



AGENDA

ORDINARY COUNCIL MEETING

TIME: 5.30PM

THURSDAY 7 JULY 2011

CITY OF STIRLING

Managing waste and recovering resources responsibly

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



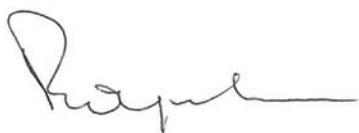
**MINDARIE REGIONAL COUNCIL
NOTICE OF MEETING**

24 June 2011

Councillors of the Mindarie Regional Local Government are respectfully advised that an Ordinary Meeting of the Council will be held in the Council Chambers of the City of Stirling, 25 Cedric Street, Stirling, at 5.30pm on Thursday 7 July 2011.

The business papers pertaining to the meeting follow.

Your attendance is requested.



KEVIN POYNTON
Chief Executive Officer

MINDARIE REGIONAL COUNCIL - MEMBERSHIP

Cr J Bissett (John)	Town of Victoria Park
Cr D Boothman (David)	City of Stirling
Cr R Butler (Rob)	City of Perth
Cr S Cooke (Sharon)	City of Stirling
Cr S Farrell (Steed)	Town of Vincent
Cr R Fishwick (Russ)	City of Joondalup
Cr L Gray JP (Laura)	City of Wanneroo
Cr K Hollywood (Kerry)	City of Joondalup
Cr D Newton JP (Dot)	City of Wanneroo
Cr C MacRae (Corinne)	Town of Cambridge
Cr J Robbins (Jason)	City of Stirling
Cr B Stewart (Bill)	City of Stirling

NB: Although some Councils have nominated alternate members, it is a precursor to any alternate member acting that a Council carries a specific resolution for each occasion that the alternate member is to act.

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1	OATHS/AFFIRMATIONS OF ALLEGIANCE AND DECLARATIONS OF OFFICE
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2	QUESTION TIME
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3	ATTENDANCE AND APOLOGIES
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4	MINUTES
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4.1	ORDINARY COUNCIL MEETING – 28 APRIL 2011
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The Minutes of the Ordinary Council Meeting held on 28 April 2011 have been printed and circulated to members of the Council.

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of Council held on 28 April 2011 be taken as read, confirmed and the Chairman invited to sign same as a true record of the proceedings.

4.2	SPECIAL COUNCIL MEETING – 30 MAY 2011
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The Minutes of the Special Council Meeting held on 30 May 2011 have been printed and circulated to members of the Council.

RECOMMENDATION

That the Minutes of the Special Council Meeting of Council held on 30 May 2011 be taken as read, confirmed and the Chairman invited to sign same as a true record of the proceedings.

5	ANNOUNCEMENTS
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6	DEPUTATIONS
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7	BUSINESS FROM A PREVIOUS MEETING TREATED AS AN ORDER OF THE DAY
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8 REPORTS

Declaration of Financial/Conflict of Interest to be recorded prior to dealing with each item.

Disclosure of Financial and Proximity Interests

- (a) *Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the Local Government Act 1995).*
- (b) *Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the Local Government Act 1995).*

Disclosure of Interest Affecting Impartiality

- (a) *Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee has given or will give advice.*

8.1 CHIEF EXECUTIVE OFFICER

8.1.1

File No: FIN/5-02

Item and Attachments at Page 13 -38

**SUBJECT: FINANCIAL STATEMENTS FOR THE PERIODS ENDED
 31 MARCH 2011 AND 30 APRIL 2011**

VOTING REQUIREMENT

Simple Majority

MRC OFFICER RECOMMENDATION

That the Financial Statements as attached at Attachment One and Two for the months ended 31 March 2011 and 30 April 2011 be noted.

8.1.2

File No: FIN/5-02

Item and Attachments at Page 39 - 52

**SUBJECT: LIST OF PAYMENTS MADE FOR THE MONTHS ENDED
 31 MARCH 2011 AND 30 APRIL 2011**

VOTING REQUIREMENT

Simple Majority

MRC OFFICER RECOMMENDATION

That Council endorse the list of payments made, as per the delegation made to the Chief Executive Officer, for the months ended 31 March 2011 and 30 April 2011 and note the Summary of Legal Fees expenditure for 2010/2011 (YTD – 2011) and previous years.

8.1.3

File No: COR/8

Item and Attachments at Page 53- 84

SUBJECT: BUSINESS REPORT (for the period 26 March 2011 – 10 June 2011)

VOTING REQUIREMENT

Simple Majority

MRC OFFICER RECOMMENDATION

That Council:

- (i) receive this progress report for the period 26 March 2011 – 10 June 2011 against Annual Business Plan 2010/2011
- (ii) approve the approach for the review of MRC's Strategic Plan at Attachment Four to this Item

8.1.4

File No: WST/13-02

Item and Attachments at Page 85 - 103

**SUBJECT: RESOURCE RECOVERY FACILITY UPDATE REPORT
(for the period 1 April 2011 – 31 May 2011)**

VOTING REQUIREMENT

Simple Majority

MRC OFFICER RECOMMENDATION

That Council:

- (i) note the RRF update report for the period 1 April 2011 to 31 May 2011
 - (ii) note the following operational aspects associated with the RRF that are currently being dealt with:
 - composter long-term repairs;
 - composter crack insurance claims (MRC and BV);
 - SITA ongoing investigation of accepting rear lift vehicles;
 - SITA problems associated with disposal of ferrous metal;
 - RRF Project Insurance renewal process and cost; and
 - vehicle wash down facility.
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8.1.5

File No: WST/13-02

Item and Attachments at Page 104 - 135

**SUBJECT: DRAFT MINDARIE REGIONAL COUNCIL – STANDING ORDERS
LOCAL LAW 2010**

VOTING REQUIREMENT

Absolute Majority

MRC OFFICER RECOMMENDATION

That Council proceed to make the Mindarie Regional Council Standing Orders Local Law 2010 as set out in Attachment One.

8.1.6

File No: WST/13-02

Item and Attachments at Page 136 - 153

**SUBJECT: CITY OF STIRLING WITHDRAWAL – PROGRESS REPORT AS AT
10 JUNE 2011**

VOTING REQUIREMENT

Simple Majority

MRC OFFICER RECOMMENDATION

That Council note this progress report, for information, on matters related to the City of Stirling Withdrawal.

8.1.7

File No: WST/13-02

Item and Attachments at Page 154 - 171

SUBJECT: CITY OF STIRLING REQUEST FOR EXEMPTION - WASTE DISPOSAL

VOTING REQUIREMENT

Simple Majority

MRC OFFICER RECOMMENDATION

That Council:

- (i) authorise an exemption to City of Stirling for disposal of all waste to MRC facilities for the period commencing on 1 July 2011 and ending on 30 June 2012 subject to, and conditional upon the City of Stirling paying the MRC's fee and charges applicable to casual and commercial users (and not the Member's Gate Fee) for the disposal of any waste delivered to the MRC by the City**
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- (ii) **reconsider this matter prior to 30 June 2012 in the event that the withdrawal of City of Stirling from MRC has not been completed**

LATE ITEM

8.1.8

File No: FIN/52

Item and Attachments at Page 172

SUBJECT: BUDGET PLANNING FINANCIAL YEAR 2011/2012

8.1.9

File No: PES/77

Item and Attachments at Page 173 - 176

SUBJECT: MRC CEO ISSUES

VOTING REQUIREMENT

Simple Majority

MRC OFFICER RECOMMENDATION

That Council:

- (i) **appoint a CEO Recruitment Committee comprising Chair, Deputy Chair, Councillors**
 - (ii) **authorise CEO Recruitment Committee to undertake action as follows:**
 - **Appointment of Acting CEO, if timing requires this.**
 - **Development of procurement document for invitation of proposals from recruitment providers.**
 - **Selection of recruitment provider.**
 - **Management of this recruitment provider.**
 - **Provision, for Council consideration, of a report on this project, including a recommendation for appointment of permanent CEO MRC.**
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(Committee constituted under Local Government Act 1995 under s5.8 and s5.9(2)(e) (employees and other persons) and approved by Council at the Ordinary Council Meeting 25 February 2010).

8.2 STRATEGIC PROJECTS COMMITTEE

8.2.1

File No: GOV/28/05

SPC Minutes at Page 177 - 193

**SUBJECT: SPECIAL – STRATEGIC PROJECTS COMMITTEE MINUTES –
29 APRIL 2011**

VOTING REQUIREMENT

Simple Majority

MRC ADMINISTRATION RECOMMENDATION

That Council notes the Minutes of the Special-Strategic Projects Committee meeting held on 29 April 2011.

8.2.2

File No: GOV/28/05

SPC Minutes at Page 194 - 207

SUBJECT: STRATEGIC PROJECTS COMMITTEE MINUTES – 23 MAY 2011

VOTING REQUIREMENT

Simple Majority

MRC ADMINISTRATION RECOMMENDATION

That Council notes the Minutes from the Strategic Projects Committee meeting held on 23 May 2011.

8.3 CONFIDENTIAL ITEMS

8.3.1

File No: WST/179

Item and Attachments at Page 208 - 284

**SUBJECT: RESOURCE RECOVERY FACILITY –
Waste Diversion Target, RRFA Amendment, Standstill Deed**

VOTING REQUIREMENT

Simple Majority

MRC ADMINISTRATION RECOMMENDATION

That Council:

- (i) **approve the amended Waste Diversion Target to be set at 51.33%**
- (ii) **authorise the MRC Administration to make the retrospective catch-up payment of \$xyz (to be confirmed once the final tonnages for June 2011 are known). The payment being subject to BioVision agreeing to change the RRFA to allow the MRC to request future changes to the Waste Diversion Target**
- (iii) **approve the Second Standstill Deed as at Attachment Three to this Item, subject to ANZ Bank prior sign off thereof on condition that BioVision and ANZ agree to a change to the RRFA to allow the MRC to request a change to the Waste Diversion Target**
- (iv) **authorise the MRC Chairperson and the MRC CEO to sign the Second Standstill Deed, subject to ANZ Bank prior sign off thereof**
- (v) **note that the MRC Administration is in the process of finalising a suite of minor contractual amendments to the RRFA which, once provisionally agreed to with BioVision, will be presented to Council for approval at a future meeting**

LATE ITEM

8.3.2

File No: PER/77

Item and Attachments at Page 285

SUBJECT: MRC CEO ISSUES – ACTING CEO

8.3.3

File No: PER/77

Item and Attachments at Page 286 - 292

SUBJECT: 2011 PERFORMANCE REVIEW – CHIEF EXECUTIVE OFFICER

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION 1

That Council:

- 1.1 ADOPTS the 2011 Annual Performance Review Report**
- 1.2 ENDORSES the overall rating of “Meets performance criteria and associated Performance Indicators at a satisfactory level”.**

RECOMMENDATION 2

That Council:

- 2.1 REFERS the matter of any variation to the Chief Executive Officer’s remuneration package for the period January to July 2011 to the Review Committee. Review Committee to consult with the appointed facilitator and take into consideration any recommendations issued by the Salaries and Allowances Tribunal.**

9 NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING
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10 GENERAL BUSINESS - SEE NOTE (1)

11 NEXT MEETING

11.1 Ordinary Council Meeting

- 25 August 2011**
- 5.30pm**
- Town of Vincent**

12 CLOSURE - MEETING DECLARED CLOSED

Notes:

1. Under this item, members have the opportunity to:
 - a. make a statement providing information related to the Council's business;
 - b. to ask a question relevant to the Council's business.Under this item a member shall not raise any matter directly related to any other item on the agenda and shall not foreshadow any motion for consideration at another meeting.
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