



# AGENDA

ORDINARY COUNCIL MEETING

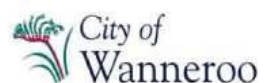
TIME: 5.30PM

13 OCTOBER 2011

CITY OF PERTH

---

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



---

**MINDARIE REGIONAL COUNCIL  
NOTICE OF MEETING**

30 September 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 Perth, Council House, 27 St George's Terrace, Perth, at 5.30pm on Thursday 13 October 2011.

The business papers pertaining to the meeting follow.

Your attendance is requested.



**JOHN BONKER**  
A/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.

---

---

## CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2	ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE .....	4
3	DECLARATION OF INTERESTS.....	4
4	PUBLIC QUESTION TIME .....	4
5	ANNOUNCEMENTS BY THE PRESIDING PERSON.....	4
6	APPLICATIONS FOR LEAVE OF ABSENCE .....	4
7	PETITIONS / DEPUTATIONS / PRESENTATIONS .....	4
8	CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....	4
	Item 8.1 Ordinary Council Meeting – 25 August 2011.....	4
	Item 8.2 Special Council Meeting – 28 September 2011 .....	5
9	REPORTS – PROJECT MANAGER .....	6
	Item 9.1 Resource Recovery Facility Update Report .....	6
	Item 9.2 Amendments to the Second Standstill Deed.....	7
	Item 9.3 Gingin Land Purchase Business Plan.....	9
10	REPORTS – CHIEF EXECUTIVE OFFICER .....	11
	Item 10.1 Business Information Report .....	11
	Item 10.2 Review of Delegations Register - CEO .....	14
	Item 10.3 Process Review Committee Report .....	17
	Item 10.4 Financial Statements for the Periods Ended 31 July 2011 and 31 August 2011 .....	18
	Item 10.5 List Of Payments Made for the Months Ended 31 July 2011 and 31 August 2011 .....	20
	Item 10.6 MRC Standing Orders Local Law 2010.....	21
11	REPORTS – STRATEGIC PROJECTS COMMITTEE .....	23
	Item 11.1 Minutes - Strategic Projects Committee – 29 August 2011 .....	23
12	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	24
13	URGENT BUSINESS.....	24
14	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	24
15	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC.....	24
16	NEXT MEETING .....	24
17	CLOSURE .....	24

---

---

**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**

**ITEM 8.1 ORDINARY COUNCIL MEETING – 25 AUGUST 2011**

The Minutes of the Ordinary Council Meeting held on 25 August 2011 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 August 2011 be confirmed as a true record of the proceedings.**

---

---

**ITEM 8.2 SPECIAL COUNCIL MEETING – 28 SEPTEMBER 2011**

The Minutes of the Ordinary Council Meeting held on 28 September 2011 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 28 September 2011 be confirmed as a true record of the proceedings.**

---

---

**9 REPORTS – PROJECT MANAGER**

<b>ITEM 9.1</b>	<b>RESOURCE RECOVERY FACILITY UPDATE REPORT</b>
<b>File No:</b>	<b>WST/13-02 (D/11/5799)</b>
<b>Appendix(s):</b>	<b>Appendix 1 (page 2)</b>
<b>Date:</b>	<b>28 September 2011</b>
<b>Project Manager:</b>	<b>Ian Watkins</b>

Summary of activities during the reporting period 28 July 2011 to 12 September 2011. For additional information refer to Appendix 1.

Composter Structural Issues.

BioVision is yet to determine whether to repair or replace the composters.

Standstill Deed

The ANZ Bank has requested some minor changes to the Standstill Deed. This is the subject of a separate Item to Council.

Waste Delivery

Waste delivery Summary for Reporting Period

<b>MONTH</b>	<b>SCHEDULED TONNES</b>	<b>DELIVERED TONNES</b>	<b>DIFFERENCE TONNES</b>
July 2011	4,000	4,484	+484
August 2011	9,200	10,028	+828
Total	13,200	14,521	+1,314

Waste Diversion

Waste Diversion for the past six months (March 2011 to August 2011) has been 49.7%.

Project Insurance

The MRC and BioVision are working closely to ensure that the Industrial Special Risks (ISR) policy is renewed (expires 30/09/2011) in accordance with the requirements of the RRFA.

Vehicle Washdown Facilities

A revised construction estimate for the vehicle washdown facility at the Resource Recovery Facility (RRF) has come in at \$800,000. This is \$150,000 above the budget provision of \$650,000.

The Strategic Projects Committee (SPC) is currently dealing with this matter including an assessment of available options. An SPC recommendation will be presented to Council in due course.

**RESPONSIBLE OFFICER RECOMMENDATION**

**The information on the RRF project for the period 28 July 2011 to 12 August 2011 be received.**

---

<b>ITEM 9.2</b>	<b>AMENDMENTS TO THE SECOND STANDSTILL DEED</b>
<b>File No:</b>	<b>WST/119 (D/11/5800)</b>
<b>Appendix(s):</b>	<b>Appendix 2 (page 10)</b>
<b>Date:</b>	<b>14 September 2011</b>
<b>Project Manager:</b>	<b>Ian Watkins</b>

### **SUMMARY**

The purpose of this report is to obtain Councils recommendation on the amended Second Standstill Deed.

### **BACKGROUND**

At the Ordinary Council Meeting on 7 July 2011, Report 8.3.1, Council resolved to approve the Second Standstill Deed and authorise the Chairperson and the CEO to sign the document. The Resolution did not include ability for the CEO to approve minor changes to the document as the MRC had been advised that the ANZ Bank was happy with the Standstill Deed and would soon be signing it.

Subsequent to the Ordinary Council Meeting, the ANZ Bank has now advised that it wishes to make three minor changes to the document and hence the amended document now requires further Council consideration.

### **DETAIL**

#### Amended Second Standstill Deed (SDD)

The ANZ Bank has requested three changes to the SSD that was presented to Council at the Ordinary Council Meeting 7 July 2011. These changes include:

1. Provided a definition of the RRFA.
2. Amended the clause dealing with Payments to clarify the payment mechanism (not change the payment mechanism).
3. Amended the clause dealing with Default Notice. Again, not changing the meaning, but simply changing the wording.

BioVision and the MRC Administration have reviewed the proposed changes with the MRC (Freehills) further refining the Payment clause wording.

The amended SSD has once again been sent to the ANZ Bank for signoff.

At the time of writing this Item (14/09/2011), no feedback has been received from ANZ Bank on the proposed changes to their amendments.

A copy of the amended SSD with tracked changes is at Appendix 2.

#### Legal Opinion

Freehills, on behalf of the MRC has confirmed that the ANZ Bank proposed changes are minor in nature and simply clarify the content of the SSD and do not change the

---

interpretation of the document. Freehills, in conjunction with the MRC Administration has also made some minor amendments to the ANZ Bank proposed wording.

#### MRC Administration Opinion

It is the MRC Administration opinion that amendments to the SSD are acceptable and that the document sets out the intent of the standstill arrangements as agreed between the MRC and BioVision.

### **CONSULTATION**

Consultation was carried out with the following parties:

- Freehills
- BioVision
- Bakers (BioVision legal advisors)

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

There are no financial implications to the MRC associated with the proposed amendments to the SSD.

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIREMENT**

Simple Majority

### **RESPONSIBLE OFFICER RECOMMENDATION**

**That:**

- (i) **The amended Second Standstill Deed as at Appendix 2 be approved subject to ANZ Bank prior sign off thereof on condition that BioVision and ANZ Bank agree to a change to the RRFA to allow the MRC to request a change to the Waste Diversion Target.**
- (ii) **The MRC Chairperson and the MRC CEO be authorised to sign the amended Second Standstill Deed, subject to ANZ Bank prior sign off thereof.**
- (iii) **The CEO, subject to the appropriate legal advice, be authorised to agree to possible further minor changes to the Second Standstill Deed that do not increase the MRC future risk or liability.**



---

<b>ITEM 9.3</b>		<b>GINGIN LAND PURCHASE BUSINESS PLAN</b>	
<b>File No:</b>		<b>WST/31 (D/11/5821)</b>	
<b>Appendix(s):</b>		<b>Nil</b>	
<b>Date:</b>		<b>28 September 2011</b>	
<b>Project Manager:</b>		<b>Ian Watkins</b>	

### **SUMMARY**

The purpose of this report is to obtain Council recommendation on the Business Plan for the possible purchase of land within the Shire of Gingin.

### **BACKGROUND**

At the Ordinary Council Meeting on 25 August 2011, Report 8.3.2, Council accepted the Business Plan for the possible purchase of land within the Shire of Gingin.

*That:*

- (i) *The report on investigations to identify a suitable replacement landfill for Tamala Park be noted.*
- (ii) *The Business Plan be accepted and the CEO be authorised to advertise the Business Plan in accordance with section 3.59 of the Local Government Act.*

Subsequent to the Council meeting, on 31 August 2011, the Business Plan was advertised for public comment, with the comment period ending on 12 October 2011. A copy of the Business Plan has not been provided as part of this Item as it was included in the documentation for the 25 August 2011 Ordinary Council Meeting.

### **DETAIL**

At the time of writing this Item (14/09/2011), only one request had been received for a copy of the Business Plan. This request was from Landgate.

On 5 September 2011, John Bonker and Ian Watkins met with the CEO, Planning Officer and two Councillors from the Shire of Gingin to provide them with a copy of the Business Plan and to advise them of the MRC intentions.

To date, there have been no comments received as a result of the public notification of the Business Plan.

Should any public comments be received between writing this report (14/09/2011) and the close of the public comment period (12/10/2011), these comments will be tabled at the Ordinary Council Meeting on 13 October 2011 for consideration by Council before a decision is made on the adoption of the Business Plan.

### **MRC Administration Opinion**

Based on there being no public comments having been received (at the time of writing), it is the MRC Administration opinion that the Business Plan be adopted by Council.

---

## **CONSULTATION**

Consultation was carried out with the following parties:

- Shire of Gingin

## **STATUTORY ENVIRONMENT**

Major land transaction to comply with the Local Government Act, section 3.59.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Once (if) the Business Plan has been adopted by Council and negotiations with a landowner concluded, if land is available, a separate Item will be presented to Council on the option and land purchase costs.

## **VOTING REQUIREMENT**

Absolute Majority

## **RESPONSIBLE OFFICER RECOMMENDATION**

**That the Business Plan for possible purchase of land in the Shire of Gingin (as attached to Item 8.3.2 of the Ordinary Council Meeting of 25 August 2011) be adopted.**

---

<b>10 REPORTS – CHIEF EXECUTIVE OFFICER</b>
---

<b>ITEM 10.1</b>	<b>BUSINESS INFORMATION REPORT</b>
<b>File No:</b>	<b>COR/8/02</b>
<b>Appendix(s):</b>	<b>Nil</b>
<b>Date:</b>	<b>28 September 2011</b>
<b>Responsible Officer:</b>	<b>CEO</b>

#### **New CEO Recruitment**

Anne Lake Consultancy was appointed to assist with the recruitment process and the position advertised in the Professional Appointments section of the West Australian on Saturday, 17 September 2011 and repeated the following Saturday. Applications close on 7 October 2011 and are to be submitted to Ms Lake.

The Recruitment Committee is scheduled to meet with Ms Lake on 13 October 2011 to decide the shortlist for interview.

#### **City of Stirling Withdrawal**

A withdrawal "Offer" from the City of Stirling has been received and will be referred to a meeting of member Council officers and CEOs on 6 October 2011.

#### **New Establishment Agreement**

Woodhouse Legal has incorporated the changes requested at a meeting on 1 September 2011 at which officers from Wanneroo and Joondalup were in attendance. The revised draft will be referred to a meeting of member Council officers and CEOs on 6 October 2011.

#### **Landfill Gas Sublease Update**

The MRC Administration is waiting on its member Councils to sign off on the landfill gas management sublease before Landfill Gas & Power and the MRC are able to sign off on the document.

As at 28 September 2011 six member Councils have provided their consent to the proposed sub lease. City of Stirling will be taking this matter to its October 2011 council meeting.

Due to the delay in obtaining member Council signoff of the Sublease, the MRC Administration has requested that member Councils resolve to extend the holding over period of the current lease agreement until 31 October 2011.

#### **Communications and Education Report – August 2011**

August was another busy month in the world of waste education. The following are some of the key activities and happenings that occurred:

##### Tours and school Visits

Eighteen tours of the facilities took place and four school visits were made.

---

### Roaming Recycler Display

Although the Roaming Recycler waste education display didn't attend any events this month the MRC took delivery of a new triangle display (matching the existing ones) with three new display panels: The Waste Hierarchy; a summary of how people dispose of their waste and how the 'Reduce, reuse, recycle and dispose wisely' message applies; and, waste education.

Two new games were also developed: one, a recycling 'memory' game using yellow top bin lids; and, two, a dice game, the waste pathway, using ice cream container lids and players learn about waste.

### Dry Celled Battery Recycling Program

2 New battery bins were delivered to schools and a steady stream of dry celled batteries continued to be collected from community and school bins. Collection statistics for the various member council areas can be made available on request. (GAtkinson@mrc.wa.gov.au)

### Earth Carers

Earth Carers had a well attended winter get together 'waste themed' movie night. Two new Talking Rubbish blogs posted: 'What should we do with food we don't eat?' and 'Destroy to rebuild'.

### Events

To assist at future events the MRC took delivery of:

- Two costumes, a gas bottle and a paint tin, to be used at events to raise awareness of problems products and HHW in general.
- Aluminium can costume, to promote a recycling message.
- Ten x 3m "Recycle Here" banners for use by Councils at events.

### Other

- Monthly WESSG meeting was held at RRF Visitors Centre to show members the facility with the view of promoting its use.
- CEAG meeting took place 10<sup>th</sup> August.
- At the Waste Awards held during the Waste and Recycling Conference in September, the Waste Authority acknowledged the excellent work Peg Davies has been doing in the waste industry over many years by awarding her the title of Waste Champion 2011.

## **Waste to Landfill Tonnages Report**

### Processable

The Member Councils' Processable waste for the 2 months to 31 August 2011 is marginally lower than the pro-rata year to date budget, which is based on the previous year's trend.

The tonnages delivered by all Member Councils with the exception of City of Perth are lower than budgeted, in particular Towns of Victoria Park and Cambridge and the City of Vincent.

Non-Processable

The Member Councils' total Non-processable waste for the 2 months to 31 August 2011 is on target when compared to the pro-rata year to date budget, which is based on the previous year's trend.

The lower tonnages from the Member Councils, with the exception of City of Perth, is offset by City of Stirling's continued delivery of non-processable waste to Tamala Park post 30 June 2011.

Other

The total Bales and Residues tonnages for this period are about 26% above target. This is mainly due to higher tonnages of Residues from the RRF and Wanneroo WRC.

The Casuals/Commercial tonnages for the 2 months to 31 August 2011 are approximately 16% higher than the pro-rata budget, which is based on the previous years' trend.

2,348 tonnes of waste from City of Stirling were processed at the commercial rates following the approval of the exemption, of delivery of waste by City of Stirling to Tamala Park, at the 7 July 2011 Council meeting.

A summary table of tonnages and revenue for the year to date is attached. The table shows the member Council's combined tonnages of processable and non-processable waste to landfill, as well as the tonnages delivered to the RRF.

<b>Landfill, resource recovery &amp; recycling tonnages year to date 2011/12</b>						Month:	Aug-11		
						YTD (%):	16.67%		
	<b>TONNAGE</b>				<b>REVENUE</b>				
<b>MEMBERS</b>	<b>RRF Actual</b>	<b>Landfill Actual</b>	<b>Total Tonnage</b>	<b>Y-T-D previous year</b>	<b>Estimated Budget 2011/12</b>	<b>Actual G/L \$</b>	<b>Estimated Budget 2011/12</b>	<b>Actual % Year to Date</b>	
<b>Processable &amp; Non-processable</b>									
Cambridge	1,235	342	1,577	1,474	10,400	\$ 193,993	\$ 1,279,200	15.2%	
Joondalup	7,833	2,279	10,112	11,407	64,800	\$ 1,245,523	\$ 7,970,400	15.6%	
Perth	-	2,466	2,466	2,367	14,250	\$ 303,257	\$ 1,752,750	17.3%	
Stirling	-	1,260	1,260	13,587	-	\$ 156,096	\$ -		
Victoria Park	1,108	884	1,992	1,969	13,200	\$ 245,051	\$ 1,623,600	15.1%	
Vincent	1,387	816	2,203	2,142	14,516	\$ 270,960	\$ 1,785,468	15.2%	
Wanneroo	7,403	3,644	11,047	10,728	68,115	\$ 1,359,830	\$ 8,378,145	16.2%	
<b>Sub Total</b>	<b>18,967</b>	<b>11,691</b>	<b>30,657</b>	<b>43,673</b>	<b>185,281</b>	<b>\$ 3,774,711</b>	<b>\$ 22,789,563</b>	<b>16.6%</b>	
<b>Other</b>									
Sita Biovision Residues		7,956	7,956	7,890	37,791	\$ 978,627	\$ 4,648,293	21.1%	
Stirling Bales		-	-	2,839	-	\$ -	\$ -		
Wanneroo WRC		2,718	2,718	1,665	15,000	\$ 334,329	\$ 1,845,000	18.1%	
<b>Sub Total Other</b>		<b>10,674</b>	<b>10,674</b>	<b>12,393</b>	<b>52,791</b>	<b>\$ 1,312,956</b>	<b>\$ 6,493,293</b>	<b>20.2%</b>	
<b>Member charged as Trade</b>									
City of Stirling		2,348	2,348	-	-	\$ 328,728	\$ -		
<b>SUB TOTAL MEMBERS</b>	<b>18,967</b>	<b>24,713</b>	<b>43,680</b>	<b>56,067</b>	<b>238,072</b>	<b>\$ 5,416,396</b>	<b>\$ 29,282,856</b>	<b>18.5%</b>	
<b>CASUALS</b>									
South Perth		6	-	6.63	-	\$ 895	\$ -		
Trade & Cash		8,414	8,414	8,228	50,000	\$ 1,200,653	\$ 7,000,000	17.2%	
<b>Sub Total Casuals</b>		<b>8,421</b>	<b>8,414</b>	<b>8,234</b>	<b>50,000</b>	<b>\$ 1,201,547</b>	<b>\$ 7,000,000</b>	<b>17.2%</b>	
<b>TOTAL</b>	<b>18,967</b>	<b>33,134</b>	<b>52,094</b>	<b>64,301</b>	<b>288,072</b>	<b>\$6,617,943</b>	<b>\$36,282,856</b>	<b>18.2%</b>	
						Recycling centre sales	\$ 26,277	\$ 340,000	7.73%

**RESPONSIBLE OFFICER RECOMMENDATION**

**The Business Information Report be received.**

<b>ITEM 10.2</b>		<b>REVIEW OF DELEGATIONS REGISTER - CEO</b>	
<b>File No:</b>	<b>COR/1 (D/11/5813)</b>		
<b>Appendix(s):</b>	<b>Nil</b>		
<b>Date:</b>	<b>13 September 2011</b>		
<b>Responsible Officer:</b>	<b>CEO</b>		

**BACKGROUND**

Section 5.42 of the Local Government Act 1995 provides for Council to delegate its powers and duties to the Chief Executive Officer and at least once in every financial year the delegations made are to be reviewed by the Council (s.5.46). They were last reviewed in December 2010 where 1 item, the authority to approve requisitions and purchase orders, to approve payments and make budget variations was deferred to the February 2011 meeting.

**DETAIL**

The Acting CEO has checked each delegation in the current register against the Local Government Act 1995 and associated Regulations and took the liberty in re-wording them for clarity and compliance. Some of the delegations comprised several parts which it was felt would be better being separated as standalone delegations. The revised register of delegations is set out in the table below. The 'Assignee(s)' column sets out which items will, or will not, be sub-delegated to other MRC officers.

**MINDARIE REGIONAL COUNCIL – Delegations of Authority Register – Sept 2011  
 COUNCIL TO CHIEF EXECUTIVE OFFICER**

<b>1. GOVERNANCE</b>				
No.	Reference	Delegation	Condition(s)	Assignee(s)?
1.1	LGAct 1995 s.9.10	Appoint persons or classes of persons to be authorised for the purposes of performing particular functions	Each authorised person to be issued with a certificate of authorisation	NO
1.2	LGAct 1995 s.5.42	Appoint an employee of the MRC to the position of Acting CEO where the CEO is unable, or expected to be unable by reason of illness, temporary absence from WA, or any other reason, to perform the functions of the position	Not exceeding 3 months in any period of 12 months	NO
<b>2. FINANCE</b>				
2.1		Approve requisitions and purchase orders for the supply of goods and services	Requisitions and purchase orders to be within the budget allocation as reviewed from time to time	YES
2.2	LG(Financial Management Regulations) 1996 Reg.8	Open and close bank accounts, access accounts electronically and transfer funds electronically		YES

No.	Reference	Delegation	Condition(s)	Assignee(s)?
2.3	LG(Financial Management Regulations) 1996 Reg.12	Approve and make payment of accounts	1. In accordance with approved procedure set out in Reg.11; 2. Where funds have been provided in the budget and the accounts are acquitted prior to payment; 3. List of accounts paid to be reported to Council as required by Reg.13	YES
2.4	LG(Financial Management Regulations) 1996 Reg.34(1)(a)	Prepare monthly financial reports	In accordance with Reg.34	YES
2.5	LGAct s.6.14	Invest funds surplus to the immediate needs of the Council	Subject to the internal control procedures set out in Reg.19	YES
2.6	LGAct s.6.12	Waive Fees and Write Off Debts	1. Not exceeding a total of \$10,000 for any one debtor in any financial year; 2. Ensure all reasonable effort has been made to recover the debt; 3. Where fees or debts have been waived, or concessions granted, they are to be reported in the mid-year budget review	NO
2.7	LGAct s.3.57	Seek Expressions of Interest and/or call tenders for goods or services	For items listed on the budget and subsequently approved for proceeding by Council	YES
2.8	LG(Functions & General) Regs.14(2a) and 20	Vary contracts up to \$50,000 or 10% of the contract value, whichever is the lesser	1. For the RRFA only if it incurs no additional risk or liability to the MRC; 2. Variations approved for significant contracts, including all contracts awarded following public tenders, to be reported to the next following council meeting	NO
2.9	LGAct s.3.58(5) and LG(Functions & General) Regs.30(3)	Dispose of items or material arising from the waste management activities	1. The value of the item or material is less than \$20,000; 2. Ensure all reasonable effort has been made to secure current market prices for the item or material	NO

### COMMENT

1. It has been customary to request A specific 'Christmas/New Year recess' delegation every year to empower the CEO - subject to conditions – to assume all powers and duties of the Council in the period between the December and February meetings. The Acting CEO considers this unnecessary given that the interval between those meetings is only marginally greater than the normal bi-monthly interval. Should a matter of urgency arise during the festive period, the Acting CEO prefers the calling of a Special meeting of Council to deal with it.
2. It is also noted that the existing number of delegations is perhaps not as extensive as it could or should be. This review has been limited to those on the current register.
3. The Act requires all delegations to be in writing and it is proposed that this be as per an Instrument of Delegation signed by the Chairman. The draft instrument proposed is as follows:

---

**INSTRUMENT OF DELEGATION**  
**Local Government Act 1995**

I, RUSSEL FISHWICK, Chairman of the MRC, acting in accordance with a resolution of Council made on 13 October 2011 and Section 5.42. of the Local Government Act 1995, hereby delegates to the Chief Executive Officer all the powers and duties of the Council of the MRC as set out in the Register of Delegations – 2011/2012 numbered:

- |     |     |
|-----|-----|
| 1.1 | 2.1 |
| 1.2 | 2.2 |
|     | 2.3 |
|     | 2.4 |
|     | 2.5 |
|     | 2.6 |
|     | 2.7 |
|     | 2.8 |
|     | 2.9 |

subject to any associated conditions set out in that Register.

The period of the delegation is indefinite and subject to such amendments as Council may make from time to time, or may make in association with the annual review of the Register as required under Section 5.46(2) of the Local Government Act 1995.

---

R Fishwick  
Chairman

Signed: 13 October 2011

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The approval of the revised Register of Delegations (MRC to CEO) will enable the operations of the Council's business to continue to proceed effectively and efficiently.

**VOTING REQUIREMENT**

Absolute Majority

**RESPONSIBLE OFFICER RECOMMENDATION**

**That:**

- 1. The delegations to the CEO as set out in the Delegations of Authority Register of this report, numbers 1.1, 1.2, 2.1 to 2.9, be adopted.**

*(Absolute Majority required)*

- 2. The Instrument of Delegation be approved and issued by the MRC Chairman.**



---

<b>ITEM 10.3</b>	<b>PROCESS REVIEW COMMITTEE REPORT</b>
<b>File No:</b>	<b>COR/43 (D/11/6053)</b>
<b>Appendix(s):</b>	
<b>Date:</b>	
<b>Responsible Officer:</b>	<b>CEO</b>

LATE ITEM  
SEPARATE COVER TO MEMBERS  
AT ORDINARY COUNCIL MEETING  
13 OCTOBER 2011

---

<b>ITEM 10.4</b>	<b>FINANCIAL STATEMENTS FOR THE PERIODS ENDED 31 JULY 2011 AND 31 AUGUST 2011</b>
<b>File No:</b>	<b>FIN/5-02 (D/11/6042)</b>
<b>Appendix(s):</b>	<b>Appendix 3 (page 19) Appendix 4 (page 31)</b>
<b>Date:</b>	<b>28 September 2011</b>
<b>Responsible Officer:</b>	<b>Kalwant Dhillon</b>

## **SUMMARY**

The purpose of this report is to provide financial reporting to meet statutory requirements and to provide useful information to stakeholders of the Council.

## **BACKGROUND**

Financial Statements as at 31 July 2011 and 31 August 2011 are attached.

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

## **DETAIL**

The Financial Statements attached are for the months ended 31 July 2011 and 31 August 2011 and are at Appendix 3 and 4 to this Item.

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 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 as attached at Appendix 3 and 4 for the months ended 31 July 2011 and 31 August 2011 be noted.**

<b>ITEM 10.5</b>	<b>LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 JULY 2011 AND 31 AUGUST 2011</b>
<b>File No:</b>	<b>FIN/5-02 (D/11/6044)</b>
<b>Appendix(s):</b>	<b>Appendix 5 (page 43) Appendix 6 (page 49)</b>
<b>Date:</b>	<b>28 September 2011</b>
<b>Responsible Officer:</b>	<b>Kalwant Dhillon</b>

**SUMMARY**

The purpose of this report is to provide details of payments made during the periods identified. It is also a 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 July 2011 and 31 August 2011 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 9 December 2010, 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 July 2011	General Municipal	Cheques 8267 - 8439 EFT 334 - 342 DP 588 – 595	\$5,512,269.42
31 August 2011	General Municipal	Cheques 8440 - 8627 EFT 343 - 354 DP 596 – 604	\$3,859,952.89

**VOTING REQUIREMENT**

Simple Majority

**RESPONSIBLE OFFICER RECOMMENDATION**

**That Council note the list of payments made under the delegated authority to the Chief Executive Officer, for the months ended 31 July 2011 and 31 August 2011.**

---

<b>ITEM 10.6</b>	<b>MRC STANDING ORDERS LOCAL LAW 2010</b>
<b>File No:</b>	<b>LAW/1/01 (D/11/6122)</b>
<b>Appendix(s):</b>	<b>Nil</b>
<b>Date:</b>	<b>29 September 2011</b>
<b>Responsible Officer:</b>	<b>CEO</b>

## **BACKGROUND**

The Joint Standing Committee on Delegated Legislation has reviewed Council's Standing Orders Local Law gazetted in July 2011.

The Committee has written expressing its preliminary concerns regarding clause 5.9(3) which presently reads as follows:

### ***“5.9 Questions during debate***

- (3) *Where the presiding person considers a question asked is not succinct and to the point, but is prefaced by comment or other information, the presiding person may rule that the member has spoken on the matter and, in that event, the member must not speak again on the matter.”*

The committee cites examples of other Councils where a clause of this nature has been disallowed. The Committee is of the view that:

- it is not authorised or contemplated by, and inconsistent with, the empowering Act;
- inoperative under Section 3.7 of the Act to the extent of the inconsistency; and
- void under section 43(1) of the Interpretation Act 1984 to the extent of the inconsistency.

Due to its concerns, the “Committee resolved to give notice of motion to disallow the MRC Standing Orders Local Law 2010 in the Legislative Council on 27 September 2011. However this is not to be taken that the Committee has resolved to recommend disallowance at this stage.”

The Committee requests the Council undertake to:

- delete clause 5.9(3) of the Local Law,
- and that
- all consequential undertakings arising from the undertaking will be made;
  - clause 5.9(3) will not be enforced in a manner contrary to the undertakings that the Council gives;
  - the undertaking will be completed within six months of the date of the Mindarie Regional Council's letter given the undertaking;
  - the Mindarie Regional Council will provide a copy of the minutes of the meeting at which the Council resolves to provide the undertaking; and
  - where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.

The Committee requests the undertaking be provided by 5pm Monday 17 October 2011.

---

Steps will need to be taken under s3.12 of the Local Government Act 1995 for the Council to amend the Local Law by deleting clause 5.9(3).

The first step is the giving of Statewide public notice.

The purpose and effect of the proposed amendment to the Local Law is as follows:

- (1) Clause 5.9(3) is to be deleted;
- (2) The deletion will remove the power of the presiding person to rule that a member must not speak again on a matter;
- (3) The deletion is made to satisfy an undertaking given to the Joint Standing Committee on Delegated Legislation.

### **COMMENT**

The deletion of clause 5.9(3) is not considered to significantly adversely impact on the proceedings of a Council meeting. It will remove the potential for conflict arising from a possible improper application of this rule by the Presiding Person and it should be supported.

### **VOTING REQUIREMENT**

Absolute Majority

### **RESPONSIBLE OFFICER RECOMMENDATION**

**That:**

- (i) **The Council gives the undertakings requested by the Joint Standing Committee on Delegated Legislation as set out in this report and in the Committee's letter of 27 September 2011;**
- (ii) **The Joint Standing Committee on Delegated Legislation be advised accordingly;**
- (iii) **The Council authorises the giving of Statewide public notice, in accordance with section 3.12 of the Local Government Act 1995, of its proposal to amend the MRC Standing Orders Local Law 2010 by deleting clause 5.9(3).**

---

<b>11</b>	<b>REPORTS – STRATEGIC PROJECTS COMMITTEE</b>
-----------	---

<b>ITEM 11.1</b>	<b>MINUTES - STRATEGIC PROJECTS COMMITTEE – 29 AUGUST 2011</b>
<b>File No:</b>	<b>GOV/28/05 (D/11/6055)</b>
<b>Appendix(s):</b>	<b>Appendix 7 (page 56)</b>
<b>Date:</b>	<b>28 September 2011</b>
<b>Responsible Officer:</b>	<b>CEO</b>

### **BACKGROUND**

The Strategic Projects Committee (SPC) 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.

Minutes of Strategic Projects Committee meeting held on 29 August 2011 at Appendix 7.

### **1. RESPONSIBLE OFFICER RECOMMENDATION**

#### **1.1 MINUTES – 29 August 2011 (Appendix 7)**

**The Unconfirmed Minutes of the Strategic Projects Committee meeting held on 29 August 2011 be received.**

### **2. RECOMMENDATIONS FROM SPC MEETING**

#### **2.1 WMRC Request for MRC to Supply Waste**

**The Western Metropolitan Regional Council (WMRC) be advised that MRC is not in a position to provide waste to the WMRC facility at present and into the foreseeable future.**

---

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

**13 URGENT BUSINESS**

**14 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**15 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

**16 NEXT MEETING**

A SPECIAL COUNCIL MEETING WILL BE HELD AT TOWN OF CAMBRIDGE WEDNESDAY 26 OCTOBER 2011 COMMENCING AT 5.30PM TO:

- Swear in new or renewed Councillors
- Elect the Chairman and Deputy Chairman
- Appoint Committees:
  - CEO Recruitment Committee
  - CEO Performance Review Committee
  - Process Review Committee
  - Audit Committee
  - RRF Project Advisory Group Representative
  - MWAC Representative

Ordinary Council Meeting to be held on Thursday 8 December 2011 at Town of Victoria Park commencing at 5.30pm.

**17 CLOSURE**

---