



AGENDA

ORDINARY COUNCIL MEETING

19 APRIL 2012

TIME: 5.30PM

CITY OF JOONDALUP

Managing waste and recovering resources responsibly
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

**MINDARIE REGIONAL COUNCIL
NOTICE OF MEETING**

5 April 2012

Councillors of the Mindarie Regional Local Government are advised that an Ordinary Meeting of the Council will be held in the Council Chambers of the City of Joondalup, Boas Avenue, Joondalup, at 5.30pm on Thursday 19 April 2012.

The agenda pertaining to the meeting is attached.

Your attendance is respectfully requested.

BRIAN CALLANDER
Chief Executive Officer

MINDARIE REGIONAL COUNCIL - MEMBERSHIP

Cr S Withers (Simon)	Town of Cambridge
Cr R Fishwick (Russ) - Chair	City of Joondalup
Cr K Hollywood (Kerry)	City of Joondalup
Cr R Butler (Rob)	City of Perth
Cr D Boothman (David)	City of Stirling
Cr S Cooke (Sharon)	City of Stirling
Cr J Robbins (Jason)	City of Stirling
Cr B Stewart (Bill)	City of Stirling
Cr J Bissett (John) – Deputy Chair	Town of Victoria Park
Cr A MacTiernan (Alannah)	City of Vincent
Cr L Gray JP (Laura)	City of Wanneroo
Cr D Newton JP (Dot)	City of Wanneroo

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

3 DECLARATION OF INTERESTS

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.*

4 PUBLIC QUESTION TIME

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 ORDINARY COUNCIL MEETING – 23 FEBRUARY 2012

The Minutes of the Ordinary Council Meeting held on 23 February 2012 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 23 February 2012 be confirmed as a true record of the proceedings.

8.2 SPECIAL COUNCIL MEETING – 28 MARCH 2012

The Minutes of the Special Council Meeting held on 28 March 2012 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Special Council Meeting of Council held on 28 March 2012 be confirmed as a true record of the proceedings.

9 PROJECT MANAGER REPORTS

ITEM 9.1	STAGE 2 PHASE 2 SECTION 2 CAPPING WORKS – PROPOSED SCOPE OF WORK AND TENDER RECOMMENDATION
File No:	WST/109
Tender No:	13/119
Appendix(s):	Nil
Date:	30 March 2012
Responsible Officer:	Ian Watkins

SUMMARY

The purpose of this report is to provide Council with information associated with the tender process and recommendation for the construction of the Stage 2 Phase 1 Section 2 capping works at the Tamala Park landfill.

BACKGROUND

Tamala Park Landfill Development and Closure

The overall Tamala Park landfill development consists of Stage 1, the old, closed landfill and Stage 2 the active landfill area. Stage 1 was completed and capped in 2004 once landfilling had moved into the new Stage 2 area. Stage 2 consists of three phases of development, all of which have been lined. Waste placement has recently been completed in the Phase 1 areas and moved into the recently lined Phase 3 area. The Phase 1 area has reached maximum capacity with no further opportunity to place waste in this area. Phase 2 is substantially full, but is predominantly formed of internal landfill slopes and access roads, which will be filled against as Phase 3 progressively fills up.

Before winter 2011, a significant portion of the Stage 2 Phase 1 area was capped. With waste placement having now been completed, it is now appropriate to complete the capping in this area.

Capping Design

The design and preparation of the tender documents were carried out by Golder Associates. The capping design incorporates the same design concept as used on the previous Stage 2 Phase 1 area.

The permanent cap design incorporates a landfill gas collection layer below a 2 mm plastic liner and a 2.5 m growing medium above. The cap has been designed to contain landfill gas and enable the gas to be extracted for the production of green energy, minimise the ingress of surface water into the waste mass, while providing a sufficiently deep growing medium to enable the establishment of decent vegetation cover on the capped surface. The vegetation cover will provide long-term stability of the cap from surface erosion, reduce moisture ingress via evapo-transpiration and significantly reduce the visual impact of the closed landfill on the surrounding areas.

DETAIL

Tender 13/119

The tendered scope of works included:

- Preparation of landfill surface.
- Tie-in to previous capping works.
- Placement of gas extraction pipework.
- Spreading a 300 mm gas collection sand layer.
- Installation of a 2 mm plastic liner.
- Spreading a 300 mm protection sand layer.
- Installing a separation geofabric (cloth) on the protection sand layer.
- Spreading a 2.5 m limestone/sand layer (growing medium).
- Survey and set-out as required.

Construction Materials

The cap design has been carried out to utilise materials that are currently available on site. This includes the two sand layers, the limestone/sand growing medium and the crushed limestone. All of these materials are from the recently excavated Phase 3 landfill cell and were separately stockpiled on site with the intention of being used for future capping operations. Hence, the vast majority of the construction materials will be supplied by the Principal (MRC).

Tender Process and Prices Received

The Tender was advertised on Saturday 25 February and again on Wednesday 29 February 2012 and closed on Wednesday 14 March 2012. Four companies submitted tenders for the proposed works. **Table No. 1** provides a summary of the prices received.

Table No. 1 - Summary of Tender Prices

Item	Company	Tendered Price Excluding Provisional Items
1.	Mine Site Construction Services	\$799,650.00 (0%*)
2.	WBHO Civil	\$968,550.00 (21%)
3.	Broad Civil	\$1,011,379.84 (26%)
4.	Curnow Group	\$1,202,470.00 (50%)

Note: All prices exclude GST

* Indicates the percentage difference in comparison to the lowest price received

In comparison to the previous capping works carried out one year ago (similar, but more complicated scope of work and 70% larger than the current works) the rates received were significantly higher. It would be expected that the rates for a small project would be somewhat higher than a large project due to economies of scale, but it was not anticipated to be in the range of two to three times higher.

Even with the higher rates submitted by Mine Site Construction Services in comparison to its previous tender, they were 21% lower than the next lowest tenderer (in the previous tendering exercise the difference was 11%).

Tender Assessment

Tender assessment was carried out by Ian Watkins and Brian Callander.

The tenderers were requested to provide the following information for assessment purposes:

- Contractor's Previous Experience and Capacity
- Key Personnel
- Sub-Contractors & Suppliers
- Construction Methodology
- Contractor's Quality Certification & Management Plans

The tenders were checked for completeness, specifically in relation to the documents requested in the tender document.

Due to the relative simplicity of the proposed capping works and the fact that the most difficult part (the lining works) is carried out by specialist sub-contractor, the consideration of the price submitted and the quality of the lining sub-contractor was seen as the most significant criteria for the selection of the preferred tenderer.

Mine Site Construction Services (MSCS)

This tender was submitted by Zurich Bay Holdings PTY Ltd as trustee for Mine Site Construction Services Trust trading as Mine Site Construction Services.

The company has significant experience in general construction and mining construction activities with limited experience in working on landfill sites.

MSCS was the company that successfully carried out the previous capping works on Stage 2 Phase 1. Hence is well aware of the site conditions and the requirements for tying into the existing works.

The project team that is proposed for the works is the same team that managed the previous works, hence, consistency of approach and site specific experience.

MSCS has provided evidence of all the necessary Quality, Occupational Health & Safety and Environmental certifications.

West Coast Lining Systems (WCLS) is proposed as the lining sub-contractor. WCLS has previously been successfully involved as a lining sub-contractor at Tamala Park including the previous capping works, as well as on numerous other landfill lining projects in the Perth metropolitan area. WCLS is suitably qualified to undertake the specialist lining works associated with this project.

The price tendered by MSCS was the lowest price received. In comparison to the other quotes, the main differentiating factor is the haulage and placement rate for the various material types.

In summary, based on past experience at Tamala Park and the tender documentation provided, MSCS is capable of successfully carrying out the proposed works.

WBHO (Previously CECK)

WBHO has previously worked on landfill construction projects at Tamala Park (Stage 2 Phase 3 lining). This project was successfully completed on time and on budget.

WBHO has a demonstrated track record of working on a number of major landfill projects in the Perth metropolitan area as well as the relevant certified management systems and suitably qualified staff to undertake the works.

Australian Lining Technologies Australia (ALTA) has been proposed as the specialist lining sub-contractor. This is that same specialist lining sub-contractor that was successfully used on the previous project at Tamala Park.

WBHO has the capability and relevant experience to undertake the works.

Broad Civil

Broad Civil is 90% owned by Leighton Contractors/Leighton Holdings Limited (\$18.6 billion turnover in 2009/10 financial year).

Broad Civil has limited relevant track record in similar projects. However, has employees that have extensive experience in similar project.

As a relatively large company and as part of a larger organisation (Leighton), Broad Civil has the necessary OH&S and environmental systems to manage the project.

West Coast Lining Systems (WCLS) has been proposed as the lining sub-contractor.

Although Broad Civil has limited relevant experience, due to the relatively simple scope of work, the company should be able to complete the works.

Curnow Group

The Curnow Group is a small and relatively new company that has limited relevant track record (previous experience predominantly earthworks projects) and is relying on the calibre of its staff having carried out similar works for their previous employers to demonstrate its potential to successfully complete the works.

The company does not have certified quality, OH&S and environmental systems; however, its internal systems have been developed in accordance with the core elements of certified system performance.

WCLS has been proposed as the lining sub-contractor.

Due to the relatively simple scope of works, Curnow Group is likely to be able to complete the works, even though they do not have specific landfill experience.

Tender Award Recommendation

Based on the scope of work and tender documentation received, it is recommended that the project be awarded to Mine Site Construction Services to the value of \$799,650 (excluding GST). This recommendation is founded on the following MSCS information:

- MSCS has successfully constructed the previous Stage 2 Cap
 - Submitted the lowest tender price
 - Has the necessary management systems and insurances
-

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- Sufficiently large company to undertake the works
 - Suitably experienced specialist lining sub-contractor

A review of the financials of MSCS was carried out for the previous capping works and determined that the company has the appropriate financial credentials to undertake the works. Due to the relatively small size of the current works, it was not deemed necessary to undertake another review of the MSCS finances.

Timing of Contract Award

All necessary regulatory approvals have been received, it is anticipated that the works will be awarded immediately following Council approval of a recommendation to proceed with the project.

Superintendence & Quality Control

As part of the works, there is a requirement to have a Superintendent administer the contract and deal with any technical and contractual matters that arise. In addition, it is a DEC requirement that the cap lining system be inspected and reported on by an independent party (Construction Quality Assurance - CQA). These activities have previously been undertaken by Golder Associates (MRC Panel Consultant). It is intended that Golders again be utilised to carry out this function. It is anticipated that this component of the works will cost \$40,000 approximately 5% of the contract value.

Contract Contingency

Historically Tamala Park construction works have been approved with a contingency amount of approximately 10% of the contract value. The contingency amount is to allow for unforeseen activities to be completed as part of the program of works. Due to the relative simplicity of the proposed scope of works, it is recommended that a 5% contingency value be approved by Council.

CONSULTATION

Consultation has occurred with the following groups:

- Landfill Gas and Power
- DEC
- Golder Associates
- Various Tenderers

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The ongoing development and closure of Tamala Park landfill is consistent with the following Principals described in the Strategic Plan 2009-2029:

- Community Focus
- Innovation
- Leadership

In particular, the landfill development conforms with:

- Objective 1 – Waste Management to minimise the environmental impact of waste disposal.
- Objective 3 – Industry Leadership and Advocacy to promote industry-wide initiatives for improvements to waste management.

FINANCIAL IMPLICATIONS

The 2011/12 budget includes an amount of \$514,000 for landfill capping. This value was the amount that was left over from the previous (2011) capping works.

Based on the MSCS tendered price (\$799,650), superintendent and Construction Quality Assurance costs of \$40,000 and a contingency amount of \$40,350, the project is likely to cost \$880,000. This is \$366,000 greater than the budgeted value.

It is proposed to fund the shortfall of \$366,000 from the funds (\$689,000) originally set aside in the 2011/12 Budget for a washdown bay at the RRF Site in Neerabup. Council resolved at its meeting on 23 February to defer this project and use \$229,378 of the \$689,000 set aside for the project to cover the shortfall identified in the Mid Yearly Financial (Budget) Review retaining \$459,622 in the account.

VOTING REQUIREMENT

By Absolute Majority

RESPONSIBLE OFFICER'S RECOMMENDATION

That Council:

1. **Accepts the tender from Mine Site Construction Services submitted in response to Tender No. 13/119 for the Stage 2, Phase 1 Capping Works to the value of \$799,650 (excluding GST) acknowledging that it is \$366,000 over the funds set aside in the 2011/12 Budget;**
2. **Approve a total project cost of \$880,000 excluding GST, comprising \$799,650 construction cost, \$40,000 superintendence and quality control and \$40,350 project contingency;**
3. **Fund the shortfall of \$366,000 being \$285,650 for the Tender detailed in (1) above and a further \$80,350 for superintendent and contingency costs detailed in (2) above from the remaining funds retained in the 2011/12 Budget for the Vehicle Wash Facility (\$459,622).**

(Absolute Majority Required)

10 CHIEF EXECUTIVE OFFICER REPORTS

ITEM 10.1	MINDARIE REGIONAL COUNCIL WASTE FACILITY SITE LOCAL LAW 2012
File No:	LAW/5
Appendix(s):	Appendix 1
Date:	3 April 2012
Responsible Officer:	Kathleen van Son

SUMMARY

On the 14 December 2011, the Council resolved to give Statewide public notice of the proposed new Mindarie Regional Council (MRC) Waste Facility Site Local Law 2011 and subsequently, Statewide public notice was given of the proposed new Local Law and no submissions were received.

The Department of Local Government wrote to the MRC recommending a number of minor changes. A number of other minor drafting amendments have also been made with a view to achieving a consistency of language, punctuation and general approach. There were a number of setting out errors and formatting issues which have been corrected. Generally, the style of current State legislation has been adopted. These recommendations have been addressed by the MRC Administration.

BACKGROUND

The existing local law dealing with conduct on the Tamala Park site is the MRC Tamala Park Local Law 2002. This local law was gazetted on 20 December 2002.

Local Laws are required to be reviewed every 8 years by virtue of section 3.16 of the Local Government Act 1995.

The CEO caused Statewide public notice to be given that the MRC proposes to make the new MRC Waste Facility Site Local Law 2011. Statewide public notice was given on the 14 December 2011 with a closing date for submissions of 27 January 2012, no submissions were received.

DETAIL

The purpose of the local law is to regulate the conduct of the public whilst they are on the "site" on which the MRC conducts its waste operations.

The effect of the local law is to regulate and prohibit certain conduct by the public whilst on the site. It provides that some activities may only take place with permission and that some activities are restricted or prohibited. Restricted activities include parking and removal of flora, fauna and other property.

A revised version of the draft Local Law in response to the Department of Local Government's recommendations has been prepared and is at **Appendix 1**.

A summary of the Department's recommended changes are set out in **Attachment 1** to this item.

CONSULTATION

The MRC Waste Facility Local Law 2012 was developed in consultation with the Department of Local Government.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Following the giving of Statewide public notice of the proposed new local law, the Council is required in s3.12(4) of the Local Government Act to consider any submissions and subsequently, no submissions were received. The Council is therefore authorised to make a proposed new Local Law.

COMMENT

Nil

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council proceeds to make the MRC Waste Facility Site Local Law 2012 as set out in Appendix 1.

ATTACHMENT 1
TO ITEM 10.1
ORDINARY COUNCIL MEETING
19 APRIL 2012
SUMMARY OF THE DEPARTMENT'S RECOMMENDED CHANGES

A summary of the Department's recommended changes are set out below:

- Clause 1's heading should be changed to Citation as the word "Title" is intended for use for Acts of Parliament
- A definition for the "Act" has been included.
- A definition for the word "sign" has been included.
- Schedule headings should be bold, centralised and not in block print.
- The definition for **traffic sign** should be changed to the following:
 - i. **traffic sign** has the meaning given to it by the *Road Traffic Code 2000*.
- Clause 4's heading says "Terms used in this local law", this means that all terms being defined in other parts of this local law should be re-located into this clause 4. To retain the definitions in the subclauses in clauses 13, 14, 17 and 23, the appropriate heading in Clause 4 has been changed to "interpretations".
- It is suggested that clause 5 be reworded as follows:
 - a. The site is all of the land being Lot 9504 on Plan 52070 known as 1700 Marmion Avenue, Mindarie, Western Australia.
- It is suggested that clause 7, subclause (2) be reworded in order to make the clause simpler to understand:
 - a. (2) Where the local government closes any part of the site including a road, track or path on the site, it shall erect signs to give effect to the closure.
- It is suggested that Council not use terms such as 'sufficient signage'. Such a term is vague and would require a suitable definition to be included in the local law.
- Clause 11, paragraph (e) sets out the conditions in which a person may park in a disabled parking area. Under clause 25(2) the penalty for failing to comply with clause 11 would be an amount "not exceeding \$5000".

This would be inconsistent with the *Local Government (Parking for Disabled Persons) Regulations 1988*, which has already set penalties and modified penalties for the misuse of disabled parking areas.

It is suggested that the Council amend clause 11 to prevent the possibility of inconsistency with any regulations. This can be done by the following amendments:

- Set a specific penalty of \$1000 for an offence under clause 11(e); and
 - Set a modified penalty of \$100.
 - In Clause 16 "Litter", the daily penalty has been moved from Clause 25 to Clause 16(2).
 - Inclusion of the wording "whether permanently or temporarily" to Clause 17(1) for clearer understanding.
 - To avoid repetition, it is suggested that clause 18 be reworded as follows:
 - a. A person must not, without written authorisation –
 - i. sell, hire, or offer or expose for sale or hire, any goods or services;
-

-
- ii. provide any service or conduct any business or activity for fee or reward; or
 - iii. sell, distribute, or offer or expose for sale or distribution any printed or written material on the site
- It is suggested that clause 20 title “bill sticking” be changed to “unauthorised advertising reflecting modern sentence structure.
 - It is also suggested that in clause 20, the wording “written authorisation” be used to follow the sentence structure used throughout the local law
 - A “definition” helps a person understand the rest of the entire clause therefore, “definition” subclauses should be relocated as the first subclause, see Clauses 13, 14, 17 and 23.
 - It is suggested that clause 24 be reworded as follows:
 - a. a person must not remove or disturb any property on the site without written authorisation.
 - The list for prescribed offences does not include several offences, including clause 7 and the majority of parking offences listed under clause 11.

The Council does not need to provide a modified penalty for every offence under the local law however; the Council should ensure that the list in Schedule 1 is sufficient in detail to fulfil the Council’s intentions.

- It is suggested that the Council consider the following minor edits:
 - a. Use italics for citation titles;
 - b. Replace all use of “authorized” with “authorise”; and
 - c. Move all clause definitions into clause 4
 - The word “given in” is included and preferable to the words “as it has in. “.
 - In Part 4, the word “intentionally” has been inserted to distinguish from authorised acts carried out under the Environmental Protection Act 1984
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ITEM 10.2	MINDARIE REGIONAL COUNCIL – VARIATIONS TO DISPOSAL CHARGES POLICY
File No:	COR/23
Appendix(s):	Nil
Date:	4 April 2012
Responsible Officer:	CEO

SUMMARY

The purpose of this item is to revise the existing Variations to Disposal Charges Policy to bring it into line with current economic and operational conditions.

BACKGROUND

At the Ordinary Council Meeting held on 17 October 2002 the members moved to accept a suite of recommendations in respect to the following:

- (i) *Delegation of authority to the Chief Executive Officer for the allocation of discounts to particular customers of the Tamala Park facility*
- (ii) *Approve the policy with key elements of the policy as follows:*
 - (a) *that all requests for discounts should be received by the Chief Executive Officer in writing*
 - (b) *that such requests will only be considered from charitable or not for profit organisations*
 - (c) *that any one organisation shall only receive discounts to a value of \$200.00 in any one financial year.*

This policy was adopted at the meeting.

Subsequently at the Ordinary Council Meeting of 11 October 2007 the discount amount was raised for charitable and not for profit organisations to \$300.00 in any one financial year.

DETAIL

The above policy has been in place for approximately ten years with the revised discount figure for approximately five years. This has served the Mindarie Regional Council, charitable and community not for profit organisations well, however increases in the cost of tipping and the additional cost to transport have eroded the value of the \$300.00 discount offered (tipping fees at that time were \$57/tonne).

To provide similar assistance of comparable value the Administration is seeking Council approval to raise the value of the tipping discount received to five tonnes in any one financial year, offering the discount in tonnes the value to the discount remains regardless of the gate fee of the time.

The \$300.00 limit is to remain for other unspecified goods and services (i.e. purchases made through the Recycling Centre).

CONSULTATION

Consultation took place with the Mindarie Regional Council's Management Team.

STATUTORY ENVIRONMENT

Not applicable.

POLICY IMPLICATIONS

Revise Policy: Variations to Disposal Charges

STRATEGIC IMPLICATIONS

This review will have no direct strategic implications.

FINANCIAL IMPLICATIONS

The operation of this discount has not had a significant financial impact on the Council.

COMMENT

The Council continues to receive requests for fees discounting from charitable and not for profit organisations and from community event organisers.

RESPONSIBLE OFFICER RECOMMENDATION

That Council revise the Variations to Disposal Charges Policy as follows:

- 1. Discount received to now be five (5) tonnes for disposal of waste at Tamala Park and/or a \$300 limit for other unspecified goods and services (i.e. purchases made through the Recycling Centre)**
-

ITEM 10.3	MINDARIE REGIONAL COUNCIL REVIEW OF COMMITTEES AND WORKING GROUPS
File No:	GOV/28
Appendix(s):	Nil
Date:	2 April 2012
Responsible Officer:	CEO

SUMMARY

The purpose of this report is to review the committees and working groups of the Mindarie Regional Council and make recommendations on their effectiveness.

BACKGROUND

The Organisational Review developed by Morrison Low mentions the resources required to service the various council committees and working groups and has made recommendations as follows:

“The CEO review the necessity for each advisory and / or work group set up to govern the business of the Council. This review should include quantifying the cost of those attending as well as the cost of secretarial support.

3. The CEO reviews the need for the Agenda Review Group to meet in advance of the completion of Council agenda items. The CEO should have final sign off of the Council’s agenda, however, should he believe the ARG’s review process to be beneficial to the effectiveness of the Council’s business then this needs to be on a more timely basis.

4. The focus of the Strategic Projects Committee is on strategic matters as opposed to operational.

5. The amount of remuneration and responsibility for its payment, for the PAG’s Independent Chairperson should be reviewed. Future remuneration based on an annual amount which could be paid out on a monthly or annual basis. In addition responsibility for payment may also be reviewed to reflect the “independence” of this role.

6. The MRC’s Contract Representative Role for the PAG should be undertaken by a council officer(s) reporting to the CEO e.g. Operations Manager with administrative assistance from the Governance Officer.

DETAIL

MRC currently operate with five Committees some of which have been established in accordance with the *Local Government Act 1995* (LGA95) and two advisory groups established for the Resource Recovery Centre. The following table provides an overview of how the Committees and Advisory Groups operate and comments and proposals from the CEO on recommended changes to the Committees.

Strategic Projects Committee (SPC)			
Terms of Reference	Undertake planning, research and development of strategic projects.		
Membership	Brian Callander, Karen Caple, Charlie Reynolds, Doug Forster, Geoff Eves, Chris Colyer, Anthony Vuleta, Rick Lotznicker		
Attendees	Gunther Hoppe, Lynda Nyssen, Ian Watkins (Consultant)		
Frequency	Duration (Est.)	Staff Time	Councillors Time
6 per year	2 hour	MRC – 57 hours MC – 84 hours	Nil
Established in accordance with s5.8 of LGA 1995			Yes
<p>CEO Comment:</p> <p>The SPC is an excellent conduit between the MRC and the member councils however the CEO's observation is that there is conflict within the committee resulting in a struggle to maintain discussion at the strategic level. Notwithstanding this the SPC has assisted in developing the final draft of the Establishment Agreement and finalising the contract brief for the member council bin survey.</p>			
<p>CEO Proposal:</p> <p>The SPC be retained but renamed as the Strategic Planning Committee with its terms of reference being modified as follows:</p> <ol style="list-style-type: none"> 1. Assist the MRC in the development of a new Strategic Plan that is consistent with the Integrated Planning Framework in accordance with Division 3 of the Local Government (Administration) Regulations 1996. 2. Assist the MRC in the implementation of the Strategic Plan once adopted by council. 			

Agenda Review Committee			
Terms of Reference	Review the content of the Mindarie Regional Council (MRC) Meeting agenda in preparation for distribution to the Councillors and member Councils.		
Membership	Brian Callander, Karen Caple, Charlie Reynolds, Doug Forster, Geoff Eves, Chris Colyer, Anthony Vuleta, Rick Lotznicker		
Attendees	Lynda Nyssen,		
Frequency	Duration (Est.)	Staff Time	Councillors Time
6 per year	1 hour	MRC – 27 hours MC – 48 hours	Nil
Established in accordance with s5.8 of LGA 1995			No
<p>CEO Comment</p> <p>This committee is an ad hoc committee that has not been established in accordance with the LGA95 and was put in place to provide the member council staff the ability to discuss reports with the MRC staff and allow them to brief the member council councillors who are members of the MRC.</p>			
<p>CEO Proposal</p> <p>The MRC distribute the agenda to a nominated employee of each of the member councils three weeks prior to the date of the council meeting providing the opportunity for the member council staff to make contact with the MRC staff and seek clarification on the content of the item and provide adequate time for the member council staff to brief their councillors.</p>			

Audit Committee			
Terms of Reference	Accept responsibility for the annual external audit and liaise with the Council's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.		
Membership	Cr Fishwick, Cr Butler, Cr Boothman, Alex Dermedgoglou (Independent paid community member)		
Attendees	Brian Callander, Gunther Hoppe		
Frequency	Duration (Est.)	Staff Time	Councillors Time
Bi annually	1 hour 2 hour travel	MRC - 4 hours	6 hours
Established in accordance with s5.8 of LGA 1995			Yes
CEO Comment This Committee is a requirement of the LGA 1995 and is required to have an independence from the MRC Administration and the CEO supports the Committee in its current form			

CEO Performance Review Committee			
Terms of Reference			
Membership	Cr Fishwick, Cr Bissett, Cr Withers, Cr Cooke		
Attendee	Brian Callander		
Frequency	Duration (Est.)	Staff Time	Councillors Time
Annually	1 hour 2 hour travel	1 hour	4 hours
			Yes
CEO Comment This Committee is a requirement of the LGA 1995 and the CEO supports the Committee in its current form.			

Process Review Committee			
Terms of Reference	To appoint a firm of process consultants to review and make recommendation on the appropriate size, scope and structure of the Council's operations		
Membership	Cr Fishwick, Cr Bissett, Cr Gray, Cr Withers, Jason Buckley, Karen Caple		
Attendee	Brian Callander		
Frequency	Duration (Est.)	Staff Time	Councillors Time
AS required	1 hour 2 hour travel	MRC – 1 hour MC – 2 hours	4 hours
Established in accordance with s5.8 of LGA 1995			Yes
CEO Comment This committee has fulfilled its terms of reference and as such should be discontinued.			

Project Advisory Group (Resource Recovery Facility)			
Terms of Reference	Oversee the execution of the RRFA, establish and maintain the Project culture, provide leadership and assist in resolving conflicts, review all procedures and policies not imposed under this RRFA.		
Membership	Mike Wadsworth (external – paid position), Brian Callander, Cr Gray, Chris Colyer, Emmanuel Vivant (BV), Nial Stock (BV), Craig Barker (BV)		
Attendees	Gunther Hoppe, Ian Watkins (Consultant)		
Frequency	Duration (Est.)	Staff Time	Councillors Time
Monthly	2 hours 1 Hour travel	MRC – 48 hours MC – 24 hours	24 hours
Established in accordance with s5.8 of LGA 1995			No
Established in accordance with the requirements of Resource Facility Agreement			
<p>CEO Comment This committee plays an important role in building strong relationships with BioVision. The CEO has attended two meeting since commencing and considers it to be a very useful forum for discussing how the facility is operating and finding out of any ongoing issues. However it is questionable whether the current meeting frequency is required and the current membership is correct.</p>			
<p>CEO Proposal The CEO has already gained approval to reduce the meetings to bi monthly, which is considered to be more appropriate. It is also proposed to reduce the attendance of Ian Watkins over time and consideration should be given to replacing the representation from the member council and replacing it with MRC's Chief Financial Officer (Director Corporate Services). The CEO has also gained approval for the Chairperson's costs to be shared between the MRC and BioVision. The changes detailed above will be the subject of a further report to Council.</p>			

Community Engagement Advisory Group (Resource Recovery Facility)			
Terms of Reference	Identify and discuss regional and local impacts and issues of resource recovery project. Identify, monitor and support communication links with local residents, community feedback and identify issues for action and/or discussion. Identify and facilitate education of the community regarding waste management issues.		
Membership	External Representatives – Russell Sewell, Bill Foulds, Bob Mason, Darrin Smith, Helen Griffiths, Ted Smith, Vincent Cusack		
Attendees	Geoff Atkinson, Ian Watkins (Consultant)		
Frequency	Duration (Est.)	Staff Time	Councillors Time
Bi monthly	2 hours 1 Hour travel	MRC – 12 hours	Nil
Established in accordance with s5.8 of LGA 1995			No
<p>CEO Comment This group provides an important link to the community on issues relating to the RRF. However, now that the RRF is fully operational consideration should be given to reducing the meeting frequency. Also the meeting venue is currently held at the Joondalup Resort with a meal provided.</p>			
<p>CEO Proposal Reduce the meeting frequency to six monthly and hold the meeting at a cost neutral venue such as MRC's offices or a meeting room in a council owned building with light refreshments. The MRC have only one representative at the meetings being Geoff Atkinson.</p>			

Note: The above table includes staff time for attending the meetings but **excludes** travel and agenda/minutes preparation time.

CONSULTATION

NIL

STATUTORY ENVIRONMENT

Committees' of Council are governed by the Local Government Act 1995. The following clauses are relevant to the content of this report:

“5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Types of committees

(1) *In this section —*

other person means a person who is not a council member or an employee.

(2) *A committee is to comprise —*

- (a) *council members only;*
- (b) *council members and employees;*
- (c) *council members, employees and other persons;*
- (d) *council members and other persons;*
- (e) *employees and other persons; or*
- (f) *other persons only.*

5.10. Appointment of committee members

(1) *A committee is to have as its members —*

- (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*

5.11A. Deputy committee members

(1) *The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.*

** Absolute majority required.*

(2) *A person who is appointed as a deputy of a member of a committee is to be —*

- (a) *if the member of the committee is a council member — a council member; or*
 - (b) *if the member of the committee is an employee — an employee; or*
 - (c) *if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or*
 - (d) *if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*
-

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- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*
- [Section 5.11A inserted by No. 17 of 2009 s. 20.]*

5.11. *Tenure of committee membership*

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
 - (b) the person resigns from membership of the committee;*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day,*
- whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) the term of the person's appointment as a committee member expires;*
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day,*
- whichever happens first."*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A reduction in the frequency of the committees and advisory groups will not necessarily equate to a reduction in costs but will free up the MRC and Member Council staff and the Councillors time to do other work. However some of the CEO's proposal will reduce the cost of Committees such as reducing Ian Watkins's time and gaining agreement to reduce the amount of PAG meetings and the sharing of the chairperson's costs.

COMMENT

Reviewing the operations of an organisation is an important step in ensuring that it operates in an efficient and effective manner. The changes proposed to Committees and Advisory Group as detailed above will reduce the time required by the MRC and member council employees and the Councillors without having any negative impact on the good governance of the MRC or communications with the member councils.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1. Change the name of the “Strategic Projects Committee” to the “Strategic Planning Committee” and replace the Committee’s current terms of reference with the following:**
 - a. Assist the MRC in the development of a new Strategic Plan that is consistent with the Integrated Planning Framework in accordance with Division 3 of the Local Government (Administration) Regulations 1996; and**
 - b. Assist the MRC in the implementation of the Strategic Plan once adopted by Council.**
 - 2. The “Agenda Review Group” no longer meet and the MRC administration be required to distribute the council meeting agenda to a nominated employee from each of the member councils at least three weeks prior to the council meeting date.**
 - 3. The “Process Review Committee” be discontinued as it has completed its obligations as per its terms of reference.**
 - 4. The “Community Engagement Advisory Group” meetings be reduced from bi-monthly to six monthly and that the meeting be attended by Geoff Atkinson and held at a cost neutral venue with light refreshments.**
-

ITEM 10.4	FINANCIAL STATEMENTS FOR THE PERIODS ENDED 31 JANUARY 2012 AND 29 FEBRUARY 2012
File No:	FIN/5-02
Appendix(s):	Appendix No. 2 Appendix No. 3 Appendix No. 4
Date:	2 April 2012
Responsible Officer:	Gunther Hoppe

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 attached are for the months ended 31 January 2012 and 29 February 2012 are attached at **Appendix 2 and 3** to this Item. The Tonnage Report for the 8 months to 29 February 2012 are attached at **Appendix 4**.

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.

These Statements includes:

- Accruals
- Provisions for Amortisation of Cell Development, Capping and Post Closure expenditure

to provide meaningful reporting to Stakeholders.

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.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Financial Statements set out in Appendix 2 and 3 for the months ended 31 January 2012 and 29 February 2012 be received.

ITEM 10.5	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 JANUARY 2012 AND 29 FEBRUARY 2012
File No:	FIN/5-02
Appendix(s):	Appendix No. 5 Appendix No. 6
Date:	2 April 2012
Responsible Officer:	Gunther Hoppe

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 delegated authority to the Chief Executive Officer, that a list of payments made from the Municipal Fund, since the last Ordinary Council meeting be presented to Council.

COMMENT

The lists of payments for the months ended 31 January 2012 and 29 February 2012 are at **Appendix 5 and 6** to this Item and are presented to Council for noting. Payments have been made in accordance with the delegated authority to CEO that allow payments between meetings. At the Ordinary Council Meeting held on 13 October 2011, the Council delegated to the Chief Executive Officer 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 Mindarie Regional Council is able to claim this tax as an input credit when remittance of GST collected is made each month to the ATO.

Months Ended	Account	Vouchers	Amount
31 January 2012	General Municipal	Cheques 9108 - 9189 EFT 393 - 402 DP 659 - 674	\$4,354,362.12
29 February 2012	General Municipal	Cheques 9190 - 9241 EFT 403 - 411 DP 675 - 689	\$2,959,407.91

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 January 2012 and 29 February 2012 be noted.

11 COMMITTEE REPORTS

ITEM 11.1	MINUTES – STRATEGIC PROJECTS COMMITTEE MEETING – 16 MARCH 2012
File No:	GOV/28-02/02
Appendix(s):	Appendix No. 7
Date:	2 April 2012
Responsible Officer:	CEO

BACKGROUND

The Strategic Projects Committee was established by absolute majority decision at Ordinary Council Meeting 25 February 2010.

The primary objective of the Strategic Project Committee is to undertake planning, research and development of strategic projects for recommendation to and consideration by the Mindarie Regional Council (MRC).

As the Strategic Projects Committee is an appointed committee of MRC reports from the Strategic Projects Committee will be formally presented to the MRC at each meeting of the MRC. The reports will contain recommendations, progress reports on matters under consideration and such other matters relevant to the Strategic Projects Committee's terms of reference.

Reports and recommendations of each Strategic Projects Committee meeting shall be presented to the next ordinary meeting of the Council.

STATUTORY ENVIRONMENT

The Strategic Projects Committee was established by absolute majority decision as a Committee of the MRC under s5.8 and s5.9(2)(e) (employees and other persons) of the *Local Government Act 1995* and will not have any general delegated authority however s5.17(1)(c) of the *Local Government Act 1995* gives the MRC authority to grant limited delegation as required.

POLICY IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

VOTING REQUIREMENT

Simple Majority.

RESPONSIBLE OFFICER RECOMMENDATION

That the Unconfirmed Minutes of the Strategic Projects Committee meetings held on 16 March 2012 be received.

ITEM 11.2	MINUTES – CEO PERFORMANCE REVIEW COMMITTEE – 21 MARCH 2012
File No:	PER/79
Appendix(s):	Appendix 8
Date:	2 April 2012
Responsible Officer:	CEO

BACKGROUND

The CEO Performance Review Committee is an appointed committee of the MRC. Recommendations of each CEO Performance Review Committee meeting shall be presented to the next ordinary meeting of the Council.

The CEO Performance Review Committee met on the 21 March 2012 to establish the performance criteria of the CEO for the first six months in accordance with his employment contract.

RESPONSIBLE OFFICER RECOMMENDATION

- 1.1 **That the Unconfirmed Minutes of the CEO Performance Review Committee meeting held on 21 March 2012 be received.**

CEO PERFORMANCE REVIEW COMMITTEE RECOMMENDATION

That Council:

- 2.1 **Vary the CEO's KPI's in accordance with clause 3.3 (f) as follows:**
 - **Complete the organisational review and restructure by 30 June 2012**
 - **Develop and present to Council a new Strategic Plan and long term financial plan compliant with the DLG's integrated planning framework requirements by 30 June 2013**
 - **Improve the MRC's budget preparation and financial reporting and presentation requirements by 30 June 2013**
- 2.2 **Undertake a review of the CEO's remuneration package in accordance with clause 5.5 viz:**

The Council will review your Remuneration Package each year. The first review will be in June 2012 with any increase in remuneration to occur on or after the first pay period in July 2012 and thereafter annually each year.

The review will take into account:

- (g) the outcomes of your performance review under clause 3.3;*
- (h) any benefits which have accrued and will accrue to you under this agreement; and*
- (i) industry salary movements over the review period.*

The Council is under no obligation to increase your Remuneration Package following such a review.

ITEM 11.3	MINUTES – PROCESS REVIEW COMMITTEE – 2 APRIL 2012
File No:	COR/43
Appendix(s):	Appendix
Date:	4 April 2012
Responsible Officer:	CEO

BACKGROUND

The Process Review Committee is an appointed committee of the MRC. Recommendations of each Process Review Committee meeting shall be presented to the next ordinary meeting of the Council.

The Process Review Committee met on the 2 April 2012. The CEO presented to the Committee a response to the Morrison Low report's recommendations including:

- A new Organisational Structure focussing on Business Units
- A requirement for Business Plans and Performance Measures to be developed for each Business Unit
- Initial overview of the development of a new Strategic Plan conforming with the legislated Integrated Planning framework
- Operational changes reducing MRC's reliance on consultants

The CEO also indicated that the report will continue to be referenced when management considers further organisational changes that have been covered in the report.

RESPONSIBLE OFFICER RECOMMENDATION

- 1.1 **That the Unconfirmed Minutes of the Process Review Committee meeting held on 2 April 2012 be received.**

CEO PERFORMANCE REVIEW COMMITTEE RECOMMENDATION

That:

- 2.1 **The Morrison Low Organisational Review dated February 2012 be received;**
 - 2.2 **The CEO be required to:**
 - a. **consider the review detailed in (1) above in any proposed organisational changes;**
 - b. **report to the Council referencing the review (where appropriate) in any organisational changes being proposed;**
 - c. **the review be used by the CEO as a guiding document for organisational effectiveness and efficiency;**
 - d. **the CEO, where appropriate, implement the recommended cost reduction initiatives detailed in the review; and**
 - e. **highlight the cost reduction achieved in implementing the review as detailed in (2.d.) above in the report to Council on the 2012/13 budget.**
 - 2.3 **It be noted that the Process Review Committee has completed the tasks set out in the terms of reference and will be discontinued.**
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12 CONFIDENTIAL REPORT

ITEM 12.1	IMPLEMENTATION OF ORGANISATIONAL REVIEW – MORRISON LOW FEBRUARY 2012
File No:	COR/45
Appendix(s):	YES
Date:	3 APRIL 2012
Responsible Officer:	CEO

THIS ITEM IS CONFIDENTIAL, NOT FOR PUBLIC VIEWING.

ISSUED TO ELECTED MEMBERS UNDER SEPARATE COVER
ALONG WITH THE ORGANISATIONAL REVIEW FEBRUARY 2012
PRESENTED BY MORRISON LOW.

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14 URGENT BUSINESS

15 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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

17 NEXT MEETING

Next meeting to be held on Thursday 5 July 2012 in the Council Chambers at City of Wanneroo.

18 CLOSURE

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 19 April 2012.

Signed Chairman

Dated this day of 2012
