



# MINUTES

## ORDINARY COUNCIL MEETING

TIME: 6.00 PM

6 DECEMBER 2018

TOWN OF CAMBRIDGE

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*Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo  
Towns of Cambridge and Victoria Park*



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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Chair declared the meeting open at 6 pm

**2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

**Councillor Attendance**

Cr D Boothman JP (Chair)	City of Stirling
Cr M Norman (Deputy Chair)	City of Joondalup
Cr R Fishwick JP	City of Joondalup
Cr S Proud JP	City of Stirling
Cr J Topelberg	City of Vincent
Cr F Cvitan JP	City of Wanneroo
Cr K Shannon	Town of Cambridge
Cr K Vernon	Town of Victoria Park
Cr K Sargent	City of Stirling
Cr R Driver	City of Wanneroo

**Apologies**

Cr E Lumsden	City of Perth
Cr E Cole	City of Vincent
Cr A Guilfoyle	City of Stirling

**Leave of Absence**

Nil

**Absent**

Nil

**MRC Officers**

Mr G Hoppe (Chief Executive Officer)  
Ms A Slater (Director Corporate Services)  
Ms S Cherico (HR Officer)  
Ms D Toward (Executive Support)

**MRC Observers**

Nil

**Member Council Observers**

Mr N Claassen (City of Joondalup)  
Ms R March (City of Joondalup)  
Mr N Ahern (City of Perth)  
Mr A Murphy (City of Vincent)  
Ms Y Plimbley (City of Vincent)  
Mr S Cairns (City of Wanneroo)  
Mr H Singh (City of Wanneroo)  
Mr J Wong (Town of Victoria Park)  
Mr J Giorgi (Town of Cambridge)

**Visitors**

Nil

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**Members of the Public**

Nil

**Press**

Nil

**3 DECLARATION OF INTERESTS**

<b>Interest Type</b>	Financial Interest and Interest that may affect impartiality
<b>Name and Position of Person</b>	Gunther Hoppe, Chief Executive Officer
<b>Report Item No and Topic</b>	14.1 CEO Key Performance Indicators 2018/19
<b>Nature of Interest</b>	Gunther Hoppe is the CEO

**4 PUBLIC QUESTION TIME**

Nil

**5 ANNOUNCEMENTS BY THE PRESIDING PERSON**

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor Russ Fishwick requested a leave of absence from 1 February 2019 to 20 February 2019.

**Moved Cr Driver, seconded Cr Proud**

**RESOLVED**

That the leave of absence application be granted  
(CARRIED UNANIMOUSLY 10/0)

**7 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

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<b>8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>
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**8.1 ORDINARY COUNCIL MEETING – 25 OCTOBER 2018**

The Minutes of the Ordinary Council Meeting held on 25 October 2018 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 25 October 2018 be confirmed as a true record of the proceedings.**

**Moved Cr Norman, seconded Cr Cvitan**

**RESOLVED**

**That the recommendation be adopted**

**(CARRIED UNANIMOUSLY 10/0)**

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<b>9 CHIEF EXECUTIVE OFFICER REPORTS</b>
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<b>9.1</b>	<b>FINANCIAL STATEMENTS FOR THE MONTHS ENDED 30 SEPTEMBER 2018 AND 31 OCTOBER 2018</b>
<b>File No:</b>	<b>FIN/5-07</b>
<b>Appendix(s):</b>	<b>Appendix No. 1 Appendix No. 2</b>
<b>Date:</b>	<b>19 November 2018</b>
<b>Responsible Officer:</b>	<b>Director Corporate Services</b>

### **SUMMARY**

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

### **BACKGROUND**

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

The financial statements presented for each month consist of:

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

### **DETAIL**

The Financial Statements are for the months ended 30 September 2018 and 31 October 2018 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 4 months to 31 October 2018 is attached at **Appendix No. 3**.

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

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

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Summary of results for the four-month period ended 31 October 2018

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	93,891	77,747	16,144
Tonnes – Others	4,883	5,876	(993)
<b>TOTAL TONNES</b>	<b>98,774</b>	<b>83,623</b>	<b>15,151</b>
	\$	\$	\$
Revenue – Members	18,992,980	15,938,141	3,054,839
Revenue – Other	1,626,153	1,855,848	(229,695)
<b>TOTAL REVENUE</b>	<b>20,619,133</b>	<b>17,793,989</b>	<b>2,825,144</b>
Expenses	19,057,056	17,729,247	(1,327,809)
Profit on sale of assets	7,394	1,278	6,116
Loss on sale of assets	-	-	-
<b>NET SURPLUS</b>	<b>1,569,471</b>	<b>66,020</b>	<b>1,503,451</b>

Commentary

The Member Councils' processable waste for the financial year to date is 16,218 tonnes above forecast, with all Member Councils delivering more than forecast.

The non processable waste for the period to date is 150 tonnes below the financial forecast, primarily as a result of the City of Stirling (960t) and City of Wanneroo (2,035t) bringing more waste than budgeted abated by City of Joondalup (2,545t) and Town of Cambridge (409t) bringing in less than what was budgeted.

These variances leave the MRC 21% ahead in its budgeted waste receipts from member councils. Overall the Member Council waste is 16,144 tonnes above the phased budget as at the end of October 2018.

RRF

The Resource Recovery Facility residue tonnes are slightly above budget at 76 tonnes above forecast.

Trade & Casual

The Casual and Trade tonnages are 993 tonnes lower than forecast for the financial year. Overall for the period ended 31 October 2018, the tonnes received are 15,151 tonnes above what was budgeted.

**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 2018 and 31 October 2018 are received.**

**Moved Cr Fishwick, seconded Cr Proud**

**RESOLVED**

**That the recommendation be adopted**

**(CARRIED UNANIMOUSLY 10/0)**

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<b>9.2</b>	<b>LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 30 SEPTEMBER 2018 AND 31 OCTOBER 2018</b>
<b>File No:</b>	<b>FIN/5-06</b>
<b>Appendix(s):</b>	<b>Appendix No. 4 Appendix No. 5</b>
<b>Date:</b>	<b>19 November 2018</b>
<b>Responsible Officer:</b>	<b>Director Corporate Services</b>

### SUMMARY

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

### COMMENT

The lists of payments for the months ended 30 September 2018 and 31 October 2018 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 6 September 2018, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

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

<b>Months Ended</b>	<b>Account</b>	<b>Vouchers</b>	<b>Amount</b>
30 September 2018	General Municipal	Cheques	\$7,205.43
		EFT	\$4,039,294.17
		DP	\$319,152.65
		Inter account transfers	\$3,000,000.00
		<b>Total</b>	<b>\$7,365,652.25</b>
31 October 2018	General Municipal	Cheques	\$7,677.17
		EFT	\$6,313,587.27
		DP	\$240,769.83
		Inter account transfers	\$1,300,000.00
		<b>Total</b>	<b>\$7,862,034.27</b>

### VOTING REQUIREMENT

Simple Majority

**RESPONSIBLE OFFICER RECOMMENDATION**

**That the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 30 September 2018 and 31 October 2018, be noted.**

**Moved Cr Vernon, seconded Cr Cvitan**

**RESOLVED**

**That the recommendation be adopted**

**(CARRIED UNANIMOUSLY 10/0)**

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<b>9.3</b>	<b>ADOPTION OF THE 2018 ANNUAL REPORT</b>
<b>File No:</b>	<b>COR/9-05</b>
<b>Appendix(s):</b>	<b>Appendix No. 6</b>
<b>Date:</b>	<b>19 November 2018</b>
<b>Responsible Officer:</b>	<b>Director Corporate Services</b>

### **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 2018 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 2018.

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 7 November 2018 to consider the Financial Statements for the year ended 30 June 2018 and have recommended that these be adopted by the Council. The unconfirmed minutes of this meeting are included in the Members' Information Bulletin.

A copy of the Annual Report, including the Financial Statements, is included at **Appendix 6**.

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

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

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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.*

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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 sub regulation (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.”*
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#### **POLICY IMPLICATIONS**

Not applicable.

#### **FINANCIAL IMPLICATIONS**

The transfer of retained surplus to Post Closure reserve for \$2.5 million.

#### **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 7 November 2018 to adopt the Financial Report for the year ended 30 June 2018; and
2. adopts the Annual Report for the year ended 30 June 2018, which includes the Financial Report detailed in 1. above.
3. approves the transfer of \$2.5 million from retained earnings to the post closure reserve

*(Absolute Majority Required)*

*6.11 pm Ms S Cherico, MRC, left the Council Chambers*

*6.12 pm Ms S Cherico, MRC return to her seat in the Council Chambers*

*6.12 pm Mr R Bryant, City of Stirling, entered the public gallery*

**Moved Cr Vernon, seconded Cr Norman**

**RESOLVED**

**That the recommendation be adopted**

**(CARRIED UNANIMOUSLY 10/0)**

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**10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 45**

**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Members Information Bulletin Issue No. 45 be received.**

**Moved Cr Proud, seconded Cr Driver**

**RESOLVED**

**That the recommendation be adopted**

**(CARRIED UNANIMOUSLY 10/0)**

**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

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The Chairperson requested that in accordance with clause 7.9 of the *Mindarie Regional Council Standing Orders Local Law 2010* and s5.23(2) of the *Local Government Act 1995*, Council proceed to meet “behind closed doors” to allow the Council to consider items 14.1 to 14.3 as the items are of a confidential nature.

**Moved Cr Boothman, seconded Cr Proud**

**RESOLVED**

**To close the meeting to the public**

(CARRIED UNANIMOUSLY)

The Chairman directed Mr Hoppe and Ms Slater and members of the gallery to vacate the Council Chambers.

The Chairman directed Ms Toward and Ms Cherico to remain in the Chambers.

Doors closed at 6.18 pm. Mr Hoppe, Ms Slater and members of the gallery vacated the Chambers.

*Note: The Chief Executive Officer has not released Reports for items 14.1 to 14.3 for Public information. Report 14.1 deals with a matter relating to an employee and reports 14.2 and 14.3 may result in a contract being entered into.*

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

This report is Confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995* as it deals with a matter related to an employee.

**14.1 CEO KEY PERFORMANCE INDICATORS 2018/19**

<b>File No:</b>	<b>PER/95</b>
<b>Attachments(s):</b>	<b>MINDARIE REGIONAL COUNCIL CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS 2018/19</b>
<b>Date:</b>	<b>22 November 2018</b>
<b>Responsible Officer:</b>	<b>HUMAN RESOURCE OFFICER</b>

**RESPONSIBLE COMMITTEE RECOMMENDATION**

**That the Council:**

- 1. Endorses the Chief Executive Officer Employment KPIs for 2018/19 as laid out in Attachment 1.**

**Moved Cr Topelberg, seconded Cr Vernon**

**RESOLVED**

**That the recommendation, as laid out in the confidential Attachment 1, with minor amendments, be adopted.**

**(CARRIED UNANIMOUSLY 10/0)**

The updated Confidential Attachment 1 has been circulated to Councillors with the minutes.

*6.40 pm the Chair requested that Mr Hoppe and Ms Slater to return to their seats in the Council Chambers, in order for reports 14.2 and 14.3 to be considered. Mr Hoppe and Ms Slater returned to their seats.*

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This report is Confidential in accordance with Section 5.23(2)(c) of the *Local Government Act 1995* as it is a matter that may result in a contract being entered into.

**14.2 TENDER FOR PROVISION OF ENVIRONMENTAL DRILLING AT TAMALA PARK**

<b>File No:</b>	<b>ENV/44</b>
<b>Attachments(s):</b>	<b>Nil</b>
<b>Date:</b>	<b>22 November 2018</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

**RESPONSIBLE OFFICER RECOMMENDATION**

**That Council:**

- 1. Award the Tender for the provision of environmental drilling services at Tamala Park (Tender Number: 13/140) to NATIONAL GEOTECH at the rates detailed within the report.**
- 2. Advise the unsuccessful Tenderers of the decision to award the Tender to NATIONAL GEOTECH.**

***Moved Cr Shannon, seconded Cr Vernon***

***RESOLVED***

***That the recommendation be adopted***

***(CARRIED UNANIMOUSLY 10/0)***

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This report is Confidential in accordance with Section 5.23(2)(c) of the *Local Government Act 1995* as it is a matter that may result in a contract being entered into.

<b>14.3</b>	<b>REPLACEMENT OF MOBILE PLANT AT TAMALA PARK</b>
<b>File No:</b>	<b>PES/74</b>
<b>Attachments(s):</b>	<b>Nil</b>
<b>Date:</b>	<b>26 November 2018</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

#### **RESPONSIBLE OFFICER RECOMMENDATION**

**That Council:**

- 1. Award the supply of the Landfill / Refuse Compactor to BT Equipment at the price detailed within the report.**
- 2. Award the supply of the Excavator to Komatsu Australia Pty Ltd at the price detailed within the report.**
- 3. Award the supply of the 30 Tonne Dump Truck to Komatsu Australia Pty Ltd at the price detailed within the report.**
- 4. Award the supply of the Skid Steer to WesTrac Pty Ltd at the price detailed within the report**
- 5. Advise the unsuccessful suppliers of the decisions to award.**

**Moved Cr Fishwick, seconded Cr Cvitan**

**RESOLVED**

**That the recommendation be adopted.**

**(CARRIED UNANIMOUSLY 10/0)**

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**Moved Cr Boothman, seconded Cr Proud  
RESOLVED**

**To reopen the doors to the public.**  
(CARRIED UNANIMOUSLY 10/0)

Door were reopened to the public at 6.45pm and people from the gallery returned to their seats.

The Chair declared the meeting re-opened at 6.45 pm.

The Chair confirmed that the Council had resolved items 14.1 to 14.3 and read out the resolutions.

**15 NEXT MEETING**

*Next meeting to be held on Thursday 7 February 2019 in the Council meeting room at the City of Joondalup commencing at 6.00 pm. A strategic workshop will follow the Ordinary Council meeting.*

**16 CLOSURE**

Prior to closing the meeting, Cr Karen Vernon, on behalf of the Town of Victoria Park, thanked Ms Peg Davis of Mindarie Regional Council for providing an engaging and informative workshop on 28 November 2018. The workshop provided inspiration for the Town's seniors, and all present at the workshop, to face their waste.

The Chairman closed the meeting at 6.48 pm and thanked the Town of Cambridge for their hospitality and use of their meeting facilities.

Signed .....Chairman

Dated .....day of .....2019

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