



# AGENDA

**ORDINARY COUNCIL MEETING**

**TIME: 5.30PM**

**1 DECEMBER 2016**

**TOWN OF VICTORIA PARK**

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



Town of  
Cambridge



City of  
Joondalup



CITY of PERTH



City of Stirling  
City of Choice



TOWN OF  
VICTORIA PARK



CITY OF VINCENT



City of  
Wanneroo

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**MINDARIE REGIONAL COUNCIL  
NOTICE OF MEETING**

18 November 2016

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 Town of Victoria Park, at 99 Shepperton Road, Victoria Park at 5.30pm on Thursday 1 December 2016.

The agenda pertaining to the meeting follows.

Your attendance is respectfully requested.

**BRIAN CALLANDER  
CHIEF EXECUTIVE OFFICER**

**MINDARIE REGIONAL COUNCIL - MEMBERSHIP**

Cr R Fishwick JP (Russ) - <b>Chair</b>	City of Joondalup
Cr D Boothman JP (David) – <b>Deputy Chair</b>	City of Stirling
Cr M Norman (Mike)	City of Joondalup
Cr J Adamos (Jim)	City of Perth
Cr A Guilfoyle (Andrew)	City of Stirling
Cr S Jenkinson (Samantha)	City of Stirling
Cr S Proud JP (Stephanie)	City of Stirling
Cr J Carey (John)	City of Vincent
Cr R Driver (Russell)	City of Wanneroo
Cr D Newton JP (Dot)	City of Wanneroo
Cr C MacRae (Corinne)	Town of Cambridge
Cr V Maxwell (Vince)	Town of Victoria Park

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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<b>1</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS</b>
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<b>2</b>	<b>ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE</b>
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<b>3</b>	<b>DECLARATION OF INTERESTS</b>
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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.*

<b>4</b>	<b>PUBLIC QUESTION TIME</b>
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<b>5</b>	<b>ANNOUNCEMENTS BY THE PRESIDING PERSON</b>
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<b>6</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>
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<b>7</b>	<b>PETITIONS / DEPUTATIONS / PRESENTATIONS</b>
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<b>8</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>
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**8.1 ORDINARY COUNCIL MEETING – 20 October 2016**

The Minutes of the Ordinary Council Meeting held on 20 October 2016 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 20 October 2016 be confirmed as a true record of the proceedings.**

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<b>9</b>	<b>CHIEF EXECUTIVE OFFICER REPORTS</b>
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<b>9.1</b>	<b>FINANCIAL STATEMENTS FOR THE MONTHS ENDED 30 SEPTEMBER 2016 AND 31 OCTOBER 2016</b>
<b>File No:</b>	<b>FIN/5-06</b>
<b>Appendix(s):</b>	<b>Appendix No. 1 Appendix No. 2 Appendix No. 3</b>
<b>Date:</b>	<b>17 November 2016</b>
<b>Responsible Officer:</b>	<b>Director Corporate Services</b>

### **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 2016 and 31 October 2016 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 4 months to 31 October 2016 is attached at **Appendix No. 3**.

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

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

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Summary of results for the four month period ended 31 October 2016

	<b>Actual</b>	<b>Budget</b>	<b>Variance</b>
	<b>t</b>	<b>t</b>	<b>t</b>
Tonnes – Members	290,807	300,470	(9,663)
Tonnes – Others	16,067	16,500	(433)
<b>TOTAL TONNES</b>	<b>306,874</b>	<b>316,970</b>	<b>(9,230)</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Revenue – Members	16,624,833	18,942,654	(2,317,821)
Revenue – Other	1,935,804	2,024,641	(88,837)
<b>TOTAL REVENUE</b>	<b>18,560,637</b>	<b>20,967,295</b>	<b>(2,406,658)</b>
Expenses	17,264,122	18,573,801	1,309,679
Profit on sale of assets	10,403	2,472	7,931
Loss on sale of assets	-	-	-
<b>NET SURPLUS</b>	<b>1,306,918</b>	<b>2,395,966</b>	<b>(1,089,048)</b>

Commentary

Member tonnes for the year to October 2016 are tracking 15% behind budget, which is directly attributable to the change in systems for bulk/verge collection implemented by various councils. Trade and casuals are 548 tonnes behind budget.

This translates into a reduced surplus from that which was budgeted for the 4 months, despite the partial offset achieved in operational expenditure savings.

This reduction in waste to landfill is consistent with the MRC's vision of 'Winning Back Waste' but will over time see the cost per tonne to landfill for the remaining waste increasing proportionally over time.

Overall, the MRC has still generated a strong surplus of \$1.3 million for the year to date.

**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 2016 and 31 October 2016, respectively, be received.**

<b>9.2</b>	<b>LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 30 SEPTEMBER 2016 AND 31 OCTOBER 2016</b>
<b>File No:</b>	<b>FIN/5-06</b>
<b>Appendix(s):</b>	<b>Appendix No. 4 Appendix No. 5</b>
<b>Date:</b>	<b>17 November 2016</b>
<b>Responsible Officer:</b>	<b>Director Corporate Services</b>

### SUMMARY

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

### COMMENT

The lists of payments for the months ended 30 September 2016 and 31 October 2016 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 1 September 2016, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

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

<b>Months Ended</b>	<b>Account</b>	<b>Vouchers</b>	<b>Amount</b>
30 September 2016	General Municipal	Cheques	\$5,532.87
		EFT	\$3,894,949.45
		DP	\$234,463.36
		Inter account transfers	<u>\$2,700,000.00</u>
		<b>Total</b>	<b>\$6,834,945.68</b>
31 October 2016	General Municipal	Cheques	\$9,732.05
		EFT	\$6,297,623.01
		DP	\$303,800.37
		Inter account transfers	<u>\$2,500,000.00</u>
		<b>Total</b>	<b>\$9,111,155.43</b>

### 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 2016 and 31 October 2016, be noted.**

<b>9.3</b>	<b>MINDARIE REGIONAL COUNCIL ORDINARY COUNCIL MEETING AND STRATEGY WORKSHOP DATES FOR 2017</b>
<b>File No:</b>	<b>COR/10-02</b>
<b>Appendix(s):</b>	<b>Nil</b>
<b>Date:</b>	<b>7 November 2016</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

### **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 and Strategy Workshops for 2017.

### **BACKGROUND**

The Mindarie Regional Council is required to schedule Council meetings for the forthcoming calendar year and in doing so, also sets the date and time for its Strategy Workshops.

### **DETAIL**

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

- The six Council meetings be held in the 2017 calendar year.
- The third meeting needs to be held early in July 2017 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 needs to be held relatively early in the month to accommodate other commitments of the festive season.
- The Tamala Park Regional Council meeting dates for 2017 need to be considered.
- The WALGA Metropolitan Zone meeting dates for 2017 need to be considered.
- Meetings need to be scheduled taking into account the availability of Member Councils Chambers.

In addition to the above two Strategy Workshops are included in the meeting schedule. These workshops are important as they provide the Councillors, member council CEO's and representatives on the Strategic Working Group and MRC management an opportunity to review and discuss the MRC's strategic direction.

### **Programme of Meetings**

The Ordinary Council meeting scheduled early in November is required to swear in new members after the 2017 Local Government Elections.

Given the above, the proposed schedule of Council meetings for 2017, commencing at 5.30pm, is as follows:

- Ordinary Council Meeting – 9 February 2017 (City of Joondalup)
  - Ordinary Council Meeting – 6 April 2017 (City of Wanneroo)
  - Ordinary Council Meeting – 6 July 2017 (City of Stirling)
  - Ordinary Council Meeting – 14 September 2017 (City of Vincent)
  - Ordinary Council Meeting – 9 November 2017 (City of Perth)
  - Ordinary Council Meeting - 14 December 2017 (Town of Victoria Park)
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The Strategy Workshops for 2017 will be held directly after the following council meetings:

- 9 February 2017
- 14 September 2017

### **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

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## **FINANCIAL IMPLICATIONS**

Nil

## **COMMENT**

The proposed schedule for Ordinary Council meetings for 2017 is now submitted for approval. In addition it is recommended that the Council endorse the scheduling of the two Strategy Workshops directly following on from the Council meetings in February and September.

## **VOTING REQUIREMENT**

Simple Majority

## **RESPONSIBLE OFFICER RECOMMENDATION**

That the Council:

1. adopt the following schedule for Ordinary Council Meetings for 2017, commencing at 5.30pm:
    - Ordinary Council Meeting – 9 February 2017 (City of Joondalup)
    - Ordinary Council Meeting – 6 April 2017 (City of Wanneroo)
    - Ordinary Council Meeting – 6 July 2017 (City of Stirling)
    - Ordinary Council Meeting – 14 September 2017 (City of Vincent)
    - Ordinary Council Meeting – 9 November 2017 (City of Perth)
    - Ordinary Council Meeting - 14 December 2017 (Town of Victoria Park)and
  2. issue Public Notice on the meetings detailed in (1) above in accordance with Part 12 (1) of the *Local Government (Administration) Regulations 1996* and the *Local Government Act 1995*.
  3. adopt the following schedule for the two Strategy Workshops for 2017 as follows:
    - 9 February 2017; and
    - 14 September 2017
-

<b>9.4</b>	<b>TAMALA PARK REGIONAL COUNCIL - REQUEST TO REALIGN THE FENCE BETWEEN THE TWO LEASED AREAS AND UNDERTAKE EARTHWORKS WITHIN THE BUFFER ZONE</b>
<b>File No:</b>	<b>COR/26-02</b>
<b>Attachment(s):</b>	<b>Attachment 1: Fencing Alignment &amp; Lease Boundary Attachment 2: Tamala Park - Buffer Zone</b>
<b>Date:</b>	<b>7 November 2016</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

### **SUMMARY**

The report refers to Mindarie Regional Council's (MRC) response to a request from the Tamala Park Regional Council (TPRC) to realign the current fence located on the current northern lease boundary between the MRC and the TPRC landholding to a new location within MRC's lease area. The request to realign the fence is to allow the bulk earthworks for the proposed school (refer Preferred Lease Boundary indicated in Attachment 1 of this report). TPRC have advised that there are no current plans to build the proposed school.

### **BACKGROUND**

In correspondence dated 6 July 2016 the TPRC advised the MRC that it is seeking approval to realign the fence that is currently located on the northern lease boundary between the two properties to accommodate earthworks for the proposed school. The new fence line is proposed to be on the Preferred Lease Boundary (refer Attachment 1), consistent with the approved Tamala Park Local Structure Plan boundary apart from a small additional area of land to accommodate an expanded stormwater catchment area on the East side of the property. In part, the correspondence reads:

*"The proposed works are forecast to be undertaken during this winter (August – September) to avoid impacts on the surrounding residents. At this stage the TPRC does not believe it is necessary to modify the MRC lease area to facilitate the proposed earthworks, however, the TPRC seeks the MRC's approval to undertake the proposed earthworks on the following basis:*

- 1. The existing fence adjacent the school site would be re-aligned as per the approved Local Structure Plan (green line) on the attached Clearing and Earthworks plan.*
- 2. During and following the works, the TPRC would take care and control of the area north of the re-aligned fencing.*
- 3. The costs of the fence realignment and future care and control of the area would be borne by the TPRC.*
- 4. The TPRC would commence formal actions to modify the lease area in accordance with the approved Tamala Park Local Structure Plan."*

The correspondence includes a map (refer Attachment 1) providing the location of:

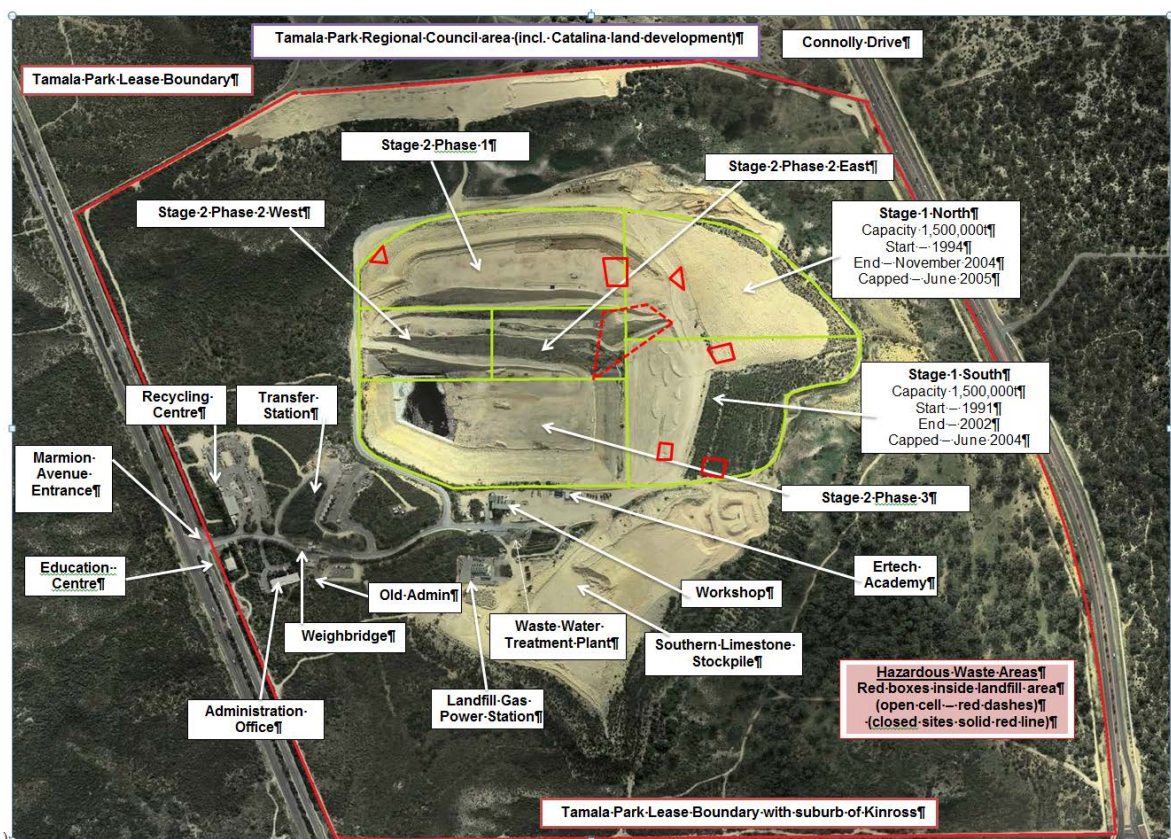
- the current fence line, which is located on the current lease boundary between the MRC and the TPRC;
  - the approved Local Structure Plan Alignment (TPRC future boundary);
  - the proposed fencing alignment to accommodate the proposed clearing and earthworks; and
  - the TPRC's Preferred Lease Boundary to accommodate a larger stormwater catchment area.
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The MRC and the TPRC have met on a number of occasions to discuss the request and have agreed to commence the necessary arrangements to facilitate the boundary realignment and the earthworks for the school.

## DETAIL

Both the MRC and the TPRC lease land bordered by Marmion Avenue, Neerabup Road, Connolly Drive and Blairgowrie Heights/Midlothian Crescent in Tamala Park (part of Lot 9005 on Deposited Plan 76936) from seven local governments being the cities of Wanneroo, Joondalup, Stirling, Perth and Vincent and the towns of Cambridge and Victoria Park (the Owners).

The plan below provides an overview of the land leased by the MRC and the types of uses and services provided by the MRC on its portion of the land. The TPRC residential development known as Catalina is located to the North of the landfill (top of picture below).



The MRC has appropriately managed, and progressively improved its knowledge of, the environmental issues associated with the landfill at Tamala Park on the public over the lease period. A series of bores have been drilled around the site (refer attachment 2) specifically to test for both landfill gas and leachate (groundwater) impact on the surrounding areas. Monitoring and testing of the groundwater impact occurs twice a year and landfill gas is monitored fortnightly where hot spots have been identified, monthly around the landfill and twice yearly round the perimeter of the site.

The MRC lease provides for a buffer of 500m from the operating face of the MRC landfill, which is consistent with Department of Environment Regulations requirements.

Since the commencement of the Catalina Development the MRC buffer zone has been modified as the Landfill operating face has moved in a southern direction. This action is



consistent with the Minister for Environment Statement (000629) and the approved Environmental Management Plan for the Catalina Project.

The result of this monitoring is recorded in a Conceptual Site Model that uses the data to predict, with some certainty, the movement in gas and groundwater both within and outwith the leased area enabling intervention if considered necessary. Evidence to date indicates that there has been gas and groundwater found outside the landfill footprint within the Preferred Lease Boundary proposed by the TPRC. Currently the migration of the landfill gas and the groundwater has been managed appropriately, aided by the current buffer distance between the landfill and the subdivided residential properties.

The proposal by the TPRC, being the realignment of the fence and earthworks for the approved school, is considered supportable. However any further subdivisional works into the buffer zone, at this point in time, gives the MRC cause for concern. It is noted that the TPRC is not proposing residential development at this time only bulk earthworks.

To address these concerns the MRC engaged Mr Ian Watkins of IW Projects and GHD Consultants. The resulting report dated 28 October 2016 provided significant details on the issues associated with gas and groundwater migration as follows:

#### **1.1. Landfill Gas Migration**

*Past aerial imagery indicates that there is a strip of up to 130 m wide to the north of the landfill where landfill gas has negatively impacted on vegetation, which was confirmed by a landfill gas investigation in 2010. This impacted strip extends to approximately halfway between the landfill and the site northern boundary. Ongoing landfill gas monitoring around and beyond the landfill has also confirmed that there is landfill gas beyond the landfill footprint.*

#### **Aerial 2009 – Landfill gas impact in blue**



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*The adjacent Catalina property development has progressed to the south and is approximately 400m from the edge of the landfill and approximately 500m from the edge of the uncapped landfill surface. There is currently limited landfill gas monitoring data available to accurately determine how far the landfill gas has migrated and how close it is to the Catalina land development. To improve the understanding of the belowground impact of the landfill on the local environment, the MRC has recently developed a Conceptual Site Model to monitor landfill gas (and groundwater) migration around the site and also has in place a program of continually increasing the number of monitoring bores to the north of the landfill. All of this will in future position the MRC to more accurately determine the extent of landfill gas migration from the landfill.*

*The main concern with the belowground migration of landfill gas is that it has the potential to move laterally through more permeable subsurface zones and accumulate in and around structures, where, at certain concentrations, methane may pose a safety risk (explosion or asphyxiation).*

*At a conceptual level, the surrounding soil type consists of relatively highly permeable sand and limestone, which facilitates the lateral migration of fugitive landfill gas emissions; however, this relatively high permeability also results in high dispersion rates throughout the soil and hence low concentration of gasses at any particular location. There is however, the possibility of higher concentrations of gas through preferential flow paths such as karsts (voids) or coarse sand layers, these being difficult to identify in the generally highly permeable soils.*

*The MRC commissioned GHD to undertake a high-level assessment of the landfill gas emissions situation to the north of the landfill. This assessment concluded:*

*“A conceptual site model (CSM) has been prepared to assist in understanding risks posed by the site with respect to landfill gases and groundwater contamination (the CSM Report). This included review and modelling of the current circumstance at the site; in particular landfill gas generation, migration and leachate impact from operations on the surrounding environment. With respect to landfill gas, available information indicates that:*

- The site generates a significant quantity of landfill gas and will continue to do so for many decades. There is however uncertainty concerning key aspects of gas generation characteristics.*
  - Not all landfill gas that is generated is collected and significant uncontrolled gas emissions occur.*
  - Uncontrolled emission of landfill gas from the surface of the landfill is suggested to be dominant at this time (2016) although a significant component of landfill gas will also be emitted via the sub- surface pathway (i.e. lateral migration into the surrounding soil and rock strata).*
  - There are significant cavities within limestone strata north of the waste cells (encountered in the most recent drilling) which may act as preferential pathways for landfill gas to migrate laterally towards the northern boundary of the site and potentially beyond.*
  - There have been containment issues at the site with elevated concentrations of*
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*landfill gas detected beyond the landfill waste cells (in particular to the north and west). Remedial measures including the installation of 'active' landfill gas extraction measures beyond the waste cells have been necessary to try to remediate the identified 'on-site' landfill gas migration issues. GHD understands these measures are being further developed to manage this issue and further change to site conditions is therefore anticipated in the short-term.*

- Landfill gas migration is also sensitive to the operational practices of the landfill gas extraction system (e.g. as noted at MW12 in October to November 2013 where methane concentrations increased in response to shutting off remediation wells and a coincidental maintenance shutdown of an engine).*
- Significant uncertainty remains concerning the extent to which landfill gas is to migrate laterally into the surrounding soil and limestone rock strata. Model predictions in the CSM Report indicate potential for migration for a distance of 90m to the north of the waste cells at the site. However, due to current uncertainty, migration potential may be greater than this (i.e. of the order of several hundred metres).*

*The available information is not sufficient to refine the current Conceptual Site Model developed for the site or otherwise undertake landfill gas risk assessment with a suitable degree of certainty at this time. With respect to the risks posed by landfill gases, it is not therefore possible to determine a site specific buffer zone to the Catalina development ground works north of the site at this time. Given such uncertainty, GHD is of the view that as a precautionary measure the Catalina development should not be allowed to encroach any closer to the site until the uncertainties and associated risks are better defined, and appropriate protective measures implemented (if required)."*

## **1.2. Contaminated Groundwater**

*Recent groundwater monitoring has indicated that there is a north, north-easterly migration of the groundwater from below the landfill. This occurs primarily in the summer months when the Water Corporation uses its groundwater extraction bore located approximately 650m the north, north east of the edge of the landfill, adjacent to Connelly Drive. In winter, when the Water Corporation does not extract groundwater, the groundwater tends to move in a westerly direction towards the sea.*

*With the northerly movement of the groundwater there is the potential that contaminated groundwater from below the landfill could extend to the north and negatively impact the usability of the groundwater in the adjacent Catalina development. The extent of the impact will be highly dependent on the type and concentration of contamination.*

*Groundwater continues to be monitored by the CSIRO on behalf of the MRC. The most recent groundwater monitoring report (March 2016) concluded:*

*"Extensive sampling and analysis of groundwater has been conducted across the TPLF [Tamala Park Landfill]. No metal or organic compound analyses were conducted in 2015, this will recommence in 2016. Ammonium as an indicator of leachate impact continues to show elevated concentrations in groundwater across significant areas of the site. There is a continued expression of the leachate plume on the northern*

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*boundary of the site with some increases in ammonium concentration at key monitoring locations. Most notably this occurred at BB26 [approximately 180 m north of Stage 1 landfill]. The leachate plume continues to be measured over the entire depth of the aquifer at BB26.*

*Increased concentrations of ammonium have been observed immediately westward of the landfilled area of the site at BB21A and BB22B.*

*No consistently elevated ammonium concentrations or increasing trends have been observed at boreholes TPL3, BB19 and BB20, located further to the west along Marmion Avenue.*

*These and other data indicate limited continued westward migration of ammonium impacted groundwater, and persistently high concentrations over a distance of 350m, on the northern boundary of the TPLF.”*

*In addition to the CSIRO groundwater monitoring activities, GHD has developed a Conceptual Site Model for the landfill site and as such was requested to review the latest groundwater monitoring data to develop an understanding of the groundwater impacts emanating from the landfill. This review concluded:*

*“The new groundwater wells and monitoring information indicates the following:*

- The groundwater flow directions appear to be westwards during winter and northerly during summer – likely as a consequence of groundwater abstraction over the summer months from the Water Corporations production bore Q40.*
- Groundwater quality testing of the newly installed groundwater monitoring wells indicates that landfill groundwater impacts emanating from the landfill (ammonia), are primarily migrating in a northerly direction (towards the Water Corporations production bore Q40).*
- The distribution of ammonia, based on the current data and estimated contours, suggests that concentrations of ammonia should be less than 0.5 mg/L in the area of the Water Corporation abstraction bore (consistent with the original ConSim modelling).*
- The current distribution of ammonia is relatively consistent with the previously modelled data, although the current groundwater flow and landfill impacts appear to be dominated by a more northerly component of groundwater flow.*
- Given the absence of groundwater monitoring wells to the south of the landfill, the southerly distribution of the impacted groundwater is not well defined.”*

*“With the current \*encroachment of the original 500m buffer zone around the landfill to within 400m of the edge of the waste and the proposed continued \*encroachment, it is possible that there could ultimately be structures within 180m of the edge of the waste. This is substantially closer than the recommended 500m generic minimum buffer distance [DER landfill development guidelines] and even more so for a 1 km buffer zone [EPA and DER draft recommended separation distance to Class II landfills]. From a conservative risk mitigation point of view, it is recommended that a site-specific risk assessment be undertaken to determine the potential for negative environmental impact associated with the current buffer zone \*encroachment.*

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*Should the TPRC wish to continue with buffer zone \*encroachment, then it is essential that a detailed site-specific risk assessment be undertaken to determine more accurately what the possible long-term environmental impacts on the land \*encroachment development are likely to be. This will then inform the TPRC and the MRC of the likely engineering solutions required to facilitate the further buffer zone \*encroachment.*

*The potential environmental impacts should predominantly concentrate on fugitive landfill gas emissions and contaminated groundwater. Landfill gas being the major concern, with groundwater being seen as a lesser concern, as this impact is potentially only minor in comparison to the landfill gas consideration.*

*Due to the highly technical and somewhat variable nature of the existing and potentially future site investigations, it is recommended that the MRC work closely with the various consultants involved to ensure that the output data and reports are relevant to the particular environmental receptor(s) being considered and that there is consistency of process across all reporting.*

*In the absence of any detailed site-specific risk assessment investigation, it is recommended that:*

- The TPRC not encroach any closer to the edge of the landfill than the current \*encroachment, which is approximately 400m from the edge of the waste; and,*
- The MRC continue to monitor the fugitive landfill gas emissions and contaminated groundwater plume around the landfill to assess any change over time and potentially flag the essential need for future site-specific risk assessments.”*

*\*On a number of occasions Mr Watkins makes reference to ‘encroachment’ into a 500m buffer zone, which is a generic buffer distance used when there are no site specific risk assessments available on the environmental issues associated with a particular landfill site. The TPRC are developing their site in full compliance with the Minister for Environment Statement (000629) and the approved Environmental Management. The TPRC are working collaboratively with the MRC, with both agencies agreeing that the buffer zone distance should be determined by the site conditions and actual evidence using tested investigatory processes not a generic distance. The site specific risk assessment will provide this evidence allowing an informed decision to be made as the development progresses.*

A site specific risk assessment investigation will take up to 18 months to complete as it will require additional bores to be drilled and approximately 12 months of data collection once the bores are operational. Mr Watkins has no issue with allowing the realignment of the fence and the earthworks prior to the completion of the risk assessment.

## **CONSULTATION**

Nil

## **LEGAL COMPLIANCE**

The property known as Tamala Park (No 1700 Marmion Avenue, Tamala Park, WA 6030 Lot 9005 on Deposited Plan 76936) is leased to the MRC by the owners being the Cities of Wanneroo, Joondalup, Stirling, Perth and Vincent and the Towns of Cambridge and Victoria Park.

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## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The cost of the Site Specific Risk Assessment is estimated to be in the vicinity of \$100,000. The MRC has set aside \$40,000 for this type of study in this year's budget. It is proposed to fund the shortfall of approximately \$60,000 in the half yearly budget review.

## **COMMENT**

The TPRC's request to realign the fence and undertake the earthworks for the proposed school in accordance with the approved Local Structure Plan is supportable with conditions. The minor change to the approved boundary to accommodate the drainage basin on the East of the property (refer Attachment 1) is also supportable. However the risk of migrating gas and contaminated groundwater needs to be determined to ensure the safety of the public as development comes closer to the landfill.

The MRC has increased the amount of monitoring bores and introduced a Conceptual Site Model to develop a better understanding of the movements of gas and groundwater both within and outwith the landfill. However the model requires more data before it can produce results that would give the Consultants confidence in determining the risks associated with development coming closer to the landfill.

The next step is to undertake a Specific Risk Assessment Investigation that will require the drilling of additional bores and an increased monitoring of the bores on site over a period of approximately 12 months. The site investigation results will improve the existing information contained in the CSM and allow the Consultants, with some certainty, to advise the MRC of an appropriate buffer zone distance.

## **VOTING REQUIREMENT**

Simple Majority / Absolute Majority

## **RESPONSIBLE OFFICER RECOMMENDATION**

### **A. That the Council**

1. Inform the Tamala Park Regional Council (TPRC) that its request to:
  - a) realign the fence to the Preferred Lease Boundary; and
  - b) undertake the earthworks necessary for the school site as detailed in Attachment 1 to this report is supported subject to the following conditions:
    - i. the TPRC undertaking a feature and contour survey of the land between the existing fence and the new fence (Amended Lease Area) providing details of:
      - all existing infrastructure including monitoring wells and limestone stock pile;
      - the new fire breaks to be created in line with the City of Wanneroo specifications and to be designed to be trafficable;
      - impacted Aboriginal Heritage Sites;
      - the location and coordinates for the Waugal; and
      - the location and coordinates for the Bush Forever land.
    - ii. the development of a Deed or some other legal agreement with the MRC that makes the TPRC responsible for any liability associated

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- with the Amended Lease Area excepting the environmental issues associated with the operations of the MRC in developing a landfill;
  - iii. the Deed or legal agreement to include the ability for the MRC to access the bore wells within the Amended Lease Area;
  - iv. commencing the necessary arrangements to amend the lease to accommodate the new boundary with the MRC and the Owners of (Lot 9005 on Deposited Plan 76936) being the cities of Wanneroo, Joondalup, Stirling, Perth and Vincent and the towns of Cambridge and Victoria Park;
  - v. the MRC having the ability to install and maintain landfill gas and groundwater monitoring infrastructure and monitor said infrastructure within the area between the existing Lease Boundary and the new aligned fence line or new Lease Boundary.
  - vi. the TPRC meeting the costs of the survey and the Deed or legal agreement detailed in b) i. and b) ii. above.
2. Undertake a Site Specific Risk Assessment Investigation to assess the risk of migrating gas and groundwater on development within the approved buffer zone.
3. the cost of the Assessment detailed in 2. above be funded by the MRC in the half yearly budget review.

**(Absolute Majority Required)**

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**ATTACHMENT 1**  
**TO ITEM 9.4**  
**ORDINARY COUNCIL MEETING**  
**1 DECEMBER 2016**  
**FENCING ALIGNMENT & LEASE BOUNDARY**

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**LEGEND**

- Current fencing & MRC Lease Boundary
- Approved LUP Alignment & IMC Future Boundary
- Proposed Fencing Alignment for IMC Northwards
- IMC Preferred Lease Boundary for MRC
- 500m Buffer from Tipping Face
- Drainage Basin
- Basin Surface Areas
- Minor Event  
1 in 1 Year / Depth 0.2m
- Major Event  
1 in 100 Year / Max Depth 1.2m

**Notes:**

1. Flood storage areas are shown as indicative areas only. They have been sized based on a uniform region. The final detailed design may vary due to all the aspects of flood protection and the actual topography.

**Source:** Council & residents

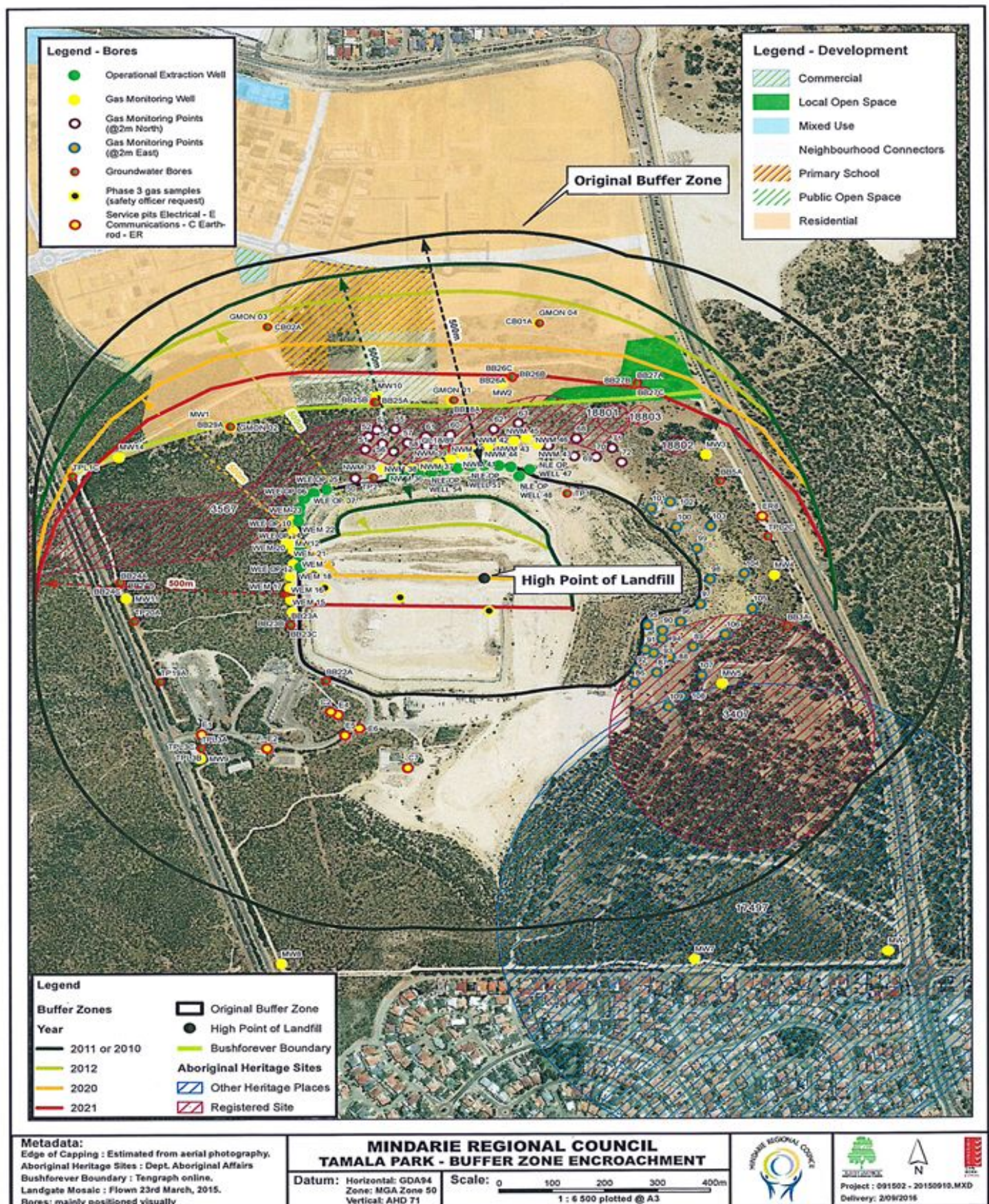
**DRAFT**

**ATTACHMENT 2**  
**TO ITEM 9.4**  
**ORDINARY COUNCIL MEETING**  
**1 DECEMBER 2016**  
**TAMALA PARK - BUFFER ZONE**

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Attachment 2





9.5 ADOPTION OF THE 2016 ANNUAL REPORT	
File No:	COR/9-05
Appendix(s):	Appendix No. 6
Date:	16 November 2016
Responsible Officer:	Gunther Hoppe

### BACKGROUND

The Mindarie Regional Council (MRC) 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 2016 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 MRC and has issued an unqualified audit opinion in respect of the year ended 30 June 2016.

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. These observations were tabled with the Audit Committee for discussion.

The Audit Committee met on 16 November 2016 to consider the Financial Statements for the year ended 30 June 2016 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 Annual Report, including the Financial Statements, is included at **Appendix 6**.

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

The MRC, 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.

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## 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*

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- (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 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.

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**VOTING REQUIREMENT**

Absolute Majority

**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Council:**

- 1. notes the recommendation of the Audit Committee meeting held on 16 November 2016 to adopt the Financial Report for the year ended 30 June 2016; and**
- 2. adopts the Annual Report for the year ended 30 June 2016, which includes the Financial Report detailed in 1. Above.**

***(Absolute Majority Required)***

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<b>9.6</b>	<b>THE EASTERN METROPOLITAN REGIONAL COUNCIL'S RESOURCE RECOVERY FACILITY (ENERGY FROM WASTE) TENDER – MINDARIE REGIONAL COUNCIL TENDER EVALUATION PROCESS</b>
<b>File No:</b>	<b>WST/209</b>
<b>Appendix(s):</b>	
<b>Date:</b>	
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

LATE ITEM

SEPARATE COVER TO MEMBERS

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<b>10</b>	<b>MEMBERS INFORMATION BULLETIN – ISSUE NO. 32</b>
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**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Members Information Bulletin Issue No. 32 be received.**

<b>11</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>
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<b>12</b>	<b>URGENT BUSINESS</b>
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<b>13</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b>
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<b>14</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b>
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<b>15</b>	<b>NEXT MEETING</b>
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*Next meeting to be held on Thursday 9 February 2017 in the Council Chambers at City of Joondalup commencing at 5.30pm.*

<b>16</b>	<b>CLOSURE</b>
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