



MINUTES

ORDINARY COUNCIL MEETING

TIME: 6.00 PM

11 APRIL 2019

CITY OF WANNEROO

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



**MINDARIE REGIONAL COUNCIL
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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 6.02 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 S Migdale	City of Stirling
Cr E Cole	City of Vincent
Cr F Cvitan JP	City of Wanneroo
Cr K Shannon	Town of Cambridge
Cr K Sargent	City of Stirling
Cr R Driver	City of Wanneroo

Apologies

Cr E Lumsden	City of Perth
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Cr Lumsden was an apology from item 1 to item 2.

Councillor Lumsden requested a leave of absence for the 11 April 2019 Ordinary Council meeting.

Moved Cr Cole, seconded Cr Proud

RESOLVED

To grant a leave of absence to Councillor Lumsden for 11 April 2019 Ordinary Council meeting.

(CARRIED UNANIMOUSLY 10/10)

Leave of Absence

Cr E Lumsden	City of Perth
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Cr Lumsden was approved for a leave of absence from item 2 to the close of the meeting.

Absent

Cr K Vernon	Town of Victoria Park
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MRC Officers

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

MRC Observers

Mr A Griffiths
Ms S Cherico
Mr G Atkinson
Mr B Twine

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 R Bryant (City of Stirling)
Mr J Wong (Town of Victoria Park)
Mr M Hayward (Town of Cambridge)

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

Please refer to item 2

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 ORDINARY COUNCIL MEETING – 7 February 2019

The Minutes of the Ordinary Council Meeting held on 7 February 2019 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 7 February 2019 be confirmed as a true record of the proceedings.

**MOVED Cr Norman, seconded Cr Cvitan
RESOLVED**

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 10/10)**

9 CHIEF EXECUTIVE OFFICER REPORTS
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9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 31 JANUARY 2019 AND 28 FEBRUARY 2019
File No:	FIN/5-07
Appendix(s):	Appendix No. 1 Appendix No. 2
Date:	20 March 2019
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 are for the months ended 31 January 2019 and 28 February 2019 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 8 months to 28 February 2019 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 date period ended 28 February 2019

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	179,804	171,198	8,606
Tonnes – Others	9,409	9,853	(444)
TOTAL TONNES	189,213	181,051	8,162
	\$	\$	\$
Revenue – Members	36,607,924	34,983,428	1,624,496
Revenue – Other	3,246,597	3,597,685	(351,088)
TOTAL REVENUE	39,854,521	38,581,113	1,273,408
Expenses	36,907,098	36,494,632	(412,466)
Profit on sale of assets	7,394	7,394	-
Loss on sale of assets	8,870	-	(8,870)
NET SURPLUS	2,945,947	2,093,875	852,072

Commentary

Member tonnes for the year to date are 8,162 tonnes ahead of budget, which is mainly explained by the increased processable tonnes received in year.

The net result of \$852,072 relates mainly to the increased tonnages received above budget abated by DWER Landfill Levy costs. The Mid Year budget adjustment have been posted in February 2019.

RRF

The Resource Recovery Facility residue tonnes are slightly above budget at 172 tonnes above forecast as they prepare for a scheduled week maintenance shut down in March followed by the FOGO trial.

Trade & Casual

The Casual and Trade tonnages are 444 tonnes lower than forecast for the financial year.

Overall for the period ended 28 February 2019, the tonnes received are 8,162 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 31 January 2019 and 28 February 2019 are received.

MOVED Cr Sargent, seconded Cr Driver

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/10)

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 JANUARY 2019 AND 28 FEBRUARY 2019
File No:	FIN/5-06
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	20 March 2019
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 31 January 2019 and 28 February 2019 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.

Months Ended	Account	Vouchers	Amount
31 January 2019	General Municipal	Cheques	\$7,590.24
		EFT	\$6,261,615.49
		DP	\$248,396.38
		Inter account transfers	\$1,800,000.00
		Total	\$8,317,602.11
28 February 2019	General Municipal	Cheques	\$4,296.70
		EFT	\$3,822,238.30
		DP	\$189,708.27
		Inter account transfers	\$2,850,000.00
		Total	\$6,866,243.27

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 January 2019 and 28 February 2019, be noted.

MOVED Cr Sargent, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/10)

9.3	ADOPTION OF 2018 ANNUAL COMPLIANCE RETURN
File No:	COR/12-09
Appendix(s):	Appendix 6
Date:	19 March 2019
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to provide Council with information on the completed Compliance Audit Return (1 January 2018 – 31 December 2018).

BACKGROUND

The 2018 Local Government Compliance Audit Return (CAR) covers the calendar year from 1 January to 31 December 2018.

The 2018 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 2017 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. One minor non-compliance is noted; a new member of MRC's staff didn't complete their primary return within three months of their start date. The return has now been completed and the CEO has provided written acknowledgment of having received this return. The employee has a purchasing delegation of up to \$3,000.

The Return was placed on the agenda for the Audit Committee meeting on 14 March 2019 for consideration.

The Return should be lodged with the Department of Local Government before 31st March, 2019. Due to Ordinary Council Meeting schedules the return will not be lodged until 12 April, 2019. The Department have been contacted and they have made note of the late submission.

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 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 2017 Return is also provided.

Table of CAR Comparison & Compliance

Category	2018 Audit Questions	Compliant	2017 Audit Questions	Compliant
Commercial Enterprises by Local Governments	5	100%	5	100%
Delegation of Power / Duty	13	100%	13	100%
Disclosure of Interest	16	93.75%	16	100%
Disposal of Property	2	100%	2	100%
Finance	16	100%	14	100%
Integrated Planning and Reporting	7	100%	7	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	95	99.31%	93	100%

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 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 by 31 March 2019.

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 14 March 2019 considered the Return and resolved the following:

“That the Audit Committee recommends that Council endorse the Compliance Audit return for the 2018 calendar year, as presented.”

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.*
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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 for the period 1 January to 31 December 2018 indicates that the Council is continuing to operate within the Local Government Legislative requirements.

The Audit Committee, at its meeting held on 14 March 2019, recommended that the Council adopts the Compliance Audit Return.

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.

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 2018 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.**

MOVED Cr Norman, seconded Cr Cole

RESOLVED

That the recommendation be adopted
(CARRIED UNANIMOUSLY 10/10)

9.4	APPOINTMENT OF COUNCILLORS ON TO THE MUNICIPAL WASTE ADVISORY COUNCIL (MWAC)
File No:	GOV/1-04
Attachment(s):	1. Municipal Waste Advisory Council Details
Date:	25 March 2019
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to seek the appointment of a Councillor of the Mindarie Regional Council (MRC) to the Municipal Waste Advisory Council (MWAC).

BACKGROUND

The MRC is currently a member of an advisory group of WALGA known as MWAC. A MRC Councillor is required to be a member of this group.

MWAC was established as part of the MRC's commitment to the Western Australia Local Government Association membership.

Attachment 1 to this agenda item provides details of the tenure, membership, duties and responsibilities associated with being a member of MWAC.

DETAILS

Councillor David Boothman is the current member on MWAC and the late Cr Andrew Guilfoyle was the Deputy Member on MWAC. Following the recent death of Cr Guilfoyle, the Council is required to appoint a replacement Deputy Member.

The following provides a brief explanation of the purpose of MWAC:

Municipal Waste Advisory Council

The Municipal Waste Advisory Council (MWAC) was established in December 1994 as a Standing Committee of the Western Australian Local Government Association (WALGA) with delegated authority to represent the Association in respect of matters relating to municipal waste issues. MWAC is established under a partnership agreement with WALGA, Eastern Metropolitan Regional Council, City of Geraldton/Greenough, Mindarie Regional Council, Rivers Regional Council, Southern Metropolitan Regional Council and Western Metropolitan Regional Council.

The objective of MWAC is to encourage and promote economically sound, environmentally safe waste management practices and to ensure that the shared interests of all Western Australian Local Governments, as they relate to waste management, are effectively managed. As MWAC is a standing committee of WALGA it requires councillor representation. An Officer Advisory Group (OAG) has been established as an advisory committee to the MWAC.

LEGAL COMPLIANCE

Refer attachment 1 to determine the compliance requirements of MWAC.

FINANCIAL IMPLICATIONS

There is no remuneration attached to this position.

COMMENT

There are 6 meetings per calendar year.

The remaining meeting dates for 2019:

17 April 2019

26 June 2019

28 August 2019

9 October 2019

11 December 2019

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. **Appoint Cr _____ as the Deputy member on to the Municipal Waste Advisory Council.**

Cr Norman advised that he wished to nominate for the position. There were no other nominations.

Moved Cr Fishwick, seconded Cr Cvitan

RESOLVED

That the Council:

1. **Appoint Cr Norman as the Deputy member on to the Municipal Waste Advisory Council.**

(CARRIED UNANIMOUSLY 10/10)

ATTACHMENT 1

MUNICIPAL WASTE ADVISORY COUNCIL

MEMBERSHIP

One Councillor and a Deputy
Supported by one staff member who is on a sub-group of MWAC entitled the Officers' Advisory Group.

MEETING FREQUENCY

Bi-Monthly

DUTIES AND RESPONSIBILITIES

General Functions of the MWAC

- (a) The principal role of the MWAC in exercising its delegated authority is to govern the Municipal Waste Program and to represent the interests of the Parties and Local Government generally, in all matters relating to local government waste management.
 - (b) Without limiting the MWAC's principal role, the broad functions and responsibilities of the MWAC include:
 - (i) defining policy and providing the overall strategic direction of the Municipal Waste Program to achieve the interests of the Parties to this Partnership Agreement;
 - (ii) maintaining the MWAC as a credible, active and effective peak body in the area of waste management;
 - (iii) facilitating and encouraging cooperative linkages between Local, State and Federal Government, Regional Councils, FORC, WMAA, Waste Authority, industry and the community;
 - (iv) representing the interests of the Association in all matters relating to local government waste management in accordance with the Association's policy statements and formal positions on an issue, and without prior reference to the Association where a formal Association position on an issue is not current or has not yet been developed PROVIDED THAT any such position is subsequently put to the Association as soon as practicable for confirmation;
 - (v) acting as an interface between the Parties to this Partnership Agreement and other local governments;
 - (vi) promoting economically sound, environmentally safe and socially acceptable waste management and minimisation strategies;
 - (vii) coordinating and initiating research on waste management issues;
 - (viii) through the WALGA Chief Executive Officer and the MWAC Chair, monitoring and evaluating the performance of the Executive Officer against established key performance indicators;
 - (ix) approving major operating plans, including the strategic plan;
 - (x) approving the Annual Budget in accordance with the terms of this Partnership Agreement; and
 - (xi) ensuring the Municipal Waste Program complies with the law and the Association's operational policies and procedures.
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- (c) Under the terms of the delegated authority, the MWAC may not make decisions:
- (i) concerning the acquisition, holding and disposition of real property or the borrowing of money or setting Association subscription levels;
 - (ii) that are inconsistent with an existing formal policy statement of the Association without prior reference to and the prior approval of the State Council; and
 - (iii) relating to operational matters as such matters remain the responsibility of the Executive Officer, reporting to the WALGA Chief Executive Officer or to their delegate.

APPOINTMENT/TENURE

Membership continues until notification is given to the other party advising of a change in the membership.

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 47

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 47 be received.

Prior to moving this item, the Chairman paused proceedings to welcome Cr Suzanne Migdale to the Mindarie Regional Council replacing the late Cr Andrew Guilfoyle.

Moved Cr Norman, seconded Cr Proud

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/10)

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 NEXT MEETING

Next meeting to be held on Thursday 4 July 2019 in the Council Chambers at the City of Stirling commencing at 6.00 pm.

15 CLOSURE

The Chairman closed the meeting at 6.10 pm and thanked the City of Wanneroo for their hospitality and use of their meeting facilities.

Signed.....Chairman

Datedday of2019
