



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

9 December 2010

VENUE – Town of Victoria Park

Managing waste and recovering resources responsibly

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



**MINDARIE REGIONAL COUNCIL
NOTICE OF MEETING**

26 November 2010

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 Town of Victoria Park, 99 Shepparton Road, Victoria Park, at 5.30pm on 9 December 2010.

The business papers pertaining to the meeting follow.

Your attendance is requested.



KEVIN POYNTON
Chief Executive Officer

MINDARIE REGIONAL COUNCIL - MEMBERSHIP

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

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MINDARIE REGIONAL COUNCIL HELD IN THE COUNCIL CHAMBERS OF THE TOWN OF VICTORIA PARK, 99 SHEPPERTON ROAD, VICTORIA PARK, WESTERN AUSTRALIA ON 9 DECEMBER 2010 COMMENCING AT 5.30PM.

PRESENT: Chairman
Cr R Fishwick
Cr J Bissett (arrived 5.45 pm)
Cr D Boothman
Cr R Butler (arrived 5.55 pm)
Cr S Cooke
Cr S Farrell (arrived 5.37 pm)
Cr L Gray JP
Cr K Hollywood
Cr C MacRae
Cr D Newton JP
Cr J Robbins
Cr B Stewart (arrived 5.35 pm)

APOLOGIES: Nil

ABSENT: Nil

IN ATTENDANCE:
Mindarie Regional Council Officers K F Poynton Chief Executive Officer
K Dhillon
C Gibson
L Nyssen
M Tolson

Member Council Officers E Albrecht
K Caple
C Colyer
G Eves
D Forster
J Giorgi
M Glover
G Hunt
R Lotznicker
D Simms
S Spinks
A Vuleta

Consultants I Watkins
J Woodhouse

VISITORS: Cr Hayes
R Brown

MEDIA: Nil

PUBLIC: One

Confirmed by resolution of the Council on 24 February 2011.

.....Chairman

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1 OATHS/AFFIRMATIONS OF ALLEGIANCE AND DECLARATIONS OF OFFICE
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Nil

2 QUESTION TIME

Nil

3 ATTENDANCE AND APOLOGIES

Refer page 3.

4 MINUTES

4.1 ORDINARY COUNCIL MEETING – 28 OCTOBER 2010

The Minutes of the Ordinary Council Meeting held on 28 October, 2010 have been printed and circulated to members of the Council.

MOTION: (Moved: Cr Newton Seconded: Cr MacRae)

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of Council held on 28 October 2010 be taken as read, confirmed and the Chairman invited to sign same as a true record of the proceedings.

(Carried: 8/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins

5 ANNOUNCEMENTS

The Chairman welcomed guests, including Cr Keith Hayes (Town of Victoria Park), Mr John Woodhouse (Woodhouse Legal) and Ms Rebecca Brown (WALGA).

The Chairman thanked elected members, the MRC administration and Council Officers for their work during 2010, and issued all the compliments of the season.

6 DEPUTATIONS

Nil

7 BUSINESS FROM A PREVIOUS MEETING TREATED AS AN ORDER OF THE DAY
--

Nil

8 REPORTS

Mr Watkins declared a financial interest in Items 8.1.4 and 8.4.1

8.1 CHIEF EXECUTIVE OFFICER

8.1.1

File No: FIN/5-02

**SUBJECT: FINANCIAL STATEMENTS FOR THE PERIOD ENDED
30 SEPTEMBER 2010 TO 31 OCTOBER 2010**

MOTION: (Moved: Cr MacRae Seconded: Cr Robbins)

Council tasked the CEO with provision of information on the current investment plan for OCM February 2011.

COUNCIL RECOMMENDATION

That the Financial Statements as attached at Attachment One and Two for the months ended 30 September 2010 and 31 October 2010 be noted.

(Carried: 8/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins

Cr Stewart arrived at 5.35 pm.

8.1.2

File No: FIN/5-02

**SUBJECT: LIST OF PAYMENTS MADE FOR THE MONTHS ENDED
30 SEPTEMBER 2010 TO 31 OCTOBER 2010**

MOTION: (Moved: Cr Boothman Seconded: Cr MacRae)

Nil discussion.

COUNCIL RECOMMENDATION

That Council endorse the list of payments made, as per the delegation made to the Chief Executive Officer, for the months ended 30 September 2010 and 31 October 2010.

(Carried: 9/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart

Cr Farrell arrived at 5.37 pm.

8.1.3

File No: COR/8

SUBJECT: BUSINESS REPORT (FOR THE PERIOD 1 OCTOBER 2010 – 12 NOVEMBER 2010)

MOTION: (Moved: Cr Newton Seconded: Cr MacRae)

Data on usage at RRF Education Centre, in response to a question provided as follows:

- 9 groups through, mostly adult groups including the Waste and Recycling Conference tour group.
- About half of all tours to RRF go to the Visitors Centre (last 3 months).
- Work still being done to displays which has limited our access this year.
- Looking to promote the Visitors Centre heavily to next year's tour groups. New tours brochure now in circulation.

The Chairman advised Council of a plan to readvertise the position of Project Manager, in early 2011, in response to a question.

The CEO advised of progress on identification of a facilitator for review of MRC Strategic Plan, in response to a question.

Mr Dhillon explained that the additional bales / residue tonnage to landfill (Agenda p63 Chart 3 refers) was due to additional residue material from the RRF.

COUNCIL RECOMMENDATION

That Council receive this progress report for the period 1 October, 2010 – 12 November 2010 against Annual Business Plan 2010/2011.

(Carried: 10/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell

Cr Bissett arrived at 5.45 pm

8.1.4

File No: WST/13-02

SUBJECT: RESOURCE RECOVERY FACILITY UPDATE REPORT FOR THE PERIOD 30 SEPTEMBER 2010 – 10 NOVEMBER 2010

MOTION: (Moved: Cr Farrell Seconded: Cr Gray)

Councillors expressed concern re ongoing relatively low waste diversion from RRF.

Councillors noted ongoing work with respect to Industrial Special Risk Insurance, and the proposed approach to review the entire insurance plan in early 2011.

Councillors noted the plan to present a washdown facility proposal to OCM February 2011. Council agreed for member Council CEOs and SPC Officers to be added to the distribution list for PAG papers.

Cr Butler arrived at 5.55 pm.

COUNCIL RECOMMENDATION

That Council note the RRF update report for the period 30 September 2010 to 10 November 2010.

(Carried: 12/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

8.1.5

File No: ENV/1-02

SUBJECT: GROUNDWATER MANAGEMENT UPDATE REPORT

MOTION: (Moved: Cr Stewart Seconded: Cr Boothman)

Additional information, as a result of Councillor questions as follows:

- Borehole Placement
 - Location of monitoring boreholes at Tamala Park were placed as advised by CSIRO
 - DEC recommended to MRC and CSIRO to reduce or rationalise the number of the older bores used to collect groundwater data; however, to continue to collect data from all of the new monitoring bores located at the Tamala park northern boundary. In the rationalisation of the older bores, none will be physically removed
- Impact of Excessive Analyte levels in Groundwater
 - Depending on the leachate levels a number of options are available:
 1. Low analyte levels could be resolved through natural attenuation (natural dilution by groundwater)
 2. High or excessive analyte levels would be resolved through engineered remediation (removing the analytes from the groundwater)
- MRC has engaged the services of Heggies Pty Ltd (a renowned environment consultant) to investigate and report on the status of the Tamala Park groundwater situation in regard to leachate plume direction, concentrations and how best to rectify the analyte levels. A draft report will be presented by Heggies early 2011.

COUNCIL RECOMMENDATION

That Council receive this Groundwater Management report based on CSIRO Groundwater Monitoring Report – 2010, for information.

(Carried: 12/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

8.1.6

File No: FIN/112

SUBJECT: MRC BUSINESS PLANNING – FINANCIAL YEAR 2011/2012

MOTION: (Moved: Cr Stewart Seconded: Cr Butler)

Nil discussion.

COUNCIL RECOMMENDATION

That Council approves the plan for MRC Business Planning – FY2011/2012.

(Carried: 12 /0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

8.1.7

File No: GVR/10

SUBJECT: REGIONAL COUNCILS / WALGA RELATIONSHIPS – PARTNERSHIP AGREEMENT

MOTION: (Moved: Cr Boothman Seconded: Cr Newton)

Nil discussion.

COUNCIL RECOMMENDATION

That Council approve the proposed Partnership Agreement between WALGA and Regional Councils, described at Attachment One to this Item.

(Carried: 12/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

8.1.8

File No: LAW/2-02

SUBJECT: DRAFT MRC STANDING ORDERS LOCAL LAW 2010

MOTION: (Moved: Cr Stewart Seconded: Cr Butler)

Council agreed editorial amendments to the draft Standing Orders:

- Agenda page 128, clause 4.2(3)
 - Insert: CEO to sit beside presiding person
 - Agenda page 129, clause 4.8(3)
 - Insert: Presiding person can move a motion without vacating Chair
 - Agenda page 122, clause 3.1
 - Delete: sub-clause (i)
 - Agenda page 133, clause 5.9(2)
 - Amend content
-

Council noted the plan to produce a reference document containing footnotes following approval to the Standing Orders.

COUNCIL RECOMMENDATION

That Council:

- (i) under section 3.16 of the Local Government Act 1995, the Council proposes to repeal the Mindarie Regional Council Standing Orders Local Law 2000 and to replace with a proposed new local law to be adopted under section 3.12**
- (ii) under section 3.12 of the Act, Statewide public notice is to be given that the MRC proposes to make the Mindarie Regional Council Standing Orders Local Law 2010 as set out in Attachment 1**
- (iii) notes that the matter will be referred back to the Council after the last day for submissions in relation to the proposed new local law**

(Carried: 12 /0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

8.1.9

File No: COR/1

SUBJECT: DELEGATED AUTHORITY – CHIEF EXECUTIVE OFFICER

MOTION: (Moved: Cr Hollywood Seconded: Cr MacRae)

MRC OFFICER RECOMMENDATION

That Council APPROVE the Instrument of Delegation to the Chief Executive Officer (Attachment One of this Item).

The Mover and Seconder agreed the following:

- 2.3 (Agenda page 151)
 - re-word of ' All investments to be' etc
- Amendment to the Motion to demonstrate decision to review delegations at 2.1 (Agenda page 149), and provision of subsequent report to OCM February 2011

COUNCIL RECOMMENDATION

That Council APPROVE the Instrument of Delegation to the Chief Executive Officer (Attachment One of this Item), with the exception of Delegation 2.1 which is to be reviewed, and reported to Council at its OCM February 2011.

Noting requirement Absolute Majority Voting

(Carried: 12/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

8.1.10

File No: COR/1

SUBJECT: DELEGATED AUTHORITY - CEO

MOTION: (Moved: Cr Stewart Seconded: Cr Cooke)

Nil discussion

COUNCIL RECOMMENDATION

That in accordance with Section 5.42 of the Local Government Act 1995, the Chief Executive Officer be delegated authority by an **ABSOLUTE MAJORITY** to exercise the powers and duties of the Council, other than those referred to in Section 5.43 of the Act from 9 December 2010 to 24 February 2011:

- (i) in relation to general matters, where the recommendation is for an item of business of a general nature, a majority of all Elected Members are in agreement
- (ii) a report summarising the items of business dealt with by delegated authority is submitted for information to the Council meeting to be held on 24 February 2011

Noting requirement Absolute Majority Voting

(Carried: 12/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

8.1.11

File No: COR/10

SUBJECT: MINDARIE REGIONAL COUNCIL MEETING DATES FOR 2011

MOTION: (Moved: Cr Butler Seconded: Cr Newton)

Council noted contingency to conduct at least one more meeting at City of Stirling, prior to that Council's withdrawal from MRC.

COUNCIL RECOMMENDATION

That Council adopt the following schedule for Ordinary Council Meetings for Year 2011:

- 24 February 2011 (City of Perth)
- 28 April 2011 (City of Wanneroo)
- 7 July 2011 (City of Stirling)
- 25 August 2011 (Town of Vincent)
- 13 October 2011 (City of Perth)
- 8 December 2011 (Town of Victoria Park)

(Carried: 12/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

8.2 STRATEGIC PROJECTS COMMITTEE MINUTES

8.2.1

File No: GOV/28/05

MOTION: (Moved: Cr Boothman Seconded: Cr Robbins)

Nil discussion.

COUNCIL RECOMMENDATION

That Council receive Minutes of Strategic Projects Committee meeting of 29 September, 2010 for information.

(Carried: 12/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

8.2.2

File No: GOV/28/05

MOTION: (Moved: Cr Cooke Seconded: Cr Gray)

Nil discussion.

COUNCIL RECOMMENDATION

That Council receive Minutes of Strategic Projects Committee meeting of 22 October 2010 for information.

(Carried: 12/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

8.2.3

File No: GOV/28/05

MOTION: (Moved: CR Gray Seconded: Cr Farrell)

Nil discussion.

COUNCIL RECOMMENDATION

That Council receive Minutes of Strategic Projects Committee meeting of 19 November 2010 for information.

(Carried: 12 /0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

8.3 AUDIT COMMITTEE MINUTES

8.3.1

File No: GOV/28/03

MOTION: (Moved: Cr Stewart Seconded: Cr Butler)

Nil discussion.

COUNCIL RECOMMENDATION

That Council approve recommendations 5.1, 5.2, 5.3 and 5.4 from Audit Committee Meeting Minutes of 24 November 2010 as follows:

- (i) the Audit Committee recommends that the Council adopts the Annual Report, including the Financial Statements for year ended 30 June 2010.**
- (ii) the Audit Committee note the unsigned Auditors Report.**
- (iii) the Audit Committee note the Chief Executive Officer will sign the Statement of Declaration in line with the Local Government (Financial Management) Regulations 1996 Section 51.1 on behalf of Mindarie Regional Council.**
- (iv) the Audit Committee note the auditor's management letter issued upon completion of the 2009/2010 audit**

(Carried: 12/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

Closure of meeting to the Public.

MOTION: (Moved: Cr Boothman Seconded: Cr Cooke)

That Council, in accordance with Section 5.23(2)(e)(ii) of the Local Government Act 1995, resolves to close the meeting to members of the public to consider Item 8.4.1 as these Items contains information that has a commercial value to a person and which relates to a matter to be discussed at the meeting.

(Carried: 12/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

8.4 CONFIDENTIAL ITEMS

8.4.1

File No: EST/2-02

SUBJECT: LANDFILL GAS CONTRACT REPORT

MOTION: (Moved: Cr Farrell Seconded: Cr Butler)

Council noted that no plan existed for a further extension beyond this three year extension.

COUNCIL RECOMMENDATION

That Council:

- (i) note that the MRC Administration will not be going out for tender at this stage for the establishment of a new Landfill Gas Contract at the end of the term of the current contract as authorised at the OCM 22 April, 2010
- (ii) approve the Business Plan for the purpose of giving statewide public notice under the Local Government Act and to consider any submissions and whether to proceed with the transaction for a 3 year extension to the current landfill Gas and Power Lease and Licence Agreement, including some clause changes, at the next available meeting

(Carried: 12 /0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

Meeting Open to the Public.

MOTION: (Moved: Farrell Seconded: Butler)

That Council reopens the meeting of members of the public and in accordance with clause 12.7(3) of the Standing Orders Local Law the person presiding is to cause the motions passed by the Council whilst it was proceeding behind closed doors to be read out including the vote of members to be recorded in the minutes.

(Carried: 12/0)

For: Cr Fishwick, Boothman, Cooke, Gray, Hollywood, MacRae, Newton, Robbins, Stewart, Farrell, Butler, Bissett

The Chairman read the motion to the meeting.

9 NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

10 GENERAL BUSINESS - SEE NOTE (1)
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Nil.

11 NEXT MEETING

11.1 Ordinary Council Meeting

- 24 February 2011
- 5.30pm
- City of Perth

12 CLOSURE - MEETING DECLARED CLOSED AT 6.25PM
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