



# Minutes

ORDINARY COUNCIL MEETING

TIME: 6.00 PM

22 MARCH 2018

CITY OF WANNEROO

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



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<b>1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS</b>
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The Chair declared the meeting open at 6.00 pm

<b>2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE</b>
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**Councillor Attendance**

Cr R Fishwick JP (Chairman)	City of Joondalup
Cr D Boothman JP (Deputy Chairman)	City of Stirling
Cr M Norman	City of Joondalup
Cr K Sargent	City of Stirling
Cr S Proud JP	City of Stirling
Cr E Cole	City of Vincent
Cr R Driver	City of Wanneroo
Cr F Cvitan JP	City of Wanneroo
Cr K Shannon	Town of Cambridge
Cr K Vernon <i>arrived 6.02pm</i>	Town of Victoria Park

**Apologies**

Cr A Guilfoyle	City of Stirling
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**Leave of Absence**

Nil

**MRC Officers**

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

**Visitors**

Nil

**Members of the Public**

Nil

**Press**

Nil

**Note:** *The City of Perth at their Ordinary Council Meeting on 15 March 2018 appointed Commissioner Eric Lumsden to the Mindarie Regional Council (MRC). Commissioner Lumsden did not attend the MRC Ordinary Council meeting held on 22 March 2018.*

<b>3 DECLARATION OF INTERESTS</b>
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Nil

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**4 PUBLIC QUESTION TIME**

Nil

**5 ANNOUNCEMENTS BY THE PRESIDING PERSON**

The Chairman announced that the launch of the 'Face Your Campaign' is planned for 23 April 2018.

The Chairman advised that the Minister for Environment and the Chairman of the Waste Authority have been invited and it would be appreciated if Member Councillors could keep the date free.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

*Cr Vernon entered at 6.02 pm*

Councillor Mike Norman requested Leave of Absence from 6 April 2018 to 13 April 2018 inclusive.

**Moved Cr Cvitan, seconded Cr Driver**

**RESOLVED**

**That the application by Cr Norman for leave of absence from 6 April 2018 to 13 April 2018 be granted.**

(CARRIED UNANIMOUSLY 10/0)

**7 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

**8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**8.1 ORDINARY COUNCIL MEETING – 25 January 2018**

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

**Moved Cr Boothman, seconded Cr Sargent**

**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 31 DECEMBER 2017 AND 31 JANUARY 2018</b>
<b>File No:</b>	<b>FIN/5-07</b>
<b>Appendix(s):</b>	<b>Appendix No. 1 Appendix No. 2 Appendix No. 3</b>
<b>Date:</b>	<b>22 February 2018</b>
<b>Responsible Officer:</b>	<b>Acting 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 31 December 2017 and 31 January 2018 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 7 months to 31 January 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 seven month period ended 31 January 2018

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	161,394	180,806	(19,412)
Tonnes – Others	9,786	10,301	(515)
<b>TOTAL TONNES</b>	<b>171,180</b>	<b>191,107</b>	<b>(19,927)</b>
	\$	\$	\$
Revenue – Members	28,031,573	31,433,627	(3,402,054)
Revenue – Other	3,265,604	2,914,229	351,375
<b>TOTAL REVENUE</b>	<b>31,297,177</b>	<b>34,347,856</b>	<b>(3,050,679)</b>
Expenses	31,208,213	32,600,785	1,392,571
Profit on sale of assets	8,585	-	8,585
Loss on sale of assets	-	-	-
<b>NET SURPLUS</b>	<b>97,549</b>	<b>1,747,071</b>	<b>(1,649,523)</b>

Commentary

Member tonnes for the year to January 2018 are tracking 10.7% behind budget, which is directly attributable to the change in systems for bulk/verge collection implemented by various councils. Trade and casuals are 515 tonnes behind budget.

The net variance to budget of \$1,649,523 reflects this reduction in tonnage and RRF operating expenditures, offset by tonnage related expenditure (DWER Levy).

This reduction in waste to landfill is consistent with the MRC's vision of 'Winning Back Waste' but will over time see the cost per tonne to landfill for the remaining waste increasing proportionally.

**VOTING REQUIREMENT**

Simple Majority

**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 December 2017 and 31 January 2018 are received.**

**Moved Cr Cvitan, seconded Cr Cole**

**RESOLVED**

**That the recommendation be adopted.**

(CARRIED UNANIMOUSLY 10/0)

<b>9.2</b>	<b>LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 DECEMBER 2017 AND 31 JANUARY 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>22 February 2018</b>
<b>Responsible Officer:</b>	<b>Acting 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 31 December 2017 and 31 January 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 14 September 2017, 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>
31 December 2017	General Municipal	Cheques	\$21,017.07
		EFT	\$2,798,964.30
		DP	\$276,839.18
		Inter account transfers	\$1,200,000.00
		<b>Total</b>	<b>\$4,296,820.55</b>
31 January 2018	General Municipal	Cheques	\$5,581.03
		EFT	\$6,337,453.89
		DP	\$282,582.58
		Inter account transfers	\$4,900,000.00
		<b>Total</b>	<b>\$11,525,617.50</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 31 December 2017 and 31 January 2018 be noted.**

**Moved Cr Boothman, seconded Cr Driver**

**RESOLVED**

**That the recommendation be adopted.**

(CARRIED UNANIMOUSLY 10/0)

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<b>9.3</b>	<b>WESTERN METROPOLITAN REGIONAL COUNCIL – REQUEST FOR AN EXTENSION TO THE AGREEMENT FOR THE SUPPLY OF MUNICIPAL SOLID WASTE</b>
<b>File No:</b>	<b>WST/101-03</b>
<b>Appendix(s):</b>	<b>Appendix No 6</b>
<b>Date:</b>	<b>6 March 2018</b>
<b>Responsible Officer:</b>	<b>A/Chief Executive Officer</b>

### **SUMMARY**

The report seeks consideration of a request from the Western Metropolitan Regional Council (WMRC) to extend an agreement previously provided by the Mindarie Regional Council (MRC) for the supply of 18,500 tonnes of Municipal Solid Waste (MSW) to assist the WMRC in meeting its contract obligations to supply MSW to the DiCOM Plant and increase the tonnage commitment from 18,500 to 24,000 tonnes.

### **BACKGROUND**

On 14 January 2015 correspondence was received from the Chief Executive Officer of the WMRC requesting that the MRC make 18,500 tonnes of MSW available to help the WMRC meet its supply obligations to the DiComPlant.

The WMRC advised that it was committed to supplying 33,000 tonnes of MSW to the Plant, but that it could only source/supply 14,500 tonnes from its own councils. The correspondence went on to seek assistance from the MRC for the supply of up to an additional 18,500 tonnes to enable the WMRC to meet its supply obligations to the Plant.

The details of the request were as follows:

1. *The MRC commit 18,500 tonnes of MSW to the WMRC, but with contractual flexibility to ensure MRC continues to meet its own RRF contractual obligations.*
2. *The MRC and its member Councils experience no financial loss, that is the agreement is at least revenue neutral to the MRC. To achieve this the WMRC will:*
  - *Charge a gate fee for MSW received equal to the MRC member gate fee for landfill.*
  - *Deliver at least an equal tonnage of waste each month for disposal at the MRC landfill and pay the MRC member gate fee for landfill. The waste would consist of residual waste from the Plant and be topped up where required with waste that is not processed*
3. *Price to be directly linked to the member gate fee or to annual CPI if this is greater.*

The MRC at its meeting on 19 February 2015 considered the request and resolved to enter in a deed with the WMRC, which would facilitate the proposed swap of tonnes. A deed was duly drafted by the MRC's solicitors, Castledine Gregory and signed by both parties on 26 June 2015.

On 29 March 2016 the A/CEO of the WMRC requested a 12 month extension to the agreement between the WMRC and the MRC for the supply of 18,500 tonnes of MSW per annum.

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There had been a number of issues that prevented the Plant from being commissioned, thus preventing the plant from going into full production. As a result, the waste supply anticipated in the previous agreement was not called upon by the WMRC.

In response to this request, at its ordinary council meeting of 14 April 2016, the MRC granted an extension to the term of the agreement with the WMRC for a further twelve (12) months until 26 June 2017, on the same terms and conditions as before, except for the addition of a requirement for the WMRC to use its best endeavours to facilitate a 20 minute turnaround time for trucks delivering waste from the MRC.

The amended deed was executed by both parties on 4 October 2016.

In April 2017, the WMRC requested a further 12 month extension to the agreement between the WMRC and the MRC for the supply of 18,500 tonnes of MSW.

The requested extension to the term of the agreement with the WMRC was for a further twelve (12) months until 26 June 2018.

At its July 2017 Council meeting, the MRC resolved to grant the requested extension and the amended agreement was duly executed on 12 July 2017.

#### **DETAIL**

An insignificant portion of the waste contemplated in the second contract extension has been called on during the current year (115 tonnes). In February 2018, the WMRC has requested a further 12 month extension to the agreement between the WMRC and the MRC for the continued supply of MSW, but with an increase from 18,500 tonnes to 24,000 tonnes.

The requested extension to the term of the agreement with the WMRC would be for a further twelve (12) months until 30 June 2019.

The request for this third extension is supportable as it is cost neutral for the MRC and provides a benefit to the WMRC by enabling it to meet its requirements for the supply of the committed waste to the Plant. The commitment of this waste does not negatively impact on any of the MRC's other existing supply obligations. This continues to provide a positive example of how regional councils can work together to achieve good waste outcomes in the Perth Metropolitan area.

#### **CONSULTATION**

The MRC has previously consulted with the City of Stirling on the supply arrangements required to accommodate this request.

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### **LEGAL COMPLIANCE**

The request for a 12 month extension from the WMRC for the increased supply of waste of 24,000 tonnes, if approved by the MRC, will require minor amendment of the “Deed regarding the delivery of waste” (the Deed) entered into in by the MRC and WMRC, as with the last extension.

The amendments will require:

1. The deletion of “18,500” and replacing it with “24,000” in Recital B.
2. The deletion of the number (2) after “on the” and inserting number 4 in its place as highlighted below, with the addition of wording to clarify the commencement date being referred to:

Clause 2.2

“(a) on the 2 4 year anniversary of the commencement of the original Deed, as determined by clause 2.1 (a)”

3. The deletion of “355” at point 3. of Schedule 1 and its replacement with “462”.

The WMRC should be notified of the change by formal letter confirming the extension of time, which is to accompany a revised copy of the Deed for signing by both parties in the same manner as the original Deed was signed to meet the requirements of clause 8.2 of the Deed, which reads as follows:

**“8.2 Review and variation**

*Where this Deed is to be modified, amended or varied, then this Deed may only be amended by a document in writing signed by the Parties to the agreed amendment.”*

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The provision of waste to the WMRC as proposed is cost neutral for the MRC, as the same amount of waste will be returned to Tamala Park by the WMRC at a gate fee that will be the same value as the supply cost.

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**STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS**

<b>Strategic Community Plan 2013/14 - 2033/34</b>	
<b>Strategy 1.2</b>	<b>Review and improve collaboration between participating councils as primary stakeholders on matters associated with waste management</b>  The collaboration between the MRC and the City of Stirling has produced an outcome of regional benefit.
<b>Strategy 3.3</b>	<b>Identify opportunities for the MRC to participate in the operation of additional waste management ventures based on existing technologies</b>  The provision of waste to the WMRC demonstrates that the MRC is willing to participate and assist other regional councils.
<b>Corporate Business Plan 2013/14 – 2016/17</b>	
<b>Strategic Action 3.3.1</b>	<b>Collaborate with peer organisations with like facilities to benefit from each other's intellectual property or identify opportunities for shared projects</b>  This agreement demonstrates the MRC's ability to collaborate with the WMRC and assist them in finding a solution for the challenges they are facing with their new resource recovery facility.

**COMMENT**

Given that the provision of MSW to the WMRC in the manner proposed is cost neutral to the MRC, the extension of the Deed to supply waste is acceptable and is therefore recommended for approval.

**VOTING REQUIREMENT**

Simple Majority

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## RESPONSIBLE OFFICER RECOMMENDATION

### That the Council:

1. advise the WMRC that it is prepared to extend and amend the agreement entitled “Deed regarding the delivery of waste” (the Deed) to supply 24,000 tonnes of waste for a further twelve (12) months until 30 June 2019;
2. will formalise the time extension referred to in (1) above by varying the agreement as follows:
  - 2.1 The deletion of “18,500” and replacing it with “24,000” in Recital B;
  - 2.2 The deletion of the number (2) after “on the” and inserting number 4 in its place as highlighted below:

**Clause 2.2**  
“(a) on the ~~2~~ 4 year anniversary of the commencement of the original Deed, as determined by clause 2.1 (a)”; and
  - 2.3 The deletion of “355” at point 3. of Schedule 1 and its replacement with “462”; and
3. will prepare a formal letter confirming the extension of time, which is to accompany a revised copy of the Deed for signing by both parties.

**Moved Cr Boothman, seconded Cr Proud**  
**RESOLVED**  
**That the recommendation be adopted.**  
(CARRIED UNANIMOUSLY 10/0)

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<b>9.4</b>	<b>ADOPTION OF 2017 ANNUAL COMPLIANCE RETURN</b>
<b>File No:</b>	<b>COR/12-07</b>
<b>Appendix(s):</b>	<b>Appendix 7</b>
<b>Date:</b>	<b>6 March 2018</b>
<b>Responsible Officer:</b>	<b>A/Chief Executive Officer</b>

#### **SUMMARY**

The purpose of this report is to provide Council with information on the completed Compliance Audit Return (1 January 2017 – 31 December 2017).

#### **BACKGROUND**

The 2017 Local Government Compliance Audit Return (CAR) covers the calendar year from 1 January to 31 December 2017.

The 2017 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 2016 Return, local governments not only have to explain or qualify cases of non-compliance, but also provide details of any remedial action taken or proposed to be taken in regard to instances of non-compliance.

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

The Return was placed on the agenda for the Audit Committee meeting on 1 March 2018 for consideration.

#### **DETAIL**

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

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

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

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

The following table summarises the MRC's performance in each of the relevant categories and a comparison with the 2016 Return is also provided.

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**Table of CAR Comparison & Compliance**

<b>Category</b>	<b>2017 Audit Questions</b>	<b>Compliant</b>	<b>2016 Audit Questions</b>	<b>Compliant</b>
Commercial Enterprises by Local Governments	5	100%	5	100%
Delegation of Power / Duty	13	100%	13	100%
Disclosure of Interest	16	100%	16	100%
Disposal of Property	2	100%	2	100%
Finance	14	100%	14	100%
Local Government Employees	5	100%	5	100%
Official Conduct	6	100%	6	100%
Tenders for Providing Goods and Services	25	100%	25	100%
<b>TOTAL</b>	<b>86</b>	<b>100%</b>	<b>86</b>	<b>100%</b>

In all areas audited the MRC is 100% compliant for the 2017 Compliance Audit.

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

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

- The Compliance Audit Return should be presented for adoption to a Council meeting during the months of February or March 2018;
  - The particulars of all matters of concern raised by Council should be recorded in the minutes of the meeting and a copy of the relevant page(s) attached to the Compliance Audit Return as an appendix; and
  - The completed Compliance Audit Return and appendices should be forwarded to the Director General of the Department of Local Government and Communities by 31 March 2018.
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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 1 March 2018 considered the Return and resolved the following:

*“That the Audit Committee recommends that Council endorse the Compliance Audit return for the 2017 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.*
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*
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(b) *any additional information explaining or qualifying the compliance audit,*

*is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*

(2) *In this regulation —*

**certified** *in relation to a compliance audit return means signed by —*

(a) *the mayor or president; and*

(b) *the CEO.”*

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Nil

#### **COMMENT**

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

The results contained in the Compliance Audit Return required by the Department of Local Government and Communities for the period 1 January to 31 December 2017 indicates that the Council is continuing to operate within the Local Government Legislative requirements.

The Audit Committee, at its meeting held on 1 March 2018, 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 and Communities.

#### **VOTING REQUIREMENT**

Simple Majority

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**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 2017 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, Sport and Cultural Industries prior to 31 March 2018.

**Moved Cr Boothman, seconded Cr Proud**

**RESOLVED**

**That the recommendation be adopted.**

(CARRIED UNANIMOUSLY 10/0)

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<b>9.5</b>	<b>SHOP RE-DEVELOPMENT TENDER AWARD (LATE ITEM)</b>
<b>File No:</b>	<b>COP/21/06</b>
<b>Appendix(s):</b>	
<b>Date:</b>	<b>12 March 2018</b>
<b>Responsible Officer:</b>	<b>Acting Chief Executive Officer</b>

### **SUMMARY**

The report seeks endorsement of the successful tenderer for the construction of the extension of the Tamala Park Recycling Shop (recycling shop).

The extension is a steel framed metal extension to the existing steel framed metal shed operating as the recycling shop. This is Stage 2 of the Tamala Park Recycling Redevelopment Project, with the Stage 1 road alignment works having achieved completion in 2016.

### **BACKGROUND**

The Mindarie Regional Council (MRC) operates a free drop-off and recycling / reuse service at the Tamala Park Waste Management Facility.

This is consistent with the MRC's vision of Winning Back Waste and commitment to dealing with material as high up the waste hierarchy as is possible and is directly related to the reuse and recycling components of the hierarchy.

Items that can be resold or recycled are taken from the public free of charge. Items that can be resold are transferred to the recycling shop for re-sale to public.

Over the last five years, sales from the recycling shop have increased from an average of \$10,000 per month and 2,000 transactions, to an average of \$47,000 in sales per month and 3,245 transactions. For both December 2017 and January 2018, sales exceeded \$52,000 per month.

The increase in sales revenue is partly attributable to the increased number of customers and as a consequence, transactions, through the shop, but it is predominantly attributable to the concerted effort staff have been making to keep better quality stock undercover in the shop, so that they can achieve a reasonable price for the merchandise.

One of the limitations of the current infrastructure is the fact that a significant amount of merchandise has to be stored outside where it is exposed to the elements. This results in a lot of the merchandise becoming water damaged and unsaleable. This has a twofold cost to the MRC in that this damaged stock represents a lost revenue stream and the items then need to be landfilled at a cost to the MRC.

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To help reduce this wastage and cost to the MRC, and to improve the service offering and performance of the recycling shop, Phase 2 of the Recycling Redevelopment Project seeks to improve the size and quality of the retail space currently available at Tamala Park.

The existing footprint of the undercover recycling retail area is roughly 450m<sup>2</sup>. Under the proposed Phase 2 of the Recycling Redevelopment Project, this footprint would be effectively doubled to approximately 900m<sup>2</sup>, with the sides of the building being more fully enclosed to protect the merchandise from the rain and create a more amenable sales area.

The MRC has engaged a contractor, MKDC, to provide a Design Plan of the new recycling shop and cost estimates based on these plans.

The Design Plan includes the following improvements;

- Roof structure extension and enclosing three sides currently open. This effectively doubles the available size of the shop from approximately 450m<sup>2</sup> to 900m<sup>2</sup>,
- New glazed automatic sliding door at customer entry,
- New point of sale counter,
- New unisex accessible toilet for the public,
- New testing / tagging area for electrical goods,
- New metal display shelving and signage,
- New lighting, power and air conditioning,
- New fire detection and security system.

The cost estimates based on the above improvements were \$425,000. Funds have been allocated in the 2017/18 Capital Works Budget which is a combination of \$150,000 in the current year and \$275,000 brought forward from the 2016/17 budget.

The MRC then engaged MKDC to provide detailed design drawings and specifications to be used to obtain necessary Planning Approvals from the City of Wanneroo Planning and Western Australian Planning Commission.

#### **DETAIL**

In alignment with the Council Policy CP06 Purchase of Goods and Services and the Local Government Act 1995, a Request for Tender (RFT) was developed. The RFT set out the requirements for the works and contract expectations and included specifications developed by the MRC and its design contractor MKDC.

The RFT was advertised in the West Australian on Wednesday 13 December 2017 indicating the closing date as Tuesday 23 January 2018 at 12pm.

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The tender invited prospective tenderers to attend a mandatory inspection on 20 December 2017 at 10am where the following five (5) companies attended the inspection:

- Adrina Group
- Action Sheds Australia
- Outdoor World
- Shape Australia
- Connolly Building

The tender was conducted electronically with the last tender being received at 11.40am on Tuesday 23 January 2018. Two (2) late tenders were received and not assessed in accordance with the Conditions of Tendering. The Manager Projects and Procurement, Mr Aaron Griffiths, the Operations Manager, Mr Glen Boase and the PA Executive Support, Ms Deborah Toward, commenced opening the Tenders at 12.05pm on Tuesday 23 January 2018. Tenders were received from:

- Adrina Project Management Pty Ltd; and
- Shape Australia Pty Limited.

The tender assessment panel consisted of three employees from the administration of the MRC being the Acting CEO, Mr Gunther Hoppe, Manager Projects and Procurement, Mr Aaron Griffiths, and Operations Manager, Mr Glen Boase.

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

<p><b>A. Relevant Experience</b>                  Tenderers must address the following information in an attachment and label it “<b>Relevant Experience</b>”:</p>	<p><b>Weighting</b>   <b>20%</b></p>	
<p>a) <i>Provide details of similar work undertaken.</i>                  b) <i>Provide scope of the Tenderer’s involvement including details of outcomes.</i>                  c) <i>Provide details of issues that arose during the project and how these were managed.</i>                  d) <i>Demonstrate competency and proven track record of achieving outcomes.</i></p>	<p>“<b>Relevant Experience</b>”</p>	<p><b>Tick if attached</b>   <input type="checkbox"/></p>
<p><b>B. Key Personnel Skills and Experience</b>                  Tenderers must address the following information in an attachment and label it “<b>Key Personnel Skills and Experience</b>”:</p>	<p><b>Weighting</b>   <b>10%</b></p>	
<p>a) <i>The Tenderer’s role in the performance of the Contract.</i>                  b) <i>Level of relevant experience of site based staff and sub-contractors including qualifications and licenses.</i>                  c) <i>With regards to the Project Manager and Site Supervisor, as a minimum, the Tenderer shall provide detailed CV’s including projects worked on in the last 3 years.</i></p> <p><i>The Tenderer is to note that, if a Contract is awarded to the Contractor, that the above personnel will be included as part of the award conditions. Any subsequent change to the these personnel needs to be approved by the Superintendent prior to any personnel changes being made.</i></p>	<p>“<b>Key Personnel</b>”</p>	<p><b>Tick if attached</b>   <input type="checkbox"/></p>
<p>Supply any other relevant details in an attachment and label it “<b>Key Personnel Skills and Experience</b>”.</p>		

<p><b>C. Tenderer’s Resources</b></p> <p>Tenderers must address the following information in an attachment and label it “<b>Tenderer’s Resources</b>”:</p>	<p><b>Weighting</b></p> <p><b>10%</b></p>	
<p>a) <i>Plant, equipment and materials.</i></p> <p>b) <i>Any contingency measures or backup of resources including personnel (where applicable).</i></p> <p>c) <i>Safety Record.</i></p> <p>d) <i>Resources Schedule (to minimise shop closure timeframe)</i></p>	<p>“<b>Tenderer’s Resources</b>”</p>	<p><b>Tick if attached</b></p> <p><input type="checkbox"/></p>
<p>As a minimum, Tenderers should provide a current commitment schedule and plant/equipment schedule in an attachment and label it “<b>Tenderer’s Resources</b>”.</p>		

<p><b>D. Tender Price</b></p>	<p><b>Weighting</b></p>	
<p>Tendered Price</p>	<p>60%</p>	

The tender required responses to provide a fixed price. A summary table was included in the Tender requiring tenderers to complete a breakdown of the tender sum and a schedule of rates for ad-hoc works.

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

	<p><b>SHAPE AUSTRALIA PTY LIMITED</b></p>	<p><b>ADRINA PROJECT MANAGEMENT PTY LTD</b></p>
<p>Value of Work Tendered (ex GST)</p>	<p>\$314,533</p>	<p>\$269,875</p>

The tenders were assessed against the criteria published in the RFT.

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

<b>Panel Members</b>	<b>SHAPE AUSTRALIA PTY LIMITED</b>	<b>ADRINA PROJECT MANAGEMENT PTY LTD</b>
Gunther Hoppe	4.0	3.0
Glen Boase	4.0	3.2
Aaron Griffiths	3.8	3.0
<b>Total</b>	<b>11.8</b>	<b>9.2</b>

When assessing the tenders, particular consideration was given to the proposed construction timeframes contained in the tenders, as the current shop will need to be relocated and housed in a temporary structure during the construction work. The MRC will incur hire costs for the temporary accommodation and is expecting that daily sales will be significantly reduced while construction is underway.

A tender clarification with regard to the fall arrest system for the current building and proposed extension was issued to both tenderers.

Adrina Project Management indicated that there would be adjustment to their tendered price as a result of the clarification, whereas Shape Australia indicated that their price would increase by \$12,365.

### **CONSULTATION**

The MRC has worked with officers from the MRC to prepare conceptual layouts of the required facilities and will be involved with the detailed design.

### **STATUTORY ENVIRONMENT**

The MRC has complied with the requirements of Council Policy CP06 Purchase of Goods and Services and the Local Government Act 1995.

### **POLICY IMPLICATIONS**

Nil

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### FINANCIAL IMPLICATIONS

In the 2017/18 budget the following capital expenditure allocations had been made in respect of buildings:

	<b>Budget</b>	<b>Spent</b>	<b>Unspent</b>
Recycling Redevelopment – II (Stage 2) (2016/17 Budget – Brought Forward)	\$275,000	\$41,300	\$233,700
Recycling Redevelopment – II (Stage 2) (Updated in 2017/18 Budget)	\$150,000	-	\$150,000
<b>Total</b>	<b>\$425,000</b>	<b>\$41,300</b>	<b>\$383,700</b>

The capital expenditure allocations include a combination of \$275,000 brought forward from the 2016/17 budget and \$150,000 identified in the current year budget.

At current estimates the scope of works is anticipated to be completed by the end of the 2017/18 Financial Year.

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**STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS**

<b>STRATEGIC COMMUNITY PLAN 2013/14 - 2033/34</b>	
<b>Strategic Objective 1: Long Term Viability</b>	
<b>Strategy 1.3</b>	<b>Manage and acquire suitable assets to achieve an optimal mix of waste management solutions</b>
Action 1.3.5	Manage and maintain buildings owned by the MRC.
Action 1.3.9	Assist operations in obtaining suitable funding for significant infrastructure projects.
<b>Strategic Objective 2: Effective Management</b>	
<b>Strategy 2.2</b>	<b>Continually assess and utilise the best appropriate waste management solutions</b>
Action 2.2.2	Annual review of current operations with a view to continuously improving the MRC's waste management practices.
<b>Strategy 2.3</b>	<b>Make ongoing reviews of waste streams to ensure optimal recovery/diversion is being achieved</b>
Action 2.3.2	Educate member councils and community as to how to best manage their problematic waste streams.
<b>Strategic Objective 3: Sustainable Waste Management</b>	
<b>Strategy 3.1</b>	<b>Identify and adopt improved approaches to waste minimisation, resource recovery and the associated community engagement</b>
Action 3.1.4	Explore options with waste industry and member councils to improve/expand services.

**COMMENT**

The landfill at Tamala Park is currently forecast to close in 2024 however, it is considered highly likely, and desirable, that the public recycling will continue to operate long past that date. The recycling area at Tamala Park is a vital community asset that provides a convenient waste management service to residents of the northern corridor, where there are no real practical alternatives for them to deal with their waste.

In this context, the redevelopment work being proposed for the recycling area will stand the MRC and its communities in good stead for the next generation as it continues to provide a valuable, professional recycling and waste management service to the public.

The results being achieved out of the existing retail area are highly likely to improve further once the Recycling Redevelopment Project is completed, which in turn will go a long way to helping generate a return on the proposed investment in the redevelopment.

The Recycling Redevelopment Project is also highly aligned to helping the MRC deliver against its Vision of "*Winning Back Waste*".

**VOTING REQUIREMENT**

Simple Majority

**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Council:**

- 1. Award the tender for the construction of a steel framed metal extension to an existing steel framed metal shed (Tender Number: 13/135) to SHAPE AUSTRALIA PTY LIMITED at a fixed price of \$326,898 excluding GST, based on the originally tendered price of \$314,533 plus the \$12,365 identified in the tender clarification, excluding GST.**
- 2. Advise the unsuccessful tenderer of its decision to award the tender to SHAPE AUSTRALIA PTY LIMITED.**

**Moved Cr Proud, seconded Cr Sargent**

**RESOLVED**

**That the recommendation be adopted.**

**(CARRIED UNANIMOUSLY 10/0)**

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**10 MEMBERS INFORMATION BULLETIN**

**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Members Information Bulletin Issue No. 40 be received.**

**Moved by Cr Cole, seconded by Cr Cvitan**

**RESOLVED**

**That the recommendation be adopted.**

(CARRIED UNANIMOUSLY 10/0)

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12 URGENT BUSINESS**

In accordance with clause 3.15 of the *Mindarie Regional Council Standing Orders Local Law 2010*, the Chairman as the Presiding Person dispensed with the requirement to give notice under clause 3.13 where the Presiding Person is satisfied that –

*The motion is a matter of urgency and the motion could not reasonably be dealt with at the next ordinary meeting of Council.*

**Report – Recruitment Committee and Panel for the new CEO**

**BACKGROUND:**

**1. Chief Executive Officers Performance Review Committee**

The Council at its meeting held on 9 November 2017 at item 9.3 appointed the CEO Performance Review Committee with its membership comprising:

1. Cr Fishwick
2. Cr Cole
3. Cr Cvitan; and
4. Cr Guilfoyle.

At the same meeting on the 9 November 2017 the Council at Item 9.4 appointed a CEO Recruitment Panel consisting the:

1. Chairperson
  2. Deputy Chairperson
  3. Cr Cole;
  4. Cr Guilfoyle;
  5. Cr Norman; and
  6. Cr Cvitan.
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2. Change to Title and Terms of Reference to the CEO and CEO Performance Review Committee to include the Recruitment of a CEO

At its meeting held on 14 December 2017 the Council endorsed the change of the title of the current 'CEO Performance Review Committee' to the 'CEO Recruitment and Performance Review Committee' and amended its Terms of Reference accordingly.

The Comments Section of the report at Item 9.4 states that:

The changes to the Title and Terms of Reference of the CEO Performance Review Committee as proposed will ensure that the recruitment process for a CEO in the future will be able to proceed soon after the current CEO resigns, instead of having to wait on a council meeting to be called or held.

**The current recruitment process of the CEO should be conducted by the Recruitment Panel and the Committee should only be used for future CEO recruitment.**

Comment

The Chairman had a concern that the statement shown bolded above should be formalised by the Council so that from a good governance perspective there are no repercussions or concerns raised by any parties, particularly candidates, about the roles undertaken by the "CEO Recruitment Panel" and the "CEO Recruitment and Performance Review Committee".

**PROPOSED MOTION BY THE CHAIRMAN UNDER URGENT BUSINESS:**

**That the Council acknowledges that:**

- 1. at its meeting held on 9 November 2017 the Council established the CEO Recruitment Panel for the purpose of assisting the Council in the recruitment process of appointing a new CEO, to replace Mr Callander; and**
- 2. the function of assisting the Council in the recruitment process of appointing a new CEO in future will be undertaken by its CEO Recruitment and Performance Review Committee.**

**Moved Cr Fishwick, seconded Cr Proud**

**RESOLVED**

**That the motion moved under urgent business be adopted.**

(CARRIED UNANIMOUSLY 10/0)

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<b>13</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b>
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Nil

<b>14</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b>
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Nil

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**15 NEXT MEETING**

Next meeting to be held on Thursday, 31 May 2018, in the Council Chambers at the City of Stirling commencing at 6.00 pm

**16 CLOSURE**

The Chairman closed the meeting at 6.28 pm and thanked the City of Wanneroo for their hospitality and use of their meeting facilities.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 March 2018.

Signed .....Chairman

Dated this .....day of .....2018

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