



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

THURSDAY 9 FEBRUARY 2017

CITY OF JOONDALUP

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



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Prior to taking their seats for the meeting Cr Re and Cr Loden 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Transitional Provisions of the Local Government Act 1995 (Schedule 9.3) using s.702 of the Local Government Act 1960 (repealed).

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 5.31pm

The Chair welcomed Cr Loden and Cr Re to the meeting.

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

| | |
|---|-----------------------|
| Cr R Fishwick JP (Chairman) | City of Joondalup |
| Cr D Boothman JP (Deputy Chairman) | City of Stirling |
| Cr R Driver | City of Wanneroo |
| Cr A Guilfoyle (<i>arrived at 5.37pm</i>) | City of Stirling |
| Cr D Loden | City of Vincent |
| Cr C MacRae (<i>arrived at 5.45pm</i>) | Town of Cambridge |
| Cr V Maxwell | Town of Victoria Park |
| Cr D Newton JP | City of Wanneroo |
| Cr M Norman | City of Joondalup |
| Cr S Proud JP | City of Stirling |
| Cr E Re | City of Stirling |

Apologies

| | |
|-------------|---------------|
| Cr J Adamos | City of Perth |
|-------------|---------------|

Leave of Absence

| | |
|----------------|------------------|
| Cr S Jenkinson | City of Stirling |
|----------------|------------------|

Absent

Nil

MRC Officers

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

MRC Observers

Ms A Slater (Finance Manager)
Ms L Douglas (Administration Officer)

Member Council Observers

Mr W Bow (Town of Victoria Park)
Mr S Cairns (City of Wanneroo)
Mr N Claassen (City of Joondalup)
Mr M Littleton (City of Stirling)
Ms R March (City of Joondalup)
Mr M Mileham (City of Perth)
Mr H Singh (City of Wanneroo)

Visitors

Nil

Members of the Public

Nil

Press

Nil

3 DECLARATION OF INTERESTS

Nil

4 PUBLIC QUESTION TIME

Nil

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Jenkinson requested a leave of absence from the 1 February 2017 to the 12 March 2017.

Cr Re moved, Cr Proud seconded

CARRIED UNANIMOUSLY (9/0)

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 ORDINARY COUNCIL MEETING – 1 DECEMBER 2016

The Minutes of the Ordinary Council Meeting held on 1 December 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 1 December 2016 be confirmed as a true record of the proceedings.

RESOLVED

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

CARRIED UNANIMOUSLY (9/0)

| |
|--|
| 9 CHIEF EXECUTIVE OFFICER REPORTS |
|--|

| | |
|-----------------------------|--|
| 9.1 | FINANCIAL STATEMENTS FOR THE MONTHS ENDED 30 NOVEMBER 2016 AND 31 DECEMBER 2016 |
| File No: | FIN/5-07 |
| Appendix(s): | Appendix No. 1 Appendix No. 2 Appendix No. 3 |
| Date: | 24 January 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 November 2016 and 31 December 2016 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 6 months to 31 December 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.

Summary of results for the six month period ended 31 December 2016

| | Actual | Budget | Variance |
|--------------------------|-------------------|-------------------|--------------------|
| | t | t | t |
| Tonnes – Members | 152,382 | 168,436 | (16,054) |
| Tonnes – Others | 8,185 | 8,858 | (673) |
| TOTAL TONNES | 160,567 | 177,294 | (16,726) |
| | \$ | \$ | \$ |
| Revenue – Members | 26,458,126 | 29,248,608 | (2,790,482) |
| Revenue – Other | 1,211,894 | 1,226,450 | (14,556) |
| TOTAL REVENUE | 27,670,020 | 30,475,058 | (2,805,038) |
| Expenses | 26,767,562 | 27,902,313 | 1,134,751 |
| Profit on sale of assets | 35,445 | 3,596 | 31,849 |
| Loss on sale of assets | - | - | - |
| NET SURPLUS | 937,903 | 2,576,341 | (1,638,438) |

Commentary

Member tonnes for the year to December 2016 are tracking 9.5% behind budget, which is directly attributable to the change in systems for bulk/verge collection implemented by various councils. Trade and casuals are 673 tonnes behind budget.

The reduction in member tonnes from what was budgeted translates into a reduced surplus 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.

Overall, the MRC has still generated a strong surplus of \$0.9 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 November 2016 and 31 December 2016, respectively, be received.

RESOLVED

Cr Newton moved, Cr Norman seconded

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9/0)

| | |
|-----------------------------|---|
| 9.2 | LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 30 NOVEMBER 2016 AND 31 DECEMBER 2016 |
| File No: | FIN/5-06 |
| Appendix(s): | Appendix No. 4 Appendix No. 5 |
| Date: | 24 January 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 November 2016 and 31 December 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.

| Months Ended | Account | Vouchers | Amount |
|---------------------|-------------------|-------------------------|------------------------------|
| 30 November 2016 | General Municipal | Cheques | \$26,467.88 |
| | | EFT | \$2,957,395.39 |
| | | DP | \$414,211.54 |
| | | Inter account transfers | <u>\$3,100,000.00</u> |
| | | Total | <u>\$6,498,074.81</u> |
| 31 December 2016 | General Municipal | Cheques | \$10,939.33 |
| | | EFT | \$3,354,538.86 |
| | | DP | \$224,981.96 |
| | | Inter account transfers | <u>\$1,900,000.00</u> |
| | | Total | <u>\$5,490,460.15</u> |

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 November 2016 and 31 December 2016, be noted.

RESOLVED

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

CARRIED UNANIMOUSLY (9/0)

Cr Guilfoyle arrived at 5.37pm

| | |
|-----------------------------|---|
| 9.3 | MID YEAR BUDGET REVIEW - 2016/17 |
| File No: | FIN/146 |
| Appendix(s): | Appendix 6 |
| Date: | 24 January 2017 |
| Responsible Officer: | Director Corporate Services |

SUMMARY

The purpose of this report is to describe the financial position and performance of the organisation in relation to the Adopted Budget and recommend changes that will reflect the anticipated outcomes for the remainder of the 2016/17 financial year. This will provide stakeholders with a view of the likely results of the Mindarie Regional Council's (MRC) operations at the conclusion of the financial year.

It is anticipated that the MRC will move from a forecast surplus of \$827,101 to a forecast deficit of \$1,302,065, a reduction of \$2,129,166 (257%) (*refer **Appendix 6***). This change is primarily as a result of the effects of reduced members tonnes to the MRC.

It is anticipated that there will be an overall reduction in tonnes received by the MRC of 21,030 tonnes (7.3%). This reflects the decrease in member tonnes from 272,910 tonnes to 251,880 tonnes.

BACKGROUND

Council at its special council meeting held on 7 July 2016, resolved that council:

- (i) *adopt the Budget for the Mindarie Regional Council for 2016/17 financial year*
- (ii) *endorse the on-going strategy of deferred payment of operational surpluses, as approved by Council at its August 2005 meeting, for the 2005/06 financial year and future years to meet its on-going capital requirements*
- (iii) *approve the use of an on-going overdraft facility of \$1 million to manage cashflow 'short falls' during the 2016/17 financial year and future years*
- (iv) *Approve the Capital Budget Program of \$16,593,900 for 2016/17 as follows:*

New capital expenditures

| | \$ |
|---|----------------|
| • <i>Buildings</i> | 370,000 |
| • <i>Office furniture and equipment</i> | 117,900 |
| • <i>Computer equipment</i> | 224,500 |
| • <i>Plant and equipment</i> | 194,500 |
| • <i>Infrastructure</i> | 1,573,000 |
| • <i>Vehicles</i> | <u>582,000</u> |
| | 3,061,900 |

Carried forward capital expenditures

| | |
|--|-----------|
| • <i>Waste facility precinct</i> | 6,000,000 |
| • <i>Waste facility infrastructure</i> | 4,000,000 |
| • <i>Cell lining</i> | 3,000,000 |
| • <i>Recycling redevelopment - I</i> | 153,000 |

| | |
|--|-------------------------|
| • <i>Environmental ute</i> | <i>30,000</i> |
| • <i>Fire ute</i> | <i>54,000</i> |
| • <i>Fire truck</i> | <i>200,000</i> |
| • <i>Wood chipper</i> | <i>60,000</i> |
| • <i>Forklift</i> | <i>35,000</i> |
| | <hr/> <i>13,532,000</i> |
| <i>Total Capital expenditure</i> | <i>16,593,900</i> |
| (v) <i>approve that \$430,362 will be transferred from the Operating Surplus to the Site Rehabilitation Reserve.</i> | |
| (vi) <i>approve that \$5,000,000 will be transferred from the Operating Surplus to the Reserve for Capital Expenditure.</i> | |
| (vii) <i>approve that \$5,528,900 be transferred from the Reserve for Capital Expenditure to Operating Surplus to fund capital expenditures.</i> | |
| (viii) <i>approve that any funds required for carbon abatement projects be transferred from the Carbon Abatement Reserve to the Operating Surplus.</i> | |
| (ix) <i>approve that all interest earned on cash funds associated with cash-backed reserves will not be credited to the respective reserves.</i> | |

Council operations have been conducted in line with the Adopted Budget for 2016/17.

Monthly Financial Statements on the actual expenditure and variations from the Adopted Budget have been submitted to each Council meeting. In addition, monthly management accounts have been provided to Councillors and Member Council Officers on a regular basis.

In line with sound financial management practice, and in order to comply with Local Government Regulations, a detailed review of the MRC's operations, financial position and financial performance has been carried out as at 31 October 2016.

This reports highlights:

- those items that reflect significant trend variations to budgeted allocations, and
- the anticipated revised financial projections to 30 June 2017.

The Income Statement reflecting the Adopted Budget, Actual Expenditure to 31 October 2016 and projected expenditure to 30 June 2017, as well as the projected capital expenditure is enclosed as **Appendix 6** of this report.

DETAIL

Tonnage variation

The reforecast tonnes are significantly below the originally budgeted tonnage estimates.

The 6.2% or 21,030 tonnes reduction in expected tonnes relates largely to the changes to their bulk verge collection systems made by the cities of Joondalup and Stirling as can be seen from the table below. **This is the primary driver of the \$2.1 million negative impact on the profit and loss statement.**

Tonnes expected to be diverted to and received back from the WMRC have been left unchanged, however there is no certainty that these tonnes will be required under the MRC's agreement with the WMRC as the DiCOM plant is currently under administration. The delivery or non-delivery of these tonnes has no impact on the budget bottom line.

| TONNES RECEIVED BY THE MRC 2016/17 | | | |
|---|-----------------------|-----------------------|-------------------------------------|
| | <u>Budget</u> | <u>Reforecast</u> | <u>Variance</u> |
| Cambridge | 8,700 | 8,700 | |
| Joondalup | 65,500 | 54,397 | (11,103) |
| Perth | 13,600 | 13,620 | 20 |
| Stirling | 79,410 | 68,525 | (10,885) |
| Victoria Park | 16,500 | 16,500 | |
| Vincent | 15,200 | 15,300 | 100 |
| Wanneroo | 74,000 | 74,838 | 838 |
| | <u>272,910</u> | <u>251,880</u> | <u>(21,030)</u> |
| RRF Residue | 48,700 | 48,700 | |
| Non-members | 16,400 | 16,400 | |
| | <u>65,100</u> | <u>65,100</u> | |
| | <u>338,010</u> | <u>316,980</u> | <u>(21,030)</u> -6.2% |
| WMRC Residue | 18,500 | 18,500 | |

Revenue

Overall revenue is expected to drop by \$3.6 million (6%) from \$61.1 million to \$57.5 million. This is almost exclusively as a result of the reduction in tonnes committed by the member councils of the MRC.

Operating Expenditure

Operating expenditures have reduced overall by \$1.5 million (2%) primarily as a result of the reduced tonnes to landfill as a result of the reduction in tonnes from member councils (\$2 million) and the decrease in borrowing costs as a result of the early termination of a number of loan facilities (\$297k).

This decrease in operating costs of \$2.3 million is partially offset by increases in: depreciation on fixed assets (\$224k) as a result of unbudgeted fair value adjustments; an increase in RRF operating costs to take into account a correction in the gate fee calculation (\$93k); an increase in utility costs as a result of increases in electricity costs and rates (\$81k); and in increase in loan facility fees (\$55k).

Consultants and Contract Labour costs have also increased by \$345k primarily in line with decisions of Council from the 1December 2016 meeting where it was agreed to adjust the mid-year budget review to include an additional \$60,000 for further site assessment work

to be undertaken (Item 9.4) and an additional \$260,000 for the MRC's participation in the Energy from Waste Tender (Item 9.6).

Capital Expenditure

Forecast capital expenditure for the year has increased by \$14,904 from the budget. There have been a number of reallocations between projects/assets as part of the reforecast to accommodate operational changes, which are listed below:

- New expenditure of \$10,000 has been budgeted for the replacement of the education trailer (as yet unexpended)
- New expenditure of \$13,090 has been budgeted to allow for IT requirements of additional staff and temp workers, as well as an increase the SAN upgrade project costs. The \$4,590 for new computers has been expended, but the additional funding for the SAN/Network project has not yet been expended
- A realised saving of \$8,186 has been made on the replacement of light vehicles
- The fire ute has not yet been purchased, but some of the funds set aside for that vehicle have been used to cross-subsidise the purchase of the fire truck which has been purchased
- \$29,000 has been reallocated between projects in the IT area

The movements above are reflected in the table below.

| CAPITAL EXPENDITURES 2016/17 | | | | |
|-------------------------------------|--------------------|------------------|-----------------------|---------------------|
| <u>Description</u> | <u>Capex saved</u> | <u>New capex</u> | <u>Capex realloc.</u> | <u>Net increase</u> |
| Light vehicles | 8,186 | | | |
| Education trailer | | -10,000 | | |
| Fire ute | | | 10,660 | |
| Fire truck | | | -10,660 | |
| IT projects | | | 29,000 | |
| New PCs | | -4,590 | | |
| Revised SAN/network costs | | -37,500 | | |
| | <u>8,186</u> | <u>-52,090</u> | <u>29,000</u> | <u>-14,904</u> |

CONSULTATION

Consultation occurred with Member Councils in relation to their forecast tonnes for the remainder of the 2016/17 financial year.

STATUTORY ENVIRONMENT

The half yearly budget review was carried out in accordance with the provision of the Local Government Act and Regulations.

STRATEGIC COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

The revised half yearly budget review presented for approval is consistent with the objectives and actions outlined in the MRC's Community Strategic Plan, Financial Plan and Asset Management Plan.

FINANCIAL IMPLICATIONS

As outlined above, there will be no changes made to the members' or non-members' gate fees and there will be a reduction in the originally budgeted surplus by \$2.1 million, leaving an estimated deficit of \$1,302,065. The deficit will be funded from the Participants' Surplus Reserve.

COMMENT

The budget revision reflects the efforts being made on the part of the MRC's member councils to improve the efficiency and diversion results of their individual waste collection system.

As member councils and the MRC itself increase their efforts to improve diversion of waste from landfill, the residual cost per tonne to operate the Tamala Park landfill site and the RRF contract with continue to increase

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Approve by Absolute Majority the forecast deficit position estimated to be \$1,302,065 at 30 June 2017, which includes the following:

- A net estimated decrease in members' and non-members' user charges of \$3,484,252;
- A net estimated decrease in total other charges of approximately \$137,410;
- A net estimated decrease in expenditures of \$1,464,411;
- A net estimated increase in the profit on sale of assets of \$28,085; and
- A net increase in capital expenditures of \$14,904, with the reallocations as noted in the officer's report.

RESOLVED

Cr Boothman moved, Cr Loden seconded
That the recommendation be adopted.

CARRIED UNANIMOUSLY (10/0)

| | |
|-----------------------------|--|
| 9.4 | ADOPTION OF 2016 ANNUAL COMPLIANCE RETURN |
| File No: | COR/12-07 |
| Appendix(s): | Appendix 7 |
| Date: | 24 January 2017 |
| Responsible Officer: | Gunther Hoppe |

SUMMARY

The purpose of this report is to provide Council with information on the completed Compliance Audit Return (1 January 2016 – 31 December 2016).

BACKGROUND

The 2016 Local Government Compliance Audit Return (CAR) cover the calendar year 1 January to 31 December 2016.

The 2016 Compliance Audit Return is mandatory pursuant to the *Local Government (Audit) Regulations 1996* which requires all local governments to complete a Compliance Audit Return annually.

As was the case in the 2015 Return, local governments not only have to explain or qualify cases of non-compliance, but also provide details of any remedial action taken or proposed to be taken in regard to instances of non-compliance.

The Administration has completed the Return. No areas of non-compliance were recorded in the Return.

The Return was placed on the agenda for the Audit Committee meeting on 24 January 2017 for consideration.

DETAIL

The Compliance Audit covers a range of matters that require specific actions to be completed by local government authorities in performing their functions.

The Compliance Audit Return requires the responsible officer to indicate against each item whether the required action is relevant to Mindarie Regional Council (MRC) and if it has been completed by either answering;

- (a) Yes; or
- (b) No; or
- (c) N/A – Not applicable

Local governments are required to provide feedback or comments on areas of non-compliance. This assists the Department of Local Government and Communities to have a better understanding of any problems or issues relating to a local government's inability to achieve full compliance in a particular area.

The following table summarises the MRC's performance in each of the relevant categories and a comparison with the 2015 Return is also provided.

Table of CAR Comparison & Compliance

| Category | 2016 Audit Questions | Compliant | 2015 Audit Questions | Compliant |
|---|-----------------------------|------------------|-----------------------------|------------------|
| Commercial Enterprises by Local Governments | 5 | 100% | 5 | 100% |
| *Delegation of Power / Duty | 13 | 100% | 13 | 77% |
| Disclosure of Interest | 16 | 100% | 16 | 100% |
| Disposal of Property | 2 | 100% | 2 | 100% |
| Finance | 14 | 100% | 14 | 100% |
| Local Government Employees | 5 | 100% | 5 | 100% |
| Official Conduct | 6 | 100% | 6 | 100% |
| Tenders for Providing Goods and Services | 25 | 100% | 25 | 100% |
| TOTAL | 86 | 100% | 86 | 100% |

* A minor non-compliance was raised at the Audit Committee relating to Q.5 of this part of the CAR with a comment added to the CAR addressing the issue raised.

The MRC was not 100% compliant in the CAR this year as a result of the Council not reviewing the delegation it provided to the Audit Committee permitting it to meet with the Auditors. A comment addressing the non-compliance has been provided in the CAR accordingly.

The non-compliance will be resolved going forward by including the delegation in the report the CEO presents to the council annually reviewing his delegations and the policies of the Council.

The local government is to submit the Compliance Audit Return to its Audit Committee for consideration so that it has the opportunity to examine the Return and report to council the results of that review.

A joint certification is also required to be completed by the Chairperson and Chief Executive Officer to the effect that the information contained in the Return is true and correct to the best of their knowledge. Several other requirements must be met in the Return process and these include: -

- The Compliance Audit Return should be presented for adoption to a Council meeting during the months of February or March 2017;
- The particulars of all matters of concern raised by Council should be recorded in the minutes of the meeting and a copy of the relevant page(s) attached to the Compliance Audit Return as an appendix; and

-
- The completed Compliance Audit Return and appendices should be forwarded to the Director General of the Department of Local Government and Communities by 31 March 2017.

The Section dealing with the Joint Certification by the Chairperson and Chief Executive Officer requires inter alia that:

- each Councillor has had the opportunity to review the return and to make comment to the Council;
- particulars of any matters of concern relating to the return have been recorded in the minutes of the meeting; and
- a true and correct copy of the relevant sections of the minutes covering Council's consideration of the return must be attached to it.

The Audit Committee at its meeting on 24 January 2017 considered the Return and resolved the following:

“That the Audit Committee recommends that Council endorse the Compliance Audit Return for the 2016 calendar year with a comment added to question No. 5 of Delegation of Power/Duty advising that the delegation from the council to the audit committee to meet with MRC’s Auditor was not reviewed and how it will be reviewed in future years.”

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Regional Councils are required to carry out a Return in accordance with the Local Government (Audit) Regulations 1996. The requirements set for the Return are contained in s.14 and 15 of the Regulations, which read as follows:

- “14. Compliance audits by local governments*
- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
 - (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
 - (3A) The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review.*
 - (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*
 - (a) presented to the council at a meeting of the council; and*
 - (b) adopted by the council; and*
 - (c) recorded in the minutes of the meeting at which it is adopted.*
-

-
15. *Compliance audit return, certified copy of etc. to be given to Executive Director*
- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
- (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *any additional information explaining or qualifying the compliance audit,*
- is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*
- (2) *In this regulation —*
- certified** *in relation to a compliance audit return means signed by —*
- (a) *the mayor or president; and*
 - (b) *the CEO.”*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

In order to comply with Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* it is necessary for the MRC to complete the Local Government Compliance Audit Return in the form approved by the Minister.

The results contained in the Compliance Audit Return required by the Department of Local Government and Communities for the period 1 January to 31 December 2016 indicates that the Council is continuing to operate within the Local Government Legislative requirements.

The Audit Committee, at its meeting held on 24 January 2017, recommended that the Council adopts the Compliance Audit Return including the comment advising how the minor non-compliance identified in question 5 under Delegation of Power/Duty will be addressed in the future.

It is recommended that the Return be adopted by the Council and that the component comprising the form approved by the Minister be certified by the Chairperson and Chief Executive Officer and be forwarded to the Director General, Department of Local Government and Communities.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. adopt the Local Government Compliance Audit Return in the form approved by the Minister for the period 1 January to 31 December 2016 as contained within the Appendices in accordance with the provisions of *Regulation 14(3) of the Local Government (Audit) Regulations 1996* and in line with the recommendation from the Audit Committee;
2. authorise the Chairperson and the Chief Executive Officer to complete the Joint Certification contained in the adopted Return detailed in (1) above; and
3. authorise the Chief Executive Officer to submit the adopted Return detailed in (1) to the Director General, Department of Local Government and Communities prior to 31 March 2017.

RESOLVED

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

CARRIED UNANIMOUSLY (10/0)

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|-----------------------------|--|
| 9.5 | TENDER ASSESSMENT - PROVISION OF CONSULTANCY SERVICES TO UNDERTAKE A RISK ASSESSMENT OF ENVIRONMENTAL AND HEALTH IMPACTS OF LANDFILL GENERATED GAS AND LEACHATE AT TAMALA PARK – 13/134 |
| File No: | ENV/53 |
| Appendix(s): | Nil |
| Date: | 31 January 2017 |
| Responsible Officer: | Chief Executive Officer |

SUMMARY

The report seeks endorsement of the successful tenderer for a Provision of Consultancy Services to Undertake a Risk Assessment of Environmental and Health Impacts of Landfill Generated Gas and Leachate at Tamala Park.

BACKGROUND

The Council at its meeting on 1 December 2016 considered a request from the Tamala Park Regional Council (TPRC) to have the fence between the two properties realigned and to undertake earthworks for the proposed school grounds at the Catalina Development (a large residential suburb adjacent to the landfill to the north). The request was supported with conditions however the development moving into the buffer zone between the two properties gave the Mindarie Regional Council (MRC) cause for concern as this buffer zone provides the MRC with the ability to address the known emissions from landfill operations and that the conditions of the sub terrain of the site means that any migrating leachate and gas is likely to head North towards the Catalina. In supporting the TPRC's request the council also resolved to undertake an environmental site specific risk assessment investigation. The resolution reads, in part, as follows:

“That the Council

- 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.”***

The MRC has been proactive in undertaking monitoring of landfill gas and leachate migration around the landfill. This monitoring data has recently been used to compile a Conceptual Site Model of the site and to predict possible off-site environmental and health impacts.

Due to the development of Catalina and the significant potential liabilities associated with the off-site migration of predominantly landfill gas, the MRC is now at a stage where there is a need to more accurately quantify the risks associated with the landfill development in conjunction with all adjacent receptors (not just the residential development to the north).

It is understood that a risk assessment is not an exact science and hence, the investigation process and output data will require a degree of interpretation and be reliant on numerous assumptions in order to arrive at a reasonable conclusion and recommendations. Consequently, the MRC is looking to appoint a suitable qualified

Consultant that has past experience in similar risk assessments. Additionally the Consultant is suitably qualified to undertake the appropriate site risk assessment to quantify the potential environmental and health impacts and to recommend a reasonable way forward to protect the MRC and adjacent receptors from future potential environmental and health impacts and liability.

The project will substantially revolve around the risks associated with landfill gas and leachate migration. The Department of Environmental Regulation (DER) has guidelines for the assessment of these landfill related risk elements. The landfill gas and leachate migration risk assessment processes are set out in the Siting, Design, Operation and Rehabilitation of Landfills – Victorian EPA August 2015 and the DER Contaminated Sites Guidelines. The Consultant will be required to comply with, but limited to these guidance documents above.

The Consultant is to ensure that where possible, the requirements of both of these documents are complied with. Where there is a perceived conflict or inconsistency between the documents, the Consultant is to request clarification from the Contact Person.

DETAIL

Council's decision to engage consultants to undertake a Site Specific Risk Assessment Investigation is timely and will provide more certainty around the need for a buffer zone and the appropriate distance from the landfill to the edge of the Catalina development.

The Request for Tender set out the requirements for the works and contract expectations and included specifications developed by the MRC. The Tender was developed in two distinct stages with stage 1 being a gap analysis and stage 2 being the risk assessment. Following is an extract from the Tender document detailing the requirements of the two stages:

“STAGE 1 – Gap Analysis of current landfill gas and leachate impacts on and/or off site plus recommendations and works to be completed to be able to undertake a risk assessment

As a minimum, includes the following activities:

- *Initial investigations and data review/collation;*
- *Additional data gathering requirements:*
- *Proposed additional site investigations (if required), including design and specification;*
- *Liaison with Principal;*
- *Present preliminary findings at a workshop at Tamala Park;*
- *Provide an interim report with:*
 - *Investigation findings; and*
 - *Recommendations for the way forward and if required, proposed additional infrastructure works, associated timelines and estimated installation and monitoring costs; and*
- *Any other activities as determined by the Consultant or required the DER risk assessment guidance documentation.*

The report and recommendations must comply with the DER Contaminated Site Branch requirements and contain sources/references used in determining the gap analysis and recommendations e.g. applicable Australian Standards or guidance documents.

Based on the actions, conclusion and recommendations from Stage 1, if required, the MRC will arrange for the installation and monitoring of any additional site

infrastructure. During this period the MRC will also monitor existing monitoring bores from around the site. This information will be provided to the Consultant for the execution of Stage 2. The MRC may approach the risk assessment Consultant to undertake some of these additional works however, these additional works will be carried out as a variation to the risk assessment contract.

STAGE 2 – Risk Assessment of landfill gas and leachate impacts to environmental and health at Tamala Park

As a minimum, includes the following activities:

- *Receive additional monitoring data gathered since the conclusion of Stage 1;*
- *Updating the Conceptual Site Model;*
- *Determine risk assessment outputs;*
- *Discussion of proposed way forward with Principal;*
- *Finalise risk assessment and recommendations; and*
- *Any other activities as determined by the Consultant or required the DER risk assessment guidance documentation.*

The risk assessment is to provide the MRC with an understanding of the current landfill gas and leachate impacts on and off-site and what risks they posed given the objectives stated within Section 2.2.

The final deliverables are to include:

1. *Provision of an updated Conceptual Site Model;*
2. *Final Risk Assessment Report including a conclusion and recommendations on the reasonable separation distances between the landfill and identified receptors, with particular attention to the existing and proposed residential development to the north of the site.”*

The subject tender was advertised in the West Australian on Saturday 7 January 2017 indicating the closing date as Tuesday 24 January 2017 at 3pm.

The tender invited prospective tenderers to attend a non-mandatory inspection on Thursday 12 January 2017 at 10am where the following seven (7) companies attended the inspection:

- Ramboll Environ Australia Pty Ltd
- JBS&G
- Arcadis Australia Pacific Pty Ltd
- DLA / PEL
- Syrinx Environmental
- TALIS Consultants
- Spartel

The tender was required to be submitted electronically. The last tender was received at 2.56pm on Tuesday 24 January 2017. No late tenders were received. The Manager Projects and Procurement, Mr Aaron Griffiths and the PA Executive Support, Ms Lynda Nyssen, commenced opening the Tenders at 3.05pm on Tuesday 24 January 2017. Six tenders were received from:

- Arcadis Australia Pacific Pty Ltd
 - DLA Environmental Services
 - Ramboll Environ Australia Pty Ltd
 - GHD Pty Ltd
 - Cardno (WA) Pty Ltd
 - Kleinfelder Australia Pty Ltd
-

The tender assessment panel consisted of three employees from the administration of the MRC being the Director Corporate Services, Mr Gunther Hoppe, Manager Projects and Procurement, Mr Aaron Griffiths, Environmental Supervisor, Mrs Kathrine Goldsmith and Technical Expertise was provided by Mr Ian Watkins from IW Projects.

The panel assessed the tenders against the qualitative criteria set in the Request for Tender as follows:

| | | |
|--|---|--|
| <p>A. Relevant Experience Tenderers must address the following information in an attachment and label it “Relevant Experience”:</p> | <p style="text-align: center;">Weighting 30%</p> | |
| <p>1. <i>Describe the organisation’s experience in services of a similar nature to this contract, which have been delivered in the last five (5) years. The Principal is particularly interested in the Tenderers experience risk assessment of operational landfills.</i></p> <p>2. <i>Experience in compliance with the Victorian BPEM risk assessment guidelines and the Western Australian Contaminated Sites investigation requirements.</i></p> <p>3. <i>Provide at least three (3) referees who can attest to the Tenderer’s capabilities in undertaking similar works. Please note that the Principal may contact the nominated Referees at its own discretion.</i></p> <p>4. <i>Tenderers must limit its address of these criteria to no more than one (1) A4 page per project for up to four (4) relevant projects and one (1) A4 page of all relevant projects.</i></p> | <p>“Relevant Experience”</p> | <p>Tick if attached <input type="checkbox"/></p> |

| | | |
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| <p>B. Key Personnel Skills and Experience Tenderers must address the following information in an attachment and label it “Key Personnel Skills and Experience”:</p> | <p style="text-align: center;">Weighting 20%</p> | |
| <p>a. <i>Provide a management organisational chart and a list of key personnel who will have prime responsibility and accountability for the performance</i></p> | <p>“Key Personnel”</p> | <p>Tick if attached</p> |

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| <p><i>of the Contract. This to include position, years of relevant experience and line responsibilities.</i></p> <p><i>b. Tenderer to describe or list the technical professionals and any other technical resources (such as technical personnel, workshop personnel, design and engineering staff, surveyors, training staff, manuals, training aides etc.) proposed to be used to perform the Contract.</i></p> <p><i>c. The Tenderer to provide the names of sub-contractors (including consultants and sub-consultants) proposed to be engaged for the Contract.</i></p> <p><i>Note: The Tenderer shall be able to provide evidence on request that the sub-contractors are registered and/or licensed (as required by law) in the work which is to be sub-contracted and have the relevant policies of insurance. The nomination of alternatives is acceptable.</i></p> <p><i>d. Curriculum vitae of key staff inclusive of membership to any professional or business association, qualifications etc.</i></p> | | <input type="checkbox"/> |
| <p>Supply any other relevant details in an attachment and label it “Key Personnel Skills and Experience”.</p> | | |

| | | |
|---|--|--|
| <p>C. Demonstrated Understanding</p> <p>Tenderers must address the following information in an attachment and label it “Demonstrated Understanding”:</p> | <p>Weighting</p> <p>20%</p> | |
| <p>Please attach a summary of the activities that will be undertaken during the execution of the project works, including as a minimum the following:</p> <ul style="list-style-type: none"> • <i>Full description of proposed activities, e.g. initial investigations and data collation, additional data gathering required, proposed additional site investigations and duration, liaison with Principal,</i> | <p>“Demonstrated Understanding”</p> | <p>Tick if attached</p> <p><input type="checkbox"/></p> |

| | | |
|---|--|--|
| <p><i>recommendations, reporting;</i></p> <ul style="list-style-type: none"> • <i>Flexibility to accommodate changes in project structure based on outcomes of data collection and possible environmental impacts;</i> • <i>Communication with the Principal to ensure that the project direction and future recommendations suit the Principals requirements;</i> <p>Tenderer to address these criteria in no more than four (4) A4 pages.</p> | | |
| <p>Supply details and provide an outline of your proposed methodology in an attachment labelled “Demonstrated Understanding”.</p> | | |

| | |
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| D. Tender Price | Weighting |
| Tendered Price | 30% |

The tender required responses to provide a fixed price per stage. A summary table was included in the Tender requiring tenderers to summarise each response per stage.

The document also indicated that the Principal is not bound to accept the lowest or any tender.

All six of the responses to the tender were considered by the panel to be conforming. The contract values of the tender responses are detailed in the following table:

| | Arcadis Australia Pacific PTY LTD | DLA Environmental Services | Ramboll Environ Australia PTY LTD | GHD PTY LTD | Cardno (WA) PTY LTD | Kleinfelder Australia PTY LTD |
|-----------------------|--|-----------------------------------|--|--------------------|----------------------------|--------------------------------------|
| Stage One (ex GST) | \$35,235 | \$24,450 | \$44,240 | \$26,667 | \$18,900 | \$13,202 |
| Stage Two (ex GST) | \$41,540 | \$59,800 | \$79,280 | \$141,953 | \$26,900 | \$13,921 |
| TOTAL (ex GST) | \$76,775 | \$84,250 | \$123,520 | \$165,620 | \$45,800 | \$27,123 |

Stage 1 – Gap Analysis of current landfill gas and leachate impacts on and/or off site plus recommendations and works to be completed to be able to undertake a risk.

Stage 2 - Risk Assessment of landfill gas and leachate impacts to environmental and health at Tamala Park.

The Panel Members overall weighted scores of the tenderers are included in the following table:

| Panel Members Assessment Scores | | | | | | |
|--|--|-----------------------------------|--|--------------------|----------------------------|--------------------------------------|
| Panel Members | Arcadis Australia Pacific PTY LTD | DLA Environmental Services | Ramboll Environ Australia PTY LTD | GHD PTY LTD | Cardno (WA) PTY LTD | Kleinfelder Australia PTY LTD |
| Gunther Hoppe | 3.2 | 3.3 | 3.3 | 2.8 | 2.6 | 2.1 |
| Aaron Griffiths | 3.5 | 3.6 | 3.6 | 2.8 | 3.2 | 2.2 |
| Kathrine Goldsmith | 3.5 | 3.8 | 3.2 | 2.8 | 3.6 | 2.1 |
| Ian Watkins | 3.5 | 3.6 | 2.9 | 2.1 | 2.9 | 2.4 |
| Total | 13.7 | 14.3 | 13 | 10.5 | 12.3 | 8.8 |

Based on the outcome of the Panels review of the Tender detailed above the Panel recommends DLA Environmental Services as the preferred tenderer for the project.

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 run over an 18 month period. Additional funds have been set aside in the half yearly budget review to cover the fixed cost of this tender, which is the subject of a report presented earlier in this agenda.

COMMENT

In general the tenderers presented a good understanding of the scope of works and have the relevant experience to deliver the project however based on the tenderers responses to the weighted qualitative criteria the panel considered that the submission by DLA Environmental Services provided the best value and has recommended accordingly.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

- 1. Award the Tender - Provision Of Consultancy Services To Undertake A Risk Assessment Of Environmental And Health Impacts Of Landfill Generated Gas And Leachate At Tamala Park (Tender Number: 13/134) to DLA Environmental Services at a fixed price of \$84,250 excluding GST.**
- 2. Advise the unsuccessful tenderers of its decision to award the tender to DLA Environmental Services.**

RESOLVED

Cr Re moved, Cr Norman seconded

That the recommendation be adopted.

CARRIED UNANIMOUSLY (10/0)

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 33

Cr MacRae arrived at 5.45pm

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 33 be received.

RESOLVED

**Cr Boothman moved, Cr Guilfoyle seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY (11/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS

Nil

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

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

Nil

15 NEXT MEETING

Next meeting to be held on Thursday 6 April 2017 in the Council Chambers at City of Wanneroo commencing at 5.30pm.

16 CLOSURE

The Chairman closed the meeting at 5.48pm and thanked City of Joondalup for their hospitality and use of their meeting facilities.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 9 February 2017.

Signed Chairman

Dated this day of 2017
