



MINUTES

ORDINARY COUNCIL MEETING

TIME: 6.30 PM

27 APRIL 2023

CITY OF WANNEROO

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



Town of
Cambridge



City of
Joondalup



City of Perth



City of Stirling
City of Choice



TOWN OF
VICTORIA PARK



CITY OF VINCENT



City of
Wanneroo

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS
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The Chair declared the meeting open at 6.30 pm

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE
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Councillor Attendance

Cr K Vernon (Chair)	Town of Victoria Park
Cr A Jacob (Deputy Chair)	City of Joondalup
Cr C May	City of Joondalup
Cr L Gobbert, JP	City of Perth
Cr C Hatton <i>arrived at 6.34</i>	City of Stirling
Cr E Re <i>arrived at 6.34</i>	City of Stirling
Cr Lisa Thornton	City of Stirling
Cr A Castle	City of Vincent
Cr F Cvitan, JP	City of Wanneroo
Cr P Miles	City of Wanneroo

MRC Officers

Mr S Cairns (Chief Executive Officer)
Ms A Arapovic (Finance Manager)
Mr A Griffiths (Project and Procurement Manager)
Mr M Hattingh (Operations Manager)
Ms S Cherico (Human Resources Officer)
Ms D Toward (Executive Support)

Apologies

Cr J Ferrante	City of Stirling
Cr K Shannon	Town of Cambridge

Approved leave of absence

Nil

Member Council Observers

Mr N Claassen	City of Joondalup
Mr M Pennington	City of Joondalup
Mr G Taylor	City of Perth
Mr A Murphy	City of Stirling
Mr P Varris	City of Vincent
Mr H Singh	City of Wanneroo
Mr A Kowero	City of Wanneroo
Mr J Wong	Town of Victoria Park

Visitors

Nil

3 DECLARATION OF INTERESTS

Name /Position	Councillor Karen Vernon
Item No./Subject	14.2 Engagement of Consultant to assist in the Annual Review of the CEO's Performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Each of the consultants who submitted a proposal for services, including the recommended consultant, are known to me through their provision of similar professional services to the Town of Victorial Park or MRC.

Name /Position	Councillor Chris Hatton
Item No./Subject	14.2 Engagement of Consultant to assist in the Annual Review of the CEO's Performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Impartiality – The City of Stirling has engaged with Learning Horizons, and myself.

Name /Position	Councillor Albert Jacob
Item No./Subject	14.2 Engagement of Consultant to assist in the Annual Review of the CEO's Performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Learning Horizons also provide this service to CoJ and (Helen) is known to me.

Name /Position	Councillor Alex Castle
Item No./Subject	14.2 Engagement of Consultant to assist in the Annual Review of the CEO's Performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Have dealt with one of the proponents at the City of Vincent

Name /Position	Councillor Lisa Thornton
Item No./Subject	14.2 Engagement of Consultant to assist in the Annual Review of the CEO's Performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Impartial interest as one the proponents is known to me through the CEO process at the City of Stirling

Name /Position	Councillor Elizabeth Re
Item No./Subject	14.2 Engagement of Consultant to assist in the Annual Review of the CEO's Performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Impartial interest as one of the proponents was a proponent for the City of Stirling CEO

Name /Position	Cr Frank Cvitan
Item No./Subject	14.2 Engagement of Consultant to assist in the Annual Review of the CEO's Performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	One of proponents is known to me and has done work for the City of Wanneroo i.e. Learning Horizons

Name /Position	Cr Paul Miles
Item No./Subject	14.2 Engagement of Consultant to assist in the Annual Review of the CEO's Performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Proponent does work for the City of Wanneroo – Learning Horizons

Name /Position	Councillor Liam Gobbert
Item No./Subject	14.2 Engagement of Consultant to assist in the Annual Review of the CEO's Performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	A consultant has previously made a bid for similar services at the City of Perth

Name /Position	Scott Cairns Chief Executive Officer
Item No./Subject	14.2 Engagement of Consultant to assist in the Annual Review of the CEO's Performance
Nature of Interest	Financial Interest and Interest that may affect impartiality
Extent of Interest	Scott Cairns is the Chief Executive Officer

4 PUBLIC QUESTION TIME

Public question time opened at 6.36 pm
There were no members of the public present.
Public question time closed at 6.36 pm

5 ANNOUNCEMENT BY THE PRESIDING PERSON

The Chair received a letter from the Hon Reece Whitby MLA, Minister for Environment; Climate Action; Racing and Gaming in March 2023 relating to the proposed upgrade of the RRF. As a result of the MRC's advocacy on this project, the Minister has confirmed the State Government's support and co-funding for the project. The Chair acknowledged that this is a significant milestone, and thanked the CEO and the MRC team for their work getting to this stage.

6 APPLICATION FOR LEAVE OF ABSENCE

Cr Albert Jacob requested Leave of Absence from Council duties covering the period 02 July 2023 to 28 July 2023.

Moved Cr Vernon, Seconded Cr May

That Council approves the request for Leave of Absence from Council duties for Cr Jacob covering the period 02 July 2023 to 28 July 2023.

(CARRIED UNANIMOUSLY 10/0)

7 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 ORDINARY COUNCIL MEETING – 23 FEBRUARY 2023

The Minutes of the Ordinary Council Meeting held on 23 February 2023 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 23 February 2023 be confirmed as a true record of the proceedings.

Moved Cr Hatton, seconded Cr Castle

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/0)

9	CHIEF EXECUTIVE OFFICER REPORTS
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9.1	FINANCIAL STATEMENTS FOR THE MONTH ENDED 28 FEBRUARY 2023 AND 31 MARCH 2023
Reference:	GF-23-0000019
Appendix(s):	Appendix No. 1, 2 and 3
Date:	27 April 2023
Responsible Officer:	FINANCE MANAGER

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:

- Statement by Comprehensive Income by Nature and Type
- Operating Income Statement by Program
- Statement of Financial Activity
- Statement of Reserves
- Statement of Investing Activities
- Tonnage Report

DETAIL

The Financial Statements for the month ended 28 February 2023 and 31 March 2023 are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the two months up to 31 March 2023 is attached at **Appendix No. 3**.

The complete suite of Financial Statements which includes the Income 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 March 2023

	YTD Budget	YTD Actual	Variance
	t	t	t
Tonnes – Members	132,249	131,390	(859)
Tonnes – Others	37,843	38,518	675
TOTAL TONNES	170,092	169,908	(184)
	\$	\$	\$
Revenue – User Charges	25,191,824	25,110,604	(81,220)
Revenue – Other	4,949,067	5,009,572	60,505
TOTAL REVENUE	30,140,891	30,120,176	(20,715)
Expenses	(26,626,938)	(26,734,821)	(107,883)
NET SURPLUS/(DEFICIT)	3,513,953	3,385,355	(128,598)

Members

Members tonnages for the financial period ended 31 March 2023 were 859 tonnes below budget.

Trade & Casuals

The Casual and Trade tonnages are 675 tonnes higher than forecast for the financial year to date with 25,507 tonnes delivered through the waste discounted rate tender.

Overall tonnages for the financial period ended 31 March 2023 were 184 tonnes less than budgeted. The variances have reduced significantly due to revised tonnage budgets reflected in March.

The net result variance is \$128,598 or 4% against year to date budget.

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 28 February 2023 and 31 March 2023.

Moved Cr Vernon, seconded Cr Cvitan

RESOLVED

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

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 28 FEBRUARY 2023 AND 31 MARCH 2023
File No:	FIN/5-09
Appendix(s):	Appendix No. 4 and 5
Date:	27 April 2023
Responsible Officer:	Finance Manager

SUMMARY

The purpose of this report is to provide details of payments made during the periods identified above. 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 28 February 2023 and 31 March 2023 is at **Appendix 4 and 5** to this Item and 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 16 September 2021, 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
28 February 2023	General Municipal	Cheques	\$640.00
		EFT	\$739,900.22
		DP	\$4,351,991.97
		Inter account transfers	\$0.00
		Total	\$5,092,532.19
31 March 2023	General Municipal	Cheques	\$2,046.75
		EFT	\$699,020.33
		DP	\$4,377,526.51
		Inter account transfers	\$0.00
		Total	\$5,078,593.59

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 28 February 2023 and 31 March 2023.

Moved Cr Vernon, seconded Cr Re

RESOLVED

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

9.3	DRAFT MRC STRATEGIC COMMUNITY PLAN 2023 - 2032
File No:	GF-23-0000104
Appendix(s):	Appendix 6 – Draft Strategic Community Plan 2023 – 2032
Date:	14 April 2023
Responsible Officer:	Chief Executive Officer

SUMMARY

This report presents the Draft Mindarie Regional Council's (MRC) Strategic Community Plan (SCP) for consideration as required under the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

The report seeks endorsement of the SCP to provide notice to the public of the Council's decision.

BACKGROUND

The MRC's current SCP 2018 – 2037 was adopted by Council at its meeting on 06 April 2017. The SCP is required to be reviewed every four years under the requirements of the *Local Government (Administration) Regulations 1996*. A review was due in 2021; a point acknowledged by the MRC in 2021 when the MRC informed the Department of Local Government, Sport and Cultural Industries that the MRC was not able to meet its obligation under the Regulations to carry out a 4 yearly review of the SCP due to a number of matters.

Between 2020 and 2021, the MRC experienced a period of change which impacted strategy setting such as:

- MRC entered into a contract with Workpower to operate the Re-Use shop and the public recycling areas at Tamala Park
- Streamlining of operations at Tamala Park resulted in an organisational restructure
- MRC concluded a major contract for the management of the Resource Recovery Facility at its Neerabup site
- A change of CEO in 2021

Several individual strategy sessions have taken place with Council and member council administrations since 2021, which have resulted in the development of a draft SCP (**Attachment 6**).

The new draft SCP covers the period 2023 to 2032 and creates a new Vision for the MRC, 'Collaborating for a regional Circular Economy', with a Mission, 'To deliver sustainable waste management options for members'. The MRC's new Objectives are stated below:

- **Deliver best practice services**
- **Position MRC to provide world class waste management options**
- **Deliver best practice governance process and structures.**

The new SCP sets Strategies and Performance Targets to enable the delivery of the above Objectives, and takes account of the two major assets of the MRC, the Tamala Park Site and the Neerabup Site.

CONSULTATION

The Regulations require that the SCP be developed with input from the local governments' electors and ratepayers. A regional council has neither electors nor ratepayers to consult.

When developing the initial SCP the MRC sought clarification from the Department of Local Government, Sport and Cultural Industries (DLGSC) on the stakeholders to be consulted in the development of a new SCP. DLGSC advised that the member council local governments were the MRC's primary stakeholders.

The MRC's SCP has been developed in consultation with the following stakeholder groups:

- MRC Councillors
- Member Council Executives
- MRC employees

The SCP consultation process consisted of workshops, meetings and written communication. The feedback from all stakeholder groups has been taken into account in the final draft.

DETAIL

The MRC's initial SCP review process commenced in 2021 through a series of independent facilitated strategy workshops, as follows:

- 04 March 2021 – Leadership team workshop
- 12 March 2021 – MRC staff (group A)
- 12 March 2021 – MRC staff (group B)

Consultation and development of the SCP paused in May 2021 following consultation with the Chairperson and the Member Councils. It was agreed that the SCP review process would be put on hold until ongoing business decisions had been completed, and a new CEO had been recruited.

The new CEO commenced on 28 September 2021, and conducted strategy workshops with MRC Councillors and Member Council Executives on both 3 November 2021 and 26 July 2022.

In September 2022 an independent facilitated workshop was attended by MRC Councillors and Member Council Executives and invited speakers from the Department of Water and Environmental Regulation (DWER).

A second and final independent facilitated workshop with MRC councillors took place on 02 February 2023, where a draft early stage SCP skeleton document was discussed. Council provided clear direction at that workshop on their requirements in any new final SCP.

Administration further developed the SCP document in February 2023, and a draft copy of the SCP was email to councillors and administrations for comments on 28 March 2023.

Minor feedback has been received which has been incorporated into the Draft SCP.

LEGAL COMPLIANCE

The development or an amendment to the SCP is a requirement of the Local Government Act 1995 and the Local Government (Administration) Regulations 1996.

STRATEGIC IMPLICATIONS

The Integrated Planning Framework ensures that the future of local government is set using long term strategies backed by shorter termed implementation plans.

The MRC is currently developing the supporting plans which will align to the new SCP. The following plans are proposed to be presented to Council in June 2023.

- Corporate Business Plan
- Long Term Financial Plan
- Asset Management Plan
- Workforce Plan

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The implementation of the SCP will be subject to the future endorsement of the supporting plans, discussed above, and the MRC's normal budgetary approval process.

COMMENT

Through the SCP review process, it has become apparent, generally, that member councils require the continued delivery of the best-practice waste management options currently delivered at the Tamala Park Waste Management Facility and access to options that align with the requirements of the Western Australian Waste Avoidance and Resource Recovery Strategy 2030 (WARR Strategy) and all member councils' DWER approved Waste Plans.

The Tamala Park Landfill is likely to end during the period of this new SCP, and this has been taken into account in the development of the final document. The MRC will work with member councils to ensure that the facility is closed appropriately and cared for in to the future, and that an alternative option is provided for upon closure.

Council has expressed the need for the MRC to operate sustainably at all times, and reduce its operational environmental impact. This is reflected in the SCP's Strategic Actions.

In alignment with its new mission, the MRC has a key role to play in delivering sustainable waste management options on behalf of its members; the MRC is uniquely positioned to provide member councils choice. By collaborating together, and realising the potential pulling power of the secondary resources disposed of by a third of the Perth Metropolitan Area (over 700,000 residents) the MRC proposes to investigate and identify the best possible opportunities for member councils and bring these forward to Council to allow it to make a decision for the benefit of all seven member council communities.

The MRC has the ability to leverage upon its existing assets, skillset and potential, to improve its financial sustainability whilst operating for the benefit of the region, and to identify if/how it can contribute to the development of circular economy opportunities as discussed in the WARR Strategy.

This draft SCP reflects the feedback and comments of all stakeholders involved in its development and provides the MRC with guidance and direction on what it must do to meet the needs of member councils as they seek to deliver upon their respective communities' consistent requirement for better environmental outcomes and high quality waste management services.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. **Adopt the Strategic Community Plan 2023- 2032 as contained in Appendix 6.**

(Absolute Majority Required)

2. **Give Local Public Notice, in accordance with s.19D of the Local Government (Administration) Regulations 1996, advising that the Strategic Community has been adopted by the Council.**

Moved Cr Re, seconded Cr Castle

RESOLVED

That the recommendation be adopted

(CARRIED BY ABSOLUTE MAJORITY 9/1)

For: Crs Castle, Cvitan, Hatton, Jacob, May, Miles, Re, Thornton, Vernon

Against: Cr Gobbert

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 75

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 75 be received.

Moved Cr Re, seconded Cr Miles

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

In accordance with clause 10.1(h) of the Mindarie Regional Council Meeting Procedures Local Law 2020 and s5.23 of the Local Government Act 1995, the Chair requests the Council to meet “behind closed doors” to allow the Council to consider item 14.1 & 14.2 as the items are of a confidential nature.

No members of the public were present in the gallery.

**Moved Cr Vernon, seconded Cr Re
Procedural Motion**

1. Closes the meeting to the members of the public at 7.14 pm to consider items 14.1 & 14.2 in accordance with Section 5.23 of the *Local Government Act 1995*.
2. For item 14.1 General Insurance Renewal 2023/24 - Permits the MRC Chief Executive Officer, MRC staff and member council officers seated in the gallery to remain in the chamber during discussion.
3. For item 14.2 Engagement of Consultant to assist in the annual review of the CEO's Performance – Permits the MRC HR Officer and the Executive Support Officer to remain in the chamber during discussion.

(CARRIED UNANIMOUSLY 10/0)

Doors closed at 7.14 pm

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

This Report is Confidential and dealt with in a Confidential Session, under section 5.23 (2)(d) of the *Local Government Act 1995* as the report deals with matters where legal advice was obtained.

14.1 GENERAL INSURANCE RENEWAL 2023/24

File No: GF-23-0000112

Attachment(s):

1. Letter – Legal advice McLeod Lawyers dated 9 March 2023
2. Procurement Australia Evaluation Summary

Date: 11 April 2023

Responsible Officer: Chief Executive Officer

That the Council:

1. Notes the confidential information contained in this report from Procurement Australia and McLeods Lawyers.
2. Authorises the CEO to procure general insurances from LGIS for 2023/24 and for a further 2 years, followed by a review of market premiums in 2026/27.

(Absolute majority)

Moved Cr Vernon, seconded Cr Jacob

Moved Cr Re, Seconded Cr Vernon

Procedural Motion

Under clause 10.1(j) of the Mindarie Regional Council Meeting Procedures Local Law 2020, suspend the operation of clause 7.9, speaking twice.

(CARRIED 8/2)

For: Crs Castle, Cvitan, Hatton, Jacob, Miles, Re, Thornton, Vernon

Against: Crs Gobbert, May

Moved Cr Vernon, Seconded Cr Cvitan

Procedural Motion

Resume the operation of clause 7.9, speaking twice.

(CARRIED 10/0)

RESOLVED

That the recommendation be adopted

(CARRIED BY ABSOLUTE MAJORITY 10/0)

7.44 pm Member Council officers left the gallery. There were no members of the public seated in the gallery.

The MRC CEO, Finance Manager, Operations Manager and Projects and Procurement Manager left the Council Chambers.

The HR Officer and Executive Support Officer remained in the Council Chambers.

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 may be entered into.

14.2 ENGAGEMENT OF CONSULTANT TO ASSIST IN THE ANNUAL REVIEW OF THE CEO'S PERFORMANCE

File No: GF-23-0000103

Attachment(s): Nil

Date: 11 April 2023

Responsible Officer: Chief Executive Officer

CEO RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE RECOMMENDATION

That Council:

Appoints Learning Horizons as the external Human Resource Consultant, subject to their acceptance of the appointment, to conduct a review of the MRC's Chief Executive Officer performance and remuneration for the period 1 July 2022 to 30 June 2023, 2 additional annual periods plus a 1 + 1 year extension at the sole discretion of the Mindarie Regional Council.

**Moved Cr Vernon, seconded Cr Jacob
RESOLVED**

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

Moved Cr Vernon, seconded Cr Hatton

Procedural Motion:

That Council:

- **Reopen the meeting to members of the public at 7.51 pm**

**To re-open the meeting to the public
(CARRIED UNANIMOUSLY 10/0)**

Doors re-opened at 7.51 pm, the Chair declared the meeting re-opened. As there were no members of the public present, the Chair noted the resolutions passed behind closed doors.

15 NEXT MEETING

The next Ordinary Council meeting is to be held on Thursday 01 June 2023 at the Town of Cambridge commencing at 6.30 pm.

16 CLOSURE

The Chair closed the meeting at 7.52 pm and thanked the City of Wanneroo for their hospitality and use of their meeting facilities, and thanked the MRC officers and Member Council Officers for attending.

SignedChair

Dated.....day of2023