



AGENDA

ORDINARY COUNCIL MEETING

TIME: 5.30PM

23 AUGUST 2012

CITY OF VINCENT

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



**MINDARIE REGIONAL COUNCIL
NOTICE OF MEETING**

3 August 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 Vincent, 244 Vincent Street, Leederville, at 5.30pm on Thursday 23 August 2012.

The agenda pertaining to the meeting is attached.

Your attendance is respectfully requested.

BRIAN CALLANDER
CHIEF EXECUTIVE OFFICER

MINDARIE REGIONAL COUNCIL - MEMBERSHIP

Cr R Fishwick JP (Russ) - Chair	City of Joondalup
Cr J Bissett (John) – Deputy Chair	Town of Victoria Park
Cr S Withers (Simon)	Town of Cambridge
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 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 – 5 JULY 2012

The Minutes of the Ordinary Council Meeting held on 5 July 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 5 July 2012 be confirmed as a true record of the proceedings.

9 PROJECT MANAGER REPORTS

ITEM 9.1	RESOURCE RECOVERY FACILITY AGREEMENT – COMPOST PERFORMANCE
File No:	WST/147
Appendix(s):	
Date:	1 August 2012
Responsible Officer:	Ian Watkins

THIS WILL BE A LATE ITEM.

10 CHIEF EXECUTIVE OFFICER REPORTS

ITEM 10.1 REVIEW OF DELEGATION REGISTER	
File No:	GOV/27
Appendix(s):	Nil
Attachment(s):	1. Instrument of Delegation to the Chief Executive Officer
Date:	16 July 2012
Responsible Officer:	CEO

SUMMARY

The review of the Register of Delegations as previously approved by Council at its meeting on 13 October 2011 in accordance with s5.46 (2) of the *Local Government Act 1995 (LGA95)*.

BACKGROUND

The delegation register was last reviewed in September 2011 where the Acting Chief Executive Officer made amendments to the register as he considered that they needed both rewording for clarity purposes and separated as standalone delegations.

DETAIL

The new Chief Executive Officer (CEO) has reviewed the current delegation register and considers that the delegations it contains are acceptable and provides the ability for the administration to operate effectively. A further review of the delegations will be required when the CEO undertakes a full review of the current policies and operational procedures prior to the end of the calendar year.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The Council has the power to delegate authority to the CEO in accordance with s.5.42 of the LGA95 and as delegator it is required to review the delegations annually in accordance with s.5.46(2), of the *LGA95, which state, inter alia, the following:*

“5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) *this Act other than those referred to in section 5.43.*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.”*
-

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

The delegations are adequate for their purpose at this point in time however the CEO will be undertaking a full review of MRC's current Business Manual that contains a mixture of policies and administrative procedures to bring them in line with the new organisation structure and cultural changes. This will more than likely require the Council to consider additional delegations

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council approve the Instrument of Delegation to the Chief Executive Officer as detailed in attachment 1 of this agenda.

ATTACHMENT 1
TO ITEM 10.1
ORDINARY COUNCIL MEETING
23 AUGUST 2012
INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

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

1. GOVERNANCE				
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
2. FINANCE				
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
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

ITEM 10.2	MRC WASTE FACILITY SITE AMENDMENT LOCAL LAW 2012
File No:	LAW/5
Appendix(s):	Appendix 1 Appendix 2
Date:	30 July 2012
Responsible Officer:	CEO

SUMMARY

Seeking Council's approval to approve Mindarie Regional Council's Waste Facility Site Amendment Local Law 2012 and give Statewide Public Notice.

BACKGROUND

The Joint Standing Committee on Delegated Legislation (the Committee) has reviewed the Mindarie Regional Council Waste Facility Site Local Law (Principal Local Law) and has written to the Mindarie Regional Council (MRC) recommending a number of minor changes be addressed in the Principal Local Law.

In the letter the Committee requested the MRC to provide to them, in writing, an undertaking that it will amend a number of drafting errors prior to Monday 23 July 2012. The MRC responded to the Committee on 5 July 2012 advising that it will make the amendments to the Principal Local Law as requested.

DETAIL

The amendments have been made to the Local Law and are contained in Appendix 1. Appendix 2 contains the Amended Local Law as it will be presented to the public during the Statewide public notice period.

The purpose and effect of the amended Local Law will be the same as the Principal Local Law, which reads as follows:

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.

To amend the text of a Local Law steps will need to be taken under s3.12 of the *Local Government Act 1995* for the Council to amend the Local Law.

The first step is for the council to endorse the amendments to the Local Law including its purpose and effect and give Statewide public notice of the proposed Amendment to the Mindarie Regional Council Waste Facility Site Local Law 2012.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The process for amending the text of a Local Law is covered in s3.12 of the *Local Government Act 1995*, which reads as follows:

“3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
 - (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
 - (3) *The local government is to —*
 - (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
 - (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
 - (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*
 - (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
 - (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
 - (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government’s office.*
 - (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
-

(8) *In this section —*

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

3.13. *Procedure where significant change in proposal*

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14. *Commencement of local laws*

(1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

(2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

3.15. *Local laws to be publicized*

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

3.16. *Periodic review of local laws*

(1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*

(2) *The local government is to give Statewide public notice stating that —*

- (a) *the local government proposes to review the local law;*
- (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
- (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*

(2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*

(3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*

(4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required."*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

The Committee has advised the MRC of textual errors in the Principal Local Law as it was presented and requested that they be addressed. To amend the text of a Local Law requires the same process as if a new Local Law was being developed. Therefore it is recommended that the Council endorses the changes to the local law and confirm its purpose and effect and authorise that the Principal Local Law as amended be advertised Statewide as required by s.3.12 (3) of the *Local Government Act 1995*.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That:

1. The Council endorses the Mindarie Regional Council Waste Facility Site Amendment Local Law 2012 including its “purpose” and “effect”;
 2. The Council authorises the Waste Facility Site Amendment Local Law detailed in (1) above to be advertised in accordance with section 3.12(3) of the Local Government Act 1995.
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ITEM 10.3	FINANCIAL STATEMENTS FOR THE PERIODS ENDED 31 MAY 2012 AND 30 JUNE 2012
File No:	FIN/5-02
Appendix(s):	Appendix 3 Appendix 4 Appendix 5
Date:	30 July 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 May 2012 and 30 June 2012 are attached at **Appendix 3 and 4** to this Item. The Tonnage Report for the 12 months to 30 June 2012 is attached at **Appendix 5**.

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.

These adjustments have not yet been made in the 30 June 2012 financial statements attached to this report, but will be included in as part of the year end close and audit process.

Summary of results for the year

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	246,013	242,235	3,778
Tonnes – Others	49,185	53,009	(3,824)
TOTAL TONNES	295,198	295,244	(46)
	\$	\$	\$
Revenue - Members	29,973,065	29,507,856	465,209
Revenue – Other	9,390,262	9,914,232	(524,970)
TOTAL REVENUE	39,363,327	39,423,088	(59,761)
Expenses	39,563,449	40,026,837	463,388
NET DEFICIT	(200,122)	(603,749)	403,627

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Financial Statements set out in Appendix 3 and 4 for the months ended 31 May 2012 and 30 June 2012 be received.

ITEM 10.4	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 MAY 2012 AND 30 JUNE 2012
File No:	FIN/5-02
Appendix(s):	Appendix 6 Appendix 7
Date:	30 July 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 May 2012 and 30 June 2012 are at **Appendix 6 and 7** to this Item and are presented to Council for noting. Payments have been made in accordance with the delegated authority to CEO that allows payments to be made 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 May 2012	General Municipal	Cheques	\$163,741.42
		EFT	\$2,038,261.03
		DP	\$473,601.14
		Total	\$2,675,603.59
30 June 2012	General Municipal	Cheques	\$75,530.09
		EFT	\$2,707,514.19
		DP	\$366,511.89
		Total	\$3,149,556.17

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 May 2012 and 30 June 2012 be noted.

11 MEMBERS INFORMATION BULLETIN – ISSUE NO. 6
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RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 6 be received.

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

ITEM 15.1	RESOURCE RECOVERY FACILITY – REQUEST FOR RELOCATION OF ADJOINING TENANT
File No:	WST/118
Appendix(s):	
Date:	1 August 2012
Responsible Officer:	CEO

THIS ITEM IS CONFIDENTIAL, NOT FOR PUBLIC VIEWING.

DISTRIBUTED UNDER SEPARATE COVER TO

ELECTED MEMBERS

16 NEXT MEETING

Next meeting to be held on Thursday 25 October 2012 in the Council Chambers at City of Perth commencing at 5.30pm.

17 CLOSURE
