



AGENDA

ORDINARY COUNCIL MEETING

TIME: 5.30PM

2 MAY 2013

CITY OF WANNEROO

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



**MINDARIE REGIONAL COUNCIL
NOTICE OF MEETING**

12 April, 2013

Councillors of the Mindarie Regional Local Government are advised that an Ordinary Meeting of the Council will be held in the Council Chambers of the City of Wanneroo, 23 Dundobar Road, Wanneroo at 5.30pm on Thursday 2 May 2013.

The agenda pertaining to the meeting is attached.

Your attendance is respectfully requested.

BRIAN CALLANDER
Chief Executive Officer

MINDARIE REGIONAL COUNCIL - MEMBERSHIP

| | |
|---|-----------------------|
| Cr R Fishwick JP (Russ) - Chair | City of Joondalup |
| Cr J Bissett (John) – Deputy Chair | Town of Victoria Park |
| Cr S Withers (Simon) | Town of Cambridge |
| Cr K Hollywood (Kerry) | City of Joondalup |
| Cr R Butler (Rob) | City of Perth |
| Cr D Boothman (David) | City of Stirling |
| Cr S Cooke (Sharon) | City of Stirling |
| Cr J Robbins (Jason) | City of Stirling |
| Cr B Stewart (Bill) | City of Stirling |
| Cr A MacTiernan (Alannah) | City of Vincent |
| Cr L Gray JP (Laura) | City of Wanneroo |
| Cr D Newton JP (Dot) | City of Wanneroo |

NB: Although some Councils have nominated alternate members, it is a requirement that a Council carries a specific resolution for each occasion that the alternate member is to act.

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

3 DECLARATION OF INTERESTS

Declaration of Financial/Conflict of Interest to be recorded prior to dealing with each item.

Disclosure of Financial and Proximity Interests

- (a) *Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the Local Government Act 1995).*
- (b) *Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the Local Government Act 1995).*

Disclosure of Interest Affecting Impartiality

- (a) *Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee has given or will give advice.*

4 PUBLIC QUESTION TIME

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 ORDINARY COUNCIL MEETING – 6 DECEMBER 2012

The Minutes of the Ordinary Council Meeting held on 6 December 2012 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 6 December 2012 be confirmed as a true record of the proceedings.

8.2 ORDINARY COUNCIL MEETING – 7 MARCH 2013

The Minutes of the Ordinary Council Meeting held on 7 March 2013 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 7 March 2013 be confirmed as a true record of the proceedings.

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| 9 CHIEF EXECUTIVE OFFICER REPORTS |
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|-----------------------------|-------------------------------|
| 9.1 | TENDER FOR CLAY LINING |
| File No: | WST/132-02 |
| Appendix(s): | Nil |
| Date: | 11 April 2013 |
| Responsible Officer: | CEO |

SUMMARY

Seeking approval to tender for the clay lining of Stage 2 Phase 3 of the Tamala Park landfill and for funds to be set aside in next year's budget for the works.

BACKGROUND

In February 2012 waste commenced being placed on the final stage (Stage 2 Phase 3) of the Tamala Park landfill, the capacity of which is 2.6 million tonnes. Since then the first lift of waste in the landfill has been completed and the second lift commenced. The landfill is lined however the sides of the landfill require a further lining of clay. A Works Approval has been applied for from the Department of Environment and Conservation and it is anticipated that the approval will be issued within the next month.

Given that the second lift is current it is now time to commence the clay lining on the walls of Stage 2 Phase 3.

DETAIL

It is proposed to seek approval from Council to tender for the Clay Lining project prior to the commencement of the 2013/14 financial year so that the MRC can commence the tender process and present a report to Council at its meeting on 4 July 2013 enabling work to commence early in the next financial year. The tender will be drafted in accordance with the requirements of the *Local Government Act 1995* and associate Regulations. The value of the work of the clay lining is estimated to be up to \$5,000,000 over five years. A further report will be presented to council when the tender closes advising of the tenderers and seeking consideration of the tenderers to undertake the works.

The tender document is currently being drafted using the West Australian Local Government Associations Tender Guidelines which will include the technical specifications provided to the Department of Environment and Conservation for the works approval.

The following extract from the Environmental Assessment Report for the Works Approval describes the work required for this project.

“Works Approval for Stage 2 Phase 3 Progressive Clay Lifts

MRC has previously constructed the base for the Stage 2 Phase 3 landfill cell and now proposes to develop the progressive clay lifts above the Stage 2 Phase 3 base liner. The proposed works have been designed and documented by Golder Associates, a copy of which is at Attachment 1.

The construction of the Phase 3 progressive clay lifts involves the following specifications:

- *The identification of a suitable clay source.*
- *Deliver of clay to site.*
- *Moisture conditioning of the clay material,*
- *Placement and compaction of clay layers,*
- *Testing of clay layers,*
- *Tie-in to existing liner works,*
- *Extension of leachate extraction pipework, and,*
- *Compilation of Construction Quality Assessment Report.*

The above scope of works will be progressively carried out over a number of years as the waste height increase until the clay liner reaches the top of the Stage 2 excavation level (maximum height of landfill liner).

SUBGRADE

The current surface of Phase 3 comprises of the following:

- *A 3.5 m wide synthetically lined perimeter bench at RL. 9.6 m;*
- *Excavated limestone side slopes of approximately 1.5H:1V; and*
- *A lined base that has been covered with waste.*

The base of the landfill was constructed in 2010 under a previous Works Approval and has been covered by up to 9 m of putrescible waste. The perimeter synthetically lined bench has been left exposed and is now to be raised with progressive clay lifts as the height of waste increases.

The side slopes of the Phase 3 landfill have been previously excavated at approximately 1.5H:1V. The clay lifts will be placed directly up against the cut slope, which will predetermine the finished slope of the clay liner.

LINER SYSTEM

The liner system for Phase 3 clay lifts will consist of progressive 200 mm layers of compacted clay. These individual clay layers will be continued until the clay lift is at least 3 m high. The environmental barrier is achieved by ensuring that the clay layers are well compacted (to the required specification) and are a minimum of 2.6 m wide.

LEACHATE COLLECTION SYSTEM

The leachate collection system associated with the progressive clay lifts is simply extending the stainless steel leachate extraction pipes that are connected to the base liner leachate collection system. There will also be leachate drainage material (aggregate or sand) progressively placed up the exposed clay face to allow leachate to drain down the edge of the clay liner and enter the base leachate collection system.

A separation geotextile will be placed over the leachate drainage layer to prevent fines from clogging the drainage layer.

TIE-IN TO EXISTING LINER SYSTEM

The first of the progressive clay lifts will be tied in to the synthetically lined perimeter embankment using a layer of Geosynthetic Clay Liner (GCL) to achieve

the necessary low-permeability contact between the existing HDPE and the new clay material.

The interface with the existing wall liners for Stage 2 Phase 2 will be achieved in a similar manner, utilising GCL curtains to achieve the necessary bond.

1.5 REGULATORY CONTEXT

1.5.1 Development Approvals

The facility was assessed by the Environmental Protection Authority (EPA) and approved by the Minister for the Environment in 1983 under Part IV of the Environmental Protection Act 1971. This approval was published in the Government Gazette No. 2 on 9 January 1987. The Facility was also assessed under the Health Act 1911.

A Works Approval was granted by the Department of Environment and Conservation (DEC) to construct the first 12 cells (Stage 1, cells 1-12) and the site was subsequently developed and opened to receive waste in 1991 under an Environmental Protection Act 1986 licence from the DEC (see Section 1.5.2).

In July 2001, a Works Approval (Number W3396/1997/1) was granted by DEC for the construction of Stage 2, cells (13-22) approved in the initial environmental impact assessment for the facility. In September 2003, a Works Approval (Number W3690/1997/1) was granted by DEC for the construction of Stage 2A (North) cells 16, 17, 21 and 22 and Stage 2B (North) cells 26, 27, 31 and 32. In December 2004 the Western Australian Planning Commission (WAPC) approved the commencement of construction and landfill of Stage 2B of the facility (WAPC Development number 30-50077-2).

On 6 March 2009 a Works Approval (Number W4502/2008/1) was granted by DEC for the construction of a liner tie in between stages 1 and 2 of the landfill to allow waste to be placed over the old waste from stage 1 to form the final contour of the completed landfill. This was completed on 30 September 2009.

In October 2009 a Works Approval (Number W4582/2990/1) was granted by the DEC for the construction of Stage 2 Phase 3 liner. The Works Approval included progressive clay lining of the Phase 3 slopes. The Works Approval expired on 20 December 2012; hence, the requirement for further Works Approval to continue the lining of Phase 3.

1.5.2 Part V Environmental Protection Act 1986

The facility currently operates under environmental protection licence (L6963/1997/13) issued by DEC under Part V of the Environmental Protection Act 1986. The Tamala Park Facility has been assessed as a “prescribed premises” under category number 12 (Screening of material) and category number 64 (Putrescible landfill - Class II). The additional categories are recommended for inclusion in the amended licence - Category number 57: Used Tyre Storage, Category number 62: Solid Waste Depot and Category number 72: Chemical Manufacturing, pertaining to the manufacture of biodiesel as described in Section 1.2.

1.5.3 Rights in Water Irrigation Act 1914

MRC holds a Groundwater Well Licence (GWL) under the Rights in Water and Irrigation Act 1914 (RIWI Act). Licence number GWL 00068672 provides an allocation of 45,000 kL of groundwater per year. The GWL licence is valid until July 2015.

1.5.4 Dangerous Goods Act 1961

MRC holds a Dangerous Goods Storage Licence under the Dangerous Goods Safety Act 2004. The Facility is licensed (licence number DGS020256) for:

- *one 5 kL self contained diesel fuel tank located at the active area of the landfill*
- and one 10 kL self contained diesel fuel tank near the workshop. The fuel tanks were designed to comply with Australian Standard (AS) 1692 and AS 1940 and are fitted with a plate indicating compliance with both standards;*
- *3.4 kL flammable liquids stored in the household chemicals storage shed;*
- *0.9 kL corrosive liquids stored in the household chemicals storage shed;*
- and*
- *0.6 kL toxic liquids stored in the household chemicals storage shed.”*

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The Mindarie Regional Council is required to get approval from the Department of Environment and Conservation for the works undertaken to line Stage 2 Phase 3 of the landfill.

As the works exceed \$100,000 a tender process has to be undertaken in accordance with the Local Government Act 1995 and the Local Government (Functions & General) Regulations 1996. The following extracts detail the requirements:

Extract from the Local Government Act 1995

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Extract from the Local Government (Functions and general) Regulations 1996

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless sub regulation (2) states otherwise.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This project is estimated to be in the region of \$5,000,000 over a period of five years. The tender will be constructed with a five year fixed term with two optional periods of one year. The purpose of offering two optional periods to the main term of the contract is that the exact timing of the clay lining works cannot be predicted.

To progress the Tender at this stage the Council will have to set aside funds of \$1.5Million in the 2013/14 Budget as part of its resolution. In accordance with MRC's funding model the project will be funded from borrowings.

STRATEGIC IMPLICATIONS

Nil

COMMENT

The clay lining works is a requirement of Mindarie Regional Council's licence and provides an affective barrier preventing waste from leeching out with the landfill and is not discretional. The works required exceed the \$100,000 tendering threshold of the *Local Government Act 1995* therefore it is recommended that the Administration is given authority to proceed to tender for the project acknowledging clearly that the cost of the project and its commencing will occur in next year's budget after 1 July 2013 and that the Council approve \$1.5Million dollars.

VOTING REQUIREMENT

Absolute/Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That:

- 1 The tendering for the clay lining to Stage 2 Phase 3 of the landfill at Tamala Park be authorised;
 - 2 \$1.5Million be set aside in the 2013/14 Budget for the first year of the project detailed in (1) above;
(Absolute Majority Required)
 - 3 The funds required detailed in (2) above to be funded from borrowings and included in the 2013/14 Budget; and
 - 4 The response to, and consideration of, the tenders be the subject of a separate report to Council at its meeting on 4 July 2013.
-

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| 9.2 | ENDORSEMENT OF COUNCIL POLICIES |
| File No: | COR/49 |
| Appendix(s): | Appendix No. 1 |
| Date: | 9 April 2013 |
| Responsible Officer: | Brian Callander |

SUMMARY

Seeking endorsement of new and modified council policies.

BACKGROUND

In the past council policies, environmental procedures, human resource procedures, occupational safety and health procedures were held in a Business Manual. This made it difficult to assign responsibility to appropriate officers for these policies and procedures.

To address this, management have replaced the Business Manual with a number of manuals containing policies and procedures more relevant to the professional areas within the Mindarie Regional Council (MRC). The new manuals are the Council Policy Manual, the Human Resources Procedures Manual, the Occupational Safety and Health Manual and a Standard Operations Manual.

The Council Policy Manual contains only items that require a discretionary decision by council. For instance, the type of fees and allowances that councillors can receive are defined in the *Local Government Act 1995* and associated legislation. However their values are set within a range requiring council to make a discretionary decision. By contrast, the various procedures manuals provides guidance to employees and the MRC on their obligations on a wide variety of issues such as how to handle asbestos through to customer complaint handling procedures.

The council policies, along with the Delegations given from Council to the CEO, will be managed by the Chief Executive Officer (CEO), who will ensure that they are reviewed annually and are maintained up-to-date and relevant.

DETAIL

The new policy format includes a policy title, policy statement and a policy procedure. The policy title is self-explanatory. The policy statement indicates the action required and the policy procedure prescribes the manner in which the administration is to implement the policy.

The complete policies have been included in Appendix No. 1 of this agenda however a brief explanation of each of the policies and the rationale behind seeking Council's endorsement for them follows:

Policy No: CP01

Policy Title: Annual Fees, Allowances and Expenses for Councillors

Councillor fees, allowances and expenses are covered in sections 5.98., 5.98A., 5.99., and 5.99A. of the *Local Government Act 1995* (the Act) and parts 30 - 34AB of the Local Government (Administration) Regulations 1996, which sets a range of values for councillor fees and allowances.

Given that there is a range of values provided for in legislation, the Council is required to make a decision on a specific value within the range for each of the fees and allowances.

Note. The fees detailed in this council policy are the same as the fees approved by Council at its meeting on 25 October 2012. This policy may not be required after 1 July 2013 due to the changes to the Local Government Amendment Act 2012 and the Salaries & Allowances Act 1975. Currently the Regulations prescribe the value of fees, allowances and expenses to Councillors, but after 1 July 2013 the Salaries and Allowances Tribunals will determine the fees allowances and expenses.

Policy No: CP02

Policy Title: Affixing of the Common Seal

Defines who is authorised to sign the document requiring the common seal and the procedure for recording and reporting of the documents that have been signed.

Policy No: CP03

Policy Title: Councillor Arrangements while attending an overseas / interstate / intrastate conference

Defines the administration's responsibilities for booking conferences, accommodation and flights and the value of the cash advance and taxi vouchers provided to Councillors and how the expenses incurred by a Councillor are to be remitted.

Policy No: CP04

Policy Title: Employee arrangements while attending an overseas / interstate / intrastate conference

This policy is similar to CP03 but relates to employees.

Policy No: CP05

Policy Title: Environmental Management of Tamala Park

This policy defines how the environmental issues at Tamala Park are to be managed. This policy is also a requirement for compliance with AS/AZS ISO 14001: 2004 - Environmental Management Systems.

Policy No: CP06

Policy Title: Purchase of Goods and Services

This policy is a requirement of the *Local Government Act 1995* and the Local Government (Functions and General) Regulations 1996 – Part 4 that require local government/regional councils to set procedures for various levels of expenditure up to \$100,000 and the tendering requirements for when the expenditure exceeds \$100,000.

Policy No: CP07

Policy Title: Gratuity Payments

This policy provides the Council the ability to confer a gratuity benefit on an employee over and above their entitlements. The *Local Government Act 1995* and Local Government (Administration) Regulations 1996 require the Council to develop a policy prior to enabling it to confer a benefit on an employee other than the employee benefits that are due. The policy procedure also includes clarification on a differentiation between a gratuity benefit and a farewell function.

Policy No: CP08

Policy Title: Provision and use of Council Vehicles

This policy prescribes the positions that are provided with vehicles and the associated benefits / restrictions that are provided to the positions.

Policy No: CP09
Policy Title: Investments

This policy is designed to ensure that the funds held with the Council are invested astutely and outlines the manner in which the Administration can invest the funds of the MRC.

Policy No: CP10
Policy Title: Donations – Financial Assistance / Support

This policy determines the manner in which, and the value of, donations or financial assistance support will be provided to various community groups, schools and MRC employees.

Note. This policy is a direct result of a Council resolution at its meeting on 19 April 2012.

STATUTORY ENVIRONMENT

The policies being proposed for consideration by Council are substantially a response to the legislative frameworks set in the Local Government Act and associated Regulations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As the policies contained within this report are consistent with the manner in which the MRC currently operates there are no financial implications.

STRATEGIC IMPLICATIONS

By separating these policies from the procedures, it sets stronger governance principles and makes it easier to ensure that they are managed by the appropriate senior staff.

COMMENT

The Business Manual served its purpose however by seeking endorsement of the new format for Council policies and procedures, it will improve the accountability of the Administration and makes it easier to disseminate information to employees.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council acknowledge the new policy/procedure format and endorse the following policies:-

- CP01 Annual Fees, Allowances and Expenses for Councillors**
 - CP02 Affixing of the Common Seal**
 - CP03 Councillor Arrangements when attending an overseas / interstate / intrastate conference**
 - CP04 Employee Arrangements when attending an overseas / interstate / intrastate conference**
 - CP05 Environmental Management of Tamala Park**
 - CP06 Purchase of Goods and Services**
 - CP07 Gratuity Payments**
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- CP08** **Provision and use of Council Vehicles**
 - CP09** **Investments**
 - CP10** **Donations – Financial Assistance / Support**
-

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| 9.3 | REQUEST FROM CITY OF STIRLING FOR A FURTHER EXTENSION TO 30 JUNE 2014 FOR THE EXEMPTION TO DISPOSE OF WASTE AT MINDARIE REGIONAL COUNCIL'S FACILITIES |
| File No: | LEG/14-02/02 |
| Appendix(s): | Nil |
| Date: | 9 April 2013 |
| Responsible Officer: | CEO |

SUMMARY

Consider extending the City of Stirling's (Stirling) exemption to dispose of waste at Mindarie Regional Council (MRC) facilities, being Tamala Park Landfill Site and the Neerabup Resource Recovery Facility (RRF).

BACKGROUND

Since the Heads of Agreement was signed in August 2010 the MRC has provided Stirling with a number of exemptions from delivering waste to both the Tamala Park Landfill and the Neerabup RRF in accordance with its Constitution. The last time the exemption was considered by Council was at its meeting on 20 September 2012 where the following was resolved:

- "1. The City of Stirling be granted a further extension to the exemption from delivering waste to both Tamala Park Landfill and the Neerabup RRF as required by the Constitution of the Mindarie Regional Council for a further period of 9 months to the 30 June 2013.*
- 2. The City of Stirling be obligated to pay the charges set for commercial users during the exemption period if it chooses to use the Mindarie Regional Council's facilities.*
- 3. The City of Stirling be advised of Council's decision."*

It was anticipated that this extension would provide adequate time for the Minister for Local Government (the Minister) to make a decision on the withdrawal of Stirling.

On 6 February 2013 the MRC received correspondence from the Minister for Local Government, Hon. John Castrilli MLA (the Minister) advising he has received MRC's submission and that due to the *"considerable complexities involved in determining an appropriate adjustment of Assets and Liabilities"* he has decided not to intervene and for the parties to continue to negotiate an acceptable outcome strongly suggesting that any negotiations should include a reconsideration of the Stirling's withdrawal from the MRC.

The Minister's letter was the subject of a report to Council held on 7 March 2013 where the officer recommended to meet with Stirling to determine if and how further negotiations can commence in line with the Minister's decision. However, the Council considered that any negotiations should be held off until the State Government determined a position on the Metropolitan Local Government Review (Final Report) and resolved, inter alia, the following:

"That Council:

- 1. Holds off any further negotiation/discussions with the City of Stirling until after the State Government has taken a position on the Metropolitan Local Government Review (Final Report). This decision to be reviewed within 6 months."*
-

DETAIL

On 5 April 2013 correspondence was received from Stirling's Director Infrastructure, Geoff Eves requesting a further extension to the exemption. The correspondence reads as follows:

“The City of Stirling is requesting an extension to the exemption from the delivery of waste to the Mindarie Regional Council (MRC) in accordance with the date limited approval on the 20 September 2012 which expires on 30 June 2013.

I believe that it would be financially prudent for both the MRC and the City to go forward post 30 June 2013 with certainty over the delivery of waste tonnages on respective budgets. Therefore, the exemption now sought, together with the exemptions currently in place, would apply for the period 1 July 2013 through to 30 June 2014 unless agreement is reached between the City of Stirling and the members of MRC on withdrawal.

It would be appreciated if this matter could be listed for consideration at the next meeting of Council on 2 May 2013.”

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The MRC's Constitution binds the member councils to deliver their waste to a nominated site but has the ability to exempt a member council from this requirement. The relevant parts of the Constitution are 4A.1 and 4A.2 as follows:

“4A.1 A constituent municipality, unless otherwise agreed by the parties hereto, shall be bound to dispose of waste in accordance with the requirements of the Regional Council and in particular, without limiting the generality of the foregoing, shall be bound to deliver waste to such site or sites as the Regional Council nominates.

4A.2 The Regional Council may exempt a constituent municipality from the provisions of clause 4A.1 hereof for such time and subject to such conditions as the regional Council deems fit and any exemption granted shall be communicated in writing.”

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As the exemption has been provided since 2010 there is no financial impact on the budget however the opportunity cost of not having Stirling tip at Tamala Park for the further three months exemption is approximately \$1.2Million (based on 2010 figures).

STRATEGIC IMPLICATIONS

Nil

COMMENT

The request from Stirling to extend the exemption to 30 June 2014 is noted. However Council has resolved to hold off any further negotiations/discussions with Stirling until after the State Government has taken a position on the Metropolitan Local Government Review (Final Report) or within a six month period. As such, it is considered to be more

appropriate to align any extension to the exemption provided to Stirling to Council's previous decision and not until 30 June 2014 as requested by Stirling.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

1. **The City of Stirling be:**
 - (a) **granted a further extension to the exemption from delivering waste to both Tamala Park Landfill and the Neerabup RRF as required by the Constitution of the Mindarie Regional Council until 30 September 2013; and**
 - (b) **advised that the Mindarie Regional Council reserves the right to review its decision in 1. (a) above after the State Government has taken a position on the Metropolitan Local Government Review (Final Report) or any time within the exemption period.**
 2. **The City of Stirling be obligated to pay the charges set for commercial users during the exemption period if it chooses to use the Mindarie Regional Council's facilities.**
 3. **The City of Stirling be advised of Council's decision.**
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| 9.4 | FINANCIAL STATEMENTS FOR THE PERIODS ENDED 31 JANUARY 2013 AND 28 FEBRUARY 2013 |
| File No: | FIN/5-03 |
| Appendix(s): | Appendix No. 2 Appendix No. 3 Appendix No. 4 |
| Date: | 11 April 2013 |
| Responsible Officer: | Gunther Hoppe |

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 31 January 2013 and 28 February 2013 and are attached at **Appendix No. 2 and 3** to this Item. The Tonnage Report for the 8 months to 28 February 2013 is attached at **Appendix No. 4**.

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 28 February 2013

| | Actual | Budget | Variance |
|---------------------------------|-------------------|-------------------|------------------|
| | t | t | t |
| Tonnes – Members | 164,450 | 165,319 | (869) |
| Tonnes – Others (a) | 26,282 | 35,865 | (9,583) |
| TOTAL TONNES | 190,732 | 201,184 | (10,452) |
| | \$ | \$ | \$ |
| Revenue – Members | 21,761,910 | 21,932,908 | (170,998) |
| Revenue – Other (b) | 5,775,287 | 6,027,145 | (251,858) |
| TOTAL REVENUE | 27,537,197 | 27,960,053 | (422,856) |
| Expenses | 27,930,784 | 27,632,457 | (298,327) |
| Loss/(profit) on sale of assets | 5,909 | (10,888) | (16,797) |
| NET DEFICIT (c) | (399,496) | 338,484 | (737,980) |

(a) there is a net loss of approx. \$1m associated with the non-members' tonnage shortfall

(b) includes carbon price revenue of \$867k, which is why the full impact of (a) is not seen clearly in the revenue line

(c) the attached financial statements for February include a \$17k expense adjustment that was posted after month end closing, which will be resolved in the March accounts.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Financial Statements set out in Appendix No. 2 and 3 for the months ended 31 January 2013 and 28 February 2013, respectively, be received.

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| 9.5 | LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 JANUARY 2013 AND 28 FEBRUARY 2013 |
| File No: | FIN/5-03 |
| Appendix(s): | Appendix No. 5 Appendix No. 6 |
| Date: | 11 April 2013 |
| Responsible Officer: | Gunther Hoppe |

SUMMARY

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

COMMENT

The lists of payments for the months ended 31 January 2013 and 28 February 2013 are at **Appendix x and x** 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 5 July 2012, 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 January 2013 | General Municipal | Cheques | \$103,367.96 |
| | | EFT | \$3,772,672.54 |
| | | DP | \$532,469.58 |
| | | Total | \$4,408,510.18 |
| 28 February 2013 | General Municipal | Cheques | \$103,056.37 |
| | | EFT | \$2,572,362.32 |
| | | DP | \$600,465.30 |
| | | Total | \$3,275,883.99 |

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 31 January 2013 and 28 February 2013 be noted.

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 10

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 10 be received.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 URGENT BUSINESS

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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

15 NEXT MEETING

A Special meeting of Council to be held on Thursday 6 June 2013 commencing at 5.30pm.

Next Ordinary meeting of Council to be held on Thursday 4 July 2013 in the Council Chambers at Town of Cambridge commencing at 5.30pm.

16 CLOSURE
