council (MRC) is required to schedule Council meetings for the forthcoming calendar year and in doing so also sets the date and time for its workshops.

DETAIL

In setting the dates for next year consideration is given to the following:

- The six Council meetings be held in the calendar year 2015.
- The third meeting be held in early July 2015 to accommodate the swearing in of Councillors, and the appointment of Chairman and Deputy Chairman. This assumes that current rules will still apply.
- The meeting scheduled for December be held relatively early in the month to accommodate other commitments of the festive season.
- The Tamala Park Regional Council meeting dates for 2015 be considered.
- The WALGA Metropolitan Zone meeting dates for 2015 be considered.
- The October meeting of the Council be held prior to Local Government Elections. The 2015 Local Government Elections will be held on Saturday 17 October.
- Meetings be scheduled at the Chambers of Member Councils.

In addition to the above it is considered important that the Councillors, member council representatives on the Strategic Working Group and MRC management have the ability to meet throughout the year on an informal basis to discuss MRC's strategic direction.

Programme of Meetings

The Ordinary Council meeting scheduled in the first week of November is required to swear in new members after the 2015 Local Government Elections.

Given the above the proposed schedule of Council meetings for Year 2015 commencing at 5.30pm is as follows:

- Ordinary Council Meeting - 19 February 2015 (City of Joondalup)
 - Ordinary Council Meeting - 23 April 2015 (City of Wanneroo)
 - Ordinary Council Meeting - 2 July 2015 (City of Stirling)
 - Ordinary Council Meeting - 20 August 2015 (City of Vincent)
 - Ordinary Council Meeting - 8 October 2015 (City of Perth)
 - Ordinary Council Meeting - 5 November 2015 (Mindarie Regional Council)
 - Ordinary Council Meeting - 3 December 2015 (Town of Victoria Park)
-

The proposed schedule of Strategic workshops for 2015 will be held directly after the following council meetings:

- 19 February 2015
- 5 November 2015

STATUTORY ENVIRONMENT

Part 12 (1) and (2) of the Local Government (Administration) Regulations 1996 requires local government to issue public notice of its meeting dates at least once per year stating:

“12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and*
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*are to be held in the next 12 months.*
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).”*

S.1.7 of the Local Government Act 1995 prescribes local public notice as:

“1.7. Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
 - (a) published in a newspaper circulating generally throughout the district; and*
 - (b) exhibited to the public on a notice board at the local government’s offices; and*
 - (c) exhibited to the public on a notice board at every local government library in the district.**
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
 - (a) published under subsection (1)(a) on at least one occasion; and*
 - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
 - (i) the time prescribed for the purposes of this paragraph; or*
 - (ii) if no time is prescribed, 7 days.”***

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMENT

The proposed schedule for Ordinary Council meetings for the Year 2015 is now submitted for approval. In addition it is recommended that the Council endorse the scheduling of the two strategic meetings directly following on from the Council meetings in February and November.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. adopt the following schedule for Ordinary Council Meetings for the Year 2015 commencing at 5.30pm:
 - 19 February 2015 (City of Joondalup)
 - 23 April 2015 (City of Wanneroo)
 - 2 July 2015 (City of Stirling)
 - 20 August 2015 (City of Vincent)
 - 8 October 2015 (City of Perth)
 - 5 November 2015 (Mindarie Regional Council)
 - 3 December 2015 (Town of Victoria Park); and
2. issue Public Notice on the meetings detailed in (1) above in accordance with Part 12 (2) of the *Local Government (Administration) Regulations 1996* and the *Local Government Act 1995*.
3. adopt the following schedule for the two Strategic workshops for 2015 as follows:
 - 19 February 2015; and
 - 5 November 2015.

Cr Fishwick moved with the following amendment to Clause 3. Delete 19 February 2015 and insert 22 January 2015.

Cr Re seconded

SUBSTANTIVE MOTION INCLUDING THE CARRIED AMENDMENT

That the Council:

1. adopt the following schedule for Ordinary Council Meetings for the Year 2015 commencing at 5.30pm:
 - 19 February 2015 (City of Joondalup)
 - 23 April 2015 (City of Wanneroo)
 - 2 July 2015 (City of Stirling)
 - 20 August 2015 (City of Vincent)
 - 8 October 2015 (City of Perth)
 - 5 November 2015 (Mindarie Regional Council)
 - 3 December 2015 (Town of Victoria Park); and
-

2. **issue Public Notice on the meetings detailed in (1) above in accordance with Part 12 (2) of the *Local Government (Administration) Regulations 1996* and the *Local Government Act 1995*.**
3. **adopt the following schedule for the two Strategic workshops for 2015 as follows:**
 - **22 January 2015; and**
 - **5 November 2015.**

RESOLVED

That the recommendation be adopted.

CARRIED UNANIMOUSLY (10/0)

9.4	ADOPTION OF THE 2014 ANNUAL REPORT
File No:	COR/9-04
Appendix(s):	Appendix No. 6 Appendix No. 7
Date:	27 November 2014
Responsible Officer:	Gunther Hoppe

BACKGROUND

The Mindarie Regional Council is required to prepare an annual report in accordance with Section 5.53 of the Local Government Act 1995.

The annual audit of the Financial Statements for the financial year ended 30 June 2014 has been completed and the Financial Report has been considered by the Audit Committee.

The Annual Report, which includes the Financial Statements, is presented for consideration by Council.

The Annual Report for a Financial Year is to be accepted by the Local Government no later than 31 December after that Financial Year.

DETAIL

The Annual report includes the audited financial report for the financial year. 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. If it considers it necessary the auditor may prepare a management report and present the report to the Chairperson, the CEO and the Minister.

The Auditor has completed the audit of the Mindarie Regional Council and has issued an unqualified audit opinion in respect of the year ended 30 June 2014.

In addition the Auditor has prepared an interim management letter and an audit completion letter which outline their observations in relation to the MRC's internal controls. In total 7 observations were tabled and represent minor control improvements. The observations were tabled with the Audit Committee for discussion.

The Audit Committee met on 24 November 2014 to consider the Financial Statements for the year ended 30 June 2014 and have recommended that these be adopted by the Council. The unconfirmed minutes of this meeting are included in the Members' Information Bulletin.

A copy of the Financial Statements is included at **Appendix 6**.

The Annual Report of the Mindarie Regional Council, which includes the Financial Statements considered by the Audit Committee as mentioned above, has been prepared and will be distributed under separate cover.

The Mindarie Regional Council, in accordance with the Local Government (Financial Management) Regulations 1996 Section 51.1, is required to include in the annual

Financial Statements 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 at **Appendix 7** which will be distributed under separate cover.

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 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.*

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.

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 form 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.*
- (4A) In subregulation (3)(e) —*

asset consumption ratio has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 50(2);

asset renewal funding ratio has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 50(2).
- (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.

COMMENT

The Annual Report for the Mindarie Regional Council 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:

1. notes the recommendation of the Audit Committee meeting held on 24 November 2014 to adopt the Financial Report for the year ended 30 June 2014; and
2. adopts the Annual Report for the year ended 30 June 2014, which includes the Financial Report detailed in 1. above.
(Absolute Majority Required)

RESOLVED

Cr Newton moved, Cr Re seconded

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (10/0)

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 20

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 20 be received.

RESOLVED

Cr Proud moved, Cr Bissett seconded

That the recommendation be adopted.

CARRIED UNANIMOUSLY (10/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS

Nil

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

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

The Chairperson requested that in accordance with clause 7.9(3) of the Mindarie Regional Council Standing Orders Local Law 2010 and s5.23 of the Local Government Act 1995, Council proceed to meet “behind closed doors” to allow the Council to consider Confidential Item 14.1 of this agenda as Council’s decision may result in a contract being entered into.

Cr Proud moved, Cr Davidson seconded

CARRIED UNANIMOUSLY (10/0)

Member Council CEOs, MRC staff and Mr Watkins were invited to stay. Member council Officers were requested to leave and departed the Chamber at 5.51pm.

14.1	OFFER TO PURCHASE LOT 7778 WANNAMAL ROAD SOUTH, CULLALLA TO BE USED AS A FUTURE LANDFILL SITE
File No:	WST/31-04
Appendix(s):	
Date:	27 November 2014
Responsible Officer:	Ian Watkins / CEO

RESPONSIBLE OFFICER RECOMMENDATION

A. That the Council:

- 1. Advise Mr Phillip Andrew of the Fernview Development Group that the MRC is not in a position, at this point in time, to commit to the purchase of Lot 7778, Wannamal Road South, Cullalla as a future landfill site; and**
- 2. Thank Mr Andrew's for providing the MRC the opportunity to consider the lands purchase.**

B. That the Council:

- 1. Continue to search for a more suitable landfill site; and**
- 2. Seriously consider future options for landfill waste disposal beyond the lifespan of Tamara Park.**

RESOLVED

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

CARRIED UNANIMOUSLY (10/0)

Member Council Officers were invited back into the Chamber at 6.00pm

NOTE: The Chief Executive Officer has NOT released Report 14.1 for Public information as Council's decision may result in a contract being entered into.

The Chairperson sought that the meeting be reopened to the public

Cr Bissett moved, Cr Re seconded

CARRIED UNANIMOUSLY (10/0)

The meeting was reopened at 6.00pm.

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

15 NEXT MEETING

Next meeting to be held on Thursday 19 February 2015 in the Council Chambers at City of Joondalup commencing at 5.30pm.

16 CLOSURE

The Chairman closed the meeting at 6.01pm and thanked the Town of Victoria Park for their hospitality and the use of their meeting facilities.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 11 December 2014.

Signed Chairman

Dated this day of 2015
