



AGENDA

ORDINARY COUNCIL MEETING

TIME: 5.30PM

4 JULY 2013

TOWN OF CAMBRIDGE

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



**MINDARIE REGIONAL COUNCIL
NOTICE OF MEETING**

14 June 2013

Councillors of the Mindarie Regional Local Government are advised that an Ordinary Meeting of the Council will be held in the Council Chambers of the Town of Cambridge, 1 Bold Park Drive, Floreat, at 5.30pm on Thursday 4 July 2013.

The agenda pertaining to the meeting is attached.

Your attendance is respectfully requested.

BRIAN CALLANDER
Chief Executive Officer

MINDARIE REGIONAL COUNCIL - MEMBERSHIP

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

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

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2	ELECTION OF CHAIR.....	4
3	ELECTION OF DEPUTY CHAIR.....	4
4	ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE	4
5	DECLARATION OF INTERESTS.....	4
6	PUBLIC QUESTION TIME	4
7	ANNOUNCEMENTS BY THE PRESIDING PERSON	4
8	APPLICATIONS FOR LEAVE OF ABSENCE	5
9	PETITIONS / DEPUTATIONS / PRESENTATIONS	5
10	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
	10.1 Ordinary Council Meeting – 2 May 2013	5
	10.2 Special Council Meeting – 20 June 2013.....	5
11	CHIEF EXECUTIVE OFFICER REPORTS	6
	11.1 Financial Statements for the periods ended 31 March 2013 and 30 April 2013... 6	
	11.2 List of payments made for the months ended 31 March 2013 and 30 April 2013 8	
	11.3 Mindarie Regional Council Standing Orders Amendment Local Law 2013..... 9	
	11.4 Tender for Clay Lining.....	14
12	MEMBERS INFORMATION BULLETIN – ISSUE NO. 11	17
13	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	17
14	URGENT BUSINESS.....	17
15	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	17
16	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC.....	17
17	NEXT MEETING	17
18	CLOSURE	17

Prior to the commencement of the meeting, Councillors will be required to make the required declaration of office as a councillor of the Mindarie Regional Council. The prescribed form for that purpose is enclosed.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The CEO will open the meeting.

2 ELECTION OF CHAIR

(Nominations for the office of Chairman close at 5.30 pm on 4 July 2013.)

The CEO will conduct the election of Chairman

The Councillor elected will be required to make the required declaration of office as the Chairman of MRC.

3 ELECTION OF DEPUTY CHAIR

(Nominations for the office of Deputy Chairman close at 5.30 pm on 4 July 2013.)

The Chairman will conduct the election of Deputy Chairman.

The Councillor elected will be required to make the required declaration of office as the Deputy Chairman of MRC.

4 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

5 DECLARATION OF INTERESTS

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

Disclosure of Financial and Proximity Interests

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

Disclosure of Interest Affecting Impartiality

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

6 PUBLIC QUESTION TIME

7 ANNOUNCEMENTS BY THE PRESIDING PERSON

8 APPLICATIONS FOR LEAVE OF ABSENCE
--

9 PETITIONS / DEPUTATIONS / PRESENTATIONS
--

10 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

10.1 ORDINARY COUNCIL MEETING – 2 MAY 2013

The Minutes of the Ordinary Council Meeting held on 2 May 2013 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of Council held on 2 May 2013 be confirmed as a true record of the proceedings.

10.2 SPECIAL COUNCIL MEETING – 20 JUNE 2013

The Minutes of the Special Council Meeting held on 20 June 2013 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Special Council Meeting of Council held on 20 June 2013 be confirmed as a true record of the proceedings.

11 CHIEF EXECUTIVE OFFICER REPORTS

11.1	FINANCIAL STATEMENTS FOR THE PERIODS ENDED 31 MARCH 2013 AND 30 APRIL 2013
File No:	FIN/5-03
Appendix(s):	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	10 June 2013
Responsible Officer:	Gunther Hoppe

SUMMARY

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

BACKGROUND

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

The financial statements presented for each month consist of:

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

DETAIL

The Financial Statements attached are for the months ended 31 March 2013 and 30 April 2013 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 10 months to 30 April 2013 is attached at **Appendix No. 3**.

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

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

Summary of results for the year to 30 April 2013

	Actual	Budget (a)	Variance
	t	t	t
Tonnes – Members	205,347	206,572	(1,225)
Tonnes – Others	32,404	35,999	(3,595)
TOTAL TONNES	237,751	242,571	(4,820)
	\$	\$	\$
Revenue – Members	27,216,389	27,436,264	(219,875)
Revenue – Other	7,157,260	7,411,480	(254,220)
TOTAL REVENUE	34,373,649	34,847,744	(474,095)
Expenses	34,818,079	35,578,178	760,099
Loss/(profit) on sale of assets	5,909	6,845	936
NET DEFICIT	(450,338)	(737,279)	286,940

(a) this is based on the revised budget adopted in March 2013.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 March 2013 and 30 April 2013, respectively, be received.

11.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 MARCH 2013 AND 30 APRIL 2013
File No:	FIN/5-03
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	12 June 2013
Responsible Officer:	Gunther Hoppe

SUMMARY

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

COMMENT

The lists of payments for the months ended 31 March 2013 and 30 April 2013 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 5 July 2012, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

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

Months Ended	Account	Vouchers	Amount
31 March 2013	General Municipal	Cheques EFT DP Total	\$86,929.80 \$388,000.67 \$2,460,945.66 \$2,935,876.13
30 April 2013	General Municipal	Cheques EFT DP Total	\$101,947.69 \$308,496.07 \$3,408,115.45 \$3,818,559.21

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 March 2013 and 30 April 2013 be noted.

11.3	MINDARIE REGIONAL COUNCIL STANDING ORDERS AMENDMENT LOCAL LAW 2013
File No:	LAW/6
Appendix(s):	Appendix No. 6
Date:	11 June 2013
Responsible Officer:	Brian Callander

SUMMARY

Seeking Council's approval to make the Mindarie Regional Council's (MRC) Standing Orders Amendment Local Law 2013.

BACKGROUND

The Joint Standing Committee on Delegated Legislation (the Committee) considered the Amendment Local Law at its meeting on 14 May 2012 and resolved to write to the MRC regarding a potential procedural defect in the making of the Amendment Local Law. The Committee noted that information provided by MRC reveals s.3.12(3) of the *Local Government Act 1995 (the Act)* was not followed in the prescribed sequential process demanded of s.3.12.

The information revealed that the MRC gave State-wide public notice on 14 December 2011 but:

- Did not give a copy of the proposed local law to the Department of Local Government until a month later, whereas the Act stipulates that this must be done "as soon as the notice is given"; and
- Did not give a copy of the State-wide public notice to the Minister pursuant to s.3.12(3)(b) of the Act.

The Committee resolved to place a 'protective' *Notice of Motion* to disallow the Amendment Local Law in the Legislative Council on 14 June 2012. On 19 June 2012 the Committee requested the MRC to provide to them, in writing confirmation of the above. The MRC responded to the Committee on 16 July 2012 confirming that the information was correct.

The Committee advised MRC on the 3 December 2012 that the MRC Standing Orders Amendment Local Law 2012 was disallowed by the Legislative Council on 27 September 2012 and requested information as to what steps the Council is undertaking to re-make the Amendment Local Law. The MRC responded to the Committee on 3 December 2012 advising that the proposed MRC Standing Orders Amendment Local Law 2013 will be presented to the next available Ordinary Council meeting scheduled for 7 March 2013.

The purpose and effect of the amended Local Law reads as follows:

The **purpose** of the amendment is to delete subclause 5.9(3).

The **effect** of the amendment is to remove the power of the presiding person to rule that a member must not speak again on a matter.

DETAIL

On 7 March 2013, the Council resolved to give Statewide public notice of its proposal to amend the MRC Standing Orders 2010.

Subsequently, Statewide public notice was given of the proposed Amendment Local Law in the West Australian on 16 March 2013. No submissions were received.

On the 22 April 2013 the Department of Local Government provided comments on the proposed amendments to this local law as follows:

“In the enactment clause, it is suggested the word “Amendment” after the phrase “the following” be deleted.”

The Department of Local Government has requested a minor change to the local law requiring the first paragraph of the local law to be changed by deleting the word “Amendment” after the words “the following”. As this change is not significantly different from what was proposed the change is supportable.

The MRC Standing Orders Amendment Local Law 2013 has been prepared by the MRC Administration taking into account the comments from the Department of Local Government and is at **Appendix No. 6**.

CONSULTATION

As required by the Local Government Act 1995 a copy of the proposed local law was provided to the Minister for Local Government.

STATUTORY ENVIRONMENT

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

“3.12. Procedure for making local laws

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

-
- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
 - (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
 - (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
** Absolute majority required.*
 - (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
 - (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
 - (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
 - (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
 - (8) *In this section —*
making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13. *Procedure where significant change in proposal*

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

3.14. *Commencement of local laws*

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
 - (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
-

3.15. *Local laws to be publicized*

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

3.16. *Periodic review of local laws*

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

** Absolute majority required.”*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Standing Orders Local Law ensures that the official meetings held by the MRC are conducted in an orderly and proper manner.

COMMENT

The Committee has advised the MRC of the disallowance of the Amendment Local Law and requested information as to what steps the MRC is undertaking to re-make the Amendment Local Law. To enact an amendment to a Local Law requires the same process as if a new Local Law was being enacted. The Council at a meeting on 7 March 2013 endorsed the Mindarie Regional Council Standing Orders Amendment Local Law and confirmed its purpose and effect and authorised it be advertised Statewide as required by s.3.12 (3) of the *Local Government Act 1995*.

As required by s.3.12 (4) of the *Local Government Act 1995* the Council is now required to consider and may make the local law proposed or make the local law that is not significantly different from what was proposed.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

- A. That Council proceed to make the Mindarie Regional Council Standing Orders Amendment Local Law 2013 as set out in Appendix No. 6.
(Absolute Majority Required)**
- B. That Council:**
- 1. publishes the local law detailed in (A) above in the Government Gazette;**
 - 2. provide, once the local law has been published in (1) above, the following:**
 - a. a copy of the local law to the Minister for Local Government: and**
 - b. local public notice stating the title of the local law, summarising its purpose and effect and where copies are available for inspection.**
-

11.4	TENDER FOR CLAY LINING
File No:	WST/195
Appendix(s):	Nil
Date:	17 June 2013
Responsible Officer:	CEO

SUMMARY

Seeking endorsement of successful tenderer for the clay lining of Stage 2 Phase 3 of the Tamala Park landfill.

BACKGROUND

The Mindarie Regional Council (MRC) at its meeting on the 2 May 2013 authorised by resolution the tendering for the clay lining to Stage 2 Phase 3 of the landfill at Tamala Park. The resolution of Council reads as follows:-

“That:

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

The tender was advertised in the West Australian on Saturday 4 May 2013 indicating the closing date as Friday 31 May 2013 at 2.00pm. The tender box at the administration of the MRC at 1700 Marmion Avenue was opened at the time and date described in the advertisement. Two tenders were received one from Ertech and the other from Coalcliff Plant Hire.

DETAIL

A panel of three being the Chief Executive Officer, Brian Callander, the Director of Corporate Services, Gunther Hoppe and Consultant, Ian Watkins assessed the tenders against the criteria set in the Request for Tender. The criteria reads as follows:-

A. Relevant Experience	Weighting 20%
<i>a. Provide details of similar work undertaken.</i>	
<i>b. Provide scope of the Tenderer’s involvement including details of outcomes.</i>	
<i>c. Provide details of issues that arose during the project and how these were managed.</i>	
<i>d. Demonstrate competency and proven track record of achieving outcomes.</i>	
<i>e. Project Reference Sheet</i>	

B. Key Personnel Skills and Experience	Weighting 15%
<p>a. <i>The Tenderer's role in the performance of the Contract.</i> b. <i>Curriculum vitae of key staff inclusive of membership to any professional or business association, qualifications etc.</i> c. <i>Level of relevant experience of site based staff and equipment operators</i> Supply any other relevant details in an attachment and label it "Key Personnel Skills and Experience".</p>	
C. Tenderer's Resources	Weighting 15%
<p>a. <i>Plant, equipment and materials.</i> b. <i>Any contingency measures or backup of resources including personnel (where applicable).</i> c. <i>Safety Record.</i> d. <i>Resources Schedule.</i> As a minimum, Tenderers should provide a current commitment schedule and plant/equipment schedule in an attachment and label it "Tenderer's Resources".</p>	
D. Demonstrated Understanding	Weighting 20%
<p>a. <i>The process for sourcing and selecting the nominated clay source(s).</i> b. <i>The process for the delivery of the Goods/Services.</i> c. <i>Training processes (if required).</i> d. <i>Demonstrated understanding of the Scope of Work.</i> Supply details and provide an outline of your proposed methodology in an attachment labelled "Demonstrated Understanding".</p>	
E. Tendered Price	Weighting 30%

The tenders were considered by the panel to be conforming. The contract value of the tenders are detailed in the following table:

TENDERERS	CONTRACT VALUE (\$) GST Excluded
ERTECH	1,395,192
COALCLIFF PLANT HIRE	*1,027,729

*Coalcliff Plant Hire tender price was adjusted for assessment purposes. Two prices in Coalcliff's schedule valued at \$30,123 were not within the scope of this stage of the work. As such the panel assessed Coalcliff's submission using the reduced price of \$997,606. This also ensured that the tenders were assessed on a like for like basis.

The following table provides the weighted overall score of the tender panel as assessed against the criteria for each of the tenders submitted.

Panel Member	Ertech (Weighted Score)	Coalcliff Plant Hire (Weighted Score)
Brian Callander	62.5	50
Gunther Hoppe	81	59.5
Ian Watkins	65.5	54
TOTAL	209	176

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The tender process was conducted in accordance with the Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The project will continue for a period of five years and has two one year options, which will require varying budget amounts in each of the years of the project. Year 1 being in 2013/14 has a budget allocation of \$1,500,000 to be funded from borrowings. This amount substantially covers the cost of this stage of the project.

In addition to the tender cost there will be two further costs associated with this project. The first being a contingency of 5% (\$67,500) of the project cost per annum. This is to cover any additional work not anticipated in the tender. The second cost is \$40,000 for the provision of a superintendent for this project.

STRATEGIC IMPLICATIONS

Nil

COMMENT

The tender price varies by approximately 40% with Coalcliff's submission being \$397,586 less than Ertech's. The Panel however considered the criteria closely and notwithstanding the vast price differential, which favoured Coalcliff in the score weighting Ertech scored higher in all other criteria. As such the panel had no hesitation in recommending Ertech Pty Ltd be awarded the tender for the clay lining of stage 2 phase 3 of the landfill at Tamala Park.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That:

1. Ertech Pty Ltd be awarded the tender, at a value of \$1,395,192 excluding GST, for the clay lining to stage 2 phase 3 of the landfill at Tamala Park.
 2. Funds of \$40,000 excluding GST be set aside for a Project Superintendent or the project.
 3. A Contingency of 5% of the awarded tender price, being \$67,500 be set aside for the project.
 4. The use of the contingency detailed in be delegated to the Chief Executive Officer
 5. The tender value, Project Superintendent Costs and Contingency sum totalling \$1,502,692 be funded from borrowings as contained in the 2013/14 budget of the Mindarie Regional Council.
-

12 MEMBERS INFORMATION BULLETIN – ISSUE NO. 11

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 11 be received.

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14 URGENT BUSINESS

15 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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

17 NEXT MEETING

Next meeting to be held on Thursday 5 September 2013 in the Council Chambers at City of Vincent commencing at 5.30pm.

18 CLOSURE
