



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

14 DECEMBER 2017

TOWN OF VICTORIA PARK

*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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Prior to the commencement of the meeting Cr Albert Jacob made the required Declaration of Elected Member for the position of Councillor of the Mindarie Regional Council in accordance with the Transitional Provisions of the Local Government Act 1995 (Schedule 9.3) using s.702 of the Local Government Act 1960 (repealed). Cr Jacob replaces Cr Fishwick who is on a leave of absence as resolved by the City of Joondalup at its meeting on 21 November 2017.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 5.30pm.

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

Cr D Boothman JP (Chairman)	City of Stirling
Cr J Adamos <i>arrived 5.35 pm</i>	City of Perth
Cr E Cole	City of Vincent
Cr A Guilfoyle	City of Stirling
Cr K Sargent	City of Stirling
Cr S Proud JP	City of Stirling
Cr K Shannon	Town of Cambridge
Cr K Vernon	Town of Victoria Park
Cr F Cvitan JP	City of Wanneroo
Cr M Norman	City of Joondalup
Cr A Jacob JP	City of Joondalup

Apologies

Cr R Driver	City of Wanneroo
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Leave of Absence

Cr R Fishwick	City of Joondalup
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Absent

Nil

MRC Officers

Mr B Callander (Chief Executive Officer)
Mr G Hoppe (Director Corporate Services)
Ms D Toward (Executive Support)

MRC Observers

Ms A Slater (MRC)
Ms S Cherico (MRC)

Member Council Observers

Mr N Ahern (City of Perth)
Mr N Claassen (City of Joondalup)
Mr M Littleton (City of Stirling)
Mr H Singh (City of Wanneroo)
Mr S Cairns (City of Wanneroo)
Mr L Kosova (City of Vincent)
Mr D Lau (Town of Victoria Park)
Mr B Killigrew (Town of Victoria Park)

Visitors

Mr T Macri (Macri Partners)
Mr S Herathmudalige (Macri Partners)

Members of the Public

1

Press

Nil

3 DECLARATION OF INTERESTS

None

4 PUBLIC QUESTION TIME

None

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

None

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Mike Norman sought a leave of absence from 22 February 2018 to 3 March 2018 and 6 April 2018 to 13 April 2018.

RESOLVED

Moved Cr Cole, Seconded Cr Jacob

That the application by Cr Norman for leave of absence from 22 February 2018 to 3 March 2018 and 6 April 2018 to 13 April 2018 be granted
(CARRIED UNANIMOUSLY 10/0)

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

None

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 ORDINARY COUNCIL MEETING 9 NOVEMBER 2017

The Minutes of the Ordinary Council Meeting held on 9 November 2017 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 9 November 2017 be confirmed as a true record of the proceedings.

RESOLVED

Moved Cr Proud, seconded Cr Cvitan

That the recommendation be adopted
(CARRIED 10/0)

9 CHIEF EXECUTIVE OFFICER REPORTS
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9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 30 SEPTEMBER 2017 and 31 OCTOBER 2017
File No:	FIN/5-07
Appendix(s):	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	1 December 2017
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 2017 and 31 October 2017 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 4 months to 31 October 2017 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.

MINDARIE REGIONAL COUNCIL
ORDINARY COUNCIL MEETING MINUTES – 14 DECEMBER 2017

Summary of results for the four month period ended 31 October 2017

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	92,942	106,821	(13,879)
Tonnes – Others	5,863	5,958	(95)
TOTAL TONNES	98,805	112,779	(13,974)
	\$	\$	\$
Revenue – Members	16,124,488	18,576,718	(2,452,230)
Revenue – Other	1,835,909	1,702,508	133,401
TOTAL REVENUE	17,960,397	20,279,226	(2,318,829)
Expenses	18,125,865	19,260,557	1,134,692
Profit on sale of assets	8,585	-	8,585
Loss on sale of assets	-	-	-
NET SURPLUS	(156,883)	1,018,669	(1,175,552)

Commentary

Member tonnes for the year to October 2017 are tracking 13% behind budget, which is directly attributable to the change in systems for bulk/verge collection implemented by various councils. Trade and casuals are 847 tonnes behind budget.

The net variance to budget of \$1,175,552 reflects this reduction in tonnage and RRF operating expenditures, offset by tonnage related expenditure (DWER Levy).

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.

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 2017 and 31 October 2017, respectively, be received.

RESOLVED

Moved Cr Shannon, seconded Cr Cole

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/0)

5.35 PM Cr Adamos arrived

9.2 LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 30 SEPTEMBER 2017 AND 31 OCTOBER 2017	
File No:	FIN/5-06
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	1 December 2017
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 2017 and 31 October 2017 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 14 September 2017, 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 2017	General Municipal	Cheques	\$3,824.06
		EFT	\$4,033,822.03
		DP	\$222,965.65
		Inter account transfers	<u>\$1,000,000.00</u>
		Total	\$5,260,611.74
31 October 2017	General Municipal	Cheques	\$8,031.15
		EFT	\$6,058,711.05
		DP	\$351,493.55
		Inter account transfers	<u>\$4,500,000.00</u>
		Total	\$10,918,235.75

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 2017 and 31 October 2017 be noted.

RESOLVED

Moved Cr Cvitan, seconded Cr Jacob

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9.3	MINDARIE REGIONAL COUNCIL ORDINARY COUNCIL MEETING AND STRATEGY WORKSHOP DATES FOR 2018
File No:	COR/10-02
Appendix(s):	Nil
Date:	23 November 2018
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to provide notice of the dates, times and locations for the Mindarie Regional Council's (MRC) Ordinary Council Meetings (OCM) and Strategy Workshops (SW) for 2018.

BACKGROUND

The MRC is required to schedule OCM's for the forthcoming calendar year and provide public notice of their dates, times and locations. In addition the dates are set for two SW's.

DETAIL

In setting the dates for the 2018 OCM's consideration has been given to the following:

- The Tamala Park Regional Council meeting dates for 2018.
- The WALGA Metropolitan Zone meeting dates for 2018.
- Availability of Member Councils Chambers.

In addition to the above, two SW's 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

Given the above, the proposed schedule of OCM's for 2018, commencing at 5.30pm, is as follows:

- Ordinary Council Meeting – 25 January 2018 (City of Joondalup)
- Ordinary Council Meeting – 22 March 2018 (City of Wanneroo)
- Ordinary Council Meeting – 31 May 2018 (City of Stirling)
- Ordinary Council Meeting – 05 July 2018 (City of Vincent)
- Ordinary Council Meeting – 06 September 2018 (Town of Perth)
- Ordinary Council Meeting – 25 October 2018 (Town of Victoria Park)
- Ordinary Council Meeting – 13 December 2018 (Town of Cambridge)

The SW's for 2018 will be held directly after the following OCM's:

- 22 March 2018
- 06 September 2018

The MRC has in the past called a Special Council Meeting in June/July to obtain a timely approval of its Budget. The proposed schedule has included a seventh meeting to be held on 5 July 2018 to accommodate the Budget and any other items that require councils consideration at that time.

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 OCM's for 2018 is now submitted for approval. In addition it is recommended that the Council endorse the scheduling of the two SW's directly following on from the OCM's scheduled in February and September.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. **adopt the following schedule for Council Meetings for 2018, commencing at 5.30pm:**
 - Ordinary Council Meeting –25 January 2018 (City of Joondalup)
 - Ordinary Council Meeting – 22 March 2018 (City of Wanneroo)
 - Ordinary Council Meeting – 31 May 2018 (City of Stirling)
 - Ordinary Council Meeting – 05 July 2018 (City of Vincent)
 - Ordinary Council Meeting – 06 September 2018 (City of Perth)
 - Ordinary Council Meeting – 25 October 2018 (Town of Victoria Park)
 - Ordinary Council Meeting – 13 December 2018 (Town of Cambridge)
2. **issue Public Notice on the meetings location, dates and times as detailed in (1) above in accordance with Part 12 (1) of the *Local Government (Administration) Regulations 1996* and the *Local Government Act 1995*.**
3. **adopt the following dates for the two Strategy Workshops for 2018 as follows:**
 - 22 March 2018; and
 - 06 September 2018

MOVED

Cr Proud, Seconded Cr Guilfoyle

The Chair requested the Councillors to consider the commencement time of the meetings for next year.

The consensus was that the 6pm time would be more appropriate.

Cr Cole proposed the date of the last meeting be changed from 13 December 2018 to 6 December 2018.

The mover and the seconder agreed to amend the Responsible Officer Recommendation changing the commencement time of the meeting to 6pm and a change in date to the December Council meeting.

SUBSTANTIVE MOTION (INCLUDING AMENDMENTS):

RESOLVED:

That the Council:

1. adopt the following schedule for Council Meetings for 2018, commencing at 6.00 pm:
 - Ordinary Council Meeting – 25 January 2018 (City of Joondalup)
 - Ordinary Council Meeting – 22 March 2018 (City of Wanneroo)
 - Ordinary Council Meeting – 31 May 2018 (City of Stirling)
 - Ordinary Council Meeting – 05 July 2018 (City of Vincent)
 - Ordinary Council Meeting – 06 September 2018 (City of Perth)
 - Ordinary Council Meeting – 25 October 2018 (Town of Victoria Park)
 - Ordinary Council Meeting – 06 December 2018 (Town of Cambridge)
2. issue Public Notice on the meetings location, dates and times as detailed in (1) above in accordance with Part 12 (1) of the *Local Government (Administration) Regulations 1996* and the *Local Government Act 1995*.
3. adopt the following dates for the two Strategy Workshops for 2018 as follows:
 - 22 March 2018; and
 - 06 September 2018

CARRIED UNANIMOUSLY (11/0)

9.4	CHANGE TO THE TITLE AND TERMS OF REFERENCE OF THE CEO PERFORMANCE REVIEW COMMITTEE TO INCLUDE THE RECRUITMENT OF A CEO
File No:	PER/79
Appendix(s):	Nil
Attachment(s):	Nil
Date:	17 November 2017
Responsible Officer:	Chief Executive Officer

SUMMARY

The report seeks consideration of a change to the title and terms of reference of the Chief Executive Officer's Performance Review Committee to include the responsibility for the recruitment of a new Chief Executive Officer (CEO).

BACKGROUND

On 9 November 2017 the council received a report for the establishment of a recruitment panel to recruit a new CEO. The report indicated that the recruitment process for a CEO could be improved by adding the responsibility of recruiting a CEO to the existing duties of the CEO Performance Review Committee (the Committee). This would enable the future recruitment processes to commence soon after the CEO resigns, rather than having to call a special council meeting or wait on the next council meeting to set up a panel to undertake the recruitment.

At the meeting on 9 November 2017, the council endorsed this position resolving the following:

"D. That the Council request the Administration to present a report to council amending the title and purpose of the CEO Performance Review Committee, enabling the Committee to assist the council in the recruitment of a new CEO."

DETAIL

To have the Committee undertake the recruitment process of a CEO, the title and the terms of reference of the Committee need to be changed as follows:

Committee Title: CEO Recruitment and Performance Review Committee

Terms of Reference

CHIEF EXECUTIVE OFFICER'S RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE

MEMBERSHIP/SUPPORT CONSULTANT

Minimum of four Councillors Support HR Consultant
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MEETING FREQUENCY

The Committee shall meet three or four times between February and June each year for the CEO Performance Review process and as required for the CEO Recruitment Process.

DUTIES AND RESPONSIBILITIES

The duties and responsibilities of this committee are as follows:

CEO Performance Review

- a. Set Key Performance Indicators (KPIs) annually in discussion with the CEO and HR Consultant and assess the CEO's remuneration;
- b. Review the outcome of the:
 - Consultants report on the CEO's Performance based on:
 - o the responses received by the Councillors on the survey prepared by the HR Consultant;
 - o the report prepared by the CEO addressing performance against the KPI's set the previous year and addressing any other material issues affecting the performance of the CEO over the year; and
 - Assessment of the remuneration of the CEO
- c. Periodically review the performance of the HR Consultant assisting the Committee; and
- d. Based on the Committee's review make recommendations to council on:
 - the level of performance of the CEO; and
 - The level of remuneration paid to the CEO, giving consideration to the Salaries and Allowances Tribunal (SAT) annual review of financial increases for CEOs and where the CEO sits on the Salary Band set by the SAT.

CEO Recruitment Process

- a. Review submissions from recruitment agencies (obtained by the MRC's HR Officer to assist the Committee in the recruitment process);
- b. Make a recommendation to council on the preferred recruitment agency;
- c. Work with the preferred recruitment agency, with respect to content and timing, to advertise the CEO position;
- d. Assess applications received for the CEO position (shortlisted by the successful recruitment agency);
- e. Interview the shortlisted applicants together with a representative of the successful recruitment agency; and
- f. Make a recommendation to council on the preferred candidate.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Extract from the *Local Government Act 1995* that is directly relevant to the type of committee proposed.

"Subdivision 2 — Committees and their meetings

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMENT

The changes to the Title and Terms of Reference of the CEO Performance Review Committee as proposed will ensure that the recruitment process for a CEO in the future will be able to proceed soon after the current CEO resigns, instead of having to wait on a council meeting to be called or held.

The current recruitment process of the CEO should be conducted by the Recruitment Panel and the Committee should only be used for future CEO recruitment.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

A. That the Council:

- 1. endorse the change of the title of the current 'CEO Performance Review Committee' to the 'CEO Recruitment and Performance Review Committee'.**
- 2. endorse the Duties and Responsibilities of the newly formed CEO Recruitment and Performance Review committee as follows:**

CEO Performance Review

- a. Set Key Performance Indicators (KPIs) annually in discussion with the CEO and HR Consultant and assess the CEO's remuneration;**
- b. Review the outcome of the:**
 - 1. Consultant's report on the CEO's Performance based on:**
 - i. the responses received by the Councillors on the survey prepared by the HR Consultant;**
 - ii. the report prepared by the CEO addressing performance against the KPI's set the previous year and addressing any other material issues affecting the performance of the CEO over the year; and**
 - 2. Assessment of the remuneration of the CEO**
- c. Periodically review the performance of the HR Consultant assisting the Committee; and**

- d. Based on the Committee's review make recommendations to council on:
1. the level of performance of the CEO; and
 2. The level of remuneration paid to the CEO, giving consideration to the Salaries and Allowances Tribunal (SAT) annual review of financial increases for CEOs and where the CEO sits on the Salary Band set by the SAT.

CEO Recruitment Process

- a. Review submissions from recruitment agencies (obtained by the MRC HR Officer to assist the Committee in the recruitment process);
- b. Make a recommendation to council on the preferred recruitment agency;
- c. Work with the preferred recruitment agency, with respect to content and timing, to advertise the CEO position;
- d. Assess applications received for the CEO position (shortlisted by the successful recruitment agency);
- e. Interview the shortlisted applicants together with a representative of the successful recruitment agency; and
- f. Make a recommendation to council on the preferred candidate.

(Absolute Majority Required)

RESOLVED:

Moved Cr Guilfoyle, seconded Cr Norman
That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)

9.5	RESOURCE RECOVERY FACILITY - PROPOSAL TO ERECT A COLORBOND SHED
File No:	WST/211
Appendix(s):	Nil
Date:	23 NOVEMBER 2017
Responsible Officer:	CEO

SUMMARY

The report seeks endorsement of a request from Suez Recycling & Recovery (Suez) to erect a 182 square metre steel framed shed (workshop) at the Resource Recovery Facility (the Facility) on Lot 5 (No 87) Pederick Road Neerabup Industrial Estate (the Land). Suez are a shareholder in BioVision 2020 Pty Ltd (BioVision) and have been contracted to operate and maintain the Facility.

BACKGROUND

On 30 October 2017 the Mindarie Regional Council (MRC) received an e mail from the Facility's Plant Manager, Mr Alan Turner providing plans for a Workshop and requesting approval for its construction. The Facility is adjacent to the bio-filters to the rear of the property (refer attached plan).

DETAIL

The MRC has entered into a contract entitled 'Resource Recovery Facility Agreement (RRFA) with BioVision to Build, Own and Operate the Facility for a period of 20 years. The MRC owns the Land that the RRF is built on and has entered into a lease with BioVision for the construction, operation and maintenance of the Facility (the Lease). Neither the RRFA nor the lease provides a process for approving improvements, alterations or further development of the Facility.

The request for a workshop is considered to be supportable as it will improve the ability for Suez to maintain the Facility and it is within the current lease boundary. The support for this proposal will be subject to BioVision obtaining all necessary regulatory approvals, including planning and building approvals from the City of Wanneroo and any other agency.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMENT

The request for the construction of the workshop is supportable as it will assist Suez in maintaining the Facility. BioVision will have to obtain all legislative approvals including Planning and Building approvals from the City of Wanneroo and if required Planning

approval/licences from the West Australian Planning Commission and the Department of Water and Environmental Regulations.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

- 1. Approves the request from BioVision 2020 Pty Ltd to construct a steel framed workshop at the Resource Recovery Facility at Lot 5 (No 87 Pederick Road Neerabup), as detailed in Attachment 1 to this report, subject to BioVision obtaining all necessary planning and building approvals from the relevant authorities including, but not limited to, the City of Wanneroo.**
- 2. Authorises the Chief Executive Officer to sign the City of Wanneroo's "Application for Approval to Commence Development - City of Wanneroo District Planning Scheme No.2" form for the development described in (1) above.**

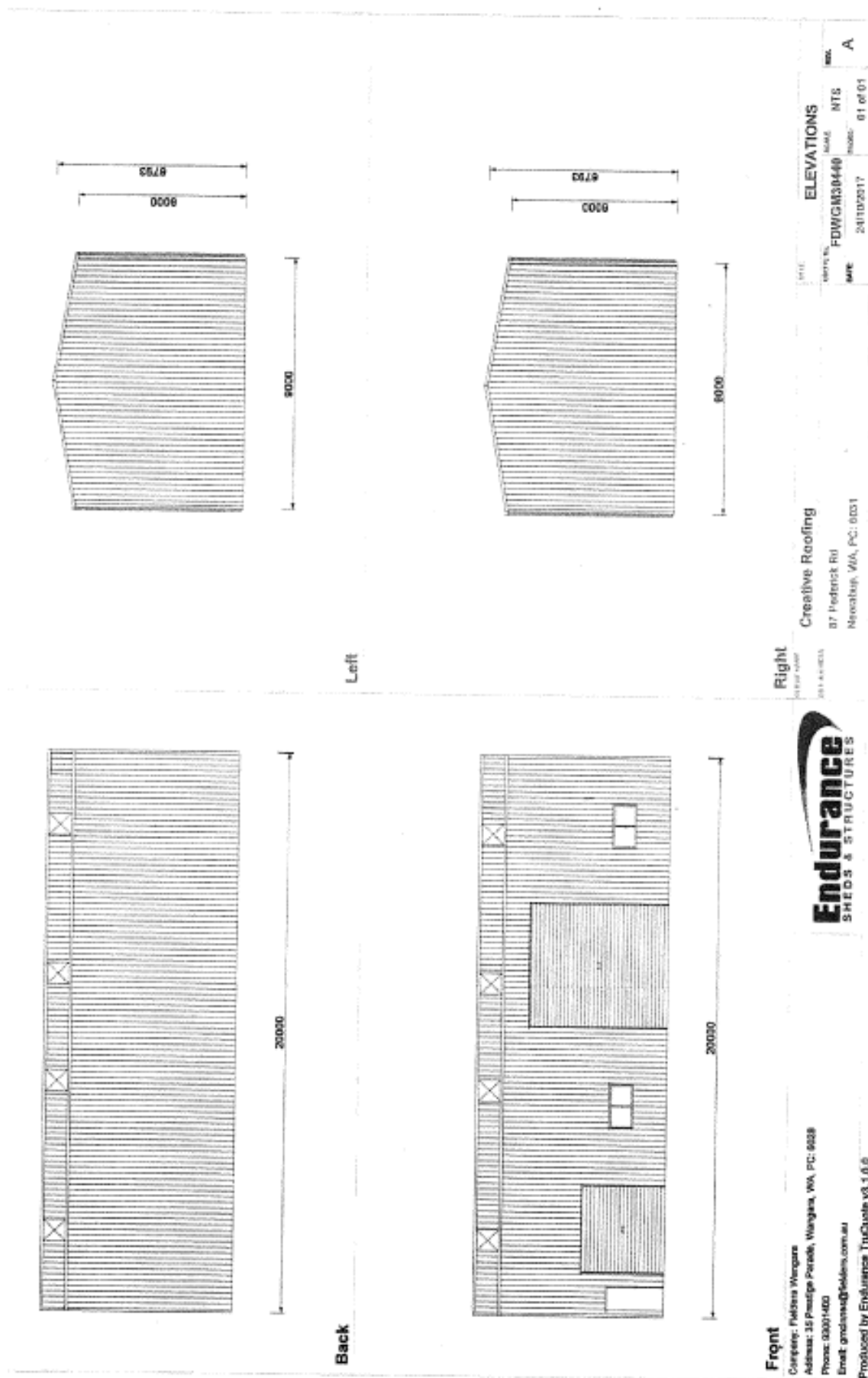
RESOLVED

Moved Cr Guilfoyle, seconded Cr Cvitan

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

MINDARIE REGIONAL COUNCIL
ORDINARY COUNCIL MEETING MINUTES – 14 DECEMBER 2017



9.6 ADOPTION OF THE 2017 ANNUAL REPORT	
File No:	COR/9-05
Appendix(s):	Appendix No. 6
Date:	1 December 2017
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 2017 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 2017.

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 14 November 2017 to consider the Financial Statements for the year ended 30 June 2017 and have recommended that these be adopted by the Council. The unconfirmed minutes of this meeting are included in the Members' Information Bulletin.

The Annual Report of the MRC, which includes the Financial Statements considered by the Audit Committee 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.

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 from the Local Government (Audit) Regulations 1996

"10. Report by auditor

- (1) *An auditor's report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.*
- (2) *The report is to give the auditor's opinion on —*
 - (a) *the financial position of the local government; and*
 - (b) *the results of the operations of the local government.*
- (3) *The report is to include —*
 - (a) *any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government; and*
 - (b) *any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law; and*
 - (c) *details of whether information and explanations were obtained by the auditor; and*
 - (d) *a report on the conduct of the audit; and*
 - (e) *the opinion of the auditor as to whether or not the following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions —*
 - (i) *the asset consumption ratio; and*
 - (ii) *the asset renewal funding ratio.*
- (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.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. notes the recommendation of the Audit Committee meeting held on 14 November 2017 to adopt the Financial Report for the year ended 30 June 2017; and
2. adopts the Annual Report for the year ended 30 June 2017, which includes the Financial Report detailed in 1. Above.

(Absolute Majority Required)

RESOLVED

Moved Cr Proud, seconded Cr Sargent

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9.7	ENERGY FROM WASTE CONFERENCE
File No:	COR/15-05
Appendix(s):	6 - Energy From Waste 2018 Conference brochure 7 - Council Policy CP03
Attachment(s):	Nil
Date:	30 November 2017
Responsible Officer:	Chief Executive Officer

Moved Cr Cole, seconded Proud

Cr Cole requested the deferral of item 9.7 until after item 14.1 had been debated

Moved Cr Jacob, seconded Cr Sargent

Item 9.7 will be tabled after item 14.1.

(CARRIED UNANIMOUSLY 11/0)

Note: The report for this item has been placed directly after Item 14.1 as per the resolution.

9.8	CEO RECRUITMENT PANEL'S RECOMMENDED CONSULTANT TO ASSIST IN THE CEO RECRUITMENT PROCESS
File No:	PER/95
Appendix(s):	Nil
Attachment(s):	Nil
Date:	13 December 2017
Responsible Officer:	Human Resource Officer

SUMMARY

Report seeks approval to appoint a Recruitment Agency to assist the Chief Executive Officer (CEO) Recruitment Panel (the Panel) in the recruitment of a new CEO.

BACKGROUND

At the Ordinary Council Meeting 9 November 2017 the Council resolved to appoint a recruitment panel consisting of the Chairperson, Cr Fishwick, Deputy Chair, Cr Boothman, Councillors Cole, Cvitan, Guilfoyle, and Norman. The defined purpose of the Panel is to:

- a) *Review submissions from recruitment agencies;*
- b) *Make a recommendation to council on the preferred recruitment agency at its meeting on 14 December 2017;*
- c) *Assess applications received for the CEO position (shortlisted by the successful recruitment agency);*
- d) *Interview the shortlisted applicants together with the recruitment agent; and*
- e) *Make a recommendation to council on the preferred candidate.*

DETAIL

On 16 November 2017 request for quotation letters were sent out to eleven (11) recruitment agencies seeking quotation for services to assist the Panel to recruit a new CEO. At the time of closing the request for quotation on 24 November 2017, seven (7) submissions were received.

On 27 November 2017 the submissions were forwarded to the Panel with an evaluation workbook to assist the Panel in evaluating the quotations against a pre-set qualitative criterion. The submissions were also distributed to the remaining councillors on Tuesday 12 December 2017 to assist them in making an informed decision on the appointment of a consultant to assist the Panel in the recruitment of a new CEO.

Once collated the responses from the Panel confirmed the Recruitment Agency with the highest score was Logo Appointments. The following table details the agencies that responded to the request and the qualitative scores as evaluated by the Panel:

Quotations	Methodology	Availability	Experience	Price	Total
The Nexus Group	4.3	1.9	4.5	7.2	17.9
Management Projects	4.8	1.6	4.3	6.0	16.6
Chandler Macleod	3.8	1.6	3.8	4.8	13.9
Price Consulting	4.8	1.7	4.0	4.8	15.3
Beilby Recruitment	4.8	1.7	5.3	6.0	17.7
WALGA	4.5	1.7	4.8	7.6	18.6
LOGO Appointments	5.3	1.7	4.8	8.0	19.7

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The maximum quoted price of Logo Appointments is \$13,000 including GST. The current Budget has \$7,000 set aside for CEO recruitment. It is proposed to fund the shortfall of \$6,000 in the half-yearly budget review.

VOTING REQUIREMENT

Simple/Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. Appoint Logo Appointments to assist the CEO Recruitment Panel in the recruitment of a new CEO at a maximum cost of \$13,000; and
2. Fund the budget shortfall of \$6,000 in the half yearly budget review.

(Absolute Majority Required)

Cr Cole requested a deferral of this item to allow the Panel to further review the submissions

Alternative Motion

Cr Cole moved an alternative motion to defer item 9.8 until the next Ordinary Council meeting on 25 January 2018.

Seconded by Cr Guilfoyle

(CARRIED UNANIMOUSLY 11/0)

9.9	PURSUE A NEW DEPOSITED PLAN WITH THE OWNERS OF LOT 9023 ON DEPOSITED PLAN 54969 TO PROTECT THE BUFFER ZONE REQUIRED BY THE MINDARIE REGIONAL COUNCIL TO MANAGE THE LANDFILL
File No:	COR/26-02
Attachment(s):	1. Site Map of Lot Boundaries and Bore locations 2. New Deposited Plan
Date:	1 December 2017
Responsible Officer:	Chief Executive Officer

SUMMARY

The report is seeking approval for the Chief Executive Officer (CEO) of the Mindarie Regional Council (MRC) to approach:

1. The owners of Tamala Park to:
 - a) lodge a new Deposited Plan (refer Attachment 2) with Landgate to protect the MRC's interest in an area of land, currently leased to the Tamala Park Regional Council (TPRC), required by the MRC as a buffer zone to remediate any migrating gas and/or contaminated groundwater (leachate); and
 - b) agree to amending the current Lease to protect the interest referred in 1.a).
2. The TPRC to develop a sub-lease or other appropriate legal arrangement providing control of the Deposited Plan area to the MRC until such time as it can obtain a Certificate on Contamination Audit from a Contaminated Sites Auditor accredited by the Contaminated Sites Branch (CSB) of the Department of Water and Environmental Regulation (DWER).

BACKGROUND

The MRC has entered into a Deed of Extension, Variation and Partial Surrender of Lease with the Cities of Wanneroo, Joondalup, Stirling, Vincent and Perth and the Towns of Cambridge and Victoria Park (the Owners) over part of Lot 9023 on Deposited Plan 54969 for waste management purposes including a Recycling Centre, Transfer Station and Landfill. This area is commonly referred to as the Tamala Park Waste Management Facility (Leased Area).

The MRC commenced groundwater monitoring prior to the commencement of landfilling on the site and has continued to do so on an bi-annual basis since then. In 2007 elevated contaminants of concern were registered with the CSB in accordance with the *Contaminated Sites Act 2006*. The MRC Leased Area was raised as a "Deposited Plan for Interest Purposes Only" (DP-IPO) with the CSB and a memorial was placed on the title classifying the Deposited Area as "Possibly Contaminated – Investigation Required" (PC-IR).

In 2015 the MRC engaged GHD to develop a Conceptual Site Model (CSM) with the aim of gaining a better understanding of the movement of groundwater and gas on, and outside, the landfill. The MRC has drilled a number of wells outside of the landfill, but within the Leased Area, to monitor the presence of gas and groundwater (leachate). More recently the MRC has drilled monitoring wells outside of the Leased Area to improve its knowledge of the gas and groundwater movement, thereby enabling GHD to better predict their movement.

Historically, the groundwater flow on the Leased Area was typically observed as a north-westward flow toward the sea. Recently however, GHD reported that a Water Corporation Abstraction Bore known as “Q40” (400m north of the Leased Area, identified as a yellow dot on the map (refer Attachment 1) had a drawing influence on the groundwater under the MRC and TPRC Leased areas. Essentially the groundwater plume radiating from the unlined portion of the landfill was now being periodically drawn in a north easterly direction, towards Q40 (when the bore was actively drawing water from the aquifer) rather than being solely influenced by the Gnangara Mound/sea water interface pressure which produced the very slow moving plume to the coast.

The CSM also provided information showing a potential northward migration of the groundwater plume over the northern boundary of the Leased Area. To further investigate this plume, the MRC introduced two new groundwater and gas monitoring wells within the buffer zone (identified as green dots on the map, refer Attachment 1).

The sampling outcome of these wells was incorporated into the existing bi-annual groundwater monitoring regime and monthly landfill gas monitoring program. The results of the groundwater and gas monitoring are reported annually to the CSB.

DETAIL

On 14 November 2016 GHD sent an email to the MRC indicating that the recent groundwater report showed low levels of groundwater contamination outside the boundaries of the Leased Area which may require a change of classification by the CSB and recommended that we inform the CSB based on their interpretation of the Contaminated Sites Regulations. The email read as follows:

“In reviewing the Contaminated Sites Regulations, the regulations indicate that “source” and “affected” Sites relates to “parcels of land” and is irrespective of ownership (e.g: single owner or separate owners). Given the alternate land uses and lease boundaries (residential and landfill), the regulations indicate that the lands should be considered as two separate parcels.

As a consequence, GHD strongly recommended that the DER is informed (and advice sought) regarding the most recent groundwater information and landfill impacts, which are migrating northwards with groundwater flow to areas beneath the Catalina development.

In particular, it is in the stakeholders’ interest that the Certificates of Title for the lots in Catalina are appropriately classified - if required (e.g.: Report not substantiated, or possibly contaminated investigation required), and to avoid any requirement for retrospective classification of lots.”

In March 2017 the MRC obtained advice from its solicitors, Castledine Gregory (CG), on the implications of migrating contaminants across the MRC Leased area (Area A as depicted on the plan detailed in Attachment 1) and the TPRC (Area B as depicted on the same map). The advice provided by CG included a number of short term actions as follows:

“6. Recommended Actions in the Short Term

Having regard to the matters raised in the advice, we recommend MRC take the following actions in the short term:

- (a) *arrange an urgent meeting with DER Contaminated Sites Branch to discuss the reporting of Area B and DER's regulatory expectations with regards to the migration of contamination from Area A to Area B;*
- (b) *report the contamination of Area B using a Form 1 (for completeness regarding compliance with section 11 of the CS Act);*
- (c) *inform the local governments of the contamination of Area B (if they are currently unaware); and*
- (d) *engage an accredited contaminated sites auditor to prepare a mandatory auditor's report to accompany the next report due to be submitted to DER as part of the ongoing investigation into the contamination of Areas A and Area B."*

In March 2017 the MRC received a Groundwater Monitoring Report. The report identified low levels of contamination in groundwater bores located within the Buffer Zone. While these are considered low levels of contamination, what it does show is that the 'not substantiated' portion (as defined by the CSB) of land north of the MRC Lease boundary has been 'affected' by Landfill activities. Low level contamination occurrences were identified in the newly drilled bore (identified as green dots on the attached map, refer Attachment 1). The latter two bores are located just outside the MRC's Lease Area boundary (identified as a solid red and dotted red line on the attached map, refer Attachment 1), but are within the current Buffer Zone (BZ) and inside the current fence boundary (identified as a solid blue line on the attached map, refer Attachment 1).

On the 4 April 2017 the MRC met with the CSB to discuss groundwater monitoring results from the wells located outside the Lease Area boundary, but within the fence line and the BZ. The CSB suggested that a realignment or adjustment of the northern boundary of the Deposited Plan be undertaken to reflect the BZ northern boundary. This would require an amendment of the Lease Area boundary that would in turn require the Owners' approval. Once approved, the Owners would be required to register an amended Deposited Plan with Landgate.

Throughout this process the MRC has maintained open communications with the TPRC and together agreed that the concerns raised by the consultants require a more nuanced solution to that considered by the CSB and detailed in the Lease.

The solution proposed is;

- to seek approval from the Owners to:
 - o lodge a new Deposited Plan with Landgate (solely located in the TPRC leased area); and
 - o make consequential amendments to the MRC and TPRC Leases to bring them in line with the new Deposited Plan.
- the Contaminated Sites Branch will place a memorial on the title relating to the new Deposited Plan area ONLY based on the reports previously provided by the MRC; and
- the TPRC agreeing to develop an appropriate sub-lease or other appropriate legal arrangement ensuring that the MRC retains control of the new Deposited Plan area until the MRC has obtained a Certificate on Contamination Audit from a Contaminated Sites Auditor accredited by the CSB.

The sub-lease or other appropriate legal arrangement developed by the TPRC over the area covered by the new Deposited Plan will need to stay in effect until the MRC has obtained a Certificate on Contamination Audit from a Contaminated Sites Auditor accredited by the CSB.

On 20 November 2017 the MRC and TPRC met with the CSB to seek their input into the proposed new solution. The CSB were very supportive of the solution proposed and indicated that when they receive the Deposited Plan a memorial will be placed on the title based on the information the MRC has previously provided to them.

CONSULTATION

The CEO has consulted with the Owners (CEOs of the Member Councils), the TPRC and the CSB making them aware of the issues referred to in this report and the proposed solutions.

LEGAL COMPLIANCE

The following lease clauses will require amending if the Owners agree to the lodging of the new Deposited Plan with Landgate.

“5.2 Current and Future Use

- (c) *Subject to clause 5.1, Mindarie must fill the Landfill identified as area 2 on the plan in Annexure A working from the northern to the southern parts of that Landfill.*

5.7 Buffer Distance Requirements

- (a) *Mindarie acknowledges that the Urban Development Area is not part of the Premises.*
 - (b) *The Participants acknowledge that Mindarie must maintain an Internal Buffer Distance in accordance with the requirements of the Statutory Licence and that the Government Agency responsible for environmental protection recommends a 500m buffer distance from the active Landfill face to sensitive land uses (**Recommended Buffer Distance**).*
 - (c) *The Participants agree to use reasonable endeavours to set aside the Temporary Buffer to assist Mindarie to satisfy the Recommended Buffer Distance.*
 - (d) *Mindarie must use its reasonable endeavours to ensure that Mindarie's reliance on the Temporary Buffer is reduced and eliminated as soon as reasonably practicable.*
 - (e) *Mindarie acknowledges and agrees that consistent with Mindarie's observance of its obligations pursuant to clauses 5.2 (c) and 5.7(d), the size of the Temporary Buffer will be permanently reduced as the Landfill is filled in a southerly direction and Mindarie becomes capable of providing more of the Recommended Buffer Distance from areas within the Premises which may be taken into account in assessing the provision of the Recommended Buffer Distance.*
 - (f) *Subject to clause 5.7 (g) (and without limiting the meaning and effect of clause 5.7 (d)), Mindarie must completely cease to rely on the Temporary Buffer to satisfy the whole or any part of the Recommended Buffer Distance on 31 December 2010.*
 - (g) *At any time not later than 1 January 2009 Mindarie may apply to the Participants approval for the date referred to in clause 5.7 (f) to be extended from 31 December 2010 to a later specified date. The Participants may grant their approval (with or without conditions) or may refuse to grant the approval under this clause in each case in the Participant's absolute discretion.*
 - (h) *From 1 January 2011 (or such later date (if any) approved by the Participants pursuant to clause 5.7 (g)), the Participants may use the Temporary Buffer or any part of it as it sees fit without:*
 - (i) *the Participants being liable to Mindarie in any way for compensation or damages;*
-

- (ii) *the Participants being liable to provide alternative land as a buffer; and*
- (iii) *Mindarie being entitled to terminate this Lease or claim any abatement of Rent*
- (i) *If the Participants develop the Urban Development Area prior to 1 January 2011 (or such later date (if any) approved by the Participants pursuant to clause 5.7(g)), the Participants will use their reasonable endeavours to ensure that, to the extent reasonably practicable, the Urban Development Area is developed in a manner which defers the development of the area the subject of the Temporary Buffer until after the development of the balance of the Urban Development Area.*

5.8 Urban Development Area

- (a) *Mindarie must use and maintain the Premises in such a manner so as to not interfere, prevent or otherwise hinder the Participants' use and enjoyment of the Urban Development Area, including subdivision and development of the Urban Development Area for Urban Development.*
- (b) *If the Urban Development of the Urban Development Area cannot proceed due to Mindarie's use of the Premises, the Participants may serve notice on Mindarie specifying the nature of the Improvement Works it requires Mindarie to carry out at its own expense.*
- (c) *Mindarie must complete or must cause the Improvement Works referred to in the Participants notice to be completed as soon as practicable but in any event not later than 12 months after the date of receipt of the Participants notice referred to in clause 5.8 (b).*
- (d) *Mindarie acknowledges that the Participants intend to subdivide and develop the Urban Development Area in the future as Urban Development."*

Extract from the "Contaminated Sites Guidelines - Identification, reporting and classification of contaminated sites in Western Australia" issued by the Department of Water and Environmental Regulations June 2017

"12 Certificate of contamination audit

Purpose of a certificate of contamination audit

A certificate of contamination audit (CCA) is intended to provide government assurance to landowners and potential landowners regarding the contamination status of a site, or a portion of a site, and its suitability for a particular land use. A CCA is to classify the site and specify the nature and extent of all identified contamination. In some circumstances, contamination that was present but not identified at the time the certificate was issued may become the responsibility of the State to remediate.

A CCA can only be issued when DER is certain about the contamination status of a site where, based on the information provided to DER, the site can be classified:

- *not contaminated – unrestricted use;*
- *contaminated – restricted use;*
- *remediated for restricted use;*
- *contaminated – remediation required; or*
- *decontaminated.*

If a site is classified as possibly contaminated – investigation required or report not substantiated then there is insufficient information for DER to be certain about the contamination status of the site and a CCA cannot be issued.

Section 62(3) and r.29(2) set out how a request for a certificate is to be made. The request is to be on the prescribed form (Form 3)²⁸ and accompanied by certain information, including:

- a certified copy of the current certificate(s) of title for the land;
- copies of technical reports or documents on investigations or assessments regarding the nature or extent of any contamination of the land;
- details of any remediation of the land, including any reports or documents on that remediation and validation;
- a mandatory auditor's report on the land prepared by an accredited contaminated sites auditor;
- a recommendation as to classification and, where relevant, any recommended restrictions on land use;
- any other information prescribed;
- any other information requested by the CEO to enable the CEO to deal with the request; and
- the prescribed fee (\$4,125 as at 1 June 2017).

If a request for a CCA does not include the specified information, or the information provided is inadequate, DER may decline to deal with the request²⁹ and request further information as is necessary. DER will provide a brief explanation if the request for a CCA is refused.

Issuing a certificate of contamination audit

DER is required to make a determination within 45 days of receiving a request for a CCA, or within 45 days of receiving the additional information requested by DER following an initial request for a CCA. DER may extend the period³⁰ if there are particular circumstances which affect DER's ability to issue the CCA.

The transferring party must obtain a CCA for the site before, or as part of, requesting DER approval of the transfer transaction. The CCA must be representative of site conditions at the time of the proposed transfer in order for DER to provide approval for the transfer.

Request for a certificate of contamination audit

Under s.62 of the CS Act:

After considering a request for a CCA, DER will:

- provide a CCA in the prescribed form to the person who requested it; or
- classify the land, or part of the land, as possibly contaminated – investigation required, and not issue a CCA.

DER will issue a CCA when satisfied, on reasonable grounds, that all contamination that can be identified has been identified according to relevant guidelines, accepted standards and any other relevant information. If a site is classified as possibly contaminated – investigation required, further investigation of the site will be necessary which results in the site being reclassified as one of the qualifying classifications (refer section 12.1) before a CCA can be issued.

A CCA is only representative of the contamination status of the site **at the time of issue**. A CCA does not address contamination that may have been caused after the certificate was issued."

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMENT

The development of the CSM has provided GHD with the ability to predict the movement of gas and leachate. GHD has raised concerns that the latest information from the monitoring of the bores has identified minor contamination spikes on land outside the MRC's Lease Area that could result in the CSB placing a memorial on the Deposited Plan under the control of the TPRC.

This will be resolved if the Owners agree to the lodging of the new Deposited Plan (refer Attachment 2) with Landgate; and agree to consequential amendments to the Lease. The new Deposited Plan will fall under the control of the TPRC as it is within its lease area therefore the TPRC will have to agree to enter into a sub-lease or other appropriate legal arrangement with the MRC ensuring that the MRC has control of the land contained in the Deposited Plan until the MRC has obtained a Certificate on Contamination Audit from a Contaminated Sites Auditor accredited by the CSB.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

A. Authorise the Chief Executive Officer to enter into formal discussions with:

- 1. the Owners, seeking approval for:**
 - a) the lodging of the Deposited Plan to Landgate as contained in Attachment 2 of this report; and**
 - a) b) consequential amendments to the Deed of Extension, variation and Partial Surrender of Lease relating to Tamala Park accommodating the necessary changes resulting from the lodging of the Deposited Plan detailed in 1.a) above, specifically addressing the need for the MRC to obtain a Certificate on Contamination Audit from a Contaminated Sites Auditor accredited by the CSB.**
- 2. the TPRC to develop a sub-lease or other appropriate legal arrangement providing control of the Deposited Plan area (refer Attachment 2) to the MRC until such time as the MRC can obtain a Certificate on Contamination Audit from a Contaminated Sites Auditor accredited by the CSB.**

B. Receive further reports from the CEO on:

- 1. a draft of a Deed of Amendment to the Lease accommodating part A.1.a) and b) above prior to issuing it to the Owners for formal endorsement; and**
- 2. any sub-lease or other appropriate legal arrangement entered into with TPRC ensuring that the area contained in the Deposited Plan as detailed in Attachment 2 to this report is retained under the control of the MRC until such time as a Certificate on Contamination Audit from a Contaminated Sites Auditor accredited by the CSB is issued.**

MRC Auditors left at 5.55 pm

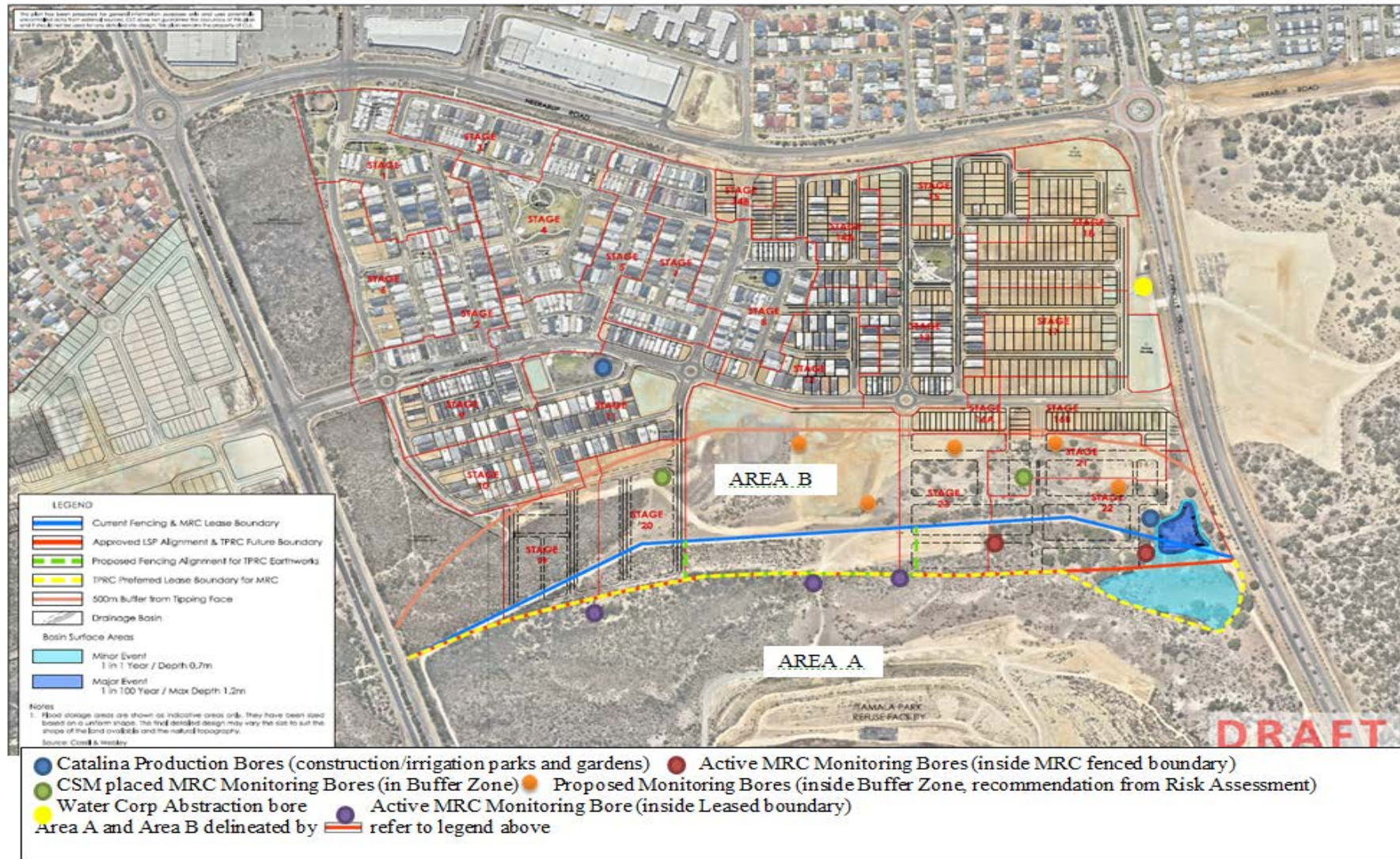
RESOLVED

Cr Jacob moved, seconded by Cr Guilfoyle

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

Attachment 1 – Aerial of MRC (Area A) AND tprc (Area B)



VERSION	AMENDMENT	AUTHORISED BY	DATE
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PRELIMINARY ONLY
UNLOGGED VERSION
SUBJECT TO
LANDGATE AUDIT

FOR INTEREST PURPOSES ONLY

TYPE	FREEHOLD	S.S.A.	YES
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DRAFT
ALL AREAS AND DIMENSIONS
ARE SUBJECT TO FINAL SURVEY
AND WAPC APPROVAL

INITIAL INTERESTS						
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
①	MEMORIAL	CONTAMINATED SITES ACT 2003	DOC	LOT 9025	DEPARTMENT OF ENVIRONMENT AND CONSERVATION	
②	MEMORIAL	CONTAMINATED SITES ACT 2003	DOC	LOT 9025	DEPARTMENT OF ENVIRONMENT AND CONSERVATION	

DATE	FEE PAID	ASSESS No.
I. S. C.		
EXAMINED		
WESTERN AUSTRALIAN PLANNING COMMISSION		
FILE		
Delegated under S. 16 PSD Act 2005		
IN ORDER FOR DEALINGS		
SUBJECT TO		
FOR INSPECTOR OF PLANS AND SURVEYS		
APPROVED		
INSPECTOR OF PLANS AND SURVEYS		
DATE		

DEPOSITED PLAN
4 13 136

SHEET 01 OF 01 SHEETS
VERSION 1

10	MEMBERS INFORMATION BULLETIN – ISSUE NO.38
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RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 38 be received.

RESOLVED

Moved by Cr Proud, seconded by Cr Vernon

That the recommendation be adopted.

(CARRIED UNANIMOUSLY 11/0)

11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
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Nil

12	URGENT BUSINESS
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Nil

13	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
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Nil

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

This report is Confidential in accordance with Section 5.23 (c) of the Local Government Act 1995 as Council's decision may result in a contract being entered into.	
14.1	RESOURCE RECOVERY FACILITY (ENERGY FROM WASTE) – AWARD OF TENDER – DEFERRED ITEM
File No:	WST/209-02
Appendix(s):	Nil
Date:	1 December 2017
Responsible Officer:	Chief Executive Officer

Note: The Chief Executive Officer has NOT released the report 14.1 – Resource Recovery Facility (Energy from Waste) Award of Tender for Public information as the Council's decision may have resulted in a contract being entered into.

The Chairman requested that in accordance with s.5.23 of the *Local Government Act 1995* and clause 7.9 of the *MRC's Standing Orders Local Law*, Council meet "behind closed doors" to allow the Council to consider Item 14.1 as it is of a confidential nature. The Chairman also requested the suspension of clause 5.8(4) to allow open debate on the item.

Moved Cr Proud seconded Cr Vernon.

- 1. That in accordance with Section 5.23 of the *Local Government Act 1995* and clause 7.9 of the *MRC's Standing Orders Local Law*, Council meet "behind closed doors"; and**
- 2. That in accordance with clause 5.8(4) of the *MRC's Standing Orders Local Law* the Council suspend the operation of clause 5.8 – Limitation on Members Speaking to allow open debate on the item.**

(CARRIED UNANIMOUSLY 11/0)

The Gallery was vacated at 6.01pm.

Cr Shannon left at 6.40pm.

RESOLVED

That the Council resolves NOT to award any Tender for the Resource Recovery Facility (Tender Request Number 2016/005) and that the current valid Tenderers, Consortium of Hitachi Zosen Inova AG, New Energy Corporation Pty Ltd and Tribe Infrastructure Development Pty Ltd (HZI Consortium) and Phoenix Energy Australia Pty Ltd be advised of the Council's decision."

Moved Cr Proud, seconded Cr Cole
That the recommendation be adopted
(CARRIED UNANIMOUSLY 10/0)

The Chairperson requested that the meeting be reopened.

Moved by Cr Adamos, seconded by Cr Jacob
That the meeting be reopened
(CARRIED UNANIMOUSLY 10/0)

The meeting was reopened and the observers re-entered the gallery at 6.45pm.

On reopening the meeting the Chairperson read out the Council Resolution.

9.7 ENERGY FROM WASTE CONFERENCE	
File No:	COR/15-05
Appendix(s):	6 - Energy From Waste 2018 Conference brochure 7 - Council Policy CP03
Attachment(s):	Nil
Date:	30 November 2017
Responsible Officer:	Chief Executive Officer

SUMMARY

The Mindarie Regional Council (MRC) is currently engaged in an Energy from Waste (EfW) tender as part of its delivery against its Strategic Community Plan. There is an opportunity for MRC Councillors to attend an EfW conference in February 2018 to expand their understanding of EfW plants.

BACKGROUND

The Australian Waste to Energy Forum will be holding a conference from 20 - 22 February 2018 at the Mercure Ballarat hotel in Victoria.

A copy of the conference program is included at **Appendix 6**.

A number of MRC Councillors have attended this conference and a similar held one by the Waste Management Association of Australia in the past and have found them useful in improving their understanding of EfW plants and processes, as well as providing insights into the broader implications of the technology.

DETAIL

In its Strategic Community Plan, the MRC has identified EfW as an important component of the waste processing infrastructure that will be required in order for the MRC and its member councils to achieve the Waste Authority's waste diversion targets of 65% of Municipal Solid Waste being diverted from landfill by 2020.

Given the importance of EfW in the MRC's overall waste strategy, it considered that this would be a worthwhile conference for Councillors to attend. As a result, the MRC is encouraging Councillors who have not previously attended such an EfW conference to consider attending this one.

Previous attendees from the MRC were complimentary of the considered, balanced views of EfW that were provided at the conference.

The cost of attending the conference is estimated to be \$3,500 per person, which includes flights, airport transfers, accommodation, meals and the conference registration fees.

The MRC does not currently have any funds set aside in the budget for Councillors to attend this conference, however where Councillors are wishing to attend, the MRC is proposing that this be funded through the mid-year budget review process.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Councillor attendance at conferences is governed by Council Policy CP03, included at **Appendix 7**.

FINANCIAL IMPLICATIONS

The estimated cost for each person attending the conference is \$3,500, which includes flights, airport transfers, accommodation, meals and the conference registration fees.

Were all MRC Councillors to attend, this would equate to a cost of \$42,000.

COMMENT

This conference provides a useful opportunity for those Councillors who are wanting to improve their understanding of EfW to hear from various experts in the field and to better understand the role of EfW in the Australian context.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

Resolves to fund the costs of those MRC Councillors wishing to attend the Energy from Waste Conference in February 2018, up to a maximum of \$42,000 in total, through the mid-year budget review process.

RESOLVED

Moved Cr Guilfoyle, seconded by Cr Cvitan

That the Council recommendation be adopted

(CARRIED 7/3)

For: Boothman, Cvitan, Adamos, Proud, Guilfoyle, Sargent

Against: Norman, Cole, Jacob

15 NEXT MEETING

Next meeting to be held on Thursday 25 January 2018 in the Council Chambers at City of Joondalup commencing at 6 pm.

16 CLOSURE

Prior to the closure of the meeting the Chairman, on behalf of the Council, congratulated and thanked Brian Callander for his service to the MRC during his time as CEO. The Chair paid tribute to Mr Callander acknowledging his many achievements at the MRC and wished him well for his retirement.

The Chair closed the meeting at 7.00 pm and thanked the Town of Victoria for their hospitality and use of their meeting facilities.

The Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 14 December 2017.

SignedChairman

Dated thisday of2018
