



MINUTES

ORDINARY COUNCIL MEETING

TIME: 6.30 PM

22 OCTOBER 2020

TOWN OF VICTORIA PARK

*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 6.30 pm.

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

Cr D Boothman, JP (Chair)	City of Stirling
Cr K Vernon (Deputy Chair)	Town of Victoria Park
Cr R Fishwick, JP	City of Joondalup
Cr A Jacob, JP	City of Joondalup
Cr S Proud, JP <i>entered at 6.37 pm</i>	City of Stirling
Cr K Sargent	City of Stirling
Cr E Cole <i>entered at 6.33 pm</i>	City of Vincent
Cr F Cvitan, JP	City of Wanneroo
Cr D Newton, JP	City of Wanneroo
Cr K Shannon	Town of Cambridge

Apologies

Cr J Ferrante	City of Stirling
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Leave of Absence

Nil

Absent

Vacant Position	City of Perth
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MRC Officers

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

Member Council Observers

Mr M MacPherson (City of Joondalup)
Mr M Littleton (City of Stirling)
Mr A Murphy (City of Vincent)
Mr H Singh (City of Wanneroo)
Mr C Kopec (City of Perth)
Mr J Wong (Town of Victoria Park)

MRC Observers

Mr B Twine
Mr A Griffiths

3 DECLARATION OF INTERESTS

Nil

4 PUBLIC QUESTION TIME

Nil

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 ORDINARY COUNCIL MEETING – 24 September 2020

The Minutes of the Ordinary Council Meeting held on 24 September 2020 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 24 September 2020 be confirmed as a true record of the proceedings.

Moved Cr Newton seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 8/0)

6.33 pm Cr Cole entered the Council Chambers

9.1 CHIEF EXECUTIVE OFFICER REPORTS

9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 31 JULY 2020 AND 31 AUGUST 2020
File No:	GF-20-0000184
Appendix(s):	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	5 October 2020
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 July 2020 and 31 August 2020 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 2 months to 31 August 2020 is attached at **Appendix No. 3**.

The financial statements are pending external auditor approval of the 2019/2020 final accounts.

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 31 August 2020

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	40,752	41,297	(545)
Tonnes – Others	2,483	2,172	311
TOTAL TONNES	43,235	43,469	(234)
	\$	\$	\$
Revenue – Members	8,354,956	8,465,861	(110,905)
Revenue – Other	987,078	679,921	307,157
TOTAL REVENUE	9,342,034	9,145,782	196,252
Expenses	10,338,820	10,084,193	(254,627)
Profit on sale of assets	-	-	-
Loss on sale of assets	-	-	-
Impairment of assets	-	-	-
NET DEFICIT	(996,786)	(938,411)	(58,375)

Commentary

Tonnages for the financial period ended 31 August 2020 were 234 tonnes less than budgeted, variances are mainly attributable to the Cities of Vincent, Stirling and Wanneroo.

The net deficit result variance against budget of \$58,375 is mainly attributable to RRF expenditures abated by unbudgeted income received.

RRF

The Resource Recovery Facility residue tonnes are below phased budget by 433 tonnes delivering 9,822 tonnes in total to Tamala Park year to date.

Trade & Casuals

The Casual and Trade tonnages are 311 tonnes higher than forecast for the financial year to date.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 July 2020 and 31 August 2020, respectively.

Moved Cr Vernon, seconded Cr Cvitan

RESOLVED

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 9/0)**

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 JULY 2020 AND 31 AUGUST 2020
File No:	GF-20-0000184
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	5 October 2020
Responsible Officer:	Director of 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 July 2020 and 31 August 2020 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 24 September 2020, 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 July 2020	General Municipal	Cheques	\$5,080.88
		EFT	\$7,460,186.70
		DP	\$78,282.25
		Inter account transfers	\$0.00
		Total	\$7,543,549.83
31 August 2020	General Municipal	Cheques	\$1,607.95
		EFT	\$4,904,721.22
		DP	\$109,920.05
		Inter account transfers	\$2,000,000.00
		Total	\$7,016,249.22

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 July 2020 and 31 August 2020.

Moved Cr Sargent, seconded Cr Jacob

RESOLVED

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 9/0)**

9.3	EXPANSION OF GROUNDWATER MONITORING ACTIVITIES AT TAMALA PARK
File No:	GF-2-0000616
Appendix(s):	Nil
Date:	22 October 2020
Responsible Officer:	Chief Executive Officer

SUMMARY

This report seeks Council approval for the reallocation of budgeted funds in support of expanded groundwater monitoring activities at Tamala Park.

BACKGROUND

In 2007, elevated contaminants of concern were identified in groundwater samples in the area surrounding the Tamala Park landfill. These elevated readings were subsequently registered with the Department of Water and Environmental Regulations, Contaminated Sites Branch (CSB) as required by the Contaminated Sites Act 2003. Since this time, the results of groundwater and landfill gas monitoring have continued to be reported to the CSB on an annual basis.

As a consequence of the altered groundwater flow direction and the complexity of the site, the CSB also requested that a Mandatory Audit Report (MAR) be undertaken to further assist in understanding the site and the associated groundwater movement. The MAR was completed in February 2020 and presented to Council at the Ordinary Council Meeting (OCM) on 27 February 2020.

This report relates to the funding for the implementation of the recommendations contained within the MAR.

DETAIL

The MAR contained a recommendation to consider the "Installation of additional sampling locations on and off-site to vertically and laterally delineate the extent of contamination."

The monitoring and assessment regime was to be governed by the development of a Sampling Analysis and Quality Plan (SAQP). Throughout August and September 2020, the MRC commissioned the installation of an additional ten groundwater monitoring well sites, five within the landfill site itself (MW06-10 A/B/C) and five within the Catalina development (MW01-05 A/B/C), see *Figure 1* below. Each well site comprises a nest of three wells, bringing the total number of additional groundwater wells requiring monitoring to 30.

The MRC also requested that the current contracted provider for groundwater monitoring, the CSRIO, undertake this additional work on behalf of the MRC over three separate sampling periods (September and October 2020, and March 2021). The quoted cost summary associated with this additional monitoring is \$204,090.

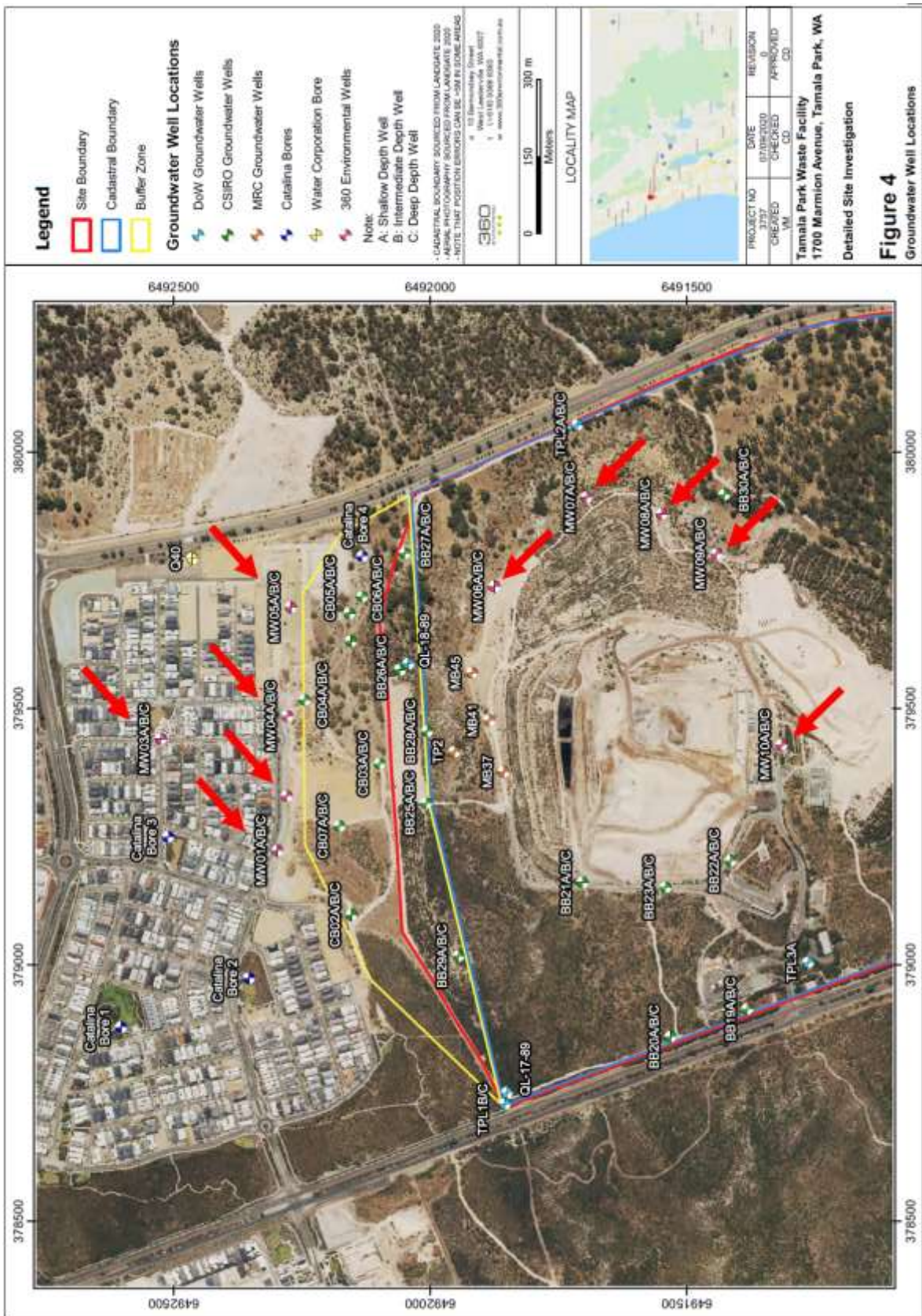


Figure 1: Detailed Site Investigation - Soil Investigation Figure 4 - Groundwater Well Locations, Tamala Park Waste Facility

CONSULTATION

The MRC continues to work with the CSB, as well as the independent auditor Senversa, to ensure that the MRC fulfils its obligations with respect to groundwater contamination monitoring. The next revision of the MAR is due to be completed in the first half of 2021, with the final report to be presented to Council thereafter.

LEGAL COMPLIANCE

Legal advice was sought upon receipt of the MAR to understand the extent of the liability to which the MRC may be exposed, and what portion of any liability may be attributable to other parties such as the Water Corporation, should offsite groundwater contamination or landfill gas migration adversely impact the areas surrounding the Tamala Park site.

Upon receipt of the next revision of the MAR, the MRC will, upon review of any recommendations made, reassess the need to update this advice.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It is proposed that the funds required for this additional work will be reallocated from the savings made in relation to the recycling/drop off area business restructuring. This reallocation of funds is in addition to the existing budgeted \$300,000 for groundwater monitoring and will be reflected in the half-year budget review. This reallocation will not result in the MRC exceeding the overall approved budget expenditure for FY 2020/21, and as a result, will not result in any increase in the members' gate fee.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1. Authorises the CEO to reallocate the required funds quoted in the report from the recycling and recovery to groundwater testing, for the purpose of supporting additional groundwater monitoring activities, which will be reflected in the half budget review.**

6.37pm Cr Proud entered the Council Chambers

Moved Cr Shannon, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/0)

9.4	MINDARIE REGIONAL COUNCIL ORDINARY COUNCIL MEETING AND STRATEGY WORKSHOP DATES FOR 2021
File No:	GF-20-0000072
Appendix(s):	Nil
Date:	5 October 2020
Responsible Officer:	Director of Corporate Services

SUMMARY

The purpose of this report is to provide notice of the dates, times and locations for the Mindarie Regional Council's (MRC) Ordinary Council Meetings (OCM) and Strategy Workshops (SW) for 2021.

BACKGROUND

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

DETAIL

In setting the dates for the 2021 OCM's consideration is given to the following:

- The Tamala Park Regional Council meeting dates for 2021
- The WALGA Metropolitan Zone meeting dates for 2021
- Availability of Member Councils' Chambers.

It is noted that previous meeting schedules have not allowed for the MRC to consistently present financial reports within 2 months after the end of the month to which the statement of financial activity relates in accordance with s.6.4 of the Local Government Act 1995 and s.34(4) of the Local Government (Financial Management) Regulations 1996.

Given that Regional Councils typically meet every 2 months this problem is not unique to the MRC and also affects other entities such as the Tamala Park Regional Council. With a view to trying to achieve compliance, and at the same time being mindful of conflicting priorities and meeting dates, please see the following two options for consideration:

OPTION 1

Achieves compliance – 8 meetings for the year

- Ordinary Council Meeting 28 January 2021 (City of Joondalup)
 - Ordinary Council Meeting 25 March 2021 (City of Wanneroo)
 - Ordinary Council Meeting (Strategy Workshop) 27 May 2021 (City of Stirling)
 - Ordinary Council Meeting 24 June 2021 (City of Stirling)
 - Ordinary Council Meeting 12 August 2021 (Town of Cambridge)
 - Ordinary Council Meeting (Strategy Workshop) 16 September 2021 (City of Vincent)
 - Ordinary Council Meeting 11 November 2021 (Town of Victoria Park)
 - Ordinary Council Meeting 16 December 2021 (City of Perth)
-

OPTION 2

Non-compliant – 6 meetings for the year

- Ordinary Council Meeting 04 February 2021 (City of Joondalup)
- Ordinary Council Meeting (Strategy Workshop) 22 April 2021 (City of Wanneroo)
- Ordinary Council Meeting 08 July 2021 (City of Stirling)
- Ordinary Council Meeting (Strategy Workshop) 16 September 2021 (City of Vincent)
- Ordinary Council Meeting 11 November 2021 (Town of Victoria Park)
- Ordinary Council Meeting 16 December 2021 (City of Perth)

Traditionally the MRC also holds two strategic workshops which are included in the meeting schedule. These workshops are important as they provide Councillors, member council CEOs and representatives on the Strategic Working Group and MRC management an opportunity to review and discuss the MRC's strategic direction.

STATUTORY ENVIRONMENT

Part 12 (1) and (2) of the Local Government (Administration) Regulations 1996 requires local government to issue public notice of its meeting dates at least once per year stating:

“12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
 - (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*

are to be held in the next 12 months.
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

S.1.7 of the Local Government Act 1995 prescribes local public notice as:

“1.7. Local public notice

- (1) *Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —*
 - (a) *published in a newspaper circulating generally throughout the district; and*
 - (b) *exhibited to the public on a notice board at the local government's offices; and*
 - (c) *exhibited to the public on a notice board at every local government library in the district.*
 - (2) *Unless expressly stated otherwise it is sufficient if the notice is —*
 - (a) *published under subsection (1)(a) on at least one occasion; and*
 - (b) *exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —*
-

- (i) *the time prescribed for the purposes of this paragraph; or*
- (ii) *if no time is prescribed, 7 days.”*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMENT

The proposed schedule for OCM's for 2021 is submitted for approval.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. Adopt the meeting dates in Option 1

- Ordinary Council Meeting – 28 January 2021 (City of Joondalup)
- Ordinary Council Meeting – 25 March 2021 (City of Wanneroo)
- Ordinary Council Meeting - 27 May 2021 (City of Stirling)
- Ordinary Council Meeting – 24 June 2021 (City of Stirling)
- Ordinary Council Meeting – 12 August 2021 (Town of Cambridge)
- Ordinary Council Meeting – 16 September 2021 (City of Vincent)
- Ordinary Council Meeting – 11 November 2021 (Town of Victoria Park)
- Ordinary Council Meeting – 16 December 2021 (City of Perth).

2. Issue a Public Notice on the meetings location, dates and times as detailed in (1) above in accordance with Part 12 (1) of the *Local Government (Administration) Regulations 1996* and the *Local Government Act 1995*.

3. Adopt two Strategy Workshops for 2021, following the Ordinary Council meeting on the following dates:

- **27 May 2021**
- **16 September 2021**

Moved Cr Cvitan, seconded Cr Sargent

RESOLVED

That the recommendation be adopted
(CARRIED UNANIMOUSLY 10/0)

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 56

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 56 be received.

Moved Cr Proud, seconded Cr Jacob

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

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

The Chair requested that in accordance with clause 7.1(e) of the Mindarie Regional Council Standing Orders Local Law 2012 and s5.23 of the Local Government Act 1995, Council proceed to meet “behind closed doors” to allow the Council to consider items 14.1 and 14.2 as the items are of a confidential nature.

The Chair invited MRC Officers and members of the MRC Strategic Working Group (SWG) and MRC officers to remain in the meeting in the meeting for items 14.1 and 14.2. The Chair requested members of the public to vacate the public gallery, no members of the public were present in the gallery.

The Chair announced that there were no limitations on the number of speeches made in accordance with clause 7.9(4) of the Mindarie Regional Council Standing Orders Local Law 2012.

Moved Cr Proud, seconded Cr Sargent

RESOLVED

To close the meeting to the public

(CARRIED UNANIMOUSLY 10/0)

Doors closed at 6.45 pm.

The MRC officers and members of the SWG remained in the public gallery.

There were no members of the public present.

Note: The Chief Executive Officer has not released the reports for items 14.1 and 14.2 for public information.

This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the *Local Government Act 1995* as the report deals with a matter where a contract is entered into.

14.1	TENDER RELEASE FOR THE PROVISION OF LANDFILL SERVICES
File No:	GF – 20 - 0001521
Attachments(s):	Nil
Date:	2 October 2020
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Authorises the CEO to release a public request for tender for the proposed provision of landfill services at Tamala Park,
2. Requests that, prior to tender award, the CEO bring a report back to Council containing recommendations related to the award of tonnage tranches.

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

This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the *Local Government Act 1995* as the report deals with a matter where a contract is entered into

14.2	REPLACEMENT OF ONE LANDFILL COMPACTOR AT TAMALA PARK
File No:	GF – 20 – 0001579
Attachments(s):	Nil
Date:	2 October 2020
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1. Authorise the CEO to award the supply of one Landfill Compactor to WesTrac Pty Ltd at the price detailed within the report.**
- 2. Authorise the CEO to advise the unsuccessful tenderers of the outcome of the tender process.**

Moved Cr Sargent, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/0)

Moved Cr Boothman, seconded Cr Cole

RESOLVED

That the meeting be reopened

(CARRIED UNANIMOUSLY 10/0)

Doors were reopened 6.49 pm and the Chair declared the meeting reopened.

The Chair noted the resolutions passed behind closed doors.

15 NEXT MEETING

The next Ordinary Council meeting to be held on Thursday 17 December 2020 in the Council Chambers at the City of Perth commencing at 6.30 pm.

16 CLOSURE

The Chair closed the meeting at 6.50 pm and thanked the Town of Victoria Park for their hospitality and use of their meeting facilities.

SignedChair

Dated day of2020
