

MINUTES

NORTH WEST REGIONAL ROAD SUB GROUP (NWRRSG)

City of Joondalup

Conference Room 2, Civic Centre

Wednesday 23 September 2009 Commencing at 4.00pm

1 ATTENDANCES AND APOLOGIES

Cr Geoff Amphlett	City of Joondalup
Martyn Glover	City of Joondalup
Jane Pritchard	City of Joondalup
Kevin White	City of Joondalup
Glenn Shaw	City of Joondalup
Tony Pyke	City of Joondalup
Dennis Blair	City of Wanneroo
Ian Barker	City of Wanneroo
Rainer Wolker	City of Stirling

Apologies from Mayor David Boothman, Cr Brett Treby and Terence Pailing.

2 ELECTION OF CHAIRPERSON

Cr Geoff Amphlett was elected Chairperson of the NWRRSG and assumed the chair.

Moved Martyn Glover **Seconded** Tony Pyke

3 CONFIRMATION OF MINUTES OF MEETING HELD ON 13 OCTOBER 2008

The minutes of the meeting held on 13 October 2008 were confirmed as a true and correct record.

Moved Dennis Blair **Seconded** Rainer Wolker

4 ELECTION OF COUNCILLOR REPRESENTATIVE

Although an apology for the meeting, Cr Treby had requested that he be considered as the Councillor Representative for the NWRRSG. Cr Treby was elected as the Councillor Representative for the NWRRSG to attend the Metropolitan Regional Road Group (MRRG) meetings as the elected regional representative.

Moved Cr Geoff Amphlett **Seconded** Martyn Glover

5 ELECTION OF OFFICER REPRESENTATIVE

Martyn Glover was elected as the Officer Representative of NWRRSG to attend the MRRG Technical Officer meetings.

Moved Cr Geoff Amphlett **Seconded** Rainer Wolker

6 2010/2011 IMPROVEMENT PROJECT SUBMISSIONS

It was noted that the City of Stirling does not have an Improvement Project.

The Sub Group endorsed:

- The City of Joondalup – Moore Drive East.
- The City of Wanneroo – Joondalup Drive, Carramar

Moved Dennis Blair **Seconded** Martyn Glover

7 2010/11 REHABILITATION PROJECT SUBMISSIONS

The Sub Group:

- 7.1 Endorsed the un-audited submissions by the Cities of Joondalup, Wanneroo and Stirling.
- 7.2 Expressed disappointment with the projects being un-audited which could result in inconsistency with the application of scoring.
- 7.3 That MRWA consider providing audits for all projects with un-audited scores above 1900 if there is a concern with the volume of submissions.

Moved Rainer Wolker **Seconded** Jane Pritchard

8 2010/2011 BLACK SPOT PROGRAM

The Sub Group:

- 8.1 Endorsed the audited submissions of the Cities of Joondalup, Wanneroo and Stirling.
- 8.2 Supports the funding of the City of Wanneroo Project – Marmion Avenue/Hester Avenue/Anchorage Drive roundabout: installation of ramp metered traffic control signals as this is considered an innovative project to address traffic safety issues at a two lane roundabout on a District Distributor Road. The funding subject to the outcomes of the partial signalised roundabout study by Main Roads WA.

Moved Cr Geoff Amphlett **Seconded** Kevin White

9 GENERAL BUSINESS

The Sub Group:

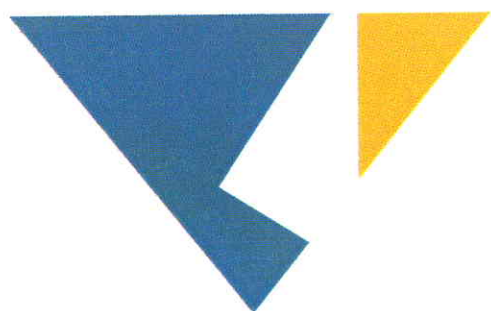
- 9.1 Seeks an amendment to section 9.9 of the State Road Funds to Local Government Procedures which prescribes the conditions for application for Road Project Grants and State and National Black Spot funding. In dot point 2 the procedures require the following:

A further 40% will be paid to the Local Government on submission of a further Progress Payment Certificates (Attachment 4a) signed by the Chief Executive Officer, certifying that actual expenditure on the project has exceeded 40% of the project funding approved (Attachment 4a).

It is considered that the need for "actual expenditure" is a cause the delays in claiming funds because it is dependent on the Local Government having received the invoice and made payment and CEOs will not sign the documentation until the first 40% is spent. It is proposed that the "actual" be changed to "committed" so that the claim can be made as soon as the order is issued for the works.

10 CLOSURE

The Chair thanked everyone for attending and closed the meeting at 4.52pm.



WALGA

**North Metropolitan Zone
Minutes**

1 October 2009

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**MEETING OF THE NORTH METROPOLITAN ZONE
OF THE WA LOCAL GOVERNMENT ASSOCIATION**
Held at the City of Joondalup, Conference Room 1, Joondalup Civic Centre,
Boas Avenue, Joondalup
Thursday 1 October 2009 at 6:00 pm

MINUTES

1. ATTENDANCE AND APOLOGIES

ATTENDANCE:

City of Joondalup

Members: Mayor Troy Pickard (Chairperson)
Cr Trona Young
Cr Tom McLean
Officers: Mr Garry Hunt, Chief Executive Officer
Mr Jamie Parry, Director Governance and Strategy

City of Wanneroo

Members: Cr Frank Cvitan (Deputy Chairperson)
Cr Tracey Roberts
Cr Rudi Steffens
Cr Alan Blencowe – *Deputising for Cr Maureen Grierson*
Officer: Mr Daniel Simms, Chief Executive Officer

City of Stirling

Members: Cr David Boothman
Cr Elizabeth Re
Officers: Mr Ross Povey, Director Planning and Development (6:05pm)
Mr Aaron Bowman, Manager of Governance and Council Support

WALGA

Ms Jo Burges, Regional Cooperation Manager
Ms Meredith Neilsen, Governance & Strategy Policy Officer.

GUESTS:

Physical Activity Taskforce: Ms Michelle Hogan, Manager
Communications and Advocacy.
Australian Bureau of Statistics: Mr Colin Clarke, Census and
Indigenous Statistics and Mr Steve Austin, Graduate Indigenous
Statistics

APOLOGIES:

City of Wanneroo Cr Maureen Grierson
Mr John Paton, Director Corporate Strategy and Performance

City of Stirling Cr Bill Stewart
Cr Terry Tyzack
Mr Stuart Jardine, Chief Executive Officer

City of Joondalup Cr Russ Fishwick

WALGA Ms Allison Hailes, Executive Manager Planning and Community
Development

2. ANNOUNCEMENTS

An email was despatched prior to the meeting from Jamie Parry, Director of Governance and Strategy advising of an update to item 6.2 *Release of Discussion Paper on Development Assessment Panels* and in particular to figures contained within the City of Joondalup's report relating to the planning applications.

A late report submitted by the City of Wanneroo on Implementing Development Assessment Panels in WA was circulated prior to the meeting and was tabled as a late item and included in deliberations on this matter, now labelled at item 6.3.

(Moved Cr Tracey Roberts / Seconded Cr Elizabeth Re)

That the late item from the City of Wanneroo be considered by the North Metropolitan Zone.

The motion was put and CARRIED

3. DECLARATIONS OF INTEREST

Pursuant to Local Governments Code of Conduct, Councillors must declare to the Chairperson any potential conflict of interest they have in a matter before the North Metropolitan Zone as soon as they become aware of it.

No declarations of interest were declared.

4. CONFIRMATION OF MINUTES

(Moved Cr Tracey Roberts / Seconded Cr Elizabeth Re)

That the Minutes of the meeting of the North Metropolitan Zone held on Thursday 30 July 2009 be confirmed as a true and accurate record of the proceedings.

The motion was put and CARRIED

5. DEPUTATIONS/PRESENTATIONS

Presentation: Premier's Physical Activity Taskforce

Ms Michelle Hogan, Manager Communications and Advocacy, briefed the meeting on the "**be active wa**" Physical Activity Taskforce.

The briefing aimed to highlight the opportunities, resources and support available to local governments to assist with the development and planning of initiatives to continue improving the physical activity levels of Western Australians.

For queries or further information, Michelle can be contact on 94929635 or email michelle.hogan@dsr.wa.gov.au. Additional information can also be downloaded from the "**be active wa**" web site: www.beactive.wa.gov.au.

The Chair, Mayor Troy Pickard thanked Michelle Hogan for her presentation.

Presentation: Preparing for the 2011 Census of Population and Housing

Colin Clarke, Census and Indigenous Statistics and Mr Steve Austin, Graduate Indigenous Statistics briefing the meeting with respect to the Australian Bureau of Statistics (ABS).

The ABS is gathering local intelligence and raising Census awareness from local governments and other stakeholders to seek advice and support in planning for the 2011 Census of Population and Housing.

For queries or further information, Colin Clarke can be contact on 9360 5181 or email colin.clarke@abs.gov.au.

The Chair, Mayor Troy Pickard thanked Mr Colin Clarke and Mr Steve Austin for their presentation.

5. MATTERS REFERRED TO WALGA

5.1 Status Report on Matters referred to WALGA State Council for Action.

As a means of increasing communication and providing feedback to the North Metropolitan Zone, a schedule (appended to the agenda) has been prepared on matters referred to WALGA State Council for action.

(Moved Cr Frank Cvitan / Seconded Cr Tom McLean)

That the Status Report on matters referred to WALGA State Council for action, dated September 2009, be received.

The motion was put and CARRIED

Cr Elizabeth Re queried as to what was happening with the leave entitlements issue and requested an update on this matter.

6 REPORTS FROM MEMBER COUNCILS

The Chair, Mayor Troy Pickard advised that as each member Council had submitted a report and recommendation on the Development Assessment Panels, and that the recommendations were not dissimilar, that these items (6.1, 6.2 and the late item now labelled 6.3) would be dealt with together with one consolidated recommendation submitted to WALGA.

The consolidated recommendation of items 6.1, 6.2 and 6.3 is as follows:

DEVELOPMENT ASSESSMENT PANELS

(Moved Mayor David Boothman / Seconded Cr Tracey Roberts)

- 1. That the Minister for planning and director general of the department of planning be advised that the North Metro Zone does not support the introduction of development assessment panels in the form proposed, as it is considered that the panels will provide little or no benefit to local government, the community or the development industry as it is considered that they will not increase transparency of decision making beyond what is already provided by local government and will not**

necessarily improve the timeliness or quality of decisions; and would incur additional cost and resources to local government and remove local determination;

- 2. That the Zone may consider a model similar to that of New South Wales including variations, but not limited to the following:**
 - a. As a precursor to the implementation of Development Assessment Panels, the Zone recommends that the State Government legislate for the mandatory reporting and publishing of development application data by local governments, in a consistent format that would enable comparison and benchmarking of performance between local governments; and**
 - b. Following a review of local government development application data, the Zone would support the implantation of Development Assessment Panels in areas where the development assessment process or the local government is underperforming, or where the local government agrees and/or has insufficient resources or technical expertise to assess large-scale complex development applications.**
- 3. Further consultation with local governments take place to assist in developing a practical and efficient model; and**
- 4. that the comments in the attachments from the Cities of Joondalup, Stirling and Wanneroo be included in WALGA's submission to the Department of Planning on the Development Assessment Panels discussion paper.**

The motion was put and CARRIED

6.1 DEVELOPMENT ASSESSMENT PANELS

Report submitted by City of Stirling

BACKGROUND

On Friday 11 September 2009 the Minister for Planning, the Hon John Day, announced the State Government's intention to implement Development Assessment Panels (DAPs) in WA. The Minister released a Department of Planning discussion paper titled '*Implementing Development Assessment Panels in Western Australia*' (refer attachment) and is seeking comment until 2 November 2009.

The discussion paper proposes a significant change to the statutory planning system in Western Australia through the establishment of DAPs. These Panels would take the place of local government and the Western Australian Planning Commission in determining the following specified types of development applications with a threshold value of \$2 million applicable in the metropolitan area (\$1 million in country areas):

- All commercial, retail and office applications;
- All mixed use/centre applications (such as commercial, retail and residential);
- All industrial (including, but not limited to, light, service, extractive, general, noxious and rural industry) applications;
- All grouped dwelling or multiple dwelling applications of over 10 dwellings;
- Non-complying grouped dwelling or multiple dwelling applications of 10 or less dwellings;
- All aged and dependent persons dwelling applications;
- All infrastructure proposals;

- Applications requiring dual approval of the local government and the WAPC, under the Metropolitan Region Scheme;
- Strategic land use, transport and infrastructure projects;
- Public works of State/regional significance where not exempt from local planning approval requirements;
- All applications for hospitals, TAFEs, universities and non-government schools.

The discussion paper outlines exempt development will include:

- The determination of an application of approval for the purpose of one or more single houses, complying and non-complying;
- The determination of an application for approval of development for the purpose of not more than 10 complying grouped dwellings or multiple dwellings;
- Minor applications, such as carports, shade sails, outbuildings and sheds.

For the City of Stirling, the discussion paper proposes the Minister will establish a Joint DAP to cover the Cities of Stirling, Joondalup and Wanneroo and the Town of Vincent. Local governments are required to provide all administrative support for the DAP on a six monthly rotational basis.

The Development Assessment Panel would comprise 5 members:

- A Chairperson (specialist member – appointed by the Minister)
- Two other specialist members – appointed by the Minister)
- Two local government representatives (Councillors)
- (Note: The two local government representatives would sit on the panel when applications from their local government are being considered)

It is proposed the Chair would be paid a sitting fee of \$500 and the Specialist Members a \$400 sitting fee. It is proposed that the local government representatives would not be paid a sitting fee as this is viewed in the discussion paper as part of their elected role. The cost of operating the DAP would be met by local government from existing revenues generated from Development Application fees.

COMMENT

The establishment of DAPs was first identified in the 'Building a Better Planning System' document released by the State Government in March 2009 as follows:

"In cases of major projects that are likely to face significant approval delays and may be highly contentious, and in cases where major projects are proposed but there is limited local government technical capacity to undertake an appropriate level of assessment, Development Assessment Panels are being considered, as have been established in other States. Development Assessment Panels would include elected representatives as well as independent experts."

Council considered the Building a Better Planning System document at its meeting of 21 April 2009 and in respect to DAPs the City of Stirling made the following comment:

"The City requires further information and would need to further consider the implications of the Development Assessment Panels approach, as this would represent a significant change from current local government and Council consideration of development."

The scope of the proposed DAPs goes further than outlined in 'Building a Better Planning System' and will have significant impact on the operation of the Council's decision making in respect to major development applications. This proposed DAP system outlined in the discussion paper has been developed without reference to local government and essentially

introduces a duplicate administrative system to deal with developments of a specified type and application value.

The approach taken by the State Government in the discussion paper is akin to the appointment of Commissioners to take over some of the most important functions of a local government, decision-making on larger scale development.

The DAP system as proposed will require additional local government resource and be unlikely to significantly improve decision making timeframes or decision quality. The City of Stirling has undertaken an analysis of development applications over the past 3 financial years to determine the number of applications of specified type and over \$2 million value which would be referred to the proposed Joint DAP. The results are as follows:

Table 1: Possible Number and Value of DAP Applications

Year	Total Development Applications (DAs) determined	No. of DAs \$2 million & over and specified type (DAP applications)	Average No. of DAs per month to Joint DAP	Total Value of proposed DAP applications	Total Value of remaining applications
2006-07	2,878	24	2	\$213,094,782	\$552,833,788
2007-08	3,800	27	2.25	\$474,719,000	\$760,264,920
2008-09	3,380	25	2.1	\$582,824,000	\$617,939,888

The City has also analysed number of DAP applications determined by Council and those determined under delegated authority. The City has also analysed the average processing time in days for DAP applications. These are detailed as follows:

Table 2: Applications determined by Council and Delegated Authority and Average Timeframe

Year	No. of DAP applications determined by Council	No. of DAP applications determined by Delegated Authority	Average assessment and decision time of DAP applications (days) (Note: Statutory time 60 days)
2006-07	3	21	40.5
2007-08	7	20	53.4
2008-09	5	20	50.2

The above analysis indicates the current proposal to introduce DAPs would have no benefit to applicants who deal with the City of Stirling.

The Director General of the Department of Planning has indicated the objectives of the proposed model are to:

1. Streamline the determination process for particular types of development applications, by eliminating the requirement for two-decision makers to make a decision on the same development application where the provisions of both local and regional planning scheme apply;
2. Involve independent technical experts in the determination process, in accordance with the DAF (Development Assessment Forum) Leading Practice Model;

3. Encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects; and
4. Reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning.

While the objectives appear to have merit on the surface, a closer examination reveals they will not be delivered by the proposal for DAPs as outlined in the discussion paper. Officer comment on each of the above objectives is as follows:

1. Only few development applications require decisions to be made by both the City and the WAPC. Many of these determinations are currently made by City officers under delegated authority. The introduction of DAPs would transfer the administrative workload of these applications to local government who would be required to formulate agendas, host and attend DAP meetings and compile minutes, consuming additional resources.
2. Only a very small proportion of the City of Stirling's development applications of the specified type are currently determined by Council. In 2008/09 the City processed a total of 3380 development applications with a total value of \$1.2 billion. Only 5 of these applications were determined by Council. City officers already seek independent advice from time to time where necessary to provide expert input on the assessment of major development applications, including architectural and urban design advice. The use of expert panels, given the very small numbers involved, is unlikely to have any significant overall benefit to the planning approval process.
3. Comments generally as per 2 above. It should be noted that the introduction of DAPs will reduce local representation and that specialist panel members will be appointed by the Minister for Planning and not the local government.
4. The majority of development applications of the specified type and value are currently determined under delegated authority. The City of Stirling has a strong focus on strategic planning as evidenced by its commitment to major strategic regeneration projects at Scarborough, Mirrabooka and Stirling City Centre. Additionally, the City has a strong focus on community planning through its award winning Local Area Planning project and on policy review and development. The introduction of DAPs will not provide any additional resources to local government (indeed they will consume further resources) and will not provide any significant additional time to Council to focus on strategic matters.

Development Assessment Panels are currently legislated in South Australia and New South Wales. In Victoria legislation has also been introduced to establish DAPs. The NSW model could be supported by the City as it gives the Minister the power to appoint a DAP or Planning Administrator in four circumstances:

- a. where, in the opinion of the Minister, the Council has failed to comply with its obligations under the planning legislation;
- b. where, in the opinion of the Minister, the Council has unsatisfactorily performed its development assessment or planning role;
- c. where the Independent Commission Against Corruption has written a report recommending the appointment of a panel due to serious corrupt conduct by a councillor in connection with the exercise of functions by the Council; or
- d. the Council agrees to the appointment.

These panels can be appointed to perform all the planning functions of a Council, including determining development applications. This approach would reflect a similar approach provided in the Local Government Act 1995, which enables the Minister for Local Government to suspend a Council in certain circumstances where they are not, in the Minister's opinion, meeting the requirements of the Act.

If the NSW approach was applied in Western Australia, with clear performance thresholds established, it would be expected that local government would see a significant performance

improvement across the board, not just in relation to decision making on a small proportion of applications (less than 1% in the case of the City of Stirling).

There has been no substantive reason provided in the discussion paper to remove or reduce the planning powers of local government. A common reason cited by the development industry relates to delay experienced when applications are considered by Council, however no supporting data or evidence is provided in the discussion paper.

Section 4 of the Discussion Paper details how Development Assessment Panels are proposed to operate in Western Australia. A summary of each section is provided, together with officer comment.

No	Section Heading	Summary	Officer Comment
4.1	Local Development Assessment Panels	A Local DAP is only proposed at this stage to operate in the City of Perth. The decision to establish a Local DAP would rest with the Minister and be determined based on development application data.	The current categories and \$2 million value of development applications does not represent 'major projects' as outlined in the Building a Better Planning System discussion paper. These applications are currently capably addressed by the City of Stirling and the introduction of DAPs will add administrative complexity and remove the current officer delegation that exists to approve many of these developments (80% in 2008/09) where they comply with Scheme requirements. This will introduce further delay into the system. The NSW system of Planning Assessment Panels is preferred by the City in that it would only be introduced where: 1. the Minister deems the Council has failed to comply with its obligations under the planning legislation 2. the Minister deems the Council's performance in dealing with Planning and Development to be unsatisfactory 3. the Council agrees to appointment, or 4. a report from the NSW Independent Commission Against Corruption recommends appointment. This would enable the State Government to improve performance by addressing specific local governments, rather than Council's who consistently perform their functions with diligence and professionalism. The South Australian DAP model allows Councils to determine through delegation which types of applications will be determined by officers and which are to be determined by the DAP.
4.2	Joint Development Assessment Panels	The discussion paper proposes that the City of Stirling would be part of a Joint DAP with the Cities of Joondalup and Wanneroo and the Town of Vincent.	It is worth noting this DAP covers a large portion of the metropolitan area and a population of just over 500,000 people (30% of the Perth's population). The City anticipates a Joint DAP could be workable based on an analysis of the volume of development applications determined over the past 3 years that are of the prescribed type and value. It must be noted that the DAP would consider less than 1% of the development applications determined by the City during 2008/09. As such the introduction of DAPs is unlikely to provide any substantive benefit in terms of approvals times or decision making.

4.2.1	How will joint development assessment panels be established?	The Minister for Planning will establish permanent joint development assessment panels. The rates of growth and number of development applications will be used to determine the final arrangements. The joint panels are designed to assist local governments focus their resources on strategic and policy issues.	The establishment of DAPs based on development application data is supported, however it would appear that this assessment has not yet been undertaken and the suggested Joint DAP arrangements may need to be modified. The establishment of Joint DAPs will not provide any assistance to the City of Stirling in respect to a greater focus on strategic and policy issues. The City has a dedicated team of strategic and policy planners who make up the City Planning Business Unit. Development Approvals are assessed by a separate Approvals Business Unit. 99% of development applications will continue to be determined by the Council or by the officers under delegated authority. Officers will still need to undertake detailed assessments and prepare reports in respect to applications determined by the DAP. Local government will be required to provide administration and technical support to the DAPs from existing resources.
4.2.2	What applications will joint DAPs determine?	The specified types and value of applications are outlined in the Background section of the report.	The value and types of applications do not relate to matters of regional significance, but a range of routine application types. The \$2 million threshold is an arbitrary figure and does not relate to any relevant planning consideration. The City believes that if DAPs are introduced, local government's need to be provided power to determine the appropriate delegations to either an officer or the DAP as in South Australia.
4.2.3	How many members will sit on the joint DAP?	The proposal is as follows: Chairperson (Specialist Member) Two Specialist Members Two local government Representatives The local government membership of the panel will depend on the location of DA being determined at the time.	Membership of the DAP does not sufficiently recognize the importance of local input into decision making. The City contends that if DAPs are to be introduced equal membership should be provided (specialist and local government), with any deadlock in voting resting on a casting vote of the Chairperson. The operation of a Joint DAPs has the potential to become inefficient, due to having a multiplicity of local government Representatives, officers, presenters and members of the public in attendance.
4.2.3	How long will joint DAPs operate?	A joint DAP will operate for as long as the Minister determines it appropriate.	If DAPs are implemented the membership of the panel should be reviewed every two years to coincide with the local government election cycle. This would allow for specialist members to serve a specified period and for local government to appoint new representatives following each local government election.
4.3	How will local and joint DAPs operate?		City of Stirling's comments for this section are detailed below.
4.3.1	Panel Membership	It is proposed that each panel member would be appointed for a term of up to two years, with an option for an additional year at the discretion of the Minister. Member appointment would not exceed three years. Local government	If DAPs are implemented the membership of the panel should be reviewed every two years to coincide with the local government election cycle. This would allow for specialist members to serve a specified period and for local government to appoint new representatives following each local government election. The maximum term of appointment of specialist members should be two terms (4 years).

		representatives would be nominated from the Councillors by the Council. If a local government failed to nominate the Minister will have power to appoint two members to represent the interests of the local community. All panel members will be required to attend mandatory training.	
4.3.2	Panel Accountability	Meetings are to be open to the public and people who made submissions will be permitted to make a presentation to the panel. A Code of Conduct will be developed to govern procedures of the DAP and deal with matters including conflicts of interest and lobbying. A record of meetings and voting by panel members will be required to be kept. DAPs will be required to produce an annual report	Meetings of Joint DAPs are likely to be held at one of the member local governments. This will make attendance by local community members less accessible. Currently the City of Stirling operates with open committee and Council meetings in the evenings. The timing of DAP meetings has not been addressed in the discussion paper, however if DAPs are to be established the City believes meetings should be held after working hours to allow members of the public and Councillors (who commonly work full-time) the ability to attend. The City of Stirling provides the opportunities for applicants and members of the public to provide deputations (whether or not they have made a submission) to Committee. The DAP does not provide any additional benefit in respect to public involvement. The Code of Conduct is similar to what already exists in local government. The City of Stirling keeps minutes and records voting of members currently. The DAP proposal does not provide any additional benefits in respect to decision making accountability regard to these matters. Additional resources will be required to prepare an Annual Report for the DAP. It would appear this function would fall to the local government or group of local governments. The State Government is not proposing to provide additional resources to undertake this function.
4.3.3	Panel Technical Support	This will be provided by local government officers and officers of the WAPC where required. Similar to the current procedure an officers report would be prepared and provided to the DAP within the statutory timeframe. The DAP will be able to engage experts to prepare reports on particular technical issues, with these reports to be paid by the relevant local government.	This reflects the current technical support and reporting arrangements provided to Committee and Council. The DAP proposals will require that officers service both the DAP and the remaining applications being presented to Committee and Council. This will place an additional burden on Technical and Administration Officers who will need to attend the separate DAP and Committee/Council meetings. It is unclear what authority the DAP would have to expend local government funds. This presents particular governance difficulties as technical reports can cost significant amounts and it would be unlikely the City of Stirling would have made specific budget provision for such reports. Approval to expend unbudgeted funds normally can only be made by Council.
4.3.4	Panel Secretariat Support	Secretariat support for the Joint DAP will be shared among the members and would	The Secretariat support required would provide additional resource demand on the City in terms of meeting attendance, preparation of agendas and minutes and advertising of meetings. This

		include coordinating agendas, advertising meetings, taking minutes etc.	will not streamline any current processes and the State Government is not proposing to provide any additional resource
4.3.5	Panel Administration Costs	Local government will be required to contribute to the cost of operation of the DAP. It is proposed that this would be paid from fees currently derived from development applications. The Department of Planning will provide training to panel members and development the Code of Conduct and provide operational guidance. The State will establish a small secretariat in the Department of Planning to undertake a monitoring role and coordinate the annual reporting process.	The administration costs of the DAPs will draw on local government resources. No additional resources will be provided to local government to meet the additional costs of administering the DAPs. It is noted that the State Government will provide training to panel members, however this is likely to be generic and will not cover specific local scheme or policy issues. Additional training would need to be provided by local government technical officers. The State should establish a small team within the Department of Planning to monitor and report on development approval performance by local government and that of the WAPC. It should be noted the City of Stirling reports on approvals performance in the City's Sustainability Annual Report. The City recommends a team be established in the Department of Planning to monitor local government performance, WAPC performance and subdivision approval times. Further the City recommends that DAPs only be introduced into local governments who are unable to meet established performance requirements (as per the NSW model).
4.3.6	Panel Sitting Fees	It is proposed specialist members would receive a sessional sitting fee: \$500 for the chairperson \$400 for specialist members Elected Council members would not be paid a sitting fee as their role on the panel is considered to be in keeping with their position.	local government would be required to meet the cost of the sitting fees for specialist members. If meetings occurred monthly these fees would be \$15,600 divided by the joint members (\$3,900 if divided equally between 4 members). If the panel met fortnightly fees would increase to \$31,200 (or \$7,800). It could be argued that the two local government representatives are being asked to take on additional work that is not required of other Councillors. Councillor members will be required to undertake all work associated with the complex planning and development issues including undertaking mandatory training, reading all agendas, undertaking site visits and participating in meetings. It is the City's view that is unreasonable for Council DAP members not receive a sitting fee should development assessment panels be established.
4.3.7	Panel Code of Conduct	A Code of Conduct will be drafted to assist members: • understand the standards of conduct expected • act honestly, ethically and responsibly • exercise reasonable degree of care and diligence • act in a way that enhances public confidence	The City of Stirling already has a Code of Conduct which, together with the Rules of Conduct and the Local Government Act which, establishes standards for Councillors. This proposal will duplicate current Code requirements and will add little if anything to improve the standards of conduct.

4.3.8	Panel quorum and meeting frequency	A quorum will be three members, comprising at least the chair (or deputy chair) one specialist member and one local government member. Meeting frequency will be determined by the individual assessment panel based on the number of applications submitted and the timelines required to have them assessed within the statutory timelines. Panels will meet at least monthly and possibly fortnightly in high growth areas.	The City of Stirling Planning & Development Committee and Council operate on a monthly basis. Should the proposed Joint DAP operate on a monthly basis this would provide no additional benefit to applicants. If the Joint DAP operated on a fortnightly basis this may provide a quicker approval timeframe for applicants. It would however be significantly more resource intensive from an administrative, technical officer and panel member perspective. The City of Stirling would support a NSW model in which DAPs would only be introduced into Council's which for one reason or another are unable to perform at the required standards.
4.3.9	Panel Members Training	Panel members will be required to attend mandatory training before being appointed to a DAP. This will apply to local government and Specialist members.	The City supports the training of decision makers and regularly provides induction training to newly elected members and information sessions when legislative or policy changes occur. Additionally the City encourages elected members to undertake ongoing professional development through WALGA. The Department of Planning could equally provide this training and training resources to elected members within local government regardless of the DAP proposal.
4.3.10	Panel Reporting and Performance	Each panel would be required to report on its decisions to the relevant local government, the WAPC and the Minister for Planning. The Department of Planning will prepare an annual report summarizing approvals trends and review the performance of each panel.	The City of Stirling currently publishes all decisions made by Council on the City's website via the meeting minutes. Additionally a listing of all development approvals granted under delegated authority is also posted on the City's website. This proposal would add nothing to the current reporting already provided by the City. The Department of Planning could allocate resources to provide benchmarking of local government approvals and report on performance of each local government. The City of Stirling would support that where a local government fails to meet the performance requirements a DAP could be installed as per the NSW model.
4.4	Will these panels be bound by the existing planning framework?	The DAPs will be determining applications based on the relevant Planning Scheme and relevant planning policies. If a DAP believes a Local Planning Scheme should be amended the panel is able to advise the Minister and the relevant local government.	The City is supportive of the NSW model of DAPs which would only be introduced where there are identified problems with local government performance or with the agreement of the local government. Where a DAP is implemented the DAP should be able to provide advice to the local government and the Minister in respect to possible Scheme amendments. This advice should be in written form and should be formally endorsed by the DAP. This would require the DAP to access further local government resources to prepare formal reports regarding possible Scheme amendments. The ability of the DAP to request the preparation of officer reports relating to these matters has not been addressed in the Discussion Paper.
4.4.1	Appeals	The current appeals process will continue to operate. The local	While this appears to reflect the current system, the question arises as to what role the DAP members would have in the conduct of any

		government will be respondent for appeals against decisions made in respect to the Local Planning Scheme and the WAPC respondent for decisions made under a region planning scheme.	appeal. Clearly an issue arises where the DAP makes a decision which is different from an officers recommendation. The City officers would be in an invidious position and as per the City's current procedure would require an independent planning consultant and/or lawyer represent the City on these matters. This may require the chairperson of the DAP instructing the consultant engaged by the City and authorizing expenditures in respect to expert witnesses. This matter is not addressed in the discussion paper and would present some difficulties as the DAP (as currently proposed) would not have any authority to expend Council funds.
4.5	Applications of State or Regional significance	It is proposed the Minister for Planning will be given the power to call in any application of a class prescribed in the regulations as being a project of State or regional significance. The minister would determine the application after receiving advice from the DAP. There will be no right of appeal provided in respect of these decisions.	The discussion paper does not describe the exact type of applications that are proposed to be included in the regulations. It notes that the applications would have an impact beyond a local government boundary. This proposal reduces the transparency of decision making goes against the general principle of introducing independent expert panels. On one hand the discussion paper proposes a major change to remove decision making powers from elected local governments for various categories of development and on the other hand it proposes to give power to an elected State Minister (who is not an expert) to determine applications and further provide no appeal right to applicants in respect to these matters. This is not supported by the City. The City would however supports the establishment of a specific high-level expert DAP to deal with all applications of State or Regional significance. This DAP should receive reports from local government and the WAPC as well as experts where required prior to making their determination. These bodies would operate in a public arena which will provide openness and transparency to decision making. As mentioned, this proposal eliminates the opportunity for an applicant to have the decision reviewed by an independent body, such as the State Administrative Tribunal. This is a reduction in the rights of the applicant provided by the current system and is not supported by the City.

The discussion paper identifies the benefits of DAPs as follows and Officer comment is provided in respect to each item:

Suggested Benefit	Officer Comment
Timeliness	Some benefits may arise from the DAP being the sole decision making body (taking the place of the local government and the WAPC) where joint approvals are required. However this is a small number of development applications per year and could be streamlined by a reduction in the types of applications which require WAPC approval in addition to local government approval.
Efficiency	The discussion paper suggests that fewer government resources will be required with the introduction of DAPs. This will not be the case. Local governments will perform the same assessment functions as they do currently. In addition local government will be required to provide administrative and technical support to these panels, consuming additional resources and reducing the efficiency of the current system.
Simplicity	The discussion paper suggests that eliminating the need for dual approvals (WAPC and local government) will simplify the application process. While this may be correct, it should be noted that for the City of Stirling this will only apply to less than 1% of the development

	approvals issued by the City. The introduction of a dual system with some applications being referred to a DAP and others being determined by local government is likely to cause confusion for applicants and introduce a complexity into the planning system that does not currently exist.
Transparency	The introduction of a DAP will not provide any additional transparency over that already provided by local government. City of Stirling Committee and Council meetings are open to the public and voting by individuals Councillors is recorded. The introduction of DAPs may provide addition transparency in respect to decisions currently made by the WAPC who currently meet behind closed doors and whose voting patterns are not published.
Sustainability	The discussion paper indicates that by involving independent experts and elected members this should ensure the most sustainable decision. These factors have little (if anything) to do with sustainable decision making. The main element of sustainable decision making is an appropriate Scheme and Policy framework which focuses on sustainable outcomes. The City of Stirling has introduced development policies that promote and support more sustainable forms of development. The City also provides a sustainability assessment within its standard report template. The introduction of DAPs is unlikely to have any benefit to sustainability over the current system.
Accountability	DAPs will be required to report regularly to the Minister on their decisions and members will be subject to a strict Code of Conduct. Councillors are already subject to strict Conduct requirements and the City of Stirling reports on its development approval performance each year within its Sustainability Annual Report.
Fairness	DAPs will not introduce any new aspects that improve the current system. Decisions made by a DAP where discretion has been exercised will be able to be reviewed by SAT. The DAP proposal significantly reduces fairness to applicants as those applications 'called-in' and determined by the Minister will have no right of appeal.
Consistency	The confusion caused by the current dual approval (local government & WAPC) process only applies to a minority of development applications. It is suggested a better approach would be for the WAPC to review their requirements to streamline the types of applications requiring dual approvals.
Suitability	The paper states that DAPs will determine applications of State or regional significance. However the specified types of application and low threshold value (\$2 million for metropolitan local governments) bears no relationship to development of State or regional significance. The analysis of applications determined by the City of Stirling indicates that in 2008/09 - 80% of the applications that would have required to be referred to a DAP were determined under delegated authority as they met the City's District Planning Scheme requirements.

FINANCIAL IMPLICATIONS

The operation of DAPs will increase the cost of development assessment as the City of Stirling would meet its share of the cost of the operation of the DAP (estimated at between \$15,600 and \$31,200 (total for all Councils for sitting fees), plus administrative costs of advertising and secretariat support. There will be also be some additional staff costs associated with attendance at the DAP meetings if these meetings occur after hours. Local governments would also be required to formulate an annual report regarding the operation of the DAP. The cost of these items is difficult to quantify.

The DAP proposal would require local government to perform some functions currently performed by the WAPC in relation to items which currently require dual approval, as local government would be required to collate agendas and minutes in respect to these items.

No funding is proposed from State Government to support the introduction of DAPs.

CONCLUSION

It is recommended North Zone not support the introduction of DAPs in the form proposed in the discussion paper. The proposal will have little or no benefit to the Zone members, the community or to applicants seeking development approval.

In the case of the City of Stirling Less than 1% of development applications would be referred to a DAP (approximately 2 to 3 per month). These applications are currently being processed effectively by the City, the majority under delegated authority. Where applications are referred to Council, the Council has demonstrated it has the capacity to determine major development applications mindful of its quasi-judicial role.

On average these development applications are approved within the statutory timeframe (50.2 days in 2008/09). The City of Stirling has a strong track record of managing the development approvals process with a \$1.2billion worth of development being approved last financial year.

The introduction of DAPs will place a further burden on Councillors appointed to the DAP and on administrative and technical staff and does not provide any additional resources for the planning system.

The North Zone should consider providing support for a model for DAPs similar to NSW. This would enable the Minister for Planning to intervene where there is poor performance, poor decision making or evidence of corruption or where a local government makes a request for a panel to be established.

The North Zone should support the establishment of a high-level expert DAP for applications of real State or regional significance which would need to be clearly prescribed by regulation. However the right of appeal for applicants in these matters should remain unchanged.

RECOMMENDATION

That:

1. **in respect to the proposal to introduce Development Assessment Panels in Western Australia, the Minister for Planning and Director General of the Department of Planning BE ADVISED that WALGA:**
 - (a) **does not support the introduction of Development Assessment Panels in the form proposed in the discussion paper 'Implementing Development Assessment Panels in Western Australia' as the proposal will have little or no benefit for the local government, our residents or for applicants seeking development approval. Further the proposal would incur additional cost and resources to local government and remove local determination;**
 - (b) **would support a system of Development Assessment Panels similar to that introduced in New South Wales as this is more likely to lead to improved development approval processes across local government;**
2. **the comments in the report submitted by the City of Stirling be incorporated into WALGA's submission to the Department of Planning on the Development Assessment Panels discussion paper.**

6.2 RELEASE OF DISCUSSION PAPER ON DEVELOPMENT ASSESSMENT PANELS

Report submitted by City of Joondalup

BACKGROUND

In March 2009, the Department of Planning released the *Building a Better Planning System* paper, which sets out the broader planning agenda for improvement and reform of the planning system.

One of the suggested reform initiatives was the introduction of development assessment panels to determine significant development proposals, as a means to simplify planning approvals. The City of Joondalup provided the following comment in regard to that suggested reform:

Clear guidelines would need to be in place as to when DAPs would be used, and should also be used sparingly. Also, there may be a perception that DAPs are taking away the Council's right to determine applications.

The State Government, through the Department of Planning, released on Friday 11 September 2009 a discussion paper for public comment, titled *Implementing Development Assessment Panels in Western Australia*.

Development Assessment Panels are stated as being part of the State Government's commitment to reform of the planning system. The Panels would replace the local government or the Western Australian Planning Commission, as appropriate, in determining development applications that meet a certain value and class of development. The Panel would consist of 3 specialist members, appointed by the State Government, and 2 elected members from the relevant Council.

It is noted that the form of the proposed development assessment panels appears to have changed since the suggestions contained within the *Building a Better Planning System* paper.

Development Assessment Panels will have the power to determine development applications on behalf of the relevant current decision making authority. In Western Australia, the panels will make decisions on specified applications on behalf of local government, and the Western Australian Planning Commission.

The Minister for Planning will create the panels through publication of an Order in the Government Gazette. New *Planning and Development (Development Assessment Panels) Regulations 2010* will also be prepared.

Type of development to be determined by Development Assessment Panels

Applications for development approval valued at \$2 million or more (\$1 million or more in country areas), and that fall into one of the following categories, will be required to be determined by the Development Assessment Panel:

- All commercial, retail and office applications;
- All mixed use/centre applications (such as commercial, retail and residential);
- All industrial (including, but not limited to, light, service, extractive, general, noxious and rural industry) applications;
- All grouped dwelling or multiple dwelling applications of over 10 dwellings;
- Non-complying grouped dwelling or multiple dwelling applications of 10 or less dwellings;
- All aged and dependent persons dwelling applications;
- All infrastructure proposals;
- Applications requiring dual approval of the local government and the WAPC, under the Metropolitan Region Scheme;
- Strategic land use, transport and infrastructure projects;
 - Public works of State/regional significance where not exempt from local planning approval requirements;

- All applications for hospitals, TAFEs, universities and non-government schools.

Developments that will not be required to be determined by the panel include:

- applications for approval of one or more single houses, complying and non-complying;
- applications for approval of not more than 10 complying grouped dwellings or multiple dwellings;
- Minor applications, such as carports, shade sails, outbuildings and sheds.

Where the approval of both the local government and the WAPC is usually required, the panel will be the only approval authority.

Panel Membership

The discussion paper states that it is anticipated that there will be a minimum of 15 development assessment panels in Western Australia. With the exception of the City of Perth which will have its own panel, all other local authorities will be grouped together into 14 joint development assessment panels (5 metro and 9 non-metro). The City of Joondalup would be included in the North West panel along with the Cities of Stirling and Wanneroo and the Town of Vincent.

It is proposed that the panel will consist of 5 members being 3 specialist members (including the chair and deputy chair), and 2 elected members from the relevant local government.

The specialist members for the North West panel will remain constant; however the relevant 2 elected members will sit on the panel when considering applications from their local government.

The range of expertise required of the specialist members appointed to the panel may include (but not limited to) planning, architecture, urban design, engineering, landscape design, environment, law property development or management.

Training will be mandatory for panel members, and will cover aspects such as the planning framework, development assessment, roles and responsibilities and code of conduct issues. The Department of Planning will be responsible for developing the training course.

Panel Costs

Development application fees will continue to be levied in accordance with current the fee regulations. The local government will continue to received the fee, however, the local government will be required to pay the sitting fees of the specialist panel members (\$500 for chairman and \$400 for specialist members) as well as secretariat and technical support.

Secretariat support for the panel will be provided by staff from the local government on a six monthly rotational basis. These duties will include preparing agendas, advertising meetings, organising meetings, taking minutes and publicising outcomes.

Operation of the Panel

Meetings of the panel will conducted in a place open to the public such as a local government meeting room. People who made submissions during public comment periods will be permitted to make a presentation on that particular application.

Meetings will operate according to a set of Standing Orders to be developed by the Department of Planning. A quorum for the panel will be three members which comprise of at least the chair (or deputy chair), one local government member and one specialist member. Meeting frequency will be determined by the individual panel, however is likely to be monthly as a minimum.

The panel will be required to assess applications in accordance with the existing planning framework, that is, in accordance with all local government town planning schemes and policies, and WAPC region schemes and policies.

Applicants will have the right request panel decisions be reviewed by the SAT. The local government will be respondent for applications determined under the local planning scheme, while the WAPC will be the respondent for applications determined under the region scheme.

Minister's Call in Power

The Minister for Planning will have the power to 'call in' any application that is prescribed in the Regulations (yet to be drafted) as a project of State or regional significance. The Minister will be the determining person in the event that an application is called in, and there will be no right of review on those decisions (i.e. no appeal rights).

COMMENT

A draft submission on the discussion paper has been prepared and is included as Attachment one.

The main points of contention addressed in the submission are:

- The panels will not address matters that are stated as being addressed, such as timeliness of approvals and the lack of technical skills of some local governments. The proposed panels are a 'one size fits all' approach whereby large metropolitan councils, which have specialist planning, urban design and engineering skills, are treated the same as small council's that may need assistance.
- The panel will remove local government decision making roles for larger applications, and is unlikely to improve the quality of decisions made, or their timeliness.
- The proposed Development Assessment Panel model is markedly different from that suggested in the *Building a Better Planning System* paper, whereby panels were suggested for major applications, and where local technical capacity was lacking. The discussion paper does not outline any reason for the change in intent of the panels, and importantly does not present any evidence to support the need for development assessment panels.
 - The class and value of development proposed to be determined by assessment panels is considered excessively low.
 - The discussion paper states that the assessment panels will improve transparency in decision making. It is considered that this view demonstrates a lack of understanding of the workings of local government.
 - The description of how the Minister's call-in and determination powers will be used lacks substance, and it is a concern that there is no right of independent review by an applicant against a refusal by the Minister.
 - There is a concern regarding the working relationship between the assessment panel and officers representing the local government.

Impact on Local Government decision making ability

The panel will be an additional administrative system, and will remove local government's decision making role for development applications \$2m and over where they fall into the categories described in the Background section above.

An analysis of development applications determined by the City of Joondalup over the last three years is shown in the table below. It illustrates that over this 3 year period that 58 applications were received that were valued at \$2m or more. It is noted that five single dwellings were approved that had a value over \$2m. Given these are exempt from referral to the assessment panel, these have been excluded from the below statistics.

Of the 58 applications:

- 34 were determined by Council;
- 24 were determined under delegated authority;

Year	Total DA's determined	No of DA's \$2m and over	Assumed average no of DA'S per month to joint DAP	Total Value of proposed DAP \$	Total Value remaining \$
2006/07	1,403	18	1.5	74,438,071	340,466,546
2007/08	1169	18	1.5	530,360,826	669,534,576
2008/09	1162	22	2	232,821,546	443,703,900

The type of applications received varied and included additions to private schools, car parks, grouped and multiple dwelling developments, and mixed use developments. Under the panel system, the 58 applications would be required to be referred to the panel for determination including the 24 applications determined under delegated authority.

It is noted that development assessment panels will determine development that require planning approval. Therefore, the panel would not determine local government works and buildings that would be considered as public work on public land.

Financial Implications

For development applications which are to be determined by the panel, the prescribed application fee will still be applicable. However, the implementation of the panel system will increase the cost of development assessment as local government will be required to meet its share of the cost of the operation of the panels.

Costs will include the panel members sitting fees, which are proposed to be \$400 for the specialist members and \$500 for the chairman. Elected members on the panel will not be entitled to a sitting fee.

A development application of \$2 million attracts a fee of \$6,050. \$1,300 of this fee would be absorbed by sitting fees. Costs will also be incurred by local government in attending meetings and providing secretariat support, although these costs are difficult to quantify.

There is no proposed funding from the State Government to support the proposed panels.

Conclusion

The implementation of a panel system will be a fundamental shift in the way larger development applications are determined, with that determination being removed from local government and Councils. The evidence that this will improve the planning system, the quality of decisions, or their timeliness, is severely lacking.

It may be possible to demonstrate that panels would be of benefit in certain circumstances, for example, to determine developments of genuine state or regional significance, or where a local government is not meeting appropriate benchmarks. However, as proposed, the panel system cannot be supported.

It is recommended that North Zone not support the implementation of development assessment panels in the form currently proposed, and endorse the submission presented in Attachment 1.

RECOMMENDATION

- 1 **That the Minister for Planning and Director General of the Department of Planning be ADVISED that WALGA:**
 - (a) **does not support the introduction of Development Assessment Panels in the form proposed, as it is considered that the panels will provide little or no benefit to local government, the community or the development industry as it is considered that they will not increase transparency of decision making beyond what is already provided by local government, and on the whole will not improve the timeliness or quality of decisions;**
 - (b) **REQUESTS that further consideration on the funding of Development Assessment Panels be undertaken, as their implementation as proposed will unfairly place additional funding and resourcing pressure on to local government;**
- 2 **That the comments included in Attachment 1 submitted by the City of Joondalup be incorporated into WALGA's submission to the Department of Planning on the Development Assessment Panels discussion paper.**

Attachment 1 to item 6.2

Submission on Development Assessment Panels

GENERAL COMMENTS

Format of discussion paper

It is disappointing that the discussion paper has been constructed in a way that does not present or encourage any discussion or feedback on the merits, or issues, with the introduction of development assessment panels. The introduction of the panels is treated as a fait accompli, with the only feedback on the operation and form of the panels being sought.

Local government has not been consulted on the current proposal. Given the significance of the proposal, it is to be expected that consultation allow and encourage feedback, both positive and negative, on the proposal.

Intent of Development Assessment Panels

The *Building a Better Planning System* discussion document (2009) introduced the notion of development assessment panels for WA, and stated:

"In cases of major projects that are likely to face significant approval delays and may be highly contentious, and in cases where major projects are proposed but there is limited local government technical capacity to undertake an appropriate level of assessment,

Development Assessment Panels are being considered, as have been established in other States. Development Assessment Panels would include elected representatives as well as independent experts."

The intent, as expressed above, has some degree of merit. However, the intent expressed in the above document is markedly different from the format now proposed in two fundamental ways:

- The use of panels is not limited to local governments where there is limited technical capacity to undertake assessment.
- The use of panels is not limited to major projects.

In the first instance above, the lack of technical expertise within a particular local government is cited as a reason to implement panels. However, the Development Assessment Panel format does not distinguish between those local governments that have the technical capacity and those that do not.

The panel system in itself does not assist to address any lack of technical resources of a particular local government, as the local government is still responsible for the assessment of the project. It would appear that the name Development Assessment is a misnomer, as the panels are responsible for determination of an application, not its assessment.

In the second instance, the 'bar' has been set low in terms of the applications that will be required to be determined by the panel, and cannot be considered to be confined to 'major' projects. For example, it is difficult to justify that 11 grouped dwellings is a major development that warrants consideration by a development assessment panel.

Rationale

The following comments are made on the rationale for the development assessment panels as stated in the discussion documents:

Department of Planning Comment	Submission Comment
<i>Transparency of decision making: Current local government delegation arrangements are not readily available and so there is no clarity as to whether a development application will be referred to Council or determined by local government staff. Further transparency to the decision making process will be provided by the use of independent experts and the publication of panel decisions and panel member voting trends.</i>	This comment shows a lack of understanding of local government processes. In regard to delegation arrangements, the City of Joondalup's delegation register is available on the City's website. The Town Planning Delegations are outlined in the delegation register. It would be a relatively simple matter to require local governments to publish delegation arrangements, and is not a compelling reason to implement development assessment panels. All decisions of Councils, as well as voting trends, are contained in the Council meeting minutes which are publically available. In the case of the City of Joondalup, decisions made under delegated authority are reported in Council agendas and minutes, and all persons who make submissions are notified of the outcome. In addition, the proposal for the Minister for Planning to be able to call in applications, determine those applications independently, with no appeal rights, goes against the stated objective of transparent decision making. This proposal is not supported.

Department of Planning Comment	Submission Comment
<u>Local government resources and technical issues raised by applications:</u> Applications for large-scale development can take extensive periods of time to progress through the development assessment process, due to the complexity of the development applied for and the planning requirements applicable to them. The resources and expertise available to the relevant local government are also a factor affecting the timeliness of decision-making. The use of independent experts on a development assessment panel will assist with this by involving experts with relevant technical knowledge in the determination of applications, thus reducing some of the need for briefings to be provided by technical experts.	In practice, City staff will spend the same amount of time assessing applications and preparing reports if panels exist. Local Governments with limited technical expertise will not be assisted in the assessment of development applications by the introduction of panels, and will still need to source external assistance. As the independent experts will be from a range of disciplines, it is highly likely that briefings for panel members will still be required by technical experts and local government staff. It is also of great concern that the panel will be able to request external advice, at the expense of the local government. It is usual and appropriate that the applicant bear this cost, and this proposal is not supported. The discussion paper has not provided any justification as to how panels will address the issue of local government resources, or show how panels will improve the timeliness of decision making. It is also noted that applications currently determined under delegated authority will now be subject to the panel determination process, and is likely to increase the time taken to determine those applications.
<u>Appropriate balance between local representation and professional advice in decision-making:</u> Large-scale developments may be controversial, and so the local opposition to such change may become a factor for local government staff and councils. There is a real opportunity for development assessment panels to improve this process due to the fundamental role that independent technical experts play on such panels.	This statement appears to indicate that technical matters should take precedence over local issues, and this seems to be borne out by the proposal that elected members be the minority of the panel. This approach is not supported. It is also argued that elected members bring a broader range of experience and importantly, local knowledge, to the table when determining development applications, backed up by professional advice.
<u>Dual approvals:</u> Where an application is made regarding development on land that is subject to the requirements of both a local planning scheme and a region planning scheme, approval of that application may be required under both schemes. As such, approval may need to be obtained from two decision-making authorities: the relevant local government and the Western Australian Planning Commission (WAPC). This requirement for dual approval is time consuming and uses many Government resources, as well as potentially creating a situation where the two decisions conflict with one another. Development assessment panels will address these issues by creating a single point of assessment under both	The duplication of the assessment of these types of applications will continue, as both the local authority and the Department of Planning staff will continue to assess the application and submit separate reports to the panel. In this respect, there is no benefit in the panel system as proposed. The implementation of the panel system would, however, mean that only one decision would be made on an application, with one set of conditions rather than two. This is considered to be a benefit in the panel system, however, only represents a very small number of applications, and will not improve the system overall.

Department of Planning Comment	Submission Comment
<i>schemes.</i>	

ISSUES

Comments on specific clauses of the discussion paper are made below

4.2.2 Type of development to be determined by Development Assessment Panels

It is not considered that applications with a value of \$2 million represent major development in the context of the benefits that the panels are meant to deliver. The type of development to be determined by panels is not sufficiently targeted, and removing these applications from determination by Council will not in itself improve timeliness or the quality of the decision.

If the panel system is to be implemented, it considered more appropriate to target areas where there are substantiated issues. For example, it may be appropriate that local government approval processes be the subject of benchmarking. Where a local government is having difficulty meeting benchmarks, a development assessment panel may be needed.

4.3.1 Panel Membership

The implementation of the panel system will effectively mean that Council will not have the ability to review development applications that fall within the specified categories within the City. While Council will be represented on the development assessment panel by 2 elected members, there will be a perception that Council will not be able to effectively represent the community in regard to some of the more significant development in the locality.

4.3.2 Panel accountability

The discussion paper does not outline any processes or procedures that are above and beyond the accountability already required and expected of local government. Codes of conduct, records of Council meetings and voting outcomes and the provision of applicant deputations are all currently implemented by the City of Joondalup.

4.3.3 Panel Technical Support

The discussion paper indicates that the panel system should assist local governments and the WAPC by allowing them to focus on the development of strategic planning instruments, rather than administering them. However, this is will simply not be the case.

It is unclear whether procedurally, Council and WAPC officers will still be required to assess applications and write reports for consideration by the panel, as well as for the Council meetings. In fact, the burden on staff will increase due to duplication of the systems, requiring staff attendance at both panel and Council meetings.

The discussion paper also indicates that if local expertise is not available, the panel will be able to engage experts to prepare reports on particular technical issues to be paid by the relevant local government. It would appear, for example, that if the panel decides that a traffic report is required, the local government, rather than the applicant, will be responsible for the cost of that report.

Currently, if additional or specialist information is required, this is provided by the applicant, at their expense. It is not considered appropriate that the local government be responsible for the justifying or supporting a particular application.

It is also unclear under what head of power would allow the panel to, in the first instance direct local government staff to undertake certain actions and secondly, expend local government funds, particularly when it is unlikely that such funds would have been appropriately budgeted.

4.3.4 Panel Secretariat Support

Additional demands will be placed on local government to administer the panel system by way of attendance at meetings, preparation of agendas and minutes, and liaison with other local governments. It is noted that there is no proposal to assist local government with additional resources or funding.

4.3.5 Panel Administration Cost

The local government will be required to pay the expert panel members sitting fees. However, it is not indicated how this cost will be shared among the member local governments in an equitable way. It is suggested that the cost be based on the proportion of applications considered by the panel at a particular sitting.

4.3.8 Panel quorum and meeting frequency

It is indicated that panels will meet on at least a monthly basis. City of Joondalup Council meetings are held monthly, and therefore there would be no time benefit to applicants if panel meetings are held monthly.

Alternatively, fortnightly meetings would be administratively difficult and resource intensive for both local government and panel members.

4.3.9 Panel Member Training

It is stated that the Department of Planning will provide training to panel members. However, it is likely that this training will be generic. While the specialist panel members may be experts in a particular field, it is not conceivable that adequate training could be provided to panel members on the local scheme, structure plan and policy issues in each local government from which they will be considering applications from. It is likely that the local government will be requested to provide specific training on local issues for panel members.

4.3.10 Panel Reporting Performance

The City of Joondalup publishes all Council meeting minutes on its website. A monthly report is also provided to Council on the approvals issued under delegated authority. The proposed panel system would not improve the current reporting processes.

4.5 Applications of State or regional significance (Minister's call-in power)

The proposal for the Minister for Planning to have call-in powers, be able to determine an application, and there be no right of review, is not supported. The discussion paper is not clear on the types of applications that would be subject to the call-in powers, albeit that they would be applications that the Minister believes would have an impact beyond a local government boundary.

It is considered more appropriate that an expert panel determine those significant applications which have impacts beyond a single local government area. Advice could be provided by the local governments affected and the WAPC, and the right of review could be retained. This is considered a more open and transparent process for dealing with these applications.

Conclusion

There is a lack of evidence to demonstrate that development assessment panels are needed in WA in the form proposed. Further, the rationale for the implementation the panels is flawed.

It is suggested that the panels should along the lines of that suggested in the *Building a Better Planning System* paper, and be used to determine applications that are legitimately of state or

regional significant, or where local governments are clearly not meeting appropriate performance benchmarks.

6.3 DEVELOPMENT ASSESSMENT PANELS

Report submitted by City of Wanneroo

BACKGROUND

Implementing Development Assessment Panels in Western Australia

File Ref:	S27/0062V01
Responsible Officer:	Director, Planning and Sustainability
Disclosure of Interest:	Nil
Author:	Len Kosova
Meeting Date:	13 October 2009
Attachments:	1

Issue

To consider and respond to the Department of Planning's recently released discussion paper "Implementing Development Assessment Panels in Western Australia".

Background

In March 2009, the Department of Planning (DP) released the "Building a Better Planning System" consultation paper, which set out a range of proposed planning reform initiatives. One of the initiatives identified was the introduction of independent development assessment panels (DAPs) to deal with significant development applications. According to the Department, fifty submissions were received on this proposal, the majority of which requested more detail on the operation of the panels and the types of applications that would be referred to panels for determination.

On Friday 11 September 2009, the Minister for Planning announced the release of the discussion paper "Implementing Development Assessment Panels in Western Australia". The discussion paper sets out the DAP model that the State Government is committed to implementing in Western Australia. Public comment is being sought on the discussion paper until 2 November 2009.

A copy of the discussion paper was previously circulated to all Elected Members under separate cover. A copy of the "Questions and Answers" leaflet that accompanies the discussion paper is included as **Attachment 1**.

The discussion paper makes it clear that DAPs will be mandatory in Western Australia and that comments are not being invited on whether DAPs should be introduced, but rather on the manner in which DAPs are proposed to operate. It is stated in the discussion paper that feedback received will be used to inform the drafting of enacting regulations to support the introduction of DAPs.

Detail

The key elements of the proposed DAP model are outlined below:

1. Two different types of panels will be established – Local Development Assessment Panels (LDAPs) and Joint Development Assessment Panels (JDAPs). LDAPs will be established to determine applications made to a single local government, where that local

government is deemed to be a high-growth local government with enough development to support its own panel. A LDAP is currently only proposed for the City of Perth.

JDAPs will be established to determine applications made to two or more local governments that are not considered by the Minister to be high-growth local governments and do not have enough development to support their own LDAP. The discussion paper proposes that a JDAP would be established to cover the City of Wanneroo, City of Joondalup, City of Stirling and Town of Vincent.

2. Development assessment panels will deal with *“complex applications that will require specialist determination and will have significant impacts on the local or regional area”*. DAPs will determine all development applications valued at \$2 million or more, where approval is required under a local planning scheme or a region planning scheme. Hence, the panel will be the decision-making body in place of the local government (in the case of an application under a local planning scheme), or the Western Australian Planning Commission (WAPC) (in the case of applications under a region planning scheme). The only development that will be exempt from the need to be determined by a DAP will be single houses, development of up to 10 ‘complying’ (i.e. with the Residential Design Codes) grouped or multiple dwellings, and minor applications, such as carports, shade sails, outbuildings and sheds.
3. Panels will consist of five members, comprising a chairperson (who must be a specialist member), two additional specialist members and two local government representatives, nominated by the respective local governments. The Minister will appoint all panel members and will appoint the chairperson and deputy chairperson. Specialist members will be appointed from a register maintained by the Minister, following a call for expressions of interest. All members will be appointed for a two-year term with an option to extend by an additional year (at the Minister’s discretion).
4. In the case of joint development assessment panels, two local government representatives will be appointed from each member local government. Local government members will only sit on the panel when the application being determined by the panel has been made under their local planning scheme.
5. Sitting fees of \$400 will be paid to specialist members and \$500 to the chairperson. No sitting fee will be paid to local government representatives.
6. The costs of operating DAPs will be borne by local government. The discussion paper suggests that these costs can be funded from the development application fees already collected by local government. Local government is also expected to provide the secretariat support for DAPs and the venues for panel meetings. In the case of joint DAPs, the secretariat will be rotated between member local governments on a six-monthly basis. Further, technical staff from each local government will need to attend panel meetings to present their reports and provide any clarification that may be required. Panel meetings will be open to the public, unless a confidential item is being discussed. It is expected that panels will meet either monthly or fortnightly, depending on the number of applications to be determined and the statutory timeframes for determining them. Panels will operate for as long as the Minister determines is appropriate.
7. The Department of Planning will prepare a Code of Conduct to govern the standards that panel members must abide by. The Department will also prepare an annual report summarising approval trends and the performance of each panel.
8. DAPs will make decisions in accordance with the existing planning framework, including local and region planning schemes and having regard to relevant local and State planning policies.
9. The local government or the WAPC will be responsible for assessing each application, preparing a report for the DAP’s consideration, administering any conditions of approval

imposed by the DAP and for responding to any applications for review (appeals) arising from panel decisions.

10. DAPs will have the right to engage specialist experts to prepare reports to assist in the decision-making process, at the expense of the relevant local government to which the application relates.
11. The Minister will have the right to 'call in' any development application that would ordinarily be determined by a DAP, where the Minister believes the project will have impacts beyond a single local government area. Under this arrangement, applications will be assessed by the local government and referred to the DAP for consideration. The panel will then submit a report containing its advice and recommendation to the Minister. There will be no right of review to the State Administrative Tribunal (SAT) available against the Minister's decision.

The stated objectives of the proposed DAP model are to:

- (i) Streamline the determination process for particular types of development applications, by eliminating the requirement for two decision-makers to make a decision on the same development application where the provisions of both local and region planning schemes apply;
- (ii) Involve independent technical experts in the determination process, in accordance with the Development Assessment Forum (DAF) leading practice model;
- (iii) Encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects; and
- (iv) Reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning.

Additionally, the "Questions and Answers" leaflet accompanying the discussion paper suggests that the DAP model will address the following alleged faults with the existing development assessment system:

- (a) Lack of transparency in local government delegated decision-making arrangements;
- (b) Lack of resources and technical expertise available to local government to assess large-scale complex development applications in a timely manner;
- (c) Local representation or opposition influencing outcomes for large-scale, potential controversial developments; and
- (d) Dual approvals that are currently required for a range of developments from both the local government and the WAPC.

Comment

The City, in its response to the "Building a Better Planning System" consultation paper, expressed its strong opposition to the blanket introduction of development assessment panels. Administration still maintains this same position and is of the view that development assessment panels should only be introduced in circumstances where the development assessment process or decision-making body is failing to meet established performance requirements.

To properly measure the performance of each local government, the State should (in the first instance) mandate the reporting of development assessment data and decisions by local government, in a consistent form, to establish performance benchmarks. Panels could then be introduced in those areas where performance benchmarks are not being met. This approach would be similar to the New South Wales model for planning assessment panels, where the Minister has the power to appoint a panel or planning administrator in the following instances:

- (a) where, in the opinion of the Minister, the Council has failed to comply with its obligations under the planning legislation;

- (b) where, in the opinion of the Minister, the Council has unsatisfactorily performed its development assessment or planning role;
- (c) where the Independent Commission Against Corruption has written a report recommending the appointment of a panel due to serious corrupt conduct by a councillor in connection with the exercise of functions by the Council; or
- (d) where the Council agrees to the appointment.

The table below provides a summary of the total number and value of development applications determined by the City of Wanneroo in the past three financial years and identifies those applications that would now need to be referred to a DAP for determination.

Year	Total no. of applications determined	No. of DAP applications	Total value of all applications	Total value of DAP applications	No. of DAP applications determined under delegated authority	Average assessment time for DAP applications
2006/07	991	30	\$309M	\$153M	30	15 days
2007/08	1144	29	\$679M	\$527M	29	73 days
2008/09	883	19	\$443M	\$285M	19	49 days
					Total Ave:	45.7 days

The above table illustrates that, in the past three financial years, 2.58% of all development applications determined, were of a type that would now need to be referred to a DAP for determination. All such applications were determined by City staff, under delegated authority from Council and in accordance with District Planning Scheme No. 2 requirements and adopted Council policies. The average timeframe over the past three years for determining those applications was 45.7 days. This is well within the 60 day statutory timeframe afforded by the Scheme. Referral of such applications to a DAP would, in all likelihood, have increased the timeframe for determination due to the need for staff to prepare and submit formal reports to the panel for a decision and to attend panel meetings to present the reports.

Administration provides the following comments in response to the stated objectives of the proposed DAP model (as outlined in the Detail section of this report):

- (i) Although DAPs will act as the single decision-maker in place of both the local government and the WAPC for certain types of applications, they will not (in themselves) eliminate the need for two separate approvals, under local and regional planning schemes. This is a severe shortcoming of the current planning system to which the State Government's planning reform efforts should be directed to addressing.
- (ii) The City employs a broad range of technical experts to assess and determine development applications. It is, however, accepted that not all local governments will possess the same resources and expertise as the City of Wanneroo and, as such, may benefit from access to the technical experts (specialist members) of DAPs.
- (iii) Administration is of the view that an appropriate balance already exists in the City of Wanneroo between independent professional advice (provided by staff) and local representation (through elected members) in decision-making for significant projects. Both Administration and Council give careful and balanced consideration to all development applications and make determinations on the basis of the facts at hand and the individual merits of each proposal, not by adopting a populist approach to decision-making.
- (iv) The introduction of DAPs will reduce the number of 'complex' development applications being determined by local governments, simply because the power to make those decisions will be transferred to panels. However, the workload involved in determining these applications will actually increase, as technical staff will still need to undertake a detailed assessment of each application (as they currently do), but will then also need to prepare a report to the panel and attend a panel meeting to present the report. This

represents an increase in the actions and time taken to make a determination under delegated authority.

Administration provides the following comments on the alleged faults with the existing development assessment system, which are outlined in the “Questions and Answers” leaflet accompanying the discussion paper (as summarised in the Detail section of this report):

- (a) Any lack of transparency in local government delegated decision-making arrangements can be addressed by legislating for the mandatory reporting of all development application data by local government, in a consistent format that would enable comparison and benchmarking of performance between local governments. Introducing DAPs will only provide transparency for a miniscule proportion of development applications.
- (b) The City of Wanneroo employs a large multi-disciplinary team of technical experts capable of efficiently and effectively assessing large-scale complex development applications.
- (c) It is reasonable and appropriate in a democratic system of governance for decision-makers to have due regard to public sentiment on development applications. In fact, local planning schemes typically list this as one of the many matters to be taken into account when the local government makes a determination on a development application.
- (d) As mentioned earlier, the introduction of DAPs will do nothing to extinguish the current need for dual approvals under both local and regional planning schemes; that can only be achieved by legislative change and/or amending the relevant region scheme.

A summary of the various sections of the discussion paper and Administration’s comments thereon is included as **Attachment 2**. Although Attachment 2 includes numerous comments on individual elements of the State Government’s proposed DAP model, Administration’s position on the model can best be summarised as follows:

- 1. As a precursor to the blanket implementation of DAPs, the State Government should legislate for the mandatory reporting of all development application data by local government, in a consistent format that would enable comparison and benchmarking of performance between local governments.
- 2. Following a review and publishing of local government development application data, DAPs should be implemented in areas where the development assessment process or the local government is underperforming, or where the local government agrees and/or has insufficient resources or technical expertise to assess large-scale complex development applications. In this regard, the New South Wales model for planning assessment panels is supported.
- 3. In those instances where DAPs are introduced, consideration should be given to expanding the range of applications determined by the panel, to ensure maximum benefit in terms of streamlining the development assessment process.
- 4. The proposed Ministerial ‘call-in’ power for applications of State or regional significance is not supported, nor is the absence of any right of appeal against the Minister’s decision in respect of such applications. Instead, it is recommended that a high-level expert panel be established to determine applications that are truly of State or regional significance, with a right of appeal available to the applicant against the panel’s decision.
- 5. Consideration should also be given to:
 - (a) Making changes to and providing clarification on certain aspects of the proposed DAP model, including – increasing the monetary cut-off from \$2 million to \$4 million; ensuring local government representatives are paid sitting fees equivalent to specialist members; ensuring panel membership comprises equal specialist and local government representation; the State Government contributing to the funding and resourcing of DAPs; the State Government providing clarification as to the

- assessment and reporting responsibilities for applications referred to a DAP for determination that would have otherwise been determined by the WAPC;
- (b) Making legislative changes to eliminate the need for dual approvals under local and regional planning schemes;
 - (c) Ensuring that the WAPC's delegation of authority to local governments is reviewed and expanded to include DAPs;

Statutory Compliance

A range of legislative changes will be required and new regulations enacted to implement the State Government's proposed model for Development Assessment Panels.

Strategic Implications

Policy Implications

Nil

Financial Implications

The State Government's model for the implementation of Development Assessment Panels will increase the City of Wanneroo's cost of development assessment. These costs are unbudgeted and would be both direct and indirect. Direct costs will be incurred from member sitting fees (which could range from \$3,900 to \$7,800+ depending on the frequency of panel meetings and the number of paid members); copying and postage charges; advertising charges and the cost of any technical reports commissioned by the panel. Indirect costs include secretariat support, technical support and staff time to prepare reports and attend panel meetings.

Voting Requirements

Simple Majority.

Recommendation

That COUNCIL, ENDORSES the comments provided in Attachment 2 as the basis for the City's response to the Department of Planning's discussion paper "Implementing Development Assessment Panels in Western Australia" and ADVISES the Department and the Minister for Planning that, in respect of the proposed model for Development Assessment Panels:

- 1. Council does not support the introduction of Development Assessment Panels in the form proposed in the discussion paper, but would support a system of Development Assessment Panels similar to that introduced in New South Wales;**
- 2. As a precursor to the implementation of Development Assessment Panels, Council recommends that the State Government legislate for the mandatory reporting and publishing of development application data by local governments, in a consistent format that would enable comparison and benchmarking of performance between local governments;**
- 3. Following a review of local government development application data, Council would support the implementation of Development Assessment Panels in areas where the development assessment process or the local government is underperforming, or where the local government agrees and/or has insufficient**

resources or technical expertise to assess large-scale complex development applications;

4. In those instances where Development Assessment Panels are introduced, Council recommends that consideration being given to expanding the range of applications determined by the panel, to ensure maximum benefit in terms of streamlining the development assessment process.

Attachment 2 to item 6.3
Implementing Development Assessment Panels – Discussion Paper Comment

Section	Summary	Administration Comment
1. – Introduction	Submissions received on the <i>Building a Better Planning System</i> consultation paper supported the proposal to implement development assessment panels in Western Australia. Most submitters were eager to see more detail on the proposed model, in order to further understand the impact that the introduction of these panels would have on the current planning system.	This first sentence is misleading and inaccurate. Advice received from the Department of Planning indicates that, of the 50 submissions received on this matter in response to the earlier consultation paper, 13 submissions were either opposed to or raised significant concerns on the introduction of development assessment panels. A further 7 submissions expressed only qualified support and requested further details regarding the role, membership and operation of the panels. With regard to the second sentence, if most of the submissions on this matter in the previous consultation paper requested more detail in order to better understand the proposal, it would seem like a logical step for the State Government to first invite meaningful comment on the purpose, function and value of development assessment panels, before declaring that such panels <u>will</u> be mandated across the State.
3. – Current development approval process 3.1 – Requirement for dual approval	Local governments are responsible for the determination of development applications made under local planning schemes. Local governments also have some responsibility for determining development applications under region planning schemes where that power has been delegated by the WAPC. Some applications, however, require the dual determination of both the local government under its local planning scheme and the WAPC under the regional planning scheme (for example, proposals subject to “Clause 32” resolutions under the Metropolitan Region Scheme).	The abolition of dual approvals for development applications was identified as Action 1.17 in the “Building a Better Planning System” consultation paper. The City, in its response to that consultation paper, strongly supported this action, on the basis that generally only local government approval should be required. In the vast majority of instances, the determination by a local government of a development application under a local planning scheme will already serve as an automatic and equivalent determination under the relevant region planning scheme, such as the Metropolitan Region Scheme (MRS). It would be possible to remove dual approvals by any one of the following actions, without introducing DAPs: • Expanding the range of authority that the WAPC has delegated to local governments to make decisions under region schemes; • Eliminating or reducing the number and extent of “Clause 32” resolutions; • Increasing the range and type of development that is exempt from the need to obtain approval under the MRS. It is acknowledged that the introduction of DAPs will indeed create a single decision-making body for applications that currently require determination by both local government and the WAPC. However, it is

		questionable whether any time will actually be saved in the assessment process, because technical staff from both the local government and the WAPC/DP will still need to assess and report on the application to the DAP. If the statutory need for dual approvals is not eliminated, then DAPs will provide virtually no benefit in terms of streamlining the processing of development applications that require approval under both local and region planning schemes. It is strongly recommended that steps are taken to reverse the duplicity that exists in the need for development approvals between local and region planning schemes. In the meantime, the enacting legislation for DAPs should clearly stipulate that any determination of the DAP under a local planning scheme is also an automatic and equivalent determination under the region planning scheme. Further, the WAPC's existing delegated authority to local government should be expanded to include DAPs, where applicable. The discussion paper states that DAPs will take the place of the WAPC as the decision-maker in respect of development applications made under the relevant region planning scheme. However, the discussion paper is silent on who would perform the assessment of those applications, which is currently performed by staff of the DP. It is entirely unreasonable for the State Government to expect local governments to undertake the assessment that is currently performed by staff of the DP in respect of applications that require WAPC determination; particularly given that the discussion paper claims the introduction of DAPs will reduce local government assessment workload and provide time for local governments to focus on strategic planning and policy development.
3.2 – Local Government resources	In many instances, local governments may have insufficient resources and expertise to assess highly complex development applications. In addition, overly administrative internal decision-making processes can delay applications in small local governments.	The City of Wanneroo does not fall within either of these categories. The City employs a large multi-disciplinary team of experienced, qualified professionals that are capable of efficiently and effectively assessing large and complex development applications. The introduction of a DAP will not improve the City's existing development application process. If DAPs are to be of any value in improving local government development application processes, then they should be focused on those decision-making bodies that are unable to meet agreed performance standards. DAPs in those instances should also be responsible for determining a broader range of development applications than the type and value specified in the discussion paper.
4.1 – Local Development Assessment Panels (LDAPs)	The Minister for Planning will establish LDAPs for high-growth local governments, based on population and development application data. On the basis of data collected to date, a LDAP is only proposed for the City of Perth.	Administration questions how and when the population and development application data was collected by the Department of Planning and whether that information was collected for all local governments? The collection and reporting of uniform data from all local governments is essential for determining the performance of existing development assessment and decision-making processes, and therefore the need (or not) on a performance basis, for the

		introduction of DAPs in certain local governments. This is supported by Action 1.19 of the <i>Building a Better Planning System</i> consultation paper ("Development decisions tracked and reported"). The Discussion Paper proposes that a Joint DAP would be established for the Cities of Wanneroo, Joondalup and Stirling and the Town of Vincent (see comment in response to Section 4.2).
4.2 – Joint Development Assessment Panels (JDAPs)	The Discussion Paper proposes that the City of Wanneroo would be part of JDAP with the Cities of Joondalup and Stirling and the Town of Vincent.	The proposed JDAP would cover some 900 square kilometres and more than 500,000 residents (30% of Perth's population). Based on application data for the past 3 financial years, the JDAP would deal with only 2.5% of development applications assessed by the City, all of which were determined under delegated authority in an average of 45 days. Referring these applications to a JDAP would not likely result in any reduction in assessment timeframes or difference in decisions, than would otherwise have occurred.
4.2.1 – How will JDAPs be established?	The Minister for Planning will establish JDAPs for two or more local governments, where the Minister believes that neither local government has the development assessment workload to support an individual LDAP. The Minister's decision will be based on an assessment of available population and development application data. The JDAPs are designed to assist local governments to focus their resources on strategic planning and policy issues by providing an alternate decision maker for complex development applications.	Administration supports the establishment of DAPs based on development application data and the performance of each local government's assessment and decision-making processes. However, it appears this assessment has not occurred. DAPs should be introduced where the type of development is of such significance as to truly warrant this approach, or where the existing approvals process or decision-making body is underperforming. The establishment of a JDAP will not assist the City in focussing more on strategic planning and policy development, as the City Growth service unit already undertakes that work, altogether separately from the assessment of development applications by the Planning Implementation service unit. Officers will still need to assess applications and prepare reports to the JDAP for consideration, in addition to attending JDAP meetings and providing administrative and technical support. This will impact on City resources and will not generate more efficiencies or different decisions.
4.2.2 – What applications will JDAPs determine?	The types and value of applications are outlined in the Detail section of this report.	The specified type and value of applications is arbitrary and not supported, as the significance and complexity of a development cannot readily be determined by its value. Development can, by its nature, be significant or potentially have a major impact on a community regardless of its value. The <i>Building a Better Planning System</i> document, released for comment by the State Government in March 2009, indicated that DAPs were being considered for introduction where "major projects": • Are likely to face significant approval delays and may be highly contentious; or • Where the local government lacks the technical capacity to undertake an appropriate level of assessment. It is recommended that a qualitative 'performance test' be developed (either instead of or in addition to the \$2 million threshold) to determine the types of applications that should be referred to a DAP for determination. Possible criteria for such test could

		include: • Where the application is contrary to or represents a material departure from an endorsed regional-level planning position, strategy or policy; • Where significant delays in the assessment process would be likely under a local government assessment and would unacceptably compromise the project's security and viability, due to matters such as reliance on and acquittal of grant funding; • Where the proposal is, in the opinion of the Minister for Planning, a project of State or regional significance; • Where the application requires separate determination from both the WAPC and the local government; • Where the application requires local government and multiple State Government agency approvals, such as WAPC and DEC approvals. This is supported by Action 2.5 of the <i>Building a Better Planning System</i> consultation paper ("Integrate state planning and environmental approvals and appeals processes"). If the State Government insists on maintaining a monetary threshold for development applications that are referred to DAPs, then it is recommended the value of applications be increased from \$2 million to \$4 million, as this is considered more representative of a 'significant' application.
4.2.3 – How many members will sit on the JDAP?	Five in total (unless varied by the Minister), comprising a Chairperson (specialist member), Two additional specialist members and Two local government members. Two local government members would be appointed from each of the local governments covered by the JDAP. The local government representatives from each Council would only sit on the panel when the applications being determined relate to their local government area.	Membership should comprise an equal number of specialist members and local government representatives, with the Chairperson able to make a casting vote in the event of a deadlock. It will be difficult for just two or three local government members to represent the position of each local government in the same way as the Council provides relativity in Elected Member representation for its community.
4.2.4 – How long will JDAPs operate?	For as long as the Minister determines is appropriate. The Minister will also have the power to expand the membership to include additional local governments or to exclude an existing local government in place of its own LDAP.	The annual reporting of each panel should be used as the basis for an annual review of the value and effectiveness of each panel. If it is identified that panel decisions are being made less efficiently than the local government has previously made them and if the decisions of the panel are no different than would otherwise have been made (or recommended) by the local government, then the decision-making function should be returned to the relevant local government. Nevertheless, the City's fundamental position on DAPs remains the same – that DAPs should only be introduced in areas where the existing development application process or decision-making body is not meeting agreed performance standards.
4.3 – How will local and joint DAPs operate?		
4.3.1 – Panel Membership	Each member would be appointed by the Minister for a two-year term, with an option to extend his or her appointment by an additional year (exercised by	The two-year panel membership term could be staged to coincide with the local government election cycle. However, there may also be merit in extending the membership term beyond two years for specialist members, to ensure greater member familiarity and

	the Minister). The Chairperson will always be an independent member, and the Minister will appoint a deputy chair from the two remaining specialist members. Specialist members will be appointed by the Minister from a register created and maintained by the Minister, following a call for expressions of interest. Each individual local government will need to nominate two Elected Members as its two representatives. All panel members will be voting members and will be required to attend mandatory training.	understanding of local planning schemes, policies and issues.
4.3.2 – Panel accountability	Panel meetings will be open to the public and held in a public place (such as a local government meeting room). A Code of Conduct will be developed to govern the procedures of the panels, which will address (among other things) disclosures of interest and lobbying of panel members. Panels will be required to produce annual reports.	As the location of panel meetings will rotate between each member local government, the meetings (when not held in the City of Wanneroo) will be less accessible to the City's residents. The discussion paper states that meetings will be held at least monthly, but is silent on meeting times. It is expected that each panel will determine their own meeting times. Meetings will most likely need to be held out of office hours to provide the optimum opportunity for public attendance. This will unnecessarily increase the number of after-hours meetings that local government elected members and officers need to attend. The Discussion Paper states that a record of meetings and voting outcomes (i.e. Minutes) will be kept and made publicly available, but is silent on whether the agenda papers will be publicly available. If one of the State Government's drivers for introducing DAPs is to ensure more accountability and transparency in local government decision-making processes (particularly for decisions made under delegated authority), then mandatory reporting of development assessment processes and performance should be introduced as a first step. The establishment of mandatory DAPs will not provide any additional benefit in terms of performance and benchmarking of decision-making bodies.
4.3.3 – Panel Technical Support	Technical staff from the local government and the WAPC (where applicable) will prepare a report and recommendation on applications for the panel's consideration and determination. The technical officers will be required to attend the panel to present the application and provide any clarification that may be required. Given the 60 day statutory timeframe for determination, reports will need to be submitted no later than 55 days after lodgement of the application.	This process will unnecessarily complicate and delay the City's existing development assessment and determination process. The City employs a large multi-disciplinary team of competent, qualified and experienced technical staff to efficiently and effectively assess and determine development applications. The DAP will need to rely on the specialist advice of these technical officers and will therefore not likely provide any added benefit to the assessment and determination of applications, than what already exists. However, the City accepts this may not be the case for all local governments. The City questions the authority and ability for DAPs to incur expenditure on behalf of local governments, to commission external technical reports. The legal and financial management implications of this

	If local expertise is not available to assess the application, the panel may engage a suitable expert(s) to prepare reports on particular technical issues, at the expense of the relevant local government.	proposal need to be examined more closely.
4.3.4 – Panel Secretariat Support	Secretariat support will be provided by the relevant local governments on a six-monthly rotational basis. Applications will be lodged with the relevant local government. The secretariat support for the DAP will then be responsible for coordinating applications onto the relevant DAP agenda and forwarding relevant technical papers for determination.	This process will unnecessarily complicate and burden the administrative staff of the relevant local governments involved in the Joint DAP. If the State Government intends to introduce mandatory DAPs then those panels should be properly resourced by the State, rather than the cost of operating those panels being borne by local government.
4.3.5 – Panel Administration Costs	The relevant local governments will be required to contribute to the payment of costs and expenses incurred by the panel. Development application fees normally paid to the local government will be used to cover the costs of the panels. The Department for Planning will be responsible for preparing guidance documents and processes relating to the operation of DAPs, and to undertake a monitoring role and coordinate the annual reporting process.	The Discussion Paper is silent on the basis on which each local government would need to contribute to panel expenses. Further clarification is required in this regard.
4.3.6 – Panel sitting fees	It is proposed that sessional fees (per panel meeting) of \$400 will be paid for specialist members and \$500 for the chairperson. No sitting fee is proposed to be paid to Elected Members as their role on the panel is considered to be in keeping with their position.	If the Joint DAP meets on a monthly basis, the sitting fees would amount to \$15,600 per annum, or \$31,200 if the panel meets twice per month. If divided equally between the four member local governments, this would equate to \$3,900 and \$7,800 per annum per local government, respectively. These costs are currently un-budgeted and would need to be taken into account in future financial years. It is unreasonable to suggest that the local government representatives should not be paid, as the DAP would not constitute a local government committee and would impose an additional workload on the appointed elected members, over and above that of other elected members not appointed to the DAP. If DAPs are to be introduced, the elected members appointed to them should receive a sitting fee equivalent to that paid to the specialist members, in recognition of the workload involved with their participation on the panel.
4.3.7 – Panel Code of Conduct	A code of conduct will be drafted to govern the acceptable standards of conduct, behaviour and integrity of panel members.	It will be essential for panel members to be bound by a code of conduct; just as local government elected members and officers are bound by codes of conduct.
4.3.8 – Panel quorum and meeting frequency	The quorum for meetings will be three members, comprising the chairperson (or deputy chairperson), one specialist	Panels will need to operate in accordance with clear meeting processes and protocols, addressing a range of matters, including quorum, meeting frequency and rules of debate. Local government Standing Orders

	member and one local government member. Meeting frequency will be determined by the individual DAP, having regard to the number of applications referred to it and the statutory timeframes within which applications need to be determined. It is envisaged that panels will meet at least monthly.	Local Laws provide a sound basis for the drafting of such guidelines.
4.3.9 – Panel Members Training	Panel members will be required to attend mandatory training before being appointed to a DAP.	The City supports this initiative and recommends that the training include familiarisation of panel members with each local government area, schemes and policies to which their decisions will relate.
4.3.10 – Panel reporting on performance	Each panel will need to report on its decisions to the relevant local government, the WAPC and the Minister for Planning. The Department for Planning will prepare an annual report to be tabled in Parliament, which will summarise trends and review the performance of each panel.	The City supports this initiative and recommends that local governments first be required to report on their own performance in respect of development applications, so that DAPs are only introduced for those local governments that are unable to meet prescribed performance requirements. This is consistent with the New South Wales model for planning assessment panels.
4.4 – Will panels be bound by the existing planning framework?	Yes, DAPs will be required to make decisions in accordance with the relevant regional or local planning scheme and will be required to take into account any local or State planning policy.	This being the case, the City considers there is no merit in introducing mandatory DAPs where the existing planning and decision-making process is operating efficiently and effectively. The City does, however, consider there to be a strong case for introducing DAPs in circumstances where existing processes or decision-making bodies are not meeting desired performance benchmarks.
4.4.1 – Appeals	Decisions of a DAP will be subject to a right of appeal, in the same way that local government decisions are. In the case of an appeal against a DAP decision, the local government (or the WAPC where applicable) will be responsible for defending the DAPs decision through the State Administrative Tribunal.	This is a reasonable proposition and consistent with existing practice regarding decisions made by Council. However, clarification should be provided in respect of the potential for the local government to call DAP members as witnesses when responding to appeals.
4.5 – Applications of State or regional significance	The Minister will have the power to 'call in' any application of a class prescribed in the regulations as being a project of State or regional significance (having impact beyond a single local government area). Applications made in respect of such proposals will be assessed by the relevant DAP and determined by the Minister. There will be no right of appeal against the Minister's decision.	If a Ministerial 'call in' power is to be introduced for projects of State or regional significance, stakeholder comment should first be invited on the prescribed classes of application that would be captured by this power. The City is strongly opposed to the proposition that the Minister's decision would not be subject to a right of review. It is recommended that a high-level expert panel be established to deal with development applications that are truly of State or regional significance (rather than by the Minister alone), with a right of review available against the panel's decision.

7. WALGA STATE COUNCIL AGENDA – MATTERS FOR DISCUSSION

(Zone delegates to consider the Matters for Decision contained in the WALGA State Council Agenda and put forward resolutions to Zone Representatives on State Council)

Matters of Particular Interest on State Council Agenda

4.1 State Government Proposal - Implementing Development Assessment Panels in Western Australia (05-036-03-0020 AH)

(Moved Mayor David Boothman / Seconded Cr Tracey Roberts)

- 1. That the Minister for planning and director general of the department of planning be advised that the North Metro Zone does not support the introduction of development assessment panels in the form proposed, as it is considered that the panels will provide little or no benefit to local government, the community or the development industry as it is considered that they will not increase transparency of decision making beyond what is already provided by local government and will not necessarily improve the timeliness or quality of decisions; and would incur additional cost and resources to local government and remove local determination;**
- 2. That the Zone may consider a model similar to that of New South Wales including variations, but not limited to the following:**
 - a. As a precursor to the implementation of Development Assessment Panels, the Zone recommends that the State Government legislate for the mandatory reporting and publishing of development application data by local governments, in a consistent format that would enable comparison and benchmarking of performance between local governments; and**
 - b. Following a review of local government development application data, the Zone would support the implantation of Development Assessment Panels in areas where the development assessment process or the local government is underperforming, or where the local government agrees and/or has insufficient resources or technical expertise to assess large-scale complex development applications.**
- 3. Further consultation with local governments take place to assist in developing a practical and efficient model; and**
- 4. that the comments in the attachments from the Cities of Joondalup, Stirling and Wanneroo be included in WALGA's submission to the Department of Planning on the Development Assessment Panels discussion paper.**

The motion was put and CARRIED

5.1 Directions 2031: Draft Spatial Framework for Perth and Peel (05-036-03-0020 BF)

(Moved Cr Elizabeth Re / Seconded Cr Frank Cvitan)

- 1. The North Metropolitan Zone suggest that WALGA's submission on the Directions 2031: draft spatial framework for Perth and Peel focus on the**

- strategic nature of the framework and not specifically Local Government authorities; and**
- 2. That WALGA request the Minister for Planning to re-establish a State/Local Government consultative committee to assist with the implementation of the Directions 2031: draft spatial framework for Perth and Peel.**

The motion was put and CARRIED

5.2 Draft State Planning Policy: Activity Centres for Perth and Peel (05-036-03-0020 BF)

(Moved Cr Elizabeth Re / Seconded Cr Alan Blencowe)

- 1. The North Metropolitan Zone suggest that WALGA's submission on the Draft State Planning Policy: Activity Centres for Perth and Peel focus on the strategic nature of the framework and not specifically Local Government authorities; and**
- 2. That WALGA request the Minister for Planning to re-establish a State/Local Government consultative committee to assist with the implementation of the Draft State Planning Policy: Activity Centres for Perth and Peel.**

The motion was put and CARRIED

(Moved Cr Elizabeth Re / Seconded Cr Alan Blencowe)

State Council items 5.3, 5.4 and 5.5 are endorsed en bloc and State Council Items for noting were noted en bloc.

The motion was put and CARRIED

8. WALGA STATE COUNCIL MEMBERS' REPORTS

The Chair, Mayor Troy Pickard briefed the meeting on the WALGA President's Report for September/October 2009. The WALGA President's report was appended to the agenda.

9. GENERAL BUSINESS

The Chair, Mayor Troy Pickard briefed the meeting on the Local Government election process due on 17 October, and in particular explained the terms of office for State Councillors.

10. DATE, TIME & PLACE OF NEXT MEETING

The next meeting of the North Metropolitan Zone will be held at the City of Wanneroo at 6.00 pm on Thursday 26 November 2009.

11. CLOSURE

There being no further business, the Chair declared the meeting closed at 7:50pm.



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

THURSDAY 15 OCTOBER 2009

VENUE – CITY OF PERTH

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

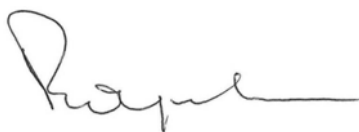
NOTICE OF MEETING

9 October 2009

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 15 October 2009.

The business papers pertaining to the meeting follow.

Your attendance is requested.



KEVIN POYNTON
Chief Executive Officer

MINDARIE REGIONAL COUNCIL - MEMBERSHIP

Cr R M Willox AM JP (Rod)	City of Stirling
Cr J Bissett (John)	Town of Victoria Park
Cr R Butler (Rob)	City of Perth
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 R Sebrechts (Ron)	City of Stirling
Cr P Rose JP (Peter)	City of Stirling
Cr K Thomas (Kathryn)	City of Stirling

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MINDARIE REGIONAL COUNCIL HELD IN THE COUNCIL CHAMBERS OF THE CITY OF PERTH, 27 ST GEORGE'S TERRACE, WESTERN AUSTRALIA ON THURSDAY 15 OCTOBER 2009 COMMENCING AT 5.30PM.

PRESENT: Chairman

Cr R Willox AM JP
Cr J Bissett
Cr R Butler
Cr S Farrell
Cr R Fishwick
Cr L Getty JP
Cr L Gray JP
Cr K Hollywood
Cr C MacRae
Cr D Newton JP
Cr R Sebrechts

APOLOGIES:

Cr P Rose
Cr K Thomas

ABSENT:

Nil

IN ATTENDANCE:

Mindarie Regional Council Officers

K F Poynton
K Dhillon
L Nyssen
M Tolson
I Watkins

Chief Executive Officer

Member Council Officers

E Albrecht
K Caple
G Eves
D Forster
M Glover
P Hoar
J Wong

Consultant

J Phillips (WALGA)

VISITORS:

One

MEDIA:

Nil

Confirmed by resolution of the Council on 10 December 2009

.....Chairman

PUBLIC:

Nil

MINUTES
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12	CLOSURE	N/A	P17

1	OATHS/AFFIRMATIONS OF ALLEGIANCE AND DECLARATIONS OF OFFICE
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Cr Getty completed a Declaration by Elected Member form.

2	QUESTION TIME
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Nil.

3	ATTENDANCE AND APOLOGIES
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As per Page 3.

4	MINUTES
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4.1	ORDINARY COUNCIL MEETING – 3 SEPTEMBER 2009
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MOTION: (Moved: Cr Butler Seconded: Cr Gray)

The Minutes of the Ordinary Council Meeting held on 3 September 2009 have been printed and circulated to members of the Council.

COUNCIL RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of Council held on 3 September 2009 be taken as read, confirmed and the Chairman invited to sign same as a true record of the proceedings.

(Carried: 11/0)

5	ANNOUNCEMENTS
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The Chairman welcomed Mr John Phillips (WALGA).

The Chairman then thanked all Councillors and staff for the professional and committed contribution to the Mindarie Regional Council business over the last two years.

6	DEPUTATIONS
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Nil.

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

8	REPORTS
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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 5.6B and 5.65 of the Local Government Act 1995)*
- (b) *Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the Local Government Act 1995)*

Disclosure of Interest Affecting Impartiality

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

8.1 TECHNICAL WORKING GROUP – 2 OCTOBER 2009

8.1.1 Tech Com. Item 1

SUBJECT: BUSINESS REPORT (FOR PERIOD 15 AUGUST 2009 – 20 SEPTEMBER 2009)

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

TWG OFFICERS RECOMMENDATION

That Council receive this progress report for the period 15 August 2009 – 20 September 2009 against Annual Business Plan 2009/2010.

The CEO undertook to provide information on legal costs incurred to date on the matter of the JJ MacDonald claim.

Council discussed the issues associated with the formation of a Strategic Advisory Group and noted the plan for a Discussion Paper to be provided at a subsequent meeting.

COUNCIL RECOMMENDATION

That Council receive this progress report for the period 15 August 2009 – 20 September 2009 against Annual Business Plan 2009/2010.

(Carried: 11/0)

8.1.2 Tech Com. Item 2

SUBJECT: RESOURCE RECOVERY FACILITY UPDATE REPORT (FOR THE PERIOD 4 SEPTEMBER 2009 – 15 OCTOBER 2009)

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

TWG OFFICERS RECOMMENDATION

That Council note the RRF update report.

ADDITIONAL MRC OFFICER RECOMMENDATION

That Council approve the PAG elected member's deputy to be either the alternate elected member or the CEO's alternate to enable an Officer to replace the elected member on the PAG for those meetings where there is no elected member formally assigned to the PAG or neither of the two elected members are available for a particular meeting.

COMBINED RECOMMENDATION

That Council:

- (i) note the RRF update report**
- (ii) approve the PAG elected member's deputy to be either the alternate elected member or the CEO's alternate to enable an Officer to replace the elected member on the PAG for those meetings where there is no elected member formally assigned to the PAG or neither of the two elected members are available for a particular meeting**

The CEO confirmed that waste processing at RRF had been reduced to the identification of a structural anomaly, in the form of cracks, in the composter capability.

The Chairman, at the CEO's recommendation, invited Mr Watkins to read from the updated report, provided 14 October 2009 by BioVision.

The CEO advised of other action in progress, apart from monitoring BioVision remedial action, including establishment of 'way ahead' based on legal advice.

Cr Butler requested that Councillors put questions regarding this matter to the CEO. The answers to be put in a Confidential Paper at the next meeting.

Cr Bissett expressed concern at reported lead levels in compost and suggested the following improvements to the battery collection programme:

- investigation of a household battery collection receptacle
- investigation of 'collection locations'
- investigation of wording on public battery collection receptacle, particularly removal of word 'bin'

The CEO advised that these, and other matters, would be investigated further, and Council advised of progress.

COUNCIL RECOMMENDATION

That Council:

- (i) note the RRF update report**
- (ii) approve the PAG elected member's deputy to be either the alternate elected member or the CEO's alternate to enable an Officer to replace the elected member on the PAG for those meetings where there is no elected member formally assigned to the PAG or neither of the two elected members are available for a particular meeting**

(Carried: 11/0)

8.1.3 Tech Com. Item 3

SUBJECT: TENDER 13/99 - SUPPLY OF INDIVIDUAL CONSULTING SERVICES

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

TWG OFFICERS RECOMMENDATION

That Council approve the appointment of the following consultants to a panel for the delivery of identified services, as individual service providers:

<u>MARKETING</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Gae Synnott	Synnott Mulholland
	Paul Butcher John Carlson	Linc & Kasa Consulting
	Nicolle Jenkins	The Hub
	Bill Marchbank	Cardno (WA)

<u>COMMUNICATIONS INCLUDING PUBLIC RELATIONS</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Gae Synnott	Synnott Mulholland
	Nichola Holgate John Carlson	Linc & Kasa Consulting
	Ivan Kwan Peter Reeves	Golder Associates
	John Bryant	Bryant Media
	Peter Harris	PPR Australia
	Clare Goodridge	The Hub
	Bill Marchbank	Cardno (WA)

<u>ENVIRONMENTAL SERVICES</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Nick Croston Jay Whitely	Linc & Kasa Consulting
	Simeon Kendall	HSE Control
	Ivan Kwan Peter Reeves	Golder Associates
	John Cleland Ross Conway	Heggies
	Carel van der Westhuizen Matthew Curtis	VDM Consulting
	Andrew Mack Bill Marchbank	Cardno (WA)
	Scot Bird Jade Plottke	ENV Australia
	Mick McCarthy Tim Carr	Parsons Brinckerhoff

Nil discussion.

COUNCIL RECOMMENDATION

That Council approve the appointment of the following consultants to a panel for the delivery of identified services, as individual service providers:

<u>MARKETING</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Gae Synnott	Synnott Mulholland
	Paul Butcher John Carlson	Linc & Kasa Consulting
	Nicolle Jenkins	The Hub
	Bill Marchbank	Cardno (WA)

<u>COMMUNICATIONS INCLUDING PUBLIC RELATIONS</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Gae Synnott	Synnott Mulholland
	Nichola Holgate John Carlson	Linc & Kasa Consulting
	Ivan Kwan Peter Reeves	Golder Associates
	John Bryant	Bryant Media
	Peter Harris	PPR Australia
	Clare Goodridge	The Hub
	Bill Marchbank	Cardno (WA)

<u>ENVIRONMENTAL SERVICES</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Nick Croston Jay Whitely	Linc & Kasa Consulting
	Simeon Kendall	HSE Control
	Ivan Kwan Peter Reeves	Golder Associates
	John Cleland Ross Conway	Heggies
	Carel van der Westhuizen Matthew Curtis	VDM Consulting
	Andrew Mack Bill Marchbank	Cardno (WA)
	Scot Bird Jade Plottke	ENV Australia
	Mick McCarthy Tim Carr	Parsons Brinckerhoff

(Carried: 11/0)

8.1.4 Tech Com. Item 4

SUBJECT: LANDFILL UPDATE REPORT

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

TWG OFFICERS RECOMMENDATION

That Council receive this Landfill Update Report dated 15 October 2009.

The CEO advised Council that sufficient funds existed within Budget 09/10 to cater for proposed landfill projects.

The CEO undertook to provide Cr Getty with a copy of an item from Ordinary Council Meeting 3 September 2009 on this matter.

COUNCIL RECOMMENDATION

That Council receive this Landfill Update Report dated 15 October 2009.

(Carried: 11/0)

8.1.5 Tech Com. Item 5

SUBJECT: MINDARIE REGIONAL COUNCIL MARKETING PLAN 2009/2010

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

TWG OFFICERS RECOMMENDATION

That Council endorse the Marketing Plan for FY 2009/2010 at Attachment One to this Item.

Council agreed the inclusion of the following further information in the final version of the plan

- correlation between the Budget 09/10 program for Marketing and Education, and the Plan
- inclusion of key timings as appropriate

The mover and seconder agreed the following amendment to the recommendation as follows:

Insert following 'this item' words as follows:

'subject to the inclusion in the Marketing Plan of key milestones'

Council also noted the plan to report progress, via the Officers Group, at each meeting.

COUNCIL RECOMMENDATION

That Council endorse the Marketing Plan for FY 2009/2010 at Attachment One to this Item subject to the inclusion in the Marketing Plan of key milestones.

(Carried: 11/0)

8.1.6 Tech Com. Item 6

SUBJECT: DELEGATED AUTHORITY – CHIEF EXECUTIVE OFFICER

Noting requirement Absolute Majority Voting

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

TWG OFFICERS RECOMMENDATION

That Council:

- (i) **APPROVE the Instrument of Delegation to the Chief Executive Officer (Attachment One of this Item)**
- (ii) **APPROVE Chief Financial Officer as Acting CEO, where required, except where circumstances are not appropriate, whereby the CEO is authorised to appoint another person as Acting CEO**

Nil discussion.

COUNCIL RECOMMENDATION

That Council:

- (i) **APPROVE the Instrument of Delegation to the Chief Executive Officer (Attachment One of this Item)**
- (ii) **APPROVE Chief Financial Officer as Acting CEO, where required, except where circumstances are not appropriate, whereby the CEO is authorised to appoint another person as Acting CEO**

(Carried: 11/0)

8.1.7 Tech Com. Item 7

SUBJECT: MEETING DATES 2010

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

TWG OFFICERS RECOMMENDATION

That Council:

- (i) **adopt the following schedule for Ordinary Council Meetings for Year 2010:**
 - **25 February 2010 (City of Joondalup)**
 - **22 April 2010 (City of Wanneroo)**
 - **1 July 2010 (City of Stirling)**
 - **26 August 2010 (Town of Vincent)**
 - **28 October 2010 (City of Perth)**
 - **9 December 2010 (Town of Victoria Park)**
 - (ii) **note the dates for TWG type meetings as follows:**
 - **5 February 2010**
 - **1 April 2010 – (2 April 2010 is Good Friday)**
-

-
- 11 June 2010
 - 6 August 2010
 - 8 October 2010
 - 19 November 2010
- (iii) note the proposed dates for potential Strategic Advisory Group meetings as follows:
- 9 January 2010
 - 5 March 2010
 - 14 May 2010
 - 9 July 2010
 - 10 September 2010
 - 22 October 2010

Nil Discussion.

COUNCIL RECOMMENDATION

That Council:

- (i) adopt the following schedule for Ordinary Council Meetings for Year 2010:
- 25 February 2010 (City of Joondalup)
 - 22 April 2010 (City of Wanneroo)
 - 1 July 2010 (City of Stirling)
 - 26 August 2010 (Town of Vincent)
 - 28 October 2010 (City of Perth)
 - 9 December 2010 (Town of Victoria Park)
- (ii) note the dates for TWG type meetings as follows:
- 5 February 2010
 - 1 April 2010 – (2 April 2010 is Good Friday)
 - 11 June 2010
 - 6 August 2010
 - 8 October 2010
 - 19 November 2010
- (iii) note the proposed dates for potential Strategic Advisory Group meetings as follows:
- 9 January 2010
 - 5 March 2010
 - 14 May 2010
 - 9 July 2010
 - 10 September 2010
 - 22 October 2010

(Carried: 11/0)

8.1.8 Tech Com. Item 8

SUBJECT: CR NEWTON PROPOSAL FOR DONATION SUPPORT

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

TWG OFFICERS RECOMMENDATION

That Council consider Cr Newton's proposal.

Cr Newton addressed the Council, supporting the proposal on the basis of the following:

- The unique nature of the Wanneroo Show this year on the basis of its centenary
- The limited number of previous requests from City of Wanneroo for donation support
- The advantage to Mindarie Regional Council for promotional exposure via this opportunity

Council confirmed the following issues:

- That the saving to Mindarie Regional Council for booth hire was estimated at \$450
- That the event would promote recycling

Council noted that the Budget process, for Budget 09/10, included a decision to remove sponsorship projects in FY 2009/2010, and that this approach has been reflected in the Marketing Plan.

AMENDMENT TO MOTION

MOTION: (Moved: Cr McRae Seconded Cr Farrell)

AMENDED MOTION AS FOLLOWS WAS PUT TO THE VOTE

That Council declines the invitation to sponsor a foot race at the Wanneroo Show 2009.

*(Carried: 10/1)
Cr Newton 'Against'*

8.2 CHIEF EXECUTIVE OFFICER

8.2.1

File No: FIN/5-02

**SUBJECT: FINANCIAL STATEMENTS FOR THE PERIODS ENDED
31 JULY 2009 AND 31 AUGUST 2009**

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

MRC OFFICER RECOMMENDATION

That the Financial Statements as attached at Attachment One and Two for the months ended 31 July 2009 and 31 August 2009 be noted.

Nil discussion.

COUNCIL RECOMMENDATION

That the Financial Statements as attached at Attachment One and Two for the months ended 31 July 2009 and 31 August 2009 be noted.

(Carried: 11/0)

8.2.2

File No: FIN/5-02

**SUBJECT: LIST OF PAYMENTS MADE FOR THE MONTHS ENDED
31 JULY 2009 AND 31 AUGUST 2009**

MOTION: (Moved: Cr Fishwick Seconded: Cr Getty)

MRC OFFICER RECOMMENDATION

That Council endorse the list of payments made, as per the delegation made to the Chief Executive Officer, for the months ended 31 July 2009 and 31 August 2009.

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 31 July 2009 and 31 August 2009.

(Carried: 11/0)

Closure of meeting to the Public.

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

That in accordance with Local Government Act 1995 Section 5.23(c) and (d) the meeting be closed to the public.

(Carried: 11/0)

CEO declared a financial interest in Item 8.2.3.

6.35pm CEO and Officers left.

8.2.3

File No: PER/11

SUBJECT: CEO PERFORMANCE ISSUES

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

MRC OFFICER RECOMMENDATION

That Council approve:

- (i) draft revised KRAs at Attachment One to this Item
- (ii) draft revised contract of employment at Attachment Two to this Item

Council agreed the recommendation subject to inclusion of milestones, for progress of RRF Stage 2, in the KPI Schedule.

COUNCIL RECOMMENDATION

That Council approve:

- (i) draft revised KRAs at Attachment One to this Item
- (ii) draft revised contract of employment at Attachment Two to this Item

(Carried: 11/0)

Meeting Open to the Public.

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

That the meeting now be opened to the public.

(Carried: 11/0)

6.50pm CEO returned.

Council took Motion 8.2.3 as read by the CEO.

9 NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

10 GENERAL BUSINESS - SEE NOTE (1)
--

Cr Sebrechts conveyed a vote of appreciation to fellow Councillors and staff, given his decision not to seek re-election at the Local Government Election on 17 October 2009.

11 NEXT MEETING

11.1 Ordinary Council Meeting

- 10 December 2009
- 5.30pm
- Town of Victoria Park

12 CLOSURE - MEETING DECLARED CLOSED 6.55M
--

Notes

- (1) Under this item, members have the opportunity to:
- (a) make a statement providing information related to the Council's business;
 - (b) to ask a question relevant to the Council's business.

Under this item a member shall not raise any matter directly related to any other item on the agenda and shall not foreshadow any motion for consideration at another meeting.



MINUTES

TECHNICAL WORKING GROUP

2 OCTOBER 2009

TIME: 8.30 AM

VENUE – TOWN OF CAMBRIDGE

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
TECHNICAL WORKING GROUP
NOTICE OF MEETING**

25 September 2009

Members are advised that a meeting of the Technical Working Group of the Mindarie Regional Council will be held in the Committee Room of the Town of Cambridge, 1 Bold Park Drive, Floreat, Friday 2 October 2009 commencing at 8.30am.

Items for consideration are attached.

Yours faithfully



KEVIN POYNTON
Chief Executive Officer

MEMBERS:	K Poynton	Chief Executive Officer	Mindarie
	E Albrecht	Manager Waste Fleet	Stirling
	K Caple	Director City Business	Wanneroo
	C Colyer	Director Infrastructure	Cambridge
	K Dhillon	Finance & Business Services Manager	Mindarie
	R Elliott	Manager Waste Services	Wanneroo
	G Eves	Director Infrastructure Management	Stirling
	D Forster	Director Business Units	Perth
	M Glover	Director Infrastructure Services	Joondalup
	E Herne	Director Corp Resource Management	Stirling
	R Lotznicker	Director Technical Services	Vincent
	P Hoar	Coordinator Waste Mgt	Joondalup
	A Vuleta	Director Technical Services	Vic Park
	M Tolson	Operations Manager	Mindarie
	I Watkins	Projects Manager	Mindarie

**MINUTES OF A MEETING OF THE TECHNICAL WORKING GROUP OF THE
MINDARIE REGIONAL COUNCIL HELD IN THE COMMITTEE ROOM OF THE
TOWN OF CAMBRIDGE, 1 BOLD PARK DRIVE, FLOREAT, ON FRIDAY 2
OCTOBER 2009 AT 8.30AM.**

PRESENT: K Poynton Chairman

Members Messrs	Ed Albrecht	Operations Manager	Stirling
	Karen Caple	Director City Business	Wanneroo
	Kalwant Dhillon	Chief Financial Officer	Mindarie
	Doug Forster	Director of Business Units	Perth
	Martyn Glover	Director Infrastructure Sves	Joondalup
	Rick Lotznicker	Director Technical Services	Vincent
	Peter Hoar	Coordinator Waste Mgt	Joondalup
	Shane Spinks	Manager City Business	Wanneroo
	Mike Tolson	Operations Manager	Mindarie
	Ian Watkins	Project Manager	Mindarie

VISITORS Lynda Nyssen

APOLOGIES Chris Colyer

CONFIRMATION OF MINUTES

Not applicable

MINUTES
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ITEM 1 BUSINESS REPORT
(for the period 15 August 2009 – 20 September 2009)

File No: COR/8 (D/09/4615)

Attachment(s): Nil.

Author: Kevin Poynton

SUMMARY

The purpose of this report is to provide Council with current information on all business activities.

BACKGROUND

The Council at its meeting held in October 2008, resolved, inter alia, to approve a revised Strategic Plan. Council, at Special Council Meeting 28 May 2009, approved Annual Business Plan 2009/2010. This business report is now presented in a format consistent with both the Strategic Plan and approved Annual Business Plan. New information since the last report is provided in '***bold italics***'.

DETAIL

OBJECTIVE ONE – WASTE MANAGEMENT

Objective One is 'to manage waste in a way that

- Maximises resource recovery
- Minimises waste to landfill

in order to minimise environmental impact.

Existing Waste Processing Projects – Tamala Park

This table describes business activity for the period 1 July 2009 – 31 August 2009 for member councils, and others, in terms of tonnage (received for processing) and revenue associated with this tonnage.

Information related to landfill and recycling activity at Tamala Park to end August 2009 is presented in the table below.

	Tonnage				Revenue			
	Actual	Budget 09/10	Target % Year to Date	Actual % Year to Date	Actual G/L	Budget 09/10	Target % Year to Date	Actual % Year to Date
MEMBERS PROCESSABLE								
Cambridge	1,422	9,500	16.67%	14.97%	\$171,138	\$1,144,800	16.67%	14.95%
Joondalup	8,354	55,941	16.67%	14.93%	\$1,006,653	\$6,740,900	16.67%	14.93%
Perth	2,418	16,000	16.67%	15.11%	\$291,339	\$1,928,000	16.67%	15.11%
Victoria Park	1,923	13,964	16.67%	13.77%	\$231,686	\$1,682,700	16.67%	13.77%
Vincent	1,949	13,742	16.67%	14.18%	\$233,844	\$1,655,900	16.67%	14.12%
Wanneroo	7,029	49,300	16.67%	14.26%	\$846,014	\$5,940,700	16.67%	14.24%
Stirling	0	12,000	16.67%	0.00%	\$0	\$1,446,000	16.67%	0.00%
Sub Total Processable	23,095	170,447	16.67%	13.55%	\$2,780,674	\$20,539,000	16.67%	13.54%

	Tonnage				Revenue			
	Actual	Budget 09/10	Target % Year to Date	Actual % Year to Date	Actual G/L	Budget 09/10	Target % Year to Date	Actual % Year to Date
MEMBERS NON-PROCESSABLE								
Cambridge	150	1,200	16.67%	12.51%	\$9,908	\$79,200	16.67%	12.51%
Joondalup	2,109	10,261	16.67%	20.55%	\$139,254	\$677,200	16.67%	20.56%
Perth	0	37	16.67%	0.00%	\$0	\$2,400	16.67%	0.00%
Stirling	17,620	105,000	16.67%	16.78%	\$1,161,283	\$6,930,000	16.67%	16.76%
Victoria Park	48	689	16.67%	6.95%	\$3,160	\$45,500	16.67%	6.95%
Vincent	52	484	16.67%	10.68%	\$3,412	\$31,900	16.67%	10.70%
Wanneroo	4,820	24,700	16.67%	19.52%	\$318,500	\$1,630,200	16.67%	19.54%
Sub Total Non-Processable	24,799	142,371	16.67%	17.42%	1,635,517	\$9,396,400	16.67%	17.41%
Sita RRF Residue	2,272	30,000	16.67%	7.57%	\$149,965	\$1,980,000	16.67%	7.57%
Sub Total including Sita	27,071	172,371	16.67%	15.71%	\$1,785,482	\$11,376,400	16.67%	15.69%
Total Proc & Non-Proc	50,166	342,818	16.67%	14.63%	\$ 4,566,156	\$31,915,400	16.67%	14.31%
CASUALS								
South Perth	121	3,090	16.67%	3.93%	\$13,237	\$337,100	16.67%	3.93%
Casual	6,426	46,000	16.67%	13.97%	\$697,871	\$5,018,140	16.67%	13.91%
Sub Total Casuals	6,547	49,090	16.67%	13.34%	\$711,108	\$5,355,240	16.67%	13.28%
Total	56,713	391,908	16.67%	14.47%	\$5,277,264	\$37,270,640	16.67%	14.16%
Other Not incl above								
Recycling Centre					\$110,057	\$350,000		31.44%

Current information in relation to Tamala Park landfill and recycling activities is as follows:

- ***The issue of resolution if a contractual dispute with JJ MacDonald is still progressing. The new matter for confirmation at this stage is 'who is Mindarie Regional Council (MRC) to negotiate/mediate with' given that the contractor company structure has significantly changed of late. MRC is now waiting advice from the contractor organisation on this. The State Manager has indicated that advice will be forthcoming by 9 October 2009. In terms of the contract, the Certificate of Practical Completion has been issued previously.***
- Utilisation of Tamala Park limestone has continued both onsite and via exploitation of offsite activities
- An investigation into the characteristics of future gas management plan is in progress with a view to the conduct of a tender exercise in early 2010. ***Some options for this include:***
 - ***MRC to purchase a service and manage the products i.e. electricity, credits***
 - ***MRC to establish a 'revenue sharing' arrangement with the contractor***
- Key tasks associated with the groundwater management plan for 2009/2010 are as follows:

-
- Groundwater sampling, analysis and reporting
 - The annual ground water monitoring report, including the results from 18 new bores was presented to DEC in March 2009
 - Specialist groundwater monitoring/management consultancy services will be required for planning any groundwater remediation requirements in FY 09/10 that may arise as a result of the leachate plume being detected to the north of Stage I
 - Additional 3 borehole clusters are likely to be required to aid the investigation of the above item
 - Access to Federal Government funds to establish a 'used – fridge management capability' as an internal rather external service, at a cost saving of \$29,000 per annum, has commenced. These funds are being used to train two staff on 'used fridge management'

Existing Waste Processing Projects – Neerabup

Progress against a project to establish and operate a Resource Recovery Facility (RRF) at Neerabup in is contained in a separate report within this agenda.

OBJECTIVE TWO – WASTE PROCESSING OPPORTUNITIES

Objective Two is to identify, evaluate and implement opportunities for expansion of the waste management business.

An Integrated Regional Plan

Tasks associated with the development of an integrated regional plan have been progressed as follows:

- ***Advice to successful and unsuccessful tenderers, as a result of Council decision of 3 September 2009 to award the contract to Hyder***
- ***Commencement of planning for 'kick off' meetings***

Additional Processing Facilities

Tasks associated with the establishment of additional processing facilities for operation by Mindarie Regional Council have been progressed as follows:

- Balcatta Transfer Station (City of Stirling)
 - Investigation into Mindarie Regional Council operation of Household Hazardous Waste (HHW) component completed
 - Alternative approach re issue of incentive scheme for HHW collection, is currently under investigation by City of Stirling
- 'Son of Tamala' Landfill
 - ***Issue of a Call for Submission (CFS) package, and receipt of five responses***
 - Concurrently, work is progressing to investigate land for potential purchase for use as a landfill, if required

OBJECTIVE THREE – INDUSTRY LEADERSHIP AND ADVOCACY

Objective Three is to identify and promote industry-wide initiatives for improvements to waste/resource management, particularly in relation to waste minimisation and resource recovery.

SWMP Projects

Progress on current SWMP projects during the reporting period has been as follows:

- **Project 1: 2 Bin Trial**
 - *Meeting held with the Town of Cambridge regarding implementation of the trial*
 - *Report has been presented to the Town of Cambridge with council recommendation to proceed*
 - *Area for trial selected (700 properties)*
 - *Quotations for equipment supply and distribution finalised*
 - *Collection quotations finalised – Green Recycling and Cleanaway*
 - *Draft of promotional materials*
 - *Held initial meeting with Gae Synnott to arrange community consultation/survey*
- **Project 2: Balcatta and Tamala Park Hardwaste Audits**
 - *Hofstede & Associates appointed to undertake the waste audits*
 - *Balcatta audits conclude 21 September (duration 3 weeks)*
 - *Tamala Park audit to commence 28 September (duration 3 weeks)*
 - *Reports are being prepared progressively*
- **Project 3: Verge Collection**
 - *Hofstede & Associates appointed to undertake the waste audits*
 - *Audits commenced on 14 September and will run periodically until end of October*
 - *Meeting held with Anglicare to assess utilisation of collected material, follow-up meeting planned for end of September*
 - *Reports will be prepared progressively*
- **Project 4: Event Recycling**
 - *Liaison with WMRC who are undertaking a similar project*
 - *Initial project planning underway*
- **Project 5: Infrastructure Recycling**
 - *GHD appointed to undertake the project*
 - *Planning meeting held with GHD*
 - *Prepared questionnaire for meetings with all member councils*

-
- *Recently met with the Town of Cambridge and City of Wanneroo*
 - *Meetings arranged with remaining member councils*
 - ***Project 6: Transportation Environmental Impact***
 - *To be conducted as part of Integrated Regional Plan development*
 - *Hyder Consulting recently awarded Integrated Regional Plan project*
 - *Project program developed by Hyder Consulting*
 - *Desktop study currently underway*

Partnership Activities

Key partnership activities during the reporting period have been as follows:

- **Municipal Waste Advisory Council (MWAC)**
 - Continued liaison with State Government representatives on an improved approach for management of the landfill levy issue, particularly in relation to the usage of levy funds
 - Development of a 'suggested Action' list for consideration by the Minister in relation to the Parliamentary Enquiry into waste management
 - ***Planning for further programs to manage household hazardous waste***
- **Forum of Regional Councils (FORC)**
 - Further discussions with the Waste Authority WA on opportunities for partnership
 - Progress of a plan to obtain amendments to proposed State Government changes to WARR legislation, particularly in relation to the use of levy funds
- **Waste Management Association of WA (WMAA(WA))**
 - Liaison with State Government utilisation of some levy resources to fund WMAA activities
- **Industry Training Council (EUPA)**
 - Review and revision of waste industry training needs, using levy funds. This work is in progress

Developments in the week commencing 14 September 2009 on matters external to MRC on waste management have been as follows:

- ***The release of the State Government's draft State Waste Strategy, for comment until December 2009.***
- ***A project to provide MRC input is 'at planning'***
- ***The passage of the amended landfill levy legislation through Parliament. Further action on the maximisation of levy funds to waste management programs is planned***

OBJECTIVE FOUR – COMMUNITY ENGAGEMENT

Objective Four is to engage with the community in the Mindarie region in order to promote behaviour consistent with the region's operational plans for waste/resource management.

Marketing Activities

Key marketing activities progressed during the reporting period were as follows:

- A draft Marketing and Waste Education Plan has been developed for implementation from 1 July. This plan has been the basis for the budgeting process, and will be presented to Council in October 2009
- Work on the upgraded website ***has proceeded to the 'go live' stage***
- ***The MRC's Strategic Plan has been printed and copies are being circulated to Member Councils***
- ***The MRC was highly involved in this year's Waste and Recycle Conference with a well-located exhibitor booth, hosting of a pre-conference tour to Tamala Park (including the new education centre) and to the RRF, and participation as speakers and on the organising committee***

Education Activities

Key education activities progressed during the reporting period were as follows:

- ***The official opening of the new Education Centre on site at Tamala Park, which will be utilised for tour group visits and for school teacher professional development***
- ***The premiere of a new DVD produced by kids for kids about the need to reduce, reuse and recycle, which will be used in waste education activities***
- ***Completion of the final HHW Disposal Day in the 09 program at Town of Vincent on 19 September***
- ***September 1 launch of the metropolitan-wide SWIS-funded program to introduce battery collections in each Council. Battery bins are now in place in each Council area***
- ***The Perth 09/10 fridge calendars is currently in production***
- ***Successful completion of our fourth Earth Carers training course, bringing the total number of Earth Carers to more than 100***
- ***Preparation for participation in a joint Regional Council display on waste management at the Royal Show***

Community Engagement Advisory Group (CEAG) Activities

Key CEAG activities progressed during the reporting period were as follows:

- Continuation of regular CEAG meetings
- CEAG is reviewing its Roles & Functions statement, and performance against the CPA
- A vacancy currently exists and MRC is advertising to fill the vacancy

Miscellaneous Activities

Miscellaneous Community engagement activities progressed during the reporting period were as follows:

- ***Discussion with an interested community member from Kinross on potential improvements to MRC's feral cat management program. This was a result of some customer queries***

OBJECTIVE FIVE – ORGANISATIONAL MANAGEMENT

Objective Five is to maintain excellent management of the Mindarie Regional Council organisation.

Business Systems

Key projects associated with this port folio are as follows:

- Development of a tender for individual service providers. ***For Council October 2009***
- Investigation of improved budget preparation process, in conjunction with member councils
- Investigation of personnel resourcing mix, prior to Budget 2010/2011
- ***Investigation of improved TWG governance model for Council December 2009 – delayed due to 'advisor swine flu'***
- ***Progress of a project to develop a revised pricing model to a milestone of 'officer consideration – next draft', scheduled for October 2009***

Member Council Partnerships

Key activities progressed as follows:

- Liaison Tamala Park Regional Council (TPRC) re buffer and associated issues, with a plan to develop a joint submission for TPRC/MRC consideration

On the matter of Town of Cambridge exemption request, CEO Mindarie Regional Council and CEO Town of Cambridge have agreed that this matter is best left until investigations on a revised pricing model and an 'exemption approach' are completed. This is now estimated to be end 2009.

Information on a revised pricing model project has been provided earlier. Correspondence has been forwarded to WMRC seeking consideration to a 'RC to RC' approach on provision of waste.

Establishment Agreement

The administration has received correspondence from Town of Vincent advising a position of support for 'one vote – one Council', as distinct to the existing model, in any future draft Establishment Agreement. This position is at odds with other Council positions on this matter i.e. retention of status quo.

Attendees at an Officer Business Workshop on 13 August 2009 agreed 'way ahead' as follows:

-
- Finalisation of the draft Establishment Agreement, for MRC endorsement and subsequent consideration by member councils
 - Development of a suite of potential Constitution amendments, for consideration by MRC and member councils in the event of non-agreement to the draft Establishment Agreement

The Establishment Agreement work is closely linked to the pricing model, and will occur in synchronisation with this pricing model work. The estimated timeframe for presentation of a final draft Establishment Agreement to Council will depend on pricing model progress.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

Not applicable

POLICY IMPLICATIONS

Not applicable

STRATEGIC IMPLICATIONS

This progress report reflects progress against approved activities associated with the Council's annual Business Plan.

FINANCIAL IMPLICATIONS

These activities are conducted within the context of the approved Council budget for any particular financial year.

COMMENT

Council business is currently being conducted within the framework of the Annual Business Plan.

MRC OFFICER RECOMMENDATION

That Council receive this progress report for the period 15 August 2009 – 20 September 2009 against Annual Business Plan 2009/2010.

TECHNICAL WORKING GROUP MEETING – 2 OCTOBER 2009

On governance issues, CEO advised as follows:

- That work by Mr Wittber on a revised governance model had been delayed because he had recurring bouts of swine flu
- That a suggestion had been received for the disbandment of SWTF WG, given RRF Stage One was operational
- That a further suggestion had been received for the establishment of a Strategic (as distinct to Operational) Officers Advisory Group to consider 'projects in Planning', strategic direction et al for the business

-
- That a proposed AIM for such a 'project in planning' i.e. RRF Stage Two, had been developed, and this was tabled

In respect of these matters, the Group agreed as follows:

- That CEO should meet with Mr Wittber and develop a discussion paper, for TWG consideration, on governance model options, including the creation of a Strategic group. The CEO had noted some suggested characteristics from the Group
- That CEO should develop a discussion paper, for TWG consideration, by November 2009, on issues related to the establishment of RRF Stage Two, particularly in relation to drivers and areas of uncertainty e.g. State Government plans, parameters for AWT, performance of the operational plant, Anaeco developments, potential exceptions, City of Stirling approach

TWG OFFICERS RECOMMENDATION

That Council receive this progress report for the period 15 August 2009 – 20 September 2009 against Annual Business Plan 2009/2010.

ITEM 2 RESOURCE RECOVERY FACILITY UPDATE REPORT (For the period 4 September 2009 to 15 October 2009)

File No: **WST/13-02 (D/09/4622)**

Attachment(s): **Nil**

Author: **Ian Watkins**

SUMMARY

The purpose of this report is to provide Council with information relating to the final development, commissioning and operation of the Stage 1 Resource Recovery Facility (RRF) at Neerabup.

BACKGROUND

Stage 1 RRF contract was signed with BioVision 2020 on 23 November 2007. Construction commenced on 27 February 2008 with Practical Completion being achieved on 15 July 2009.

The 20 year contract operational period commenced on 16 July 2009.

- Contract framework includes:
- Contractor - BioVision 2020 (Ownership - 70% Westscheme; 30% SITA)
- Build Own and Operate (BOO) contract structure
- 100,000 tonnes per year
- 20 year contract
- Contract commencement date 16 July 2009
- Contract end date 15 July 2029

DETAIL

Operations

As at 16 July 2009 facility operations commenced.

Typical operational conditions include:

- MRC to deliver 400 tonnes per day - Monday to Friday
- BioVision to process 285 tonnes per day - seven days per week
- 40,000 kilolitres of water consumed per year
- 3 MW hours of power consumed
- Approximately 40,000 tonnes of compost produced annually
- Approximately 30,000 tonnes of residue sent to Tamala Park annually
- 1,200 tonnes of ferrous metal recycled annually

Waste Delivery

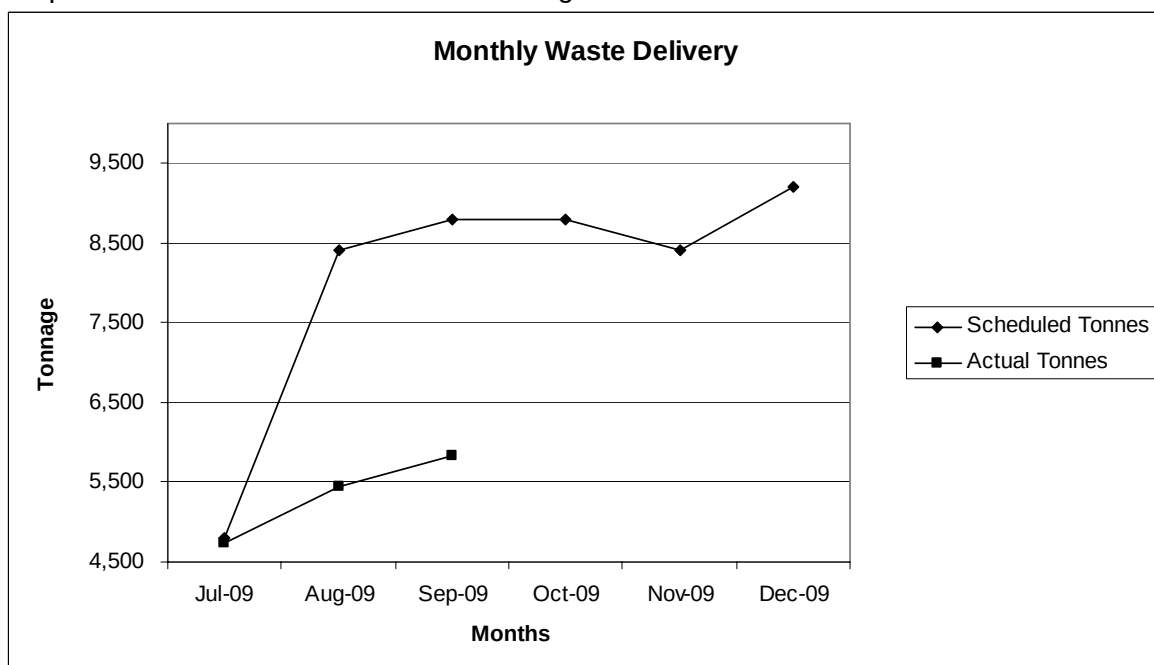
The Cities of Joondalup and Wanneroo and the Towns of Victoria Park and Cambridge currently deliver waste to the RRF.

The City of Perth and the Town of Vincent have opted to continue to dispose of waste at the Tamala Park landfill.

The RRF will typically accept approximately 2,000 tonnes of waste per week. With the large volume disposal pit available, it is not critical that the precise daily tonnage be achieved each day, so long as the weekly average is approximately 2,000 tonnes per week.

Graph No. 1 provides detail of the Actual Tonnage of waste delivered in comparison to Scheduled Tonnage.

Graph No. 1 – Actual vs. Scheduled Tonnage



During the months of August and September, BioVision experienced a number of problems with secondary refining which resulted in the facility operating below capacity. Consequently there were only 11,287 tonnes of the schedule 17,200 tonnes for the 2 month period (shortfall 5,913 tonnes).

During the period the majority of the problems with secondary refining are being progressively resolved resulting in increased facility reliability during the latter part of the September.

Key Performance Indicators

KPI's as per the RRFA are as follows:

KPI	Target	Contract Year to Date	July	August	Sept
Environmental Standard - Number of Breaches	0	0	0	0	0
Waste Diversion	71.4%	76.5%	90.4%	64.5%	50.2%
Quality of Compost - Number of Breaches	0	0	2	4	3
Quantity of Recyclable Packaging - Below Target Tonnes	0.8%	0.70%	0.45%	0.88%	0.72%
Health and Safety - Number of LTI's	0	0	0	0	0
Community Acceptance - Number of Complaints	0	0	0	0	0
Project Culture - PAG Chairperson Score	100	100	100	100	100

KPI's relating to waste type (Waste Diversion, Quality of Compost, and Quantity of Recyclable Packaging) are able to be adjusted so far as the variability in the quality impacts a particular KPI. Consequently; there will be no fee abatement for failure to achieve the related KPI's for the first year of operation, until waste variability has been finalised.

Waste diversion

Waste diversion for July is not truly representative as at this stage the facility was still being filled up following the commencement of full operations. During August and September, waste diversion was negatively impacted by problems associated with secondary refining.

Compost Quality

Up to 30 September 1,660 of compost had been produced.

To date compost has been delivered to the following locations:

- Turf farms
- Olive farms
- Custom Compost facilities north and south of Neerabup for blending, storage blending and then distribution to customers

Within the RRFA there is a maximum lead level of 250mg/kg. Ten tests have been carried out on the compost, of these, nine tests have lead levels above the stipulated 250mg/kg. The maximum test result has been 380mg/kg.

Within the Australian Standard (AS 4454) the maximum lead level is 420mg/kg for C2 restricted use compost. Although the lead levels are above the RRFA maximum levels, all tests have been below the C2 (restricted use) maximum level and hence still able to be used for certain applications.

The elevated lead levels are a function of the incoming waste stream. The MRC needs to concentrate on community education to remove electronic waste, batteries etc from the waste stream. Further effort will be required to identify what components of the waste stream are contributing to the heavy metals in the compost.

Quantity of Recyclables

The quantity of metals recycled during August was 0.88% and in September 0.70% of the waste delivered. Year to date the Quantity of Recyclables is 0.70%.

Community Complaints

19 August, the General Manager of the Wanneroo Golf Club phoned to advise that there were odours detected on the golf course. A site visit was arranged on 27 August with the General Manager and a club committee member. The outcome of the visit was that the participants were impressed with the facility, the odour management system and did not find the biofilter odour offensive. This was not a formal complaint, simply an information gathering session.

10 September a formal odour complaint was received from a member of the Wanneroo Golf Club who complained that "every time" he played golf he was impacted by odour. After numerous attempts to get the complainant to visit site to assess whether the odours that he was smelling were coming from the RRF, it has not been possible to confirm the source of the odour. Wind direction data on the previous three days that the complainant played golf indicate a westerly through north westerly wind direction. Hence, odour could come from any of the RRF, chicken farm or Westbeam. Due to the distance to Westbeam, it is unlikely that this was the odour source.

This odour complaint, although registered into the Complaints Management System, has not been taken into consideration when assessing the BioVision KPI's.

Secondly Waste Treatment Facility Working Group

The SWTF WG last met on 19 August 2009. Notes from the meeting have previously been circulated to Council.

Project Advisory Group

MRC Representatives:
Cr Laura Gray
Kevin Poynton (CEO)
Eddy Albrecht (City of Stirling)

MRC Alternates:
Cr Dot Newton
Kalwant Dhillon
Chris Colyer (Town of Cambridge)

BioVision Representatives:
Emmanuel Vivant
Marco Fontana Giusti
Nial Stock

BioVision Alternates:
Casimiro da Fonseca
Craig Barker
Kevin Wilson

With the upcoming Local Government election (17/10/09), there will be a situation whereby the MRC elected member and the alternate elected member will not be determined until after the December PAG meeting. Consequently, the PAG will not have the required representation as stipulated in the RRFA and hence will not be able to function for at least two months.

The solution agreed at PAG level by all parties is that the elected member's deputy be either the alternate elected member (currently Cr Dot Newton) or the CEO's alternate (currently Kalwant Dhillon). This will enable an Officer (Kalwant Dhillon) to replace the elected member on the PAG for those meetings where there is no elected member formally assigned to the PAG or neither of the two elected members are available for a particular meeting.

As this is a change to the MRC structure of the PAG, this change needs to be approved by Council.

The PAG recently met on 2 September 2009 and 7 October 2009.

Items dealt with by the group include:

- Minor Contract changes
- BioVision Monthly Report
- Power Outage Plan
- Compost Marketing Plan
- Input Tonnage
- Composter Structural Issues

MRC Infrastructure Development

Building Works

BCL Construction was awarded the building works (Contract 13/95). This work is currently being undertaken on site with completion anticipated in early October.

Groundwater Bores

Bore 1 and Bore 2 have been installed and plumbed into the permanent underground services to provide supply water to the RRF and MRC facilities.

Weighbridge

The automated weighbridge has been functioning since the commencement of commissioning (21 April 2009).

As previously reported, there have been reliability problems with the unmanned weighbridge. The majority of these have been progressively resolved; however reliability continues to be an issue. Typical problems include:

- Wireless communications between Neerabup and Tamala Park – breaks in communications
- Power supply – RRF power trips; computers being unplugged by tradesmen related to building works
- Vehicles on weighbridge – driving onto weighbridge before other vehicle has driven off the other side; vehicles moving before transaction has been concluded
- Swipe cards – vehicles swapping swipe cards; lost swipe cards being cancelled and then being found and then reused

A temporary weighbridge operator has been put in the weighbridge office to monitor weighing procedures to resolve issues as they occur. It is hoped that, in time, once most issues have been resolved, the weighbridge operator can be removed and the weighbridge operated in an unmanned condition as originally anticipated.

MRC Future Site Works

On completion of the building works, the following activities are yet to be completed:

- Landscaping – compost trial plots
- Visitors Centre fitout
- Develop site tour program

Landscaping

The majority of the landscaping on site has recently been completed involving the planting of native shrubs and trees within the MRC area and along the road frontage. Native species have been selected to blend in with the Bush Forever area to the east of the site. In addition, trial plots will be developed adjacent to the Visitors Centre where trails will be conducted using RRF compost in different quantities to grow a range of plants as a demonstration of the benefit of using compost.

Community Engagement

The MRC community engagement program continues to be managed via the Community Engagement and Advisory Group (CEAG).

The group last met on 26 August 2009 at the Joondalup Resort. Issues discussed at the meeting included:

- Project update
- Reviewing the CEAG Roles and Function
- Reviewing the Chairperson Roles and Functions
- Reviewing the Community Partnership Agreement (CPA)
- Community monitoring program

In May the CEAG meeting was held at the RRF. As part of the meeting, the group was given a guided tour of the facility. During the tour, one of the group (Althea Malligan) got a piece of dirt in her eye. Since then, she has had ongoing problems with her eye and has been to a doctor and specialist to deal with the problem. The MRC has offered Althea assistance and has advised the insurance company accordingly.

Site Visits

Community interest in visiting the RRF continues. Recently there have been a number of site visits including:

- Schools
- SMRC officers
- Waste & Recycle Conference group
- Chinese delegation (arranged through Town of Cambridge)

-
- Two inert landfill operators looking at options for the disposal of residue from the RRF

Caretaker Issues

Since last reporting there have been no communication or complaints from Mr Tull or Mr Trandos.

Stage 2 RRF Development

This matter is being dealt with by the SWTF WG, with relevant aspects being covered in the notes of the meetings being circulated to Council.

CONSULTATION

Consultation has occurred with the following groups:

- Cardno
- Freehills
- BioVision2020
- SITA
- Member Councils

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The development and operation of resource recovery in the region is consistent with the following Principals described in Strategic Plan 2009 – 2029:

- Community Focus
- Innovation
- Partnership
- Leadership

In particular, Stage 1 RRF conforms with Objective 1 – Waste Management to maximise resource recovery and minimise waste to landfill in order to minimize environmental impact.

FINANCIAL IMPLICATIONS

The Project Operational Summary below sets out the 2009/10 facility operating budget against which operational costs are tracked throughout the year.

Project Operational Costs Summary for 2009/10 Financial Year – As at 23 September 2009

Item	Budget	Expenditure (to 30/9/9)	% Spent
Capital Expenses			
2008/2009 Carryover	\$ 829,000	\$ 176,117	21.2%
Total Capital Expenditure	\$ 829,000	\$ 176,117	21.2%
Operating Expenses			
Consultancy			
Specialist Project Consultants	\$ 50,000	\$ 38,553	77.1%
Legal Consultants	\$ 50,000	\$ -	0.0%
Financial Consultants	\$ 10,000	\$ -	0.0%
Insurance Consultants	\$ 10,000	\$ 500	5.0%
Project/Contract Management	\$ 80,000	\$ 23,375	29.2%
Temporary Staff	\$ 10,000	\$ -	0.0%
Sub-total	\$ 210,000	\$ 62,428	29.7%
Facility Operations			
Building Maintenance	\$ 10,000	\$ 2,433	24.3%
Building Cleaning	\$ 5,000	\$ -	0.0%
Building Security	\$ 20,000	\$ -	0.0%
Fencing and Gate Maintenance	\$ 5,000	\$ -	0.0%
Road Maintenance	\$ 5,000	\$ -	0.0%
Bore and Pipework Maintenance	\$ 5,000	\$ -	0.0%
Environmental Monitoring	\$ 20,000	\$ -	0.0%
Community Monitoring Program	\$ 45,000	\$ 687	1.5%
Landscape and Gardens	\$ 30,000	\$ -	0.0%
MRC Admin Charge	\$ 100,000	\$ 25,000	25.0%
Utilities	\$ 10,000	\$ -	0.0%
Council Rates	\$ 27,000	\$ 12,862	47.6%
Compost Disposal	\$ 545,000	\$ 7,871	1.4%
Tipping Fees	\$14,600,000	\$ 1,498,976	10.3%
Sub-Total	\$15,427,000	\$ 1,547,828	10.0%
Total Operating Expenses	\$15,637,000	\$ 1,786,373	11.4%

MRC OFFICER RECOMMENDATION

That Council note the RRF update report.

TWG OFFICERS MEETING – 2 OCTOBER 2009

TWG discussed:

- Structural anomaly with composter No. 1
 - BioVision to provide written report. Structural anomaly evidenced by crack and is being investigated as per RRFA

-
- RRF Stage 2 Development
 - General discussion on various options available
 - Outcome – MRC administration to table a discussion paper for the next TWG meeting

TWG OFFICERS RECOMMENDATION

That Council note the RRF update report.

ADDITIONAL MRC OFFICER RECOMMENDATION

That Council approve the PAG elected member's deputy to be either the alternate elected member or the CEO's alternate to enable an Officer to replace the elected member on the PAG for those meetings where there is no elected member formally assigned to the PAG or neither of the two elected members are available for a particular meeting.

COMBINED RECOMMENDATION

That Council:

- (i) note the RRF update report**
- (ii) approve the PAG elected member's deputy to be either the alternate elected member or the CEO's alternate to enable an Officer to replace the elected member on the PAG for those meetings where there is no elected member formally assigned to the PAG or neither of the two elected members are available for a particular meeting**

ITEM 3	SUPPLY OF INDIVIDUAL CONSULTING SERVICES
Tender No:	13/99
File No:	COR/38 (D/09/4660)
Attachment(s):	Tender 13/99 – WW Consulting Pty Ltd : Tender Assessment Report
Author:	Kevin Poynton

SUMMARY

The purpose of this report is to provide Council with information associated with the tender process and recommendation for the establishment of a panel of individual service providers for particular services.

BACKGROUND

Mindarie Regional Council (MRC) has a requirement for a variety of capabilities in order to conduct its business in accordance with Strategic Plan 2009–2029 and the approved Annual Business Plan 2009-2010.

These capabilities include:

- Environmental Services
- Marketing
- Communications, including Public Relations

The current approved method of service delivery for these capabilities, at least until end financial year 2009/2010, is for the utilisation of external service providers – a plan which is in progress. Concurrently, a project to assess alternative delivery methods, including recruitment of these positions, is in progress.

The criticality of these capabilities to the business, together with the potential for expenditure in any one financial year to exceed the tender limit (\$100,000) for a particular service, has resulted in the administration conducting a tender exercise, in order to construct a panel of service providers. This work is consistent with ongoing discussions by the MRC Audit Committee.

The tender exercise has been conducted by WW Consulting – an independent analyst. This approach is consistent with the business methodology of MRC. Copies of the tender document were provided to members of the Technical Working Group (TWG), at the time of advertisement.

This work has progressed to the milestone of completion of evaluation of bids, and Council consideration is now appropriate.

DETAIL

Tender Scope

The key characteristics of this tender are as follows:

-
- Identification, for inclusion on a panel, of INDIVIDUAL SERVICE PROVIDERS (some of whom may be from particular organisations)
 - Service providers to be identified for following services:
 - Environmental
 - Marketing
 - Communications, including Public Relations
 - Panel to be valid for 3 years, with two one year options available to MRC

Administrative Detail

Key milestones were as follows:

- Tender advertisement : 22 August 2009
- Tender closure : 7 September 2009
- Twelve bids were received
- Tender criteria were described in the tender document

Evaluation of Bids

The report describing the evaluation process, and outcomes, is at Attachment One to this Item.

An assessment of Tenders was conducted based on:

- Compliance Criteria assessed on a Yes/No basis
- Qualitative Criteria assessed on demonstrated relevant experience and the ability of the Tenderer to meet the service requirements of the contract
- The Price (Schedule of Rates) offered
- The availability of Individual Consultants
- Other factors (e.g. Acceptance of panel membership, the provision of services outside normal office hours, disbursement costs)

The Compliance Criteria for this RFT were standard Contract Criteria as follows:

Agreement with, and understanding of, these listed Criteria

- The conditions included in the RFT document.
- The Specification detailed.
- Financial capacity to perform the proposed Contract.
- Sub-Contracting approval process (if and when required).
- Declaration of Conflict of Interest.
- Quality Assurance and Quality Management conditions.
- The Insurance Coverage requirements detailed.
- Registration, Licences or Qualification Details.

All twelve (12) Tenderers provided offers that met the requirements of the Compliance Criteria in a satisfactory manner in the relevant areas and were retained for further consideration. Any Compliance Criteria variations noted were of a minor nature and would:

- a) easily be resolved prior to the commencement of a contract;
- b) not affect the performance of the required contract

The twelve (12) Tenderers offered the details Individual Consultants experienced in the provision of the relevant services applicable to their Offer and provided detailed and comprehensive submissions that were compliant with the Qualitative Criteria for the RFT. All have experience in the provision of the relevant consultancy services to a number of different areas including Local Government Authorities. In addition, all provided clear and supportable evidence and were able to demonstrate their ability to meet the Qualitative criteria requirements for:

- An understanding of the required tasks.
- Capacity and qualified resources to provide the required services.
- Experience in completing similar requirements.

The consideration of 'value for money' based on tendered prices for individuals was not analysed during the evaluation.

In practice, this will be a key factor in the selection of any individual for particular tasks, if required.

The WW Consulting recommendation for panel members is as follows:

<u>MARKETING</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Gae Synnott	Synnott Mulholland
	Paul Butcher John Carlson	Linc & Kasa Consulting
	Nicolle Jenkins	The Hub
	Bill Marchbank	Cardno (WA)

<u>COMMUNICATIONS INCLUDING PUBLIC RELATIONS</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Gae Synnott	Synnott Mulholland
	Nichola Holgate John Carlson	Linc & Kasa Consulting
	Ivan Kwan Peter Reeves	Golder Associates
	John Bryant	Bryant Media
	Peter Harris	PPR Australia
	Clare Goodridge	The Hub
	Bill Marchbank	Cardno (WA)

<u>ENVIRONMENTAL SERVICES</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Nick Croston Jay Whitely	Linc & Kasa Consulting
	Simeon Kendall	HSE Control
	Ivan Kwan Peter Reeves	Golder Associates
	John Cleland Ross Conway	Heggies
	Carel van der Westhuizen Matthew Curtis	VDM Consulting
	Andrew Mack Bill Marchbank	Cardno (WA)
	Scot Bird Jade Plottke	ENV Australia
	Mick McCarthy Tim Carr	Parsons Brinckerhoff

Utilisation of the Panel

The primary utilisation of the panel, on an as needs basis, is to provide MRC with options for the selection of individuals to manage these specific internal programs of environmental services, marketing and communications. This resourcing model does not preclude the use of other particular projects, for the present.

Selection of an appropriate panel member, if required, will depend on an assessment of the following:

- Availability
- Cost

CONSULTATION

- MRC Administration
- WW Consulting

STATUTORY ENVIRONMENT

Section 3.57 of the Local Government Act 1995 requires a local government to invite tenders under at least some prescribed circumstances.

POLICY IMPLICATIONS

Not directly applicable.

STRATEGIC IMPLICATIONS

Not directly applicable.

COMMENT

Nil.

FINANCIAL IMPLICATIONS

Provision exists within categorised MRC programs, funded under the approved Budget financial year 2009/2010, for the funding of service providers for the execution of specified capabilities.

Contract prices are fixed and firm for the first twelve (12) month period. After this period Panel Members may propose a price variation that may be negotiated in accordance with the All Groups Consumer Price Index (CPI) indices for labour rates.

If seeking to vary prices, a Panel Member shall firstly apply in writing to the Council and shall provide substantive documentation to justify revised pricing.

If approved, price variations will not become effective until formally notified in writing by the Council to the Panel Member.

The cost of the WW Consulting support for this exercise has been \$5,000.

TECHNICAL WORKING GROUP MEETING – 2 OCTOBER 2009

The Group agreed inclusion of additional information in the Item, relating to evaluation criteria and pricing increases.

TWG OFFICERS RECOMMENDATION

(Formerly MRC Officer Recommendation)

That Council approve the appointment of the following consultants to a panel for the delivery of identified services, as individual service providers:

<u>MARKETING</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Gae Synnott	Synnott Mulholland
	Paul Butcher John Carlson	Linc & Kasa Consulting
	Nicolle Jenkins	The Hub
	Bill Marchbank	Cardno (WA)

<u>COMMUNICATIONS INCLUDING PUBLIC RELATIONS</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Gae Synnott	Synnott Mulholland
	Nichola Holgate John Carlson	Linc & Kasa Consulting
	Ivan Kwan Peter Reeves	Golder Associates
	John Bryant	Bryant Media
	Peter Harris	PPR Australia
	Clare Goodridge	The Hub
	Bill Marchbank	Cardno (WA)

<u>ENVIRONMENTAL SERVICES</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Nick Croston Jay Whitely	Linc & Kasa Consulting
	Simeon Kendall	HSE Control
	Ivan Kwan Peter Reeves	Golder Associates
	John Cleland Ross Conway	Heggies
	Carel van der Westhuizen Matthew Curtis	VDM Consulting
	Andrew Mack Bill Marchbank	Cardno (WA)
	Scot Bird Jade Plottke	ENV Australia
	Mick McCarthy Tim Carr	Parsons Brinckerhoff

**ATTACHMENT ONE
TO ITEM 3
TECHNICAL WORKING GROUP
2 OCTOBER 2009
TENDER 13/99
WW CONSULTING PTY LTD : TENDER ASSESSMENT REPORT**

TENDER RECOMMENDATION FOR

MINDARIE REGIONAL COUNCIL TENDER No. 13/99

SUPPLY OF INDIVIDUAL CONSULTANCY SERVICES FOR THE DELIVERY OF MARKETING, COMMUNICATIONS, INCLUDING PUBLIC RELATIONS AND ENVIRONMENTAL SERVICES

TENDER ASSESSMENT REPORT

Prepared for: Mindarie Regional Council

Prepared by:
WW Consulting Pty Ltd
37 Blackwood Parade
Dudley Park WA 6240
ABN 57 102 646 882

WW Consulting Pty Ltd

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~~CONFIDENTIAL~~
Mindarie Regional Council Tender Assessment
RFT 13/99 Supply of Individual Consultancy Services

EXECUTIVE SUMMARY

This document details the assessment conducted following the close of Mindarie Regional Council (MRC) Tender No. 13/99 for the Supply of Individual Consultancy Services For The Delivery of Marketing, Communications, including Public Relations and Environmental Services. The requirement is for the establishment of a Panel of Individual Consultants to provide the services on an 'as and when required basis' only.

Tenders were advertised in the Local Government Tenders Section of the West Australian Newspaper on Saturday 22nd August 2009 and closed at 12 Noon WST on Monday 7th September 2009.

Tender documents were received from twelve (12) consultancy service individuals/companies/organisations.

The Tender specified that the services offered must be provided by individual qualified consultancy practitioners for the specified requirements and that the consultants must have experience in the following areas of Local Government and/or similar Waste Management related activities:

- Marketing
- Communications Including Public Relations
- Environmental Services

All companies were contacted to ascertain if they would allow the Individual Consultants listed (as opposed to the companies) to be directly contacted by MRC. However, any Purchase Order issued for a particular task would be in the company name. All agreed to this contract operational format.

The following criteria were used to assess the most advantageous of the Tender Responses to MRC.

- Compliance Criteria assessed on a Yes/No basis
- Qualitative Criteria assessed on demonstrated relevant experience and the ability of the Tenderer to met the service requirements of the contract
- Price (Schedule of Rates) offered
- The availability of Individual Consultants.
- Other factors (e.g. Acceptance of panel membership, the provision of services outside normal office hours and disbursement costs).

As all respondents provided Tenders that were able to be assessed as compliant plus demonstrated experience in the required areas and, as the services are to be provided only on an 'as and when required basis', it is recommended that a Panel for MRC Individual Consultancy Services based on the listings in this report be established and that members be appointed for only the listed components.

The number of individuals recommended in each of the component lists making up the total Panel is considered acceptable when taking into account the wide range of particular skills and experience, which may be needed and also the timeframe required for a specific MRC Consultancy Services task. The availability of a Panel with a wide range of skills and experience will ensure the best value for money result for the Council and will cater for future MRC developments.

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1. SUMMARY

Mindarie Regional Council (MRC) advertised Request for Tender (RFT) No. 13/99 on Saturday 22nd August 2009. This RFT was for successful Tenderers to become members of a Panel for the Supply of Individual Consultancy Services For The Delivery of Marketing, Communications, including Public Relations and Environmental Services on an 'as and when required' basis only. The Tender closed at 12 Noon WST on Monday 7th September 2009 at the MRC Office, Tamala Park. Tenders were opened immediately following the closure deadline in the presence of representatives of MRC. No interested parties or their representatives attended the Tender Opening.

Consultancy Services are required in the following areas of Local Government Waste Management related activities:

- Marketing
- Communications Including Public Relations
- Environmental Services

Offers were received from a total of twelve (12) consultancy service individuals/companies/organisations in response to RFT 13/99.

All companies were contacted to ascertain if they would allow Individual Consultants (as opposed to the companies) to be directly contacted by MRC. When applicable, any MRC Purchase Order issued for a particular task would be in the company name. All Respondents agreed to this contract operational format.

The Tender allowed Respondents to submit Offers for any or all of the required services and Offers for Individual Consultant Services were received from:

	Company, Organisation, Individual Consultant	Marketing	Communications Including Public Relations	Environmental Services
1	Synnott Mulholland	Yes	Yes	-
2	Bryant Media	-	Yes	-
3	Linc and Kasa Consulting	Yes	Yes	Yes
4	Cardno (WA)	Yes	Yes	Yes
5	Golder Associates	-	Yes	Yes
6	Heggies	-	-	Yes
7	Parsons Brinckerhoff	-	-	Yes
8	The Hub	Yes	Yes	-
9	ENV Australia	-	-	Yes
10	HSE Control	-	-	Yes
11	PPR Australia	-	Yes	-
12	VDM Consulting	-	-	Yes
	Bids for Category	4	7	8

2. ASSESSMENT

An assessment of Tenders was conducted based on:

- Compliance Criteria assessed on a Yes/No basis.
- Qualitative Criteria assessed on demonstrated relevant experience and the ability of the Tenderer to meet the service requirements of the contract.
- The Price (Schedule of Rates) offered.
- The availability of Individual Consultants.
- Other factors (e.g Acceptance of panel membership, the provision of services outside normal office hours, disbursement costs).

2.1 Compliance Criteria

All twelve (12) Tenderers provided offers that met the requirements of the Compliance Criteria in a satisfactory manner in the relevant areas and were retained for further consideration. Any Compliance Criteria variations noted were of a minor nature and would:

- a) easily be resolved prior to the commencement of a contract;
- b) not affect the performance of the required contract

2.2 Qualitative Criteria

The twelve (12) Tenderers offered Individual Consultants experienced in the provision of the relevant services applicable to their Offer and provided detailed and comprehensive submissions that were compliant with the Qualitative Criteria for the RFT. All have experience in the provision of the relevant consultancy services to a number of different areas including Local Government Authorities. In addition, all provided clear and supportable evidence and were able to demonstrate their ability to meet the requirements for:

- An understanding of the required tasks.
- Capacity and qualified resources to provide the required services.
- Experience in completing similar requirements.
- Social and economic effects on the local community

2.3 Pricing Issues

As the MRC requirement is for Individual Consultancy Services covering a wide range of potential types of service, the appointment for a particular requirement will require consideration of the task, timing, details and disbursements plus any other issues prior to the engagement of an Individual Consultant to ensure obtaining the best value for money result for MRC.

Hourly price ranges supplied were as follows:

- Marketing – From \$150 to \$250 ph.
- Communications Including Public Relations – From 150 to \$395 ph.
- Environmental Services – From \$100 to \$395 ph.

Although there is a wide range of hourly rates (particularly in Environmental Services), all Tenderers were able to demonstrate that they were qualified, registered, capable and had the required capacity plus experience necessary. They also agreed to provide the services of Individual Consultants for the actual type and quantity of services required and it was considered that there was no advantage to MRC by the elimination of any Respondent on an initial pricing basis.

WW Consulting Pty Ltd

2.3.2 Disbursements and Other Cost Issues

When required, disbursements and other charges including the following will be a charge to MRC at cost plus a percentage subject to type and will require approval and be included in MRC purchase orders for individual tasks:

- Travel
- Printing
- Telephone calls
- Facsimile services
- Courier/Postage charges
- Searches
- General administration

2.3.3 Other Factors

As the contract requirement is for the appointment of a Panel of Individual Consultancy Service Providers for services to a number of areas on an 'as and when required basis' only, it is considered acceptable that the Panel be made up of a list of approved providers for each of the required areas.

Services will be requested on an 'as and when required' basis only with no guarantee of any amount of work or income to any panel member. This will be clearly identified in the letter of appointment to Panel members. Also identified will be the condition that payment will only be made for work carried out following the issue of an MRC Purchase Order clearly specifying details of the actual requirement and the availability of the selected Individual Consultant or, if required, Consultants.

Contracts resulting from this RFT will be for an initial period of Three (3) years with the option for the Council to extend a Contract for a further Two (2) periods of One (1) year each thereafter.

The total period of the Contract, including extensions, will not exceed Five (5) years from the commencement date.

Contract prices shall be fixed and firm for the first twelve (12) month period. After this period Panel Members may propose a price variation that may be negotiated in accordance with the All Groups Consumer Price Index (CPI) indices for labour rates.

If seeking to vary prices, a Panel Member shall firstly apply in writing to the Council and shall provide substantive documentation to justify revised pricing.

If approved, price variations will not become effective until formally notified in writing by the Council to the Panel Member.

3. ANALYSIS

All Tenderers have the experience and capacity to successfully meet the requirements of the contract for the Provision of Consultancy Services in the required areas by the allocation of individual Consultants as members of the Panel.

The evaluation was carried out using the total of information provided by the respondents. This included assessment of the total of information supplied plus confirmation and, where necessary, enquiries.

As a result, the following Individual Consultants are considered capable of delivering the required services to MRC as detailed in the following Schedules:

PANEL MEMBERS

<u>MARKETING</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Gae Synnott	Synnott Mulholland
	Paul Butcher John Carlson	Linc & Kasa Consulting
	Nicolle Jenkins	The Hub
	Bill Marchbank	Cardno (WA)

<u>COMMUNICATIONS INCLUDING PUBLIC RELATIONS</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Gae Synnott	Synnott MulHolland
	Nichola Holgate John Carlson	Linc & Kasa Consulting
	Ivan Kwan Peter Reeves	Golder Associates
	John Bryant	Bryant Media
	Peter Harris	PPR Australia
	Clare Goodridge	The Hub
	Bill Marchbank	Cardno (WA)

<u>ENVIRONMENTAL SERVICES</u>	<u>CONSULTANT</u>	<u>COMPANY</u>
	Nick Croston Jay Whitely	Linc & Kasa Consulting
	Simeon Kendall	HSE Control
	Ivan Kwan Peter Reeves	Golder Associates
	John Cleland Ross Conway	Heggies
	Carel van der Westhuizen Matthew Curtis	VDM Consulting
	Andrew Mack Bill Marchbank	Cardno (WA)
	Scot Bird Jade Plottke	ENV Australia
	Mick McCarthy Tim Carr	Parsons Brinckerhoff

MRC selection of Panel members for specific projects should be made on the basis of the particular skills and experience required and then costs plus any other factors.

4. RECOMMENDATION

As a result of the above analysis and to ensure that MRC has access to an appropriate range, level and availability of Individual Consultancy Services and subject to the provision of the necessary registration and Insurance certificates prior to commencement of the contract, it is recommended that the Individual Consultants listed in Section 3 above be appointed to provide Individual Consultancy Services to MRC on an 'as and when required' basis only in the specific areas listed.

22 September 2009

ITEM 4 LANDFILL UPDATE REPORT

File No: **WST/100 (D/09/4697)**

Attachment(s): Nil.

Author: **Ian Watkins**

SUMMARY

The purpose of this report is to provide Council with information relating to the development and operation of the Tamala Park landfill.

Topics covered in this Item include:

- Waste tonnage and airspace consumption
- Waste density
- Stage 1 to Stage 2 tie-in
- Phase 3 development
- Buffer Zone (North)

BACKGROUND

Council has previously, on a regular basis, been provided with landfill update reports (last report 23 April 2009). This Item forms part of the regular update process.

DETAIL

Waste Tonnage & Airspace Consumption

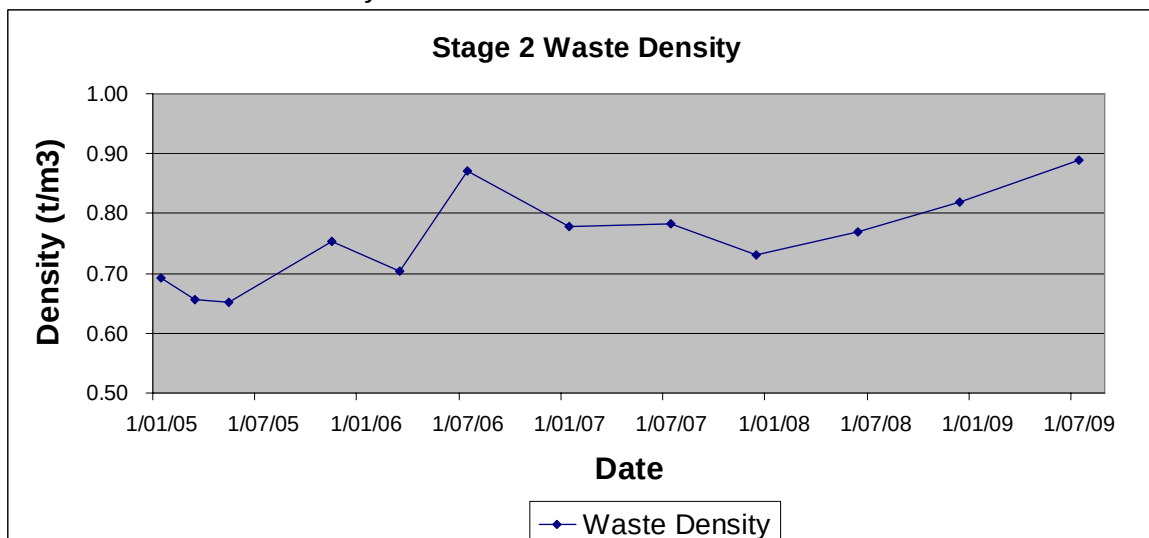
In 2003 Cardno calculated the estimated airspace available in Stage 2 (6.686M m³). This was based on an anticipated landfill design. With Golder Associates having recently finalised the base design for Stage 2 Phase 3 (the final cell) a revised airspace calculation was carried out using the actual design. Golder Associates calculated a remaining airspace of 4.482M m³ from July 2009. The Golder Associates calculation is approximately 180,000 m³ less than the original Cardno calculations; which equates to approximately 6 months landfilling.

Based on the recent calculations the landfill will reach maximum capacity by January 2021 as opposed to the previous closure date of August 2021. Due to the long range forecasting, assumptions relating to population increases, waste quantities and waste densities the closure date is indicative only and will be regularly assessed as the landfill fills up and more accurate data comes available.

Waste Density

Waste density is calculated on a six-monthly basis. Over the past 6 months landfilling has progressed over the previously, temporarily capped Stage 2, Phase 1 area. As a result, the temporary cap has been progressively removed and the area filled with waste. Consequently it has not been possible to accurately calculate the actual waste density.

The calculated waste density for the period is 0.89t/m³. This is deemed marginally higher than the actual waste density.



Typically for a deep putrescible landfill it would be expected that a waste density of approximately 0.85t/m³ should be achieved by the time that the landfill has reached maximum capacity. It would not be expected to get this density in the first few layer of waste; however, over time once the affect of waste settlement has been taken into account, the waste density should increase to approximately 0.85t/m³.

Factors that influence waste density include:

- Waste type
- Compactive effort
- Moisture content/waste decomposition
- Landfill gas extraction
- Waste depth
- Waste settlement
- Accuracy of survey process

Stage 1 to Stage 2 Tie-in

The completion of the cell construction was delayed because the contractor ran out of liner material. Late winter rains have further delayed construction. JMS recommenced construction on 21 September and completed the works by 2 October.

The works were carried out within budget and landfilling has commenced in the new landfill cell.

Stage 2 Phase 3 Development

There have been delays in the DEC issuing the Works Approval to commence the liner works; consequently the liner contract has yet to be awarded to CECK (approved OCM 03/09/2009). The Works Approval and subsequent contract award are anticipated in late October.

As a result of the delay in awarding the liner works, Mindarie Regional Council (MRC) has continued with the excavation of Phase 3 under existing hourly hire arrangements. Excavation is anticipated to be completed by the end of October or early November.

Buffer Zone (North)

The Tamala Park lease section 5.7(f) Buffer Distance Requirements states:

"Mindarie must completely cease to rely on the Temporary Buffer to satisfy the whole or any part of the Recommended Buffer Distance on 31 December 2010."

The "Temporary Buffer" refers to that portion of the northern buffer zone that falls within the Tamala Park Regional Council (TPRC) land.

The "Recommended Buffer Distance" refers to the DEC recommended 500m buffer distance from the active landfill to the nearest sensitive land use.

Currently the northern Recommended Buffer Distance extends approximately 350m into the TPRC land. It is a requirement of the Tamala Park lease that this buffer be pulled back to within the Tamala Park lease boundary by 31 December 2010. This will unfortunately not be achievable.

Based on the physical shape of the landfill, this can only be achieved once Stage 2 Phase 3 has been lined and substantially filled.

Ongoing discussions have been held with the TPRC to discuss the impact of the buffer zone on the proposed land development, including the timing of pulling back the buffer to within the landfill lease area.

These discussions have identified that the TPRC ultimately proposes some development within the landfill lease area.

The anticipated pull-back of the buffer zone is as follows:

- Current – buffer approximately 350m north of the lease boundary
- 31 December 2010 – buffer approximately 100m north of the lease boundary
- 31 December 2015 – buffer approximately 50m north of the lease boundary
- 31 December 2016 – buffer pulled back to the lease boundary
- 31 January 2021 – (landfill closed) – no buffer zone required

From the DEC Draft Sitting, Design, Operation and Rehabilitation of Landfills:

Buffer distances are to protect sensitive land uses from any impacts from landfills such as odour, noise, litter and dust. Adequate separation distances should be maintained between landfills and sensitive land uses. Sensitive land uses include houses, schools, hospitals, airports and market gardens.

Where buffer distances are not available, management practices need to be significantly improved to provide the same level of protection to the sensitive land uses.

Minimum buffer distances recommended by the EPA for Class II landfills, to protect the environment and to prevent any amenity reduction in sensitive areas include:

- 500m from residential development; and

- 150m from a single dwelling

Buffer distances are measured from the activities capable of causing a nuisance to the nearest sensitive land use.

Subject to an evaluation demonstrating that the environment will be protected and the amenity of the sensitive areas will not be adversely affected, lesser buffer distances may be applied subject to a risk assessment that considers design and operational measures. As part of a risk management approach, additional design or operational measures will be required to ameliorate the risks associated with a reduction of the buffer distances identified.

Land within buffer areas may be used for purposes that are not adversely affected by landfilling. It is preferred that this land is owned or at least under the control of the landfill operator.

Consequently, subject to appropriate landfill management practices, the TPRC may encroach within the necessary buffer zone with appropriate development.

CONSULTATION

- DEC
- Landfill Operations Staff
- Golder Associates
- JMS
- Tamala Park Regional Council

STATUTORY ENVIRONMENT

Not applicable.

POLICY IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Tamala Park landfill is consistent with Objective One of the Council's Strategic Plan 2009-2029 : Operate existing waste/resource management processing projects conducted at least at the following:

- Tamala Park (landfill, recycling, reuse)

FINANCIAL IMPLICATIONS

Sufficient funds have been allocated in the Mindarie Regional Council Strategic Financial Model to cover anticipated landfill cost.

MRC OFFICER RECOMMENDATION

That Council receive this Landfill Update Report dated 15 October 2009.

TECHNICAL WORKING GROUP MEETING – 2 OCTOBER 2009

The group discussed the following:

- Difference between the Cardno & Golders airspace calculations
- Inability to pull the buffer zone back to within the lease boundary by 31/12/2010

TWG OFFICERS RECOMMENDATION

That Council receive this Landfill Update Report dated 15 October 2009.

ITEM 5 MINDARIE REGIONAL COUNCIL MARKETING PLAN 2009/2010

File No: **CMR/22 (D/09/4624)**

Attachment(s): **Mindarie Regional Council Marketing Plan 2009/2010**

Author: **Gae Synnott**

SUMMARY

The purpose of this item is to present the Marketing Plan, demonstrate its alignment with the Strategic Plan and Business Plan for FY 2009/10, and outline its three components: Corporate Marketing Communications, Waste Education and Engagement, and Project & Strategic Waste Minimisation Support.

BACKGROUND

The Mindarie Regional Council (MRC) administration has developed a Marketing Plan as the basis for BUDGET FY 2009/2010 proposals for these programs. These proposals have been approved by Council in July 2009, as part of the Budget approval process. The Marketing Plan is now provided for Council endorsement.

DETAIL

The Marketing Plan directly supports the MRC's vision as outlined in the Strategic Plan:

We, at Mindarie Regional Council, are setting and achieving the standard for minimising the impact of waste on the environment.

And the mission:

We, at Mindarie Regional Council, are the leader in environmental protection, through effective, efficient and environmentally sound waste management.

Three of the Objectives outlined in the Strategic Plan – Objective 3: Industry Leadership and Advocacy; Objective 4: Community Engagement; and Objective 5: Organisational Management – can be directly assisted by effective communication strategy. The Business Plan translates the strategic objectives to an operational level and the Marketing Plan, as an operational plan, outlines how communication will be used to support the objectives of the MRC.

The three components of the Marketing Plan are:

- Corporate Marketing Communications
- Waste Education and Engagement
- Project & Strategic Waste Minimisation Support

While this year's Marketing Plan introduces some new initiatives, its content brings together activities which have been operating separately up until now. Bringing these activities together into one integrated plan achieves consistency of messages, streamlining of activity, the use of communication vehicles and tools to achieve a number of goals, and reinforcement of messages at a number of complementary levels.

The objectives of the Corporate Marketing Communications strategy for example are:

-
- To communicate informative, accurate and up-to-date information about the MRC & its services & initiatives
 - To build good knowledge and understanding about the business
 - To maximise the utilisation of services offered by the MRC
 - To promote the organisation to a range of primary and secondary stakeholders
 - To build strong relationships with a range of stakeholders
 - To establish the MRC brand, build credibility for the brand, and build its profile

This part of the program incorporates established activities and tools such as the regular distribution of MRC News to all households, and a strong presence at the Waste & Recycle Conference. New initiatives include the updated website and the bulletin from the CEO's desk following MRC meetings.

The Waste Education and Engagement program follows the program developed and endorsed in 2007 as part of the Regional Waste Management Plan.

The Project & Strategic Waste Minimisation Support program comprises ongoing communication and community involvement around the RRF and Tamala Park; ongoing involvement through CEAG; and handling of the communication requirements of SWMP projects funded through the RIP.

As a result of the budgeting process, culminating with Council endorsement at the 23 July 2009 Ordinary Council Meeting, some proposed aspects of the Marketing Plan have been pruned such as the sponsorship program, the brand ambassador and the annual corporate function.

Following feedback from the TWG at its August 21 meeting, the Marketing Plan has been refined to include resourcing and evaluation criteria.

CONSULTATION

The plan has developed in a collaborative way through consultation with MRC officers, WESSG, CEAG, SWTF WG, and external advisers from LINC Communications and Bryant Media.

STATUTORY ENVIRONMENT

Not directly applicable.

POLICY IMPLICATIONS

Not directly applicable.

STRATEGIC IMPLICATIONS

The Marketing Plan is consistent with the MRC's approved Strategic Plan and Business Plan 2009/2010.

FINANCIAL IMPLICATIONS

The Marketing Plan herein has provided the basis for Budget estimates contained the MRC's approved BUDGET FY 2009/2010.

COMMENT

The MRC team has developed a Marketing Plan as an improvement to the way those communications and education programs associated with the business are managed. Council consideration of this plan is now appropriate.

MRC OFFICER RECOMMENDATION

That Council endorse the Marketing Plan for FY 2009/2010 at Attachment One to this Item.

TECHNICAL WORKING GROUP MEETING – 2 OCTOBER 2009

Nil discussion.

TWG OFFICERS RECOMMENDATION

That Council endorse the Marketing Plan for FY 2009/2010 at Attachment One to this Item.

**ATTACHMENT ONE
TO ITEM 5
TECHNICAL WORKING GROUP
2 OCTOBER 2009
MINDARIE REGIONAL COUNCIL MARKETING PLAN 2009/2010**

MRC MARKETING PLAN 2009/2010

The strategic context

The Marketing Plan directly supports the MRC's vision as outlined in the Strategic Plan:

We, at Mindarie Regional Council, are setting and achieving the standard for minimising the impact of waste on the environment.

It also supports the mission:

We, at Mindarie Regional Council, are the leader in environmental protection, through effective, efficient and environmentally sound waste management.

The Marketing Plan particularly supports Objectives 3, 4 and 5 of the strategic objectives identified in the Strategic Plan:

1. *Waste Management:* To manage waste in a way that maximises resource recovery and minimises waste to landfill in order to minimise environmental impact.
2. *Waste/Resource Processing:* To identify, evaluate and implement opportunities for expansion of the waste management business.
3. *Industry Leadership and Advocacy:* To identify and promote industry-wide initiatives for improvements to waste/resource management, particularly in relation to waste minimisation and resource recovery.
4. *Community Engagement:* To engage with the community in the Mindarie region in order to promote behaviour consistent with the region's operational plans for waste/resource management.
5. *Organisational Management:* To maintain excellent management of the Mindarie Regional Council organisation.

The Marketing Plan -- Overview

The Marketing Plan to support these strategic objectives is broken into three components:

1. Corporate Marketing Communications
2. Waste Education and Engagement
3. Project and Strategic Waste Minimisation Support

While this year's Marketing Plan introduces some new initiatives, its content brings together activities which have been operating separately up until now. Bringing these activities together into one integrated plan achieves consistency of messages, streamlining of activity, the use of communication vehicles and tools to achieve a number of goals, and reinforcement of messages at a number of complementary levels.

The program costs for delivery of the Marketing Plan total \$700,300, split as follows: Corporate Marketing Communications -- \$206,000; Waste Education and Engagement -- \$364,300; and Project and Strategic Waste Minimisation Support -- \$130,000.

Objectives and Stakeholders

Objectives	Corporate Marketing Communications	Waste Education and Engagement	Project and Strategic Waste Minimisation Support
	To ensure accurate and up-to-date information about the MRC & its services & initiatives; To build good knowledge and understanding about the business; To build strong relationships with a range of primary and secondary stakeholders; To establish the MRC brand, build credibility for the MRC brand and build its profile; To maximise utilisation of services.	To build good levels of knowledge about waste management; To support and encourage appropriate waste behaviours, particularly at the top end of the waste hierarchy; To work collaboratively with Member Councils	To maximise engagement with and support for the MRC and its projects; To build positive relationships with communities around the MRC facilities: -- Tamala Park -- Neerabup; To provide project support to SWMP projects and TWG priorities.

MRC MARKETING PLAN – September 21st 2009

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Stakeholders	Corporate Marketing Communications	Waste Education and Engagement	Project and Strategic Waste Minimisation Support
Residents	✓	✓	✓
MRC Staff	✓	✓	✓
MRC Council (the Board)	✓	✓	✓
Member Councils (officers & WESSG)	✓	✓	✓
Member Councils (elected members)	✓	✓	✓
State Govt (local MPs)	✓	✓	✓
State Govt (Waste Authority)	✓	✓	✓
Customers	✓	✓	✓
Neighbours	✓	✓	✓
CEAG	✓	✓	✓
Industry groups (MWAC, WMAA)	✓	✓	✓
WALGA	✓	✓	✓
Other Regional Councils	✓	✓	✓
Schools	✓	✓	✓
Volunteers (Earth Carers)	✓	✓	✓
Media	✓	✓	✓

Market positioning

The focus in this program is on building a profile and reputation for the MRC and ensuring all communication consistently promotes this profile and supports the reputation. Elements of the vision and mission statements -- *setting and achieving the standards; minimising the impact of waste on the environment; a leader in environmental protection; effective, efficient and environmentally sound waste management* -- express how the MRC wants to be perceived and positioned. The business principles identified in the Strategic Plan talk about the way in which the MRC wants to work, with a priority on:

- Community focus – Committed to understanding, engaging and supporting our communities to meet and manage their expectations (ie. An education role);
- Innovation – committed to engaging and adapting to future trends and research, utilising contemporary practices and technology;
- Partnerships – Committed to working through partnerships and alliances, building strong relationships and networks to maximise outcomes;
- Leadership – providing and contributing to community and industry leadership, through an organisational focus on environmental economic, social and governance principles and practices.

These are the elements that the Marketing Plan will aim to reinforce at every opportunity.

A Marketing Study undertaken by Linc Integrated towards the end of 2008 recommended that the organisation be referred to as the MRC, rather than as Mindarie Regional Council. The advantages include the reduction in possible confusion between MRC and its member councils, and the benefits of a more flexible entity that can be easily promoted, can be positioned as an environmental organisation, and can adopt a more entrepreneurial positioning than currently exists. For example:

MRC: Leaders in environmental protection

MRC: Setting the standards in waste management

MRC: Wasting less waste

MRC Recycling Centre

MRC Tamala Park

The MRC can be positioned as an *independent organisation which is owned by, and which provides down-stream waste management services to 7 local government authorities in Perth's north*. Joint promotion with Member Councils could be presented as:

MRC and City of Perth: Working together to reduce, reuse and recycle
MRC and Town of Victoria Park: Working together to waste less waste

We will start to refer to the organisation in this way in marketing and communication material.

Resourcing

Activity will be coordinated across the three areas of activity, all working within the plan outlined in detail below. Budget allocations are shown in the tables alongside each component of activity.

Significant resourcing now exists within the Waste Education portfolio including two full-time officers and a part-time administrative officer. Consultants currently provide additional support particularly in the areas of Corporate Marketing Communication and Project & Strategic Waste Minimisation Support.

Evaluation

Macro-level evaluation of the effectiveness of MRC operations is undertaken every two years. The Customer Satisfaction Survey undertaken by Catalyse examines how well the MRC is providing services across specific groups of stakeholders including customers, staff, Councils, and communities.

At a program level statistics are kept to determine levels of demand and numbers of people involved. This is relevant for the tours program, the mobile display program, and the Earth Carers program for example. In addition, the Earth Carers training is evaluated by participants before and after every course to determine effectiveness of the training program in terms of knowledge and awareness gains, and levels of satisfaction with the training program, and ways the program could continue to be improved.

The MRC's Strategic Plan identifies explicit Performance Indicators for Objective 4 which cover most of the areas of interest. In addition, process and outcome objectives are used where relevant to track performance and achievement. Evaluation methods are detailed in the tables alongside each component of activity.

Components of the Marketing Plan in detail

1. Corporate Marketing Communications

The objectives of this program are:

- o To communicate informative, accurate and up-to-date information about the MRC & its services & initiatives;
- o To build good knowledge and understanding about the business;
- o To maximise the utilisation of services offered by the MRC;
- o To build strong relationships with a range of primary and secondary stakeholders;
- o To establish the MRC brand, build credibility for the brand, and build its profile.

Communication is one of the critical strategic tools used by an organisation to support the vision and mission, and to help the organisation achieve its objectives. Some of the key contributions that well-planned communication can make are:

- Reputation management – acknowledging that a good reputation is a valuable asset, this activity works inside and outside the organisation to assist with consistent delivery on promises, and ensuring that people know about the good work being done
- Relationship management – strengthening relationships with stakeholders who are important to the organisation and its work. Good relationships support good reputation.
- Integrated communication -- which ensures that stakeholders receive clear and consistent information.

Primary and secondary stakeholders

For Corporate Marketing Communications activity, the primary stakeholders are: the MRC staff; the MRC Board; Elected representatives of the seven member Councils; Executive and staff of the seven member Councils; State MPs and MLCs representing the region; peak industry bodies; State Government departments including the Waste Authority; customers; media; project partners and the broad regional community.

Customer communication

Traditional marketing activity is focussed on generating revenue, and the communication activity is designed to build relationships and reputation to support achievement of business objectives.

The basis of a strong relationship comes from the services that are provided, the direct experience customers have when they come into contact with the MRC, and whether their needs are met. An effective corporate communications program will lay the foundation for the relationship with customers. It begins with a solid internal communications program which will equip staff members with the information and commitment to provide a good service. It is also enhanced by branding activity which creates the desired positioning for the organisation along its stakeholders.

Program components

Program components	Rationale/objective	Communication tools & channels	Budget allocation	Evaluation criteria
Internal communications	To build staff knowledge so they can assist with communicating informative, accurate and up-to-date information about the MRC & its services & initiatives (Strategic Plan ref: Objective 5)	Tool box meetings / Business meetings <i>Site tours</i> Regular newsletters <i>MRC News (produced twice yearly)</i> Monthly community update ad <i>Corporate DVD</i> Annual Report to Staff	Utilises material produced for external audiences. Staff meeting and tour costs minimal.	<u>Macro evaluation:</u> Continuously improved levels of satisfaction as shown through Customer Satisfaction Survey -- staff and customer satisfaction levels both relevant.

Program components	Rationale/objective	Communication tools & channels	Budget allocation	Evaluation criteria
Living the credo of minimising the impact of waste on the environment through: <i>Sustainable practices</i> <i>Waste mgmt policies</i> <i>Purchasing policies</i>	To build credibility for the MRC brand (Strategic Plan ref: Objectives 3 & 5)	Can talk about these activities in external communications programs	No budget implications for Marketing budget	<u>Micro evaluation:</u> Constant monitoring of process to ensure that the MRC increasingly aligns what it does with what it says.
Strong branding	To establish the MRC brand and build organisational profile (Strategic Plan ref: Objectives 3 & 4)	Style guide (currently being updated with specific expansion of the co-branding guidelines) <i>Consistent application of the brand to ensure brand integrity</i> Site signage	<u>Costs incurred by this Dept:</u> Style guide: \$6,000 <u>Costs incurred by other Depts:</u> Site signage	<u>Macro evaluation:</u> Recognition of branding tested through Customer Satisfaction Survey. <u>Micro evaluation:</u> Constant monitoring of process to ensure consistent application of the brand.
External communications to the regional community and stakeholders in general	To communicate informative, accurate and up-to-date information about the MRC & its services & initiatives <i>To build good knowledge and understanding about the business</i> (Strategic Plan ref: Objectives 3, 4 & 5)	Website <i>MRC News (twice yearly to each household)</i> Corporate DVDs (Every Moment Matters) <i>Pro-active media strategy</i> Monthly community update ad <i>Annual Report</i> Strategic Plan <i>Fact sheets</i> Reporting on data collection and waste stats	<u>Costs incurred by this Dept:</u> Website: \$45,000 MRC News: \$80,000 Corporate DVD: \$5,000 Media activity: \$15,000 Monthly update ad: \$72,000 Annual Report & Strategic Plan: \$25,000 Fact sheets: \$15,000 <u>Costs incurred by other Depts:</u> Reporting of waste data	<u>Macro evaluation:</u> Continuously improved levels of awareness and participation tested through Customer Satisfaction Survey. <u>Micro evaluation:</u> Change in waste practices as shown through regional waste audits; Increasing number of hits on website.

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Program components	Rationale/objective	Communication tools & channels	Budget allocation	Evaluation criteria
Elected Member communication (MRC & Member Council level)	To build good knowledge and understanding about the business <i>To build strong relationships with a range of stakeholders</i> (Strategic Plan ref: Objectives 3, 4 & 5)	Presentation of Agenda and Minutes <i>Information bulletin 'From the desk of the CEO' following Council meetings</i> New Councillor orientation and information packs <i>Monthly community update ad</i> Reporting on data collection and waste stats <i>Annual Report and Strategic Plan</i>	<u>Costs incurred by other Depts:</u> Agenda, Minutes & new Councillor induction; Info bulletin produced internally and distributed electronically. Reporting of waste data <u>Costs incurred by this Dept:</u> Monthly update ad: \$72,000 Annual Report & Strategic Plan: \$25,000	<u>Micro evaluation:</u> Constant monitoring of process to ensure continuous refining of efforts to help elected members better understand the business.
Member Council Officer communication	To build good knowledge and understanding about the business <i>To build strong relationships with a range of stakeholders</i> (Strategic Plan ref: Objectives 3, 4 & 5)	MRC component in new staff induction <i>Information bulletin 'From the desk of the CEO' following Council meetings</i> Agreed processes for liaison with Marketing/Communication staff on media issues and project announcements <i>Monthly community update ad</i> Reporting on data collection and waste stats	<u>Costs incurred by other Depts:</u> Info bulletin produced internally and distributed electronically. Reporting of waste data <u>Costs incurred by this Dept:</u> Monthly update ad: \$72,000	<u>Micro evaluation:</u> Constant monitoring of process to ensure continuous efforts to help member council staff better understand the business.

Program components	Rationale/objective	Communication tools & channels	Budget allocation	Evaluation criteria
Industry and peak body communication	To build market positioning <i>To build strong relationships with a range of stakeholders</i> (Strategic Plan ref: Objective 3)	Attendance and visibility at conferences eg Waste and Recycle Conference <i>Involvement with peak bodies (MWAC & WMAA)</i>	<u>Costs incurred by this Dept:</u> Waste conference: \$15,000 <u>Costs incurred by other Depts:</u> Direct communication	<u>Micro evaluation:</u> Constant monitoring of process to ensure the MRC is represented and contributes to industry forums.
Project partner communication (eg. Biovision 2020)	To build strong relationships with a range of stakeholders (Strategic Plan ref: Objectives 3, 4 & 5)	Direct communication (eg. PAG) <i>Annual Report</i> Monthly community update ad	<u>Costs incurred by this Dept:</u> Monthly update ad: \$72,000 Annual Report & Strategic Plan: \$25,000 <u>Costs incurred by other Depts:</u> Direct communication	<u>Micro evaluation:</u> Strength of relationship is a KPI in the RRFA (Project Culture)
Customer communication	To maximise the utilisation of services offered by the MRC; <i>To build strong relationships with customers.</i> (Strategic Plan ref: Objectives 3, 4 & 5)	CEO to meet with key customers on a regular basis. <i>Website – potential customer log-in capability</i> Other direct communication as needed. <i>Regular newsletter for customers</i> Signs at weighbridge <i>Regular monitoring and feedback of performance with customers</i>	<u>Costs incurred by other Depts:</u> Direct communication Newsletter Signage Monitoring and feedback <u>Costs incurred by this Dept:</u> Website: \$45,000	<u>Macro evaluation:</u> Continuously improved levels of satisfaction as shown through Customer Satisfaction Survey. <u>Micro evaluation:</u> Constant monitoring of process to ensure continuous efforts to respond to customer needs.

Program components	Rationale/objective	Communication tools & channels	Budget allocation	Evaluation criteria
State MPs and MLCs communication	To build strong relationships with a range of stakeholders (Strategic Plan ref: Objectives 3, 4 & 5)	CEO to communicate on a regular basis <i>Annual Report</i> Strategic Plan <i>MRC News</i> Tours <i>Monthly community update ad</i> Website <i>Pro-active media activity</i>	Costs incurred by this Dept: Monthly update ad: \$72,000 Annual Report & Strategic Plan: \$25,000 Website: \$45,000 MRC News: \$80,000 Media activity: \$15,000 Costs incurred by other Depts: Direct communication	Micro evaluation: Constant monitoring of process to ensure continuous efforts to keep informed about the business.

2. Waste Education and Engagement

The objectives of this program are:

- o To build good levels of knowledge about waste management;
- o To support and encourage appropriate waste behaviours, particularly at the top end of the waste hierarchy;
- o To work collaboratively with Member Councils in supporting appropriate waste behaviours.

This is an ongoing program with a number of projects and activities already underway. The program has been split into four sections, with ongoing projects as outlined below. The priorities for 09/10 are:

- o Achieving visibility for waste;
- o Communicating in terms of the waste hierarchy;
- o Co-operative activity.

In the area of waste education, the other Regional Councils are facing similar challenges in building community interest and participation. A number of joint programs are starting to be developed where the Regional Councils combine their

efforts to simultaneously launch and participate in an initiative (eg. HHW Disposal Days, E-Waste Collection weekend, and the Battery Bin program launched in September). Some of these initiatives are the result of a SWIS grant which may be dependent on all Regional Councils working together. The forum where these initiatives and joint activity are discussed is the Waste Educators Network Group (WENG) which meets every two months. The MRC is well-represented in this forum.

Primary and secondary stakeholders

Residents are the primary stakeholders being targeted through the Waste Education program. Given that residents expect to hear about their waste services from their local Council, much of this activity will be co-branded with the Member Council, supported by the MRC. Local council staff (specifically WESSG) are primary stakeholders to ensure that activity is coordinated, accurate and relevant. Many of the projects being undertaken by the Waste Education team have been identified through WESSG as being of importance across the region.

A meeting with the Technical Working Group in April (likely to become a regular event every six months) reinforced the priorities and identified some new initiatives to be pursued.

Program components

Program components	Rationale/objective	Communication tools & channels	Budget allocation	Evaluation criteria
A strong regional approach	To work collaboratively with Member Councils in supporting appropriate waste behaviours <i>To build good levels of knowledge about waste management</i> (Strategic Plan ref: Objectives 4 & 5)	Continuation of WESSG <i>Branding program to support Member Councils to build visibility for brand and promote the 'reduce reuse recycle & dispose wisely' message</i> Regional evaluation framework and reporting tools – a report card,	<u>Costs incurred by this Dept:</u> WESSG: \$2,500 Brand support: \$21,000 Regional evaluation tool: \$10,000	<u>Macro evaluation:</u> Continuously improved levels of awareness and participation tested through Customer Satisfaction Survey. <u>Micro evaluation:</u> Successful implementation of integrated waste education programs

Program components	Rationale/objective	and waste audit process.	Budget allocation	across the region.
	Rationale/objective	Communication tools & channels	Budget allocation	Evaluation criteria
Building a foundation of good generic knowledge	To build good levels of knowledge about waste management (Strategic Plan ref: Objective 4)	Tours program – Tamala Park Education Centre and Neerabup Visitors Centre <i>Effective display and giveaway material to accompany tours and visits</i> Attendance and visibility at major community events through mobile display 'Roaming Recycler' <i>Fridge calendar 'Waste and Recycling Guide'</i> Monthly community update ad <i>Full range of external communication web and print-based tools such as website</i>	Costs incurred by this Dept: Tours program including giveaways : \$20,000 Bus subsidy: \$15,000 Mobile display: \$10,000 Launch of Ed Centre: \$4,500 Fridge Calendar: \$56,000 Utilises material produced for external audiences under Corporate Communications budget.	<u>Macro evaluation:</u> Continuously improved levels of awareness and participation tested through Customer Satisfaction Survey. <u>Micro evaluation:</u> Increasing numbers of tours (data collected continuously); Increasing levels of exposure for 'the Roaming Recycler' (data collected continuously).

Program components	Rationale/objective	Communication tools & channels	Budget allocation	Evaluation criteria
Targeting individual behavioural change <i>Earth Carers</i> <i>HHW program</i> <i>Battery collection program</i> <i>Waste Wise public event recycling</i> <i>E-Waste</i>	To support and encourage appropriate waste behaviours, particularly at the top end of the waste hierarchy (Strategic Plan ref: Objective 4)	Earth Carers' volunteer involvement <i>Promotion of HHW program</i> Promotion of battery collection program <i>Promotion and support of Waste Wise public event recycling</i> Development of a waste education program to keep contaminants out of the wheelie bin. <i>Promotion and support of e-waste programs</i>	<u>Costs incurred by this Dept:</u> Earth Carers: \$60,000 HHW: \$48,000 Waste Wise events: \$14,000 Contaminants: \$6,300 E-Waste: \$25,000 <u>Costs incurred by other Depts:</u> Battery collection program	<u>Macro evaluation:</u> Continuously improved levels of awareness and participation tested through Customer Satisfaction Survey. <u>Micro evaluation:</u> High levels of satisfaction with Earth Carer training; Increasing levels of Earth Carer community outreach activity (data collected continuously). Change in waste practices as shown through regional waste audits.
A focus on the next generation	To build good levels of knowledge about waste management <i>To support and encourage appropriate waste behaviours, particularly at the top end of the waste hierarchy</i> (Strategic Plan ref: Objective 4)	Tours program – Tamala Park Education Centre and Neerabup Visitors Centre <i>Effective display and giveaway material to accompany tours and visits</i> Piggybacking with Waste Wise Schools Program <i>Schools program being</i>	<u>Costs incurred by this Dept:</u> Tours program including giveaways : \$20,000 Bus subsidy: \$15,000 Tales With a Twist: \$25,000 Schools program: \$30,000 <u>Costs incurred by other Depts:</u>	<u>Macro evaluation:</u> Continuously improved levels of awareness and participation tested through Customer Satisfaction Survey. <u>Micro evaluation:</u> Increasing numbers of tours (data collected continuously); High levels of satisfaction from the

		<i>developed (tours, incursions, info material to link with curriculum, outreach activities into schools to assist with worm farms, composting, kitchen gardens)</i> Promotion of battery collection program <i>Sponsorship of Tales With a Twist</i>	Battery collection program	Tales with a Twist performances; Increasing response from schools to the schools program.
New priorities (from TWG)	To support and encourage appropriate waste behaviours, particularly at the top end of the waste hierarchy (Strategic Plan ref: Objective 4)	Improved collection of data <i>Improved reporting of data</i> Expanding communication to ESL community members	<u>Costs incurred by this Dept:</u> ESL communication: \$10,000 <u>Costs incurred by other Depts:</u> Data collection & reporting	<u>Macro evaluation:</u> Continuously improved levels of awareness and participation tested through Customer Satisfaction Survey. <u>Micro evaluation:</u> Implementation of ESL communication.
Connecting with other Regional Councils	To support and encourage appropriate waste behaviours, particularly at the top end of the waste hierarchy (Strategic Plan ref: Objective 4)	Active participation in WENG <i>Involvement in joint programs of relevance across all Regional Councils</i>	No budget implications for Marketing budget	<u>Micro evaluation:</u> Successful implementation of integrated waste education programs across the metropolitan region.

The new initiatives are to be developed during 2009/2010. Most of the other listed activities and communication tools already exist or are under development.

3. Project and Strategic Waste Minimisation Support

The objectives of this program are:

- o To communicate informative, accurate and up-to-date information about MRC services & projects;
- o To maximise engagement with and support for the MRC and its projects;
- o To build positive relationships with communities around the MRC facilities at Tamala Park and Neerabup;
- o To provide project support to SWMP projects and TWG priorities.

This is an ongoing program with a number of projects and activities already underway. It recognises the importance of using communication to support specific operational priorities, and requires a good working relationship between the marketing and waste education team and the TWG and RRF Project staff. Some program costs are being funded through RIP funding for SWMP initiatives. The Marketing and Waste Education team provide communication advice, support and implementation.

In the RRF project, responsibility for communication rests with the MRC. The project partners, Biovision 2020 Pty Ltd, have a role to play in community interaction and dialogue, support of CEAG, response to community issues, and reporting of monitoring results, in addition to effective operation of the facility.

Primary and secondary stakeholders

Councils and communities are the primary stakeholders for Project and Strategic Waste Minimisation Support activity. Working with the TWG and RRF project staff to determine priorities, the Marketing and Waste Education team would provide project support targeting residents and communities around facilities. Any service-related communication with communities would require a cooperative partnership approach between the MRC and Member Councils.

SWMP initiatives

Current SWMP initiatives include 6 projects, some of which have an immediate need for communication assistance such as the public event recycling project, and the two-bin trial.

Communication about services

The situation may arise when the RRF requires residents to change what goes in their household bin. In this case a regional communication program may be initiated to direct people about what should or should not go in the bin.

In general, communication about waste services and collections is undertaken by local councils. Where a service-related issue crosses boundaries, a jointly-developed response may be needed, most likely initiated by the TWG.

Program components	Rationale/objective	Communication tools & channels	Budget allocation	Evaluation criteria
TWG support/links and SWMP project support	To provide project support to SWMP (RIP) projects and TWG priorities • Improved collection of data • Improved reporting of data • Optimal approach to collection systems (Strategic Plan ref: Objectives 3, 4 & 5)	Full range of external communication web and print-based tools: <i>Letterbox drops</i> - Local newspaper advertising <i>Pro-active media strategy</i> - Website <i>Cooperative programs with Member Councils</i>	Utilises material produced for external audiences under Corporate Communications budget: Specific SWMP projects funded through RIP funding.	<u>Micro evaluation:</u> Successful completion of communication aspects of RIP projects
Relationships with communities around facilities	To build positive relationships with communities around the MRC facilities at Tamala Park and Neerabup (Strategic Plan ref: Objectives 3, 4 & 5)	Neerabup: • Continued support for CEAG • Community Residents' associations • CPA • Audio CDs • Proactive local media	Utilises material produced for external audiences under Corporate Communications budget.	<u>Macro evaluation:</u> Continuously improved levels of satisfaction as shown through Customer Satisfaction Survey <u>Micro evaluation:</u> High levels of satisfaction from CEAG

		strategy <i>Tamala Park:</i> • <i>Community Residents' associations</i>		members at annual review; High levels of CEAG satisfaction with implementation of the CPA (ongoing review); Low levels of community concern with operation of the RRF (community complaints log)
		Communication tools & channels	Budget allocation	Evaluation criteria
Program components RRF promotional and educational support	Rationale/objective To communicate informative, accurate and up-to-date information about MRC services & projects (Strategic Plan ref: Objectives 3, 4 & 5)	Tours program – Tamala Park Education Centre and Neerabup Visitors Centre <i>Effective display and giveaway material to accompany tours and visits</i> Printed materials <i>Visual and electronic material</i> Monthly community update ad	<u>Costs incurred by this Dept:</u> Visitors Centre: \$40,000 DVD & brochures for RRF: \$18,000 Monthly update ad: \$72,000	<u>Macro evaluation:</u> Continuously improved levels of awareness and participation tested through Customer Satisfaction Survey. <u>Micro evaluation:</u> Increasing numbers of tours (data collected continuously); Change in waste practices as shown through regional waste audits.

For endorsement.

September 21st 2009

ITEM 6 DELEGATED AUTHORITY – CHIEF EXECUTIVE OFFICER

File No: **COR/1 (D/09/4646)**

Attachment(s): **1. Instrument of Delegation**

Author: **Kevin Poynton**

SUMMARY

The Local Government Act 1995 (s5.42) provides for a Council to delegate some powers and duties to the Chief Executive Officer (CEO) and once every financial year the Council must review these delegations. The last time the Instrument of Delegation was considered was October 2008.

BACKGROUND

Delegation by Council to the CEO of some of its powers goes back to at least 1998. The Instrument of Delegation has been amended to incorporate changes to the legislation and to take into consideration legal advice and advice from operational guidelines prepared by the Department of Local Government & Regional Development.

The current Instrument has been reviewed by local government governance specialists, Mr Bruce Wittber and Ms Helen Westcott. The results of this review are now presented for Council consideration.

DETAIL

Delegation by a Council to its CEO is a common practice which enables the operational business of local government to proceed without undue delays between ordinary council meetings.

Council at its Ordinary Council Meeting in October 2009, resolved as follows:

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

The only major amendment recommended by the specialists relates to the appointment of Acting CEO. Consultant's comments are thus:

"The Act is in my view deficient in regard to appointing an A/CEO. It is unclear.

As a consequence there is in my view some doubt whether this is a delegated authority that can be delegated as s5.36 (2)(b) requires an absolute majority decision. Obviously to obtain Council approval this can be difficult in urgent circumstances.

Perhaps a better way of handling it is to have a policy decision that a position or person is automatically appointed A/CEO except where the circumstances are not appropriate for that person/position to be appointed. For example, you may have a policy that says the Manager Finance is automatically appointed however the CEO has authority to appoint another person including an external appointment should the circumstances require it. MRC has most probably had no issues in the past so maybe I am raising a concern that is not appropriate."

Upon this comment, the recommended approach is to include as part of the Recommendation to this Item, a Council decision re automatic appointment of Chief Financial Officer as Acting CEO.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The adoption of the Instrument of Delegation will enable a number of the operational matters relating to Council business to proceed smoothly between Council meetings.

COMMENT

Nil.

MRC OFFICER RECOMMENDATION

That Council:

- (i) APPROVE the Instrument of Delegation to the Chief Executive Officer (Attachment One of this Item)
- (ii) APPROVE Chief Financial Officer as Acting CEO, where required, except where circumstances are not appropriate, whereby the CEO is authorised to appoint another person as Acting CEO

TECHNICAL WORKING GROUP MEETING – 2 OCTOBER 2009

Nil discussion.

TWG OFFICERS RECOMMENDATION

That Council:

- (i) **APPROVE the Instrument of Delegation to the Chief Executive Officer (Attachment One of this Item)**
- (ii) **APPROVE Chief Financial Officer as Acting CEO, where required, except where circumstances are not appropriate, whereby the CEO is authorised to appoint another person as Acting CEO**

Noting requirement Absolute Majority Voting

**ATTACHMENT ONE
TO ITEM 6
TECHNICAL WORKING GROUP
2 OCTOBER 2009
INSTRUMENT OF DELEGATION**

MINDARIE REGIONAL COUNCIL

**INSTRUMENT OF
DELEGATED AUTHORITY
TO
CHIEF EXECUTIVE OFFICER**

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BACKGROUND TO DELEGATIONS

The power of the Council to delegate authority is contained in Section 5.42 and 5.43 of the Local Government Act 1995 (the Act). The Council may only delegate to the Chief Executive Officer.

The power of the Chief Executive Officer to delegate authority to other employees is contained in Section 5.44 of the Act.

The purpose of delegating some specific authorities to the Chief Executive Officer is to facilitate the effective operation of the local government. This is particularly important in the case of the regional council as it does not meet as frequently as its member councils and the members have a wide range of additional responsibilities. The Act provides some limitations on matters that can be delegated including any matter. For example any matter which requires an absolute majority of council cannot be delegated.

Good practice is to delegate powers and duties which are operational in nature but where some discretion is needed. This enables the council to focus on higher level policy and strategic issues relevant to the regional council. Council may determine the conditions and limitations attached to each power delegated. These must be included in the Instrument of Delegation.

This Instrument of Delegation is prepared in accordance with Section 5.42 of the Local Government Act 1995.

It should be noted that the delegation of powers to the Chief Executive Officer under the provisions of Section 5.42 of the Act, are in addition to and not in abrogation of the general powers of the Chief Executive Officer as contained in Section 5.41 of the Act, the *Interpretations Act 1984*, the Local Laws of the Mindarie Regional Council and the provisions of the contract of service between the Mindarie Regional Council and the Chief Executive Officer, including the position description.

It is also important to note that Section 5.46 of the Act requires that a register is to be kept of when any delegation is exercised.

Section 5.46(2) of the Act requires that any delegations are to be reviewed at least once every financial year.

A Delegation of Authority should not be confused with an authorisation. For example, by policy and/or resolution of council, the Council may *authorise* the CEO and several other staff members to sign cheques on behalf of council. The delegation of authority is not the ability to sign cheques but the making of payments in accordance with Financial Management Regulation 12 (1) (a).

References used in the preparation of this Instrument of delegation are:

- *Local Government Act 1995*;
- *Local Government (Functions & General) Regulations 1996*;
- *Local Government (Financial Management) Regulations 1996*;
- *Interpretations Act 1984*;
- Local Government Operational Guidelines No. 17 – Delegations January 2007 (DLG & RD)

GOVERNANCE:

1.1 Appointment of Authorised Persons

Function Delegated

Authority to authorise persons in accordance with S9.10, 9.17, 9.19 and 9.20 of the *Local Government Act 1995*

Conditions

Nil

On-delegation

Nil

Reporting Requirements

Nil

Reference

The *Local Government Act 1995* and any Local Laws made there under.¹

¹ Authorised persons in this section refers to persons authorised to administer local laws, including issuing infringement notices, reviewing objections to infringements and withdrawing infringements.

FINANCE

2.1 *Incurring costs and making payments*

Function Delegated

- The authority to approve requisitions and purchase orders for the supply of goods and services;
- The authority to approve and make payment for services where funds have been provided in the Annual Budget; and
- The authority to make budget variations within the operating programs.

Conditions

1. All accounts to be totally acquitted prior to payment
2. All requisitions and accounts to be within the budget allocation for the year as reviewed from time to time except where they are variations approved by the CEO in accordance with this delegation; and

Delegation Limits

• Chief Executive Officer	no limit
• Chief Financial Officer	\$100,000
• Operations Manager	\$20,000
• Project Manager	\$20,000
• Administration Manager	\$5,000
• Assistant Manager Operations	\$2,000
• Senior Finance Officer	\$2,000
• Foreman	\$2,000

Reporting Requirements

Schedule of payments made and operational budget variations within program to be provided to Council at each ordinary council meeting

Reference

Regulation 12 (1) (a) & 13 (1) & (3) *Local Government (Financial Management) Regulations 1996*²

² Regulation 12 91) (a) provides that payments from the municipal fund or the trust fund may only be made by the CEO if the local government has delegated to the CEO this power. If it has not, then payments cannot be made until they have been approved for payment by council.

2.2 Managing Bank Accounts

Function Delegated

Authority to open and close bank accounts, access accounts electronically and transfer funds electronically;

Conditions

Nil

On-delegation

Nil

Reporting Requirements

Any changes to accounts to be reported in the quarterly financial report.

Reference

Regulation 8 *Local Government (Financial Management) Regulations 1996*³

³ Regulation 8 requires a local government to maintain a separate account with a bank or other financial institution for a range of purposes, including municipal funds, trust funds, reserve funds, major land transaction funds and major trading undertakings. While the funds are to be separate, they may be combined for investment purposes.

2.3 Investment of Surplus Funds

Function Delegated

- Authority to effect investment of surplus funds standing to the credit of the Council.
- Authority to establish and document internal control procedures over investments.

Conditions

- 1 All investments to be trustee classified securities.
- 2 The Council's bankers to be firstly contacted for competitive quotation of investment interest rates.

On-delegation

Finance & Business Manager

Reporting Requirements

Information to be contained within Quarterly financial reports

Reference

The Local Government Act 1995 6.14(1) & 19 (1) (Financial Management) Regulations 1996⁴

⁴ S 6.14 provides the power to invest surplus funds in accordance with part III of the Trustees Act. 1962. Reg 19 (1) requires that internal controls be established to manage investments.

2.4 Waiving of Fees and Writing Off of Debts

Function Delegated

Authority to write off moneys due to the Council which are considered to be non-recoverable;
Authority to waive fees or grant concessions in relation to any amount of money owed.

Conditions

In the event of waiving fees or granting concessions, the decision is made in the interests of business planning or community benefit.

In the event of writing off unrecoverable debts, the total/maximum amount for any one debtor in any financial year do not exceed \$10,000 and the best endeavour has been made to recover the funds.

On-Delegation

Nil

Reporting Requirements

Where debts are waived in accordance with this delegation, a report is to be incorporated in the next quarterly financial report.

Where fees have been waived or concessions granted, a report is to be incorporated in the next quarterly financial report.

Reference

Local Government Act 1995 S6.12 (1) (b), (c), & 6.12 (3)⁵

⁵S 6.12 of the Local Government Act describes the circumstances in which a local government may grant concessions, waive fees or write off debts.

2.5 Tenders

Function Delegated

- Authority to call for tenders where it is anticipated that expenditure will be greater than \$100,000;
- Authority to seek Expressions of Interest before entering into the tender process;
- Authority to determine the criteria for accepted tenders;
- Authority to vary contracts up to \$50,000 or 10% of the contract value, whichever is the lesser (for non – RRF contracts); and
- Authority to vary contract up to \$50,000 per annum provided no additional risk or liability is incurred by the Council (for RRF contract only).

Conditions

All expenditure and proposed expenditure is to be within the adopted budget allocation for the programme as may be reviewed from time to time.

On-Delegation

Nil

Reporting Requirements

Report to be provided as part of quarterly financial statements

Reference

Local Government Act 1995 S 3.57 (1), Reg 14 (2a) & Reg 20 (2)The Local Government (Functions and General) Regulations 1996⁶

⁶ S 3.57 requires that a local government invite tenders before entering into a contract where the value is greater than \$100,000 (or anticipated to be greater than \$100,000.) As part of the tender process, prior to calling for tenders the local government must determine the criteria for deciding which tender should be accepted, and may also negotiate minor variations to the tender prior to acceptance.

2.6 Disposal of Property

Function Delegated

Authority to dispose of property to the highest bidder at public auction, public tender or private treaty in accordance with Local Government Act 1995 S3.58 (2) & (3).

Authority to dispose of material arising from waste management activities.

Conditions

Where waste material is to be sold, this delegation is subject to all reasonable endeavours to secure market prices for the material to be sold or removed from the facility and must comply with tender requirements when applicable.

On-delegation

Nil

Reporting Requirements

Information provided with quarterly financial statements

Reference

Local Government Act 1995 S3.58⁷

⁷ S 3.58 of the Local Government Act provides for the process to be used for disposing of property. (in this context, 'property' includes land as well as all other materials which are owned by the local government for example, plant and equipment.) In the case of material generated from waste management activities, this is construed as being property which is generated in the course of carrying on a trading undertaking and therefore is exempt from the requirements of public tender. (S 3.58 (5)).

ITEM 7 MINDARIE REGIONAL COUNCIL MEETING DATES FOR 2010

File No: **COR/10 (D/09/4647)**

Attachment(s): **Nil**

Author: **Kathleen van Son**

SUMMARY

The purpose of this report is to provide the proposed meeting dates for Ordinary Council Meetings and Technical Working Group Meetings for 2010.

BACKGROUND

The Mindarie Regional Council has previously considered, in December of each year, the Council meeting schedule for the forthcoming calendar year, and decided upon a schedule for these meetings.

DETAIL

The business rules used in the formulation of Council meetings scheduled for Year 2010 are as follows:

- That six Council meetings be held in the calendar year 2010
- That no meeting be held in June, but that this meeting be held in early July 2010 to accommodate the swearing in of Councillors, and the appointment of Chairman and Deputy Chairman. This assumes that current rules will still apply.
- That the meeting scheduled for December be held relatively early in the month to accommodate other commitments of the festive season
- That all other meetings of the Council i.e. April, August and October be held on the fourth Thursday of those months
- That meetings be scheduled at the Chambers of Member Councils
- That committee meetings' be held at least three weeks prior to Council meetings, at Town of Cambridge on the appropriate Friday. This is a revision to the current 2 week time schedule.

Programme of Meetings

The proposed schedule of Ordinary Council meetings for Year 2010 is as follows:

- 25 February 2010 (City of Joondalup)
- 22 April 2010 (City of Wanneroo)
- 1 July 2010 (City of Stirling)
- 26 August 2010 (Town of Vincent)
- 28 October 2010 (City of Perth)
- 9 December 2010 (Town of Victoria Park)

The proposed schedule for Technical Working Group type meetings for Year 2010 is as follows:

- 5 February 2010
- 1 April 2010 – (2 April 2010 is Good Friday)
- 11 June 2010
- 6 August 2010
- 8 October 2010
- 19 November 2010

It should be noted that the Terms of Reference for this 'agenda settlement' type officer forum are under review.

Strategic Advisory Group

Planning is underway for the establishment of an Officer Strategic Advisory Group to progress 'projects in planning' and other strategic issues, including financial matters. Proposed dates for these meetings in 2010, are as follows:

- 9 January 2010
- 5 March 2010
- 14 May 2010
- 9 July 2010
- 10 September 2010
- 22 October 2010

Being a Friday, four weeks in advance of TWG type meetings. This is on the basis that this planning information can be reported to Council via the TWG type forum, in an 'information format'.

Project Advisory Group (PAG)

The proposed schedule for Project Advisory Group (PAG) meetings for Year 2010 is meetings to be held on the 1st Wednesday of each month.

Chief Executive Officer's Meetings

It is proposed that two (2) meetings will be held during 2010 to enable discussion between CEO of MRC and CEOs of Member Councils on matters related to Mindarie Regional Council. These meetings will be scheduled for April and September 2010.

Arrangements for Special Meetings

Special Council Meetings will be held on an 'as required' basis.

Community Engagement Advisory Group (CEAG)

The proposed schedule for Community Engagement Advisory Group (CEAG) meetings for 2010 is that the date for next meeting to be determined at each meeting.

Waste Education Strategy Steering Group (WESSG)

The proposed schedule for Waste Education Strategy Steering Group (WESSG) meetings for 2010 will be determined as required.

STATUTORY ENVIRONMENT

Not applicable.

POLICY IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

COMMENT

The proposed schedule for Ordinary Council meetings and other meetings for Year 2010 is now submitted for approval.

MRC OFFICER RECOMMENDATION

That Council adopt the following schedule for Ordinary Council Meetings for Year 2010:

- 25 February 2010 (City of Joondalup)
- 22 April 2010 (City of Wanneroo)
- 1 July 2010 (City of Stirling)
- 26 August 2010 (Town of Vincent)
- 28 October 2010 (City of Perth)
- 9 December 2010 (Town of Victoria Park)

TECHNICAL WORKING GROUP MEETING – 2 OCTOBER 2009

The Group agreed deletion of SWTF WG reference, and inclusion of proposed dates for a potential Strategic Advisory Group.

TWG OFFICERS RECOMMENDATION

That Council:

- (i) adopt the following schedule for Ordinary Council Meetings for Year 2010:
 - 25 February 2010 (City of Joondalup)
 - 22 April 2010 (City of Wanneroo)
 - 1 July 2010 (City of Stirling)
 - 26 August 2010 (Town of Vincent)
 - 28 October 2010 (City of Perth)
 - 9 December 2010 (Town of Victoria Park)
- (ii) note the dates for TWG type meetings as follows:
 - 5 February 2010
 - 1 April 2010 – (2 April 2010 is Good Friday)
 - 11 June 2010
 - 6 August 2010
 - 8 October 2010

- 19 November 2010
- (iii) note the proposed dates for potential Strategic Advisory Group meetings as follows:
- 9 January 2010
 - 5 March 2010
 - 14 May 2010
 - 9 July 2010
 - 10 September 2010
 - 22 October 2010

ITEM 8 CR NEWTON PROPOSAL FOR DONATION SUPPORT

File No: **CMR/21 (D/09/4648)**

Attachment(s): **Nil.**

Author: **Gae Synnott**

SUMMARY

During the FY 2009/10 budget deliberations, Councillors concluded that the allocation for sponsorship support within the Marketing budget was not required. A request for sponsorship has come forward from the Wanneroo Agricultural Society, personally supported by Cr Dot Newton, who wishes to present the request to the Mindarie Regional Council (MRC) for consideration.

BACKGROUND

The Wanneroo Agricultural Show will hold its 100th show this year (27 & 28 November) and seeks funding for a Celebrity Foot Race as a key event during the show. The request is for \$5000 for naming rights for the Foot Race.

DETAIL

The Wanneroo Agricultural Show is used by local companies to promote their business to families within the district. This event attracts some 20,000 people over the two days from the northern suburbs and wider communities.

This year the organisers will be staging a professional foot race. If the MRC sponsors this event, the sponsorship would provide the opportunity to promote each member council by either naming a race or a running lane after them, or entering a competitor in the event (all runners are handicapped).

The cost to sponsor this major event is \$5,000. In recognition of this sponsorship, the Wanneroo Agricultural Society would allocate a 6 X 3 metre space at the show (for the Roaming Recycler mobile education display) plus:

- Two (2) VIP passes to Wanneroo Show, and show luncheon on the Saturday.
- Four (4) one day passes to Wanneroo Show.
- Prominent position for MRC banners around the ground.
- Two (2) complimentary tickets to the presentation dinner following the show.
- Verbal recognition throughout the two day of the show through the PA system

Independent of this sponsorship request, the MRC's intention is to book booth space and set up the Roaming Recycler mobile education display for the duration of the Show for the approximate cost of \$450, which will be met through the Waste Education budget allocation for the mobile display.

CONSULTATION

The MRC's Waste Education team have determined that the Wanneroo Agricultural Show is a significant community event for involvement of the Roaming Recycler because of its

ability to interact directly with community members to influence waste awareness and behaviour.

STATUTORY ENVIRONMENT

Not directly applicable.

POLICY IMPLICATIONS

This item has implications because no Donations or Sponsorship policy currently exists.

STRATEGIC IMPLICATIONS

This item is personally supported by Cr Dot Newton who wishes to speak to it at the next Ordinary Council Meeting.

COMMENT

Nil.

MRC OFFICER RECOMMENDATION

That Council consider Cr Newton's proposal.

TECHNICAL WORKING GROUP – 2 OCTOBER 2009

Nil Discussion.

TWG OFFICERS RECOMMENDATION

That Council consider Cr Newton's proposal.

**ITEM 8.2.1 FINANCIAL STATEMENTS FOR THE PERIODS ENDED
31 JULY 2009 AND 31 AUGUST 2009**

File No: **FIN/5-02 (D/09/4816)**

Attachment(s): **1. Financial Statement for the period ended 31 July 2009**
 2. Financial Statement for the period ended 31 August 2009

Author: **Kalwant Dhillon**

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 2009 and 31 August 2009 are attached and show separate columns for Actual and Adopted/Revised Budget figures.

Reporting requirements are defined by regulations 34 and 35 of the Local Government (Financial Management) Regulations 1996. There is scope in these regulations to provide other reporting that the Local Government considers appropriate.

The financial statements presented for each month consist of:

- Operating Statement by Nature
- Operating Statement by Function
- Statement of Financial Position
- Statement of Investing Activities
- Information on Borrowings

DETAIL

The reports attached are for the months ended 31 July 2009 and 31 August 2009 and are at Attachments One and Two to this Item.

- **Statement of Income and Expenditure.** Pages 2 to 3 of the Attachment. These statements have been adjusted to include a number of year-to-date estimates that are not finalised until the end of the financial year. These are as follows:
 - Deferred Excavation Consumed
 - Site Rehabilitation Provision
 - Site Monitoring Provision

These 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.

-
- **Operating Statements by Function and Type.** At page 4 of the Attachment. This shows a summary of operating income and expenditures. The Operating Statement by Function may be useful to the reader as a snapshot of the business operations

A complete suite of Financial Statements including Operating Statement and Statement of Financial Position are reported on a monthly basis and include accruals that may be based on estimates to provide meaningful reporting to stakeholders. These reports are at Attachment One and Two to this Item.

MRC OFFICER RECOMMENDATION

That the Financial Statements as attached at Attachment One and Two for the months ended 31 July 2009 and 31 August 2009 be noted.

**ATTACHMENT ONE
TO ITEM 8.2.1
ORDINARY COUNCIL MEETING
15 OCTOBER 2009
FINANCIAL STATEMENT FOR THE PERIOD ENDED
31 JULY 2009**



MANAGEMENT FINANCIAL STATEMENTS

**FOR THE MONTH ENDED
31 JULY 2009**

Mindarie Regional Council
INCOME STATEMENT BY NATURE AND TYPE
For the month ended 31 July 2009

Description	Adopted Budget	YTD Budget	YTD Actual	\$ Variance	% Variance	Note
Revenue from Ordinary Activities						
User Charges						
User Charges - City of Perth	1,930,400	160,867	150,184			
User Charges - City of Waneroo	7,570,900	630,908	581,586			
User Charges - City of Joondalup	7,418,100	618,175	589,129			
User Charges - City of Stirling	8,376,000	698,000	588,190			
User Charges - Town of Cambridge	1,224,000	102,000	96,712			
User Charges - Town of Vincent	1,687,800	140,650	135,731			
User Charges - Town of Victoria Park	1,728,200	144,017	120,465			
User Charges - RRF Residues	1,980,000	165,000	18,662			
Total Member User Charges	31,915,400	2,659,617	2,280,660	(378,957)	-14.25%	1
User Charges - City of South Perth	337,100	28,092	10,575	(17,517)	-62.35%	2
User Charges - Casual Tipping Fees	5,018,140	418,178	362,711	(55,467)	-13.26%	3
Total User Charges	37,270,640	3,105,887	2,653,946	(451,941)	-14.55%	
Service Charges						
Sale of Recyclable Materials	240,000	20,000	48,287	28,287	141.43%	
Sale of Limestone						
Gas Power Generation Sales	550,000	45,833	0	(45,833)		
Grants & Subsidies	320,000	0	0	0		
Contributions, Reimbursements & Donations	340,100	21,041	18,304	(2,737)	-13.01%	
Interest Earnings	369,200	30,767	41,616	10,849	35.26%	
Other Revenue	10,200	17	189	172	1012.12%	
	39,100,140	3,223,545	2,762,342	(461,203)	-14.31%	
Expenses from Ordinary Activities						
Employee Costs	4,300,140	416,577	396,696	19,881	4.77%	
Materials and Contracts						
Consultants and Contract Labour	804,600	62,866	15,446	47,420	75.43%	
Communications and Public Consultation	722,800	95,631	45,712	49,919	52.20%	
Landfill Expenses	1,057,400	74,382	24,956	49,426	66.45%	
Office Expenses	259,500	52,753	32,887	19,866	37.66%	
Information Systems	399,300	45,400	20,157	25,243	55.60%	
Building Maintenance	129,200	34,633	1,058	33,575	96.95%	
Plant and Equipment Operating and Hire	1,027,800	157,551	60,189	97,362	61.80%	
RRF Operations	15,355,000	726,251	717,743	8,508	1.17%	
Waste Minimisation	316,000	26,334	0	26,334	100.00%	
Utilities	131,300	3,692	951	2,741	74.24%	
Depreciation	1,159,080	96,591	85,882	10,709	11.09%	
Borrowing Cost Expenses	1,417,000	148,067	110,953	37,114	25.07%	
Insurance	127,400	55,900	50,650	5,250	9.39%	
DEP Landfill Levy	4,699,700	156,650	154,670	1,980	1.26%	
Land Lease/Rental	590,000	47,417	47,419	(2)	0.00%	
Other Expenditure						
Member Costs	149,500	4,000	2,666	1,334	33.35%	
Administration	159,000	13,251	13,421	(170)	-1.28%	
Amortisation (LandFill)	4,054,200	337,850	337,850	0	0.00%	
Amortisation (RRF)	534,600	44,550	44,550	0	0.00%	
	37,393,520	2,600,346	2,163,856	436,490	16.79%	
Profit on Sale of Assets	27,800	0	0	0	0.00%	
Loss on Sale of Assets	28,700	0	0	0	0.00%	
	(900)	0	0	0	0.00%	
Changes in Net Assets Resulting from Operations	1,705,720	623,199	598,486	(24,713)	-3.97%	

Note 1: The drop in revenue is due to the decrease in tonnages from all the Member Councils which is mainly related to seasonal factors.

Note 2: City of South Perth has gone for a tender and they are sending their waste to a commercial landfill.

Note 3: The drop is mainly attributable to the increase in fees as well as seasonal factors.

Mindarie Regional Council

INCOME STATEMENT BY DEPARTMENT

For the month ended 31 July 2009

Description	Adopted Budget	YTD Budget	YTD Actual	\$ Variance	% Variance
Revenues from Ordinary Activities					
Operating Revenues					
Community Ammenties	39,100,140	3,177,712	2,762,342	(415,370)	-13.07%
Total Operating Revenues	39,100,140	3,177,712	2,762,342	(415,370)	-13.07%
Profit on Disposal of Assets					
Community Ammenties	27,800	0	0	0	
Total Profit (Loss) on Disposal of Assets	27,800	0	0	0	
Expenses from Ordinary Activities					
Operating Expenses					
Governance	149,500	4,000	2,666	1,334	33.35%
Community Ammenties	19,444,220	1,564,477	1,252,651	311,826	19.93%
Other Property and Seviles	1,027,800	157,551	79,842	77,709	49.32%
Resource Recovery Facility	15,355,000	726,251	717,743	8,508	1.17%
Total Operating Expenses	35,976,520	2,452,279	2,052,902	399,377	16.29%
Loss on Disposal of Assets					
Community Ammenties	28,700	0	0	0	
Total Profit (Loss) on Disposal of Assets	28,700	0	0	0	
Borrowing Costs Expense					
Community Ammenties	880,400	78,700	68,192	10,508	13.35%
Resource Recovery Facility	536,600	69,367	42,761	26,606	38.35%
Total Borrowing Costs Expense	1,417,000	148,067	110,953	37,114	25.07%
NET RESULT	1,705,720	577,366	598,486	21,120	3.66%

Mindarie Regional Council
Balance Sheet
For the month ended 31 July 2009

Description	ACTUAL 2008/2009	Movement	ACTUAL 2007/2008	Note
CURRENT ASSETS				
Cash	646,617	500,924	145,693	
Investments	10,260,224	(1,053,951)	11,314,175	
Debtors	2,377,396	384,585	1,992,811	
Stock	6,539	(2,388)	8,927	
Prepayments	182,559	(75,472)	258,031	
Other Current Assets	663,655	24,239	639,415	
TOTAL CURRENT ASSETS	14,136,990	(222,064)	14,359,053	
NON-CURRENT ASSETS				
Land	2,658,127	0	2,658,127	
Buildings & Improvements	1,740,548	(13,687)	1,754,235	
Furniture & Equipment	270,235	(7,298)	277,533	
Plant & Equipment	3,502,737	(59,390)	3,562,127	
Infrastructure - Other	460,766	(5,507)	466,273	
Infrastructure - Excavation	9,669,455	(337,850)	10,007,305	
Infrastructure - RRF	8,209,137	(6,006)	8,215,143	
Infrastructure - Rehabilitation	2,320,719	0	2,320,719	
Work In Progress - Excavation	10,060,002	449,915	9,610,088	
Work In Progress - Other	0	0	0	
Other Non Current Assets	2,084,283	(8,717)	2,093,000	
TOTAL NON-CURRENT ASSETS	40,976,009	11,460	40,964,550	
TOTAL ASSETS	55,112,999	(210,604)	55,323,603	
CURRENT LIABILITIES				
Creditors	2,382,625	552,944	1,829,681	
Provisions	501,417	12,791	488,626	
Loans Leases Overdrafts	2,378,690	(54,036)	2,432,725	
Accruals	298,710	(1,325,919)	1,624,629	
Other Current Liabilities	0	0	0	
TOTAL CURRENT LIABILITIES	5,561,441	(814,220)	6,375,661	
NON CURRENT LIABILITIES				
Loans Leases Overdrafts	19,501,151	0	19,501,151	
Other Non Current Liabilities	4,927,238	5,130	4,922,108	
TOTAL NON CURRENT LIABILITIES	24,428,389	5,130	24,423,259	
TOTAL LIABILITIES	29,989,830	(809,090)	30,798,920	
NET ASSETS	25,123,169	598,486	24,524,683	
EQUITY				
Retained Surplus	22,840,258	598,486	22,241,772	
Reserves	137,999	0	137,999	
Council Contribution	2,144,911	0	2,144,911	
TOTAL EQUITY	25,123,169	598,486	24,524,683	

MINDARIE REGIONAL COUNCIL
STATEMENT OF INVESTING ACTIVITIES
For the month ended 31 July 2009

Description	Adopted Budget	Revised Budget	YTD Actual	% to Revised Budget	Note
PLANT, VEHICLES AND MACHINERIES					
Plant and Vehicles					
Replacement of Operation's Foreman Vehicle	38,500	38,500	0		
Replacement of Operation's Manager Vehicle	47,900	47,900	0		
Replacement of Fire Vehicle	45,500	45,500	0		
Replacement of Executive Vehicle	51,000	51,000	0		
Replacement of Executive Vehicle	50,000	50,000	0		
Replacement of Skid Steer Loader No.2	85,000	85,000	0		
Replace 2x 30m3 Transfer Bins	27,000	27,000	0		
Replacement of Workshop Vehicle	29,500	29,500	0		
Vehicle Tray - Welder's Vehicle	7,000	7,000	0		
New Utility Vehicle-Marketing and Education	44,000	44,000	0		
	425,400	425,400	0	0.00%	
Machinery and Equipment					
New Tarpomatic System	240,000	240,000	0		
New LGF Monitoring System	20,000	20,000	0		
New Paint Can Crusher	30,000	30,000	0		
Upgrade Recycling Centre Cameras	7,000	7,000	0		
	297,000	297,000	0	0.00%	
TOTAL PLANT, VEHICLES AND MACHINERIES	722,400	722,400	0	0.00%	
FURNITURE AND EQUIPMENT					
Computer Equipment					
Replacement of Laptop (Operations Manager)	3,500	3,500	0		
Replacement of Desktop PC (Finance Officer-Reporting)	1,500	1,500	0		
Replacement of Desktop PC (Foreman)	1,500	1,500	0		
Replacement of Desktop PC (Environmental Officer)	1,500	1,500	0		
Replacement of Laptop (Administration Manager)	2,500	2,500	0		
Replacement of Laptop (Waste Education Officer)	2,500	2,500	0		
Various Replacement Printers and Computing Equipments	15,000	15,000	0		
New Desktop PC (Finance Officer-Accts Payable)	1,500	1,500	0		
Additional UPS System (Admin and Recycling)	2,000	2,000	0		
	31,500	31,500	0	0.00%	
Office Furniture and Equipment					
Replacement of Furniture and Equipment	26,400	26,400	0		
Purchase of New Office Equipment	13,000	13,000	0		
3x Storage Cabinets	5,000	5,000	0		
	44,400	44,400	0	0.00%	
TOTAL FURNITURE AND EQUIPMENT	75,900	75,900	0	0.00%	
LAND AND BUILDINGS					
Land					
<i>brought forward item:</i>					
Land Purchase (New Landfill Site)	12,000,000	12,000,000	0		
	12,000,000	12,000,000	0	0.00%	
Buildings					
Workshop Extension	250,000	250,000	0		
Ground Maintenance Shed	10,000	10,000	0		
Chemical Toilet Facilities	15,000	15,000	0		
	275,000	275,000	0	0.00%	
TOTAL LAND AND BUILDINGS	12,275,000	12,275,000	0	0.00%	
INFRASTRUCTURE					
Operations					
Litter Control Fences	75,000	75,000	0		
Reticulation	7,000	7,000	0		
Upgrade Recycling Centre Water Main	10,000	10,000	0		
<i>brought forward item:</i>					
Surveillance and Boom Gate	15,000	15,000	0		
	107,000	107,000	0	0.00%	
Resource Recovery Facility					
Site Infrastructure	829,000	829,000	29,827		
	829,000	829,000	29,827	3.60%	
TOTAL INFRASTRUCTURE	936,000	936,000	29,827	3.19%	

MINDARIE REGIONAL COUNCIL
STATEMENT OF INVESTING ACTIVITIES
For the month ended 31 July 2009

Description	Adopted Budget	Revised Budget	YTD Actual	% to Revised Budget	Note
LANDFILL EXCAVATIONS					
Excavation - Phase3 Stage2					
Construction	8,208,700	8,208,700	0		
Design	300,000	300,000	7,953		
Excavation/Earthworks	7,720,000	7,720,000	441,962		
MRC Project Manager	40,000	40,000	0		
Siteworks, Survey, Etc.	20,000	20,000	0		
TOTAL LANDFILL EXCAVATIONS	16,288,700	16,288,700	449,915	2.76%	

INFORMATION ON BORROWINGS

(a) Loan Schedule and Interest Expense

Actual

	Value of Loan Approved	Matures	Interest Rates	Principal 01/07/2009	Principal Drawn Down to 31/07/2009	Principal Repayments Actual to 31/07/2009	Principal Outstanding Actual to 31/07/2009	Interest Repayments Actual to 31/07/2009	Note
Community Amenities									
Tamala Park Landfill									
Loan 8 - Building Upgrade	650,000	May-14	6.45%	376,435	0	0	376,435	2,062	2
Loan 12 - Construction Stage 2 Phase 2	15,000,000	Mar-12	5.98%	11,249,969	0	0	11,249,969	56,289	3
Loan 13 - Redraw for Phase 3 Landfill	6,600,000			0	0	0	0	0	
Loan 14 - New Landfill Purchase	12,000,000			0	0	0	0	0	
Regional Resource Recovery Facility									
Loan 11 - RRF Land Purchase	3,500,000	May-25	5.97%	1,940,815	0	0	1,940,815	9,841	2
Loan 10a - RRF Infrastructure	2,000,000	Mar-25	6.16%	1,766,658	0	16,999	1,749,659	9,228	2
Loan 10b - RRF Infrastructure (Interest Only)	2,600,000		Variable	2,600,000	0	0	2,600,000	7,501	1
Loan 10c - RRF Infrastructure	4,000,000	Jun-14	7.97%	4,000,000	0	37,037	3,962,963	26,032	
TOTAL	46,350,000			21,933,877	0	54,036	21,879,841	110,953	
						Facility Fee		0	
						Total Borrowing Costs		110,953	

Note 1: Loan 10b - \$2,600,000 has a variable rate of 3.45% for the month of July 2009.

Note 2: Total Loan Interest accrued for July 2009 = \$32,399.

Note 3: Principal payments are made quarterly.

Mindarie Regional Council
User Charges
For the month ended 31 July 2009

Description	Adopted Budget 2009/2010	YTD Budget 2009/2010	ACTUAL 2009/2010
Revenue from Ordinary Activities			
User Charges			
City of Perth			
Processable	1,928,000	160,667	150,185
Non Processable	2,400	200	0
Total	1,930,400	160,867	150,184
City of Wanneroo			
Processable	5,940,700	495,058	436,629
Non Processable	1,630,200	135,850	144,958
Total	7,570,900	630,908	581,586
City of Joondalup			
Processable	6,740,900	561,742	516,113
Non Processable	677,200	56,433	73,016
Total	7,418,100	618,175	589,129
City of Stirling			
Processable	1,446,000	120,500	0
Non Processable	6,930,000	577,500	588,190
Total	8,376,000	698,000	588,190
Town of Cambridge			
Processable	1,144,800	95,400	93,252
Non Processable	79,200	6,600	3,460
Total	1,224,000	102,000	96,712
Town of Vincent			
Processable	1,655,900	137,992	134,596
Non Processable	31,900	2,658	1,136
Total	1,687,800	140,650	135,731
Town of Victoria Park			
Processable	1,682,700	140,225	120,466
Non Processable	45,500	3,792	0
Total	1,728,200	144,017	120,465
RRF Residues			
Processable	0	0	0
Non Processable	1,980,000	165,000	18,662
Total	1,980,000	165,000	18,662
Processable	20,539,000	1,711,584	1,451,239
Non Processable	11,376,400	948,033	829,420
Total	31,915,400	2,659,617	2,280,660

**ATTACHMENT TWO
TO ITEM 8.2.1
ORDINARY COUNCIL MEETING
15 OCTOBER 2009
FINANCIAL STATEMENT FOR THE PERIOD ENDED
31 AUGUST 2009**



MANAGEMENT FINANCIAL STATEMENTS

**FOR THE MONTH ENDED
31 AUGUST 2009**

Mindarie Regional Council
INCOME STATEMENT BY NATURE AND TYPE
For the month ended 31 August 2009

Description	Adopted Budget	YTD Budget	YTD Actual	\$ Variance	% Variance	Note
Revenue from Ordinary Activities						
User Charges						
User Charges - City of Perth	1,930,400	321,734	291,339			
User Charges - City of Waneroo	7,570,900	1,261,816	1,164,514			
User Charges - City of Joondalup	7,418,100	1,236,350	1,145,907			
User Charges - City of Stirling	8,376,000	1,396,000	1,161,284			
User Charges - Town of Cambridge	1,224,000	204,000	181,046			
User Charges - Town of Vincent	1,687,800	281,300	237,256			
User Charges - Town of Victoria Park	1,728,200	288,034	234,845			
User Charges - RRF Residues	1,980,000	330,000	149,965			
Total Member User Charges	31,915,400	5,319,234	4,566,156	(753,078)	-14.16%	1
User Charges - City of South Perth	337,100	56,184	13,237	(42,947)	-76.44%	2
User Charges - Casual Tipping Fees	5,018,140	836,356	697,871	(138,485)	-16.56%	3
Total User Charges	37,270,640	6,211,774	5,277,264	(934,510)	-15.04%	
Service Charges						
Sale of Recyclable Materials	240,000	40,000	110,057	70,057	175.14%	
Sale of Limestone						
Gas Power Generation Sales	550,000	91,666	85,117	(6,549)		
Grants & Subsidies	320,000	0	0	0		
Contributions, Reimbursements & Donations	340,100	59,214	64,008	4,794	8.10%	
Interest Earnings	369,200	61,534	77,288	15,754	25.60%	
Other Revenue	10,200	34	532	498	1464.18%	
	39,100,140	6,464,222	5,614,266	(849,956)	-13.15%	
Expenses from Ordinary Activities						
Employee Costs	4,300,140	812,554	728,463	84,091	10.35%	
Materials and Contracts						
Consultants and Contract Labour	804,600	116,732	83,320	33,412	28.62%	
Communications and Public Consultation	722,800	141,738	73,615	68,123	48.06%	
Landfill Expenses	1,057,400	159,746	100,750	58,996	36.93%	
Office Expenses	259,500	77,870	49,320	28,550	36.66%	
Information Systems	399,300	84,400	55,993	28,407	33.66%	
Building Maintenance	129,200	41,716	13,973	27,743	66.50%	
Plant and Equipment Operating and Hire	1,027,800	246,602	128,937	117,665	47.71%	
RRF Operations	15,355,000	1,976,669	1,529,002	447,667	22.65%	
Waste Minimisation	316,000	52,668	26,100	26,568	50.44%	
Utilities	131,300	51,384	34,298	17,086	33.25%	
Depreciation	1,159,080	193,182	171,839	21,343	11.05%	
Borrowing Cost Expenses	1,417,000	272,034	249,300	22,734	8.36%	
Insurance	127,400	55,900	50,923	4,977	8.90%	
DEP Landfill Levy	4,699,700	313,300	305,116	8,184	2.61%	
Land Lease/Rental	590,000	94,834	94,839	(5)	0.00%	
Other Expenditure						
Member Costs	149,500	8,000	4,067	3,933	49.16%	
Administration	159,000	26,502	22,269	4,233	15.97%	
Amortisation (LandFill)	4,054,200	675,700	675,700	0	0.00%	
Amortisation (RRF)	534,600	89,100	89,100	0	0.00%	
	0	0	0			
	37,393,520	5,490,631	4,486,922	1,003,709	18.28%	
Profit on Sale of Assets	27,800	0	0	0	0.00%	
Loss on Sale of Assets	28,700	0	0	0	0.00%	
	(900)	0	0	0	0.00%	
Changes in Net Assets Resulting from Operations	1,705,720	973,591	1,127,344	153,753	15.79%	

Note 1: The drop in revenue is due to the decrease in tonnages from all the Member Councils which is mainly related to seasonal factors.

Note 2: City of South Perth has gone for a tender and they are sending their waste to a commercial landfill.

Note 3: The drop is mainly attributable to the increase in fees as well as seasonal factors.

Mindarie Regional Council

INCOME STATEMENT BY DEPARTMENT

For the month ended 31 August 2009

Description	Adopted Budget	YTD Budget	YTD Actual	\$ Variance	% Variance
Revenues from Ordinary Activities					
Operating Revenues					
Community Ammenties	39,100,140	6,372,556	5,614,266	(758,290)	-11.90%
Total Operating Revenues	39,100,140	6,372,556	5,614,266	(758,290)	-11.90%
Profit on Disposal of Assets					
Community Ammenties	27,800	0	0	0	
Total Profit (Loss) on Disposal of Assets	27,800	0	0	0	
Expenses from Ordinary Activities					
Operating Expenses					
Governance	149,500	8,000	4,067	3,933	49.16%
Community Ammenties	19,444,220	2,987,326	2,534,936	452,390	15.14%
Other Property and Sevices	1,027,800	246,602	169,617	76,985	31.22%
Resource Recovery Facility	15,355,000	1,976,669	1,529,002	447,667	22.65%
Total Operating Expenses	35,976,520	5,218,597	4,237,623	980,974	18.80%
Loss on Disposal of Assets					
Community Ammenties	28,700	0	0	0	
Total Profit (Loss) on Disposal of Assets	28,700	0	0	0	
Borrowing Costs Expense					
Community Ammenties	880,400	157,300	136,226	21,074	13.40%
Resource Recovery Facility	536,600	114,734	113,074	1,660	1.45%
Total Borrowing Costs Expense	1,417,000	272,034	249,300	22,734	8.36%
NET RESULT	1,705,720	881,925	1,127,344	245,419	27.83%

Mindarie Regional Council
Balance Sheet
For the month ended 31 August 2009

Description	ACTUAL 2009/2010	Movement	ACTUAL 2008/2009	Note
CURRENT ASSETS				
Cash	566,927	421,234	145,693	
Investments	10,260,224	(1,053,951)	11,314,175	
Debtors	3,517,643	1,524,832	1,992,811	
Stock	26,392	17,465	8,927	
Prepayments	93,203	(159,260)	252,462	
Other Current Assets	284,408	(355,007)	639,415	
TOTAL CURRENT ASSETS	14,748,797	395,313	14,353,484	
NON-CURRENT ASSETS				
Land	2,658,127	0	2,658,127	
Buildings & Improvements	1,726,861	(27,374)	1,754,235	
Furniture & Equipment	269,345	(8,188)	277,533	
Plant & Equipment	3,449,822	(112,304)	3,562,127	
Infrastructure - Other	463,422	(2,851)	466,273	
Infrastructure - Excavation	9,331,605	(675,700)	10,007,305	
Infrastructure - RRF	8,276,453	61,310	8,215,143	
Infrastructure - Rehabilitation	2,320,719	0	2,320,719	
Work In Progress - Excavation	10,667,379	1,057,291	9,610,088	
Work In Progress - Other	0	0	0	
Other Non Current Assets	2,075,566	(17,434)	2,093,000	
TOTAL NON-CURRENT ASSETS	41,239,300	274,750	40,964,550	
TOTAL ASSETS	55,988,097	670,063	55,318,034	
CURRENT LIABILITIES				
Creditors	2,564,882	735,201	1,829,681	
Provisions	503,766	15,140	488,626	
Loans Leases Overdrafts	2,280,629	(152,097)	2,432,725	
Accruals	559,450	(1,065,179)	1,624,629	
Other Current Liabilities	0	0	0	
TOTAL CURRENT LIABILITIES	5,908,726	(466,935)	6,375,661	
NON CURRENT LIABILITIES				
Loans Leases Overdrafts	19,501,151	0	19,501,151	
Other Non Current Liabilities	4,931,762	9,654	4,922,108	
TOTAL NON CURRENT LIABILITIES	24,432,913	9,654	24,423,259	
TOTAL LIABILITIES	30,341,640	(457,281)	30,798,920	
NET ASSETS	25,646,457	1,127,344	24,519,114	
EQUITY				
Retained Surplus	23,363,547	1,127,344	22,236,203	
Reserves	137,999	0	137,999	
Council Contribution	2,144,911	0	2,144,911	
TOTAL EQUITY	25,646,457	1,127,344	24,519,114	

MINDARIE REGIONAL COUNCIL
STATEMENT OF INVESTING ACTIVITIES
For the month ended 31 August 2009

Description	Adopted Budget	YTD Actual	% to Revised Budget	Note
PLANT, VEHICLES AND MACHINERIES				
Plant and Vehicles				
Replacement of Operation's Foreman Vehicle	38,500	0		
Replacement of Operation's Manager Vehicle	47,900	0		
Replacement of Fire Vehicle	45,500	0		
Replacement of Executive Vehicle	51,000	0		
Replacement of Executive Vehicle	50,000	0		
Replacement of Skid Steer Loader No.2	85,000	0		
Replace 2x 30m3 Transfer Bins	27,000	0		
Replacement of Workshop Vehicle	29,500	0		
Vehicle Tray - Welder's Vehicle	7,000	0		
New Utility Vehicle-Marketing and Education	44,000	0		
	425,400	0	0.00%	
Machinery and Equipment				
New Tarpomatic System	240,000	0		
New LGF Monitoring System	20,000	0		
New Paint Can Crusher	30,000	0		
Upgrade Recycling Centre Cameras	7,000	6,480	92.57%	
	297,000	6,480	2.18%	
TOTAL PLANT, VEHICLES AND MACHINERIES	722,400	6,480	0.90%	
FURNITURE AND EQUIPMENT				
Computer Equipment				
Replacement of Laptop (Operations Manager)	3,500	0		
Replacement of Desktop PC (Finance Officer-Reporting)	1,500	0		
Replacement of Desktop PC (Foreman)	1,500	0		
Replacement of Desktop PC (Environmental Officer)	1,500	0		
Replacement of Laptop (Administration Manager)	2,500	0		
Replacement of Laptop (Waste Education Officer)	2,500	0		
Various Replacement Printers and Computing Equipments	15,000	5,959	39.72%	
New Desktop PC (Finance Officer-Accts Payable)	1,500	0		
Additional UPS System (Admin and Recycling)	2,000	0		
	31,500	5,959	18.92%	
Office Furniture and Equipment				
Replacement of Furniture and Equipment	26,400	521	1.97%	
Purchase of New Office Equipment	13,000	0		
3x Storage Cabinets	5,000	0		
	44,400	521	1.17%	
TOTAL FURNITURE AND EQUIPMENT	75,900	6,480	8.54%	
LAND AND BUILDINGS				
Land				
<i>brought forward item:</i>				
Land Purchase (New Landfill Site)	12,000,000	0		
	12,000,000	0	0.00%	
Buildings				
Workshop Extension	250,000	0		
Ground Maintenance Shed	10,000	0	0.00%	
Chemical Toilet Facilities	15,000	0		
	275,000	0	0.00%	
TOTAL LAND AND BUILDINGS	12,275,000	0	0.00%	
INFRASTRUCTURE				
Operations				
Litter Control Fences	75,000	8,162	10.88%	
Reticulation	7,000	0		
Upgrade Recycling Centre Water Main	10,000	0		
<i>brought forward item:</i>				
Surveillance and Boom Gate	15,000	0	0.00%	
	107,000	8,162	7.63%	
Resource Recovery Facility				
Site Infrastructure	829,000	111,066		
	829,000	111,066	13.40%	
TOTAL INFRASTRUCTURE	936,000	119,229	12.74%	

MINDARIE REGIONAL COUNCIL
STATEMENT OF INVESTING ACTIVITIES
For the month ended 31 August 2009

Description	Adopted Budget	YTD Actual	% to Revised Budget	Note
LANDFILL EXCAVATIONS				
Excavation - Phase3 Stage2				
Construction	8,208,700	0		
Design	300,000	57,914		
Excavation/Earthworks	7,720,000	998,065		
MRC Project Manager	40,000	1,313		
Siteworks, Survey, Etc.	20,000	0		
TOTAL LANDFILL EXCAVATIONS	16,288,700	1,057,291	6.49%	

INFORMATION ON BORROWINGS

(a) Loan Schedule and Interest Expense

Actual

	Value of Loan Approved	Matures	Interest Rates	Principal 01/07/2009	Principal Drawn Down to 31/08/2009	Principal Repayments		Interest		Note
						Actual to 31/08/2009	Outstanding Actual to 31/08/2009	Repayments Actual to 31/08/2009	Repayments Actual to 31/08/2009	
Community Amenities										
Tamala Park Landfill										
Loan 8 - Building Upgrade	650,000	May-14	6.45%	376,435	0	15,926	360,509		4,121	2
Loan 12 - Construction Stage 2 Phase 2	15,000,000	Mar-12	5.98%	11,249,969	0	0	11,249,969		112,578	3
Loan 13 - Redraw for Phase 3 Landfill	6,600,000			0	0	0	0		0	
Loan 14 - New Landfill Purchase	12,000,000			0	0	0	0		0	
Regional Resource Recovery Facility										
Loan 11 - RRF Land Purchase	3,500,000	May-25	5.97%	1,940,815	0	45,098	1,895,717		19,527	2
Loan 10a - RRF Infrastructure	2,000,000	Mar-25	6.16%	1,766,658	0	16,999	1,749,659		18,382	2
Loan 10b - RRF Infrastructure (Interest Only)	2,600,000		Variable	2,600,000	0	0	2,600,000		15,611	1
Loan 10c - RRF Infrastructure	4,000,000	Jun-14	7.97%	4,000,000	0	74,074	3,925,926		79,081	
TOTAL	46,350,000			21,933,877	0	152,097	21,781,780		249,300	
						Facility Fee				
						Total Borrowing Costs				
								0		
								249,300		

Note 1: Loan 10b - \$2,600,000 has a variable rate of 3.55% for the month of August 2009.

Note 2: Total Loan Interest accrued for August 2009 = \$17,205.37.

Note 3: Principal payments are made quarterly.

Mindarie Regional Council

User Charges

For the month ended 31 August 2009

Description	Adopted Budget 2009/2010	YTD Budget 2009/2010	ACTUAL 2009/2010
Revenue from Ordinary Activities			
User Charges			
City of Perth			
Processable	1,928,000	321,334	291,339
Non Processable	2,400	400	0
Total	1,930,400	321,734	291,339
City of Wanneroo			
Processable	5,940,700	990,116	846,014
Non Processable	1,630,200	271,700	318,500
Total	7,570,900	1,261,816	1,164,514
City of Joondalup			
Processable	6,740,900	1,123,484	1,006,653
Non Processable	677,200	112,866	139,254
Total	7,418,100	1,236,350	1,145,907
City of Stirling			
Processable	1,446,000	241,000	0
Non Processable	6,930,000	1,155,000	1,161,283
Total	8,376,000	1,396,000	1,161,284
Town of Cambridge			
Processable	1,144,800	190,800	171,138
Non Processable	79,200	13,200	9,908
Total	1,224,000	204,000	181,046
Town of Vincent			
Processable	1,655,900	275,984	233,844
Non Processable	31,900	5,316	3,412
Total	1,687,800	281,300	237,256
Town of Victoria Park			
Processable	1,682,700	280,450	231,686
Non Processable	45,500	7,584	3,160
Total	1,728,200	288,034	234,845
RRF Residues			
Processable	0	0	0
Non Processable	1,980,000	330,000	149,965
Total	1,980,000	330,000	149,965
Processable	20,539,000	3,423,168	2,780,676
Non Processable	11,376,400	1,896,066	1,785,480
Total	31,915,400	5,319,234	4,566,156

**ITEM 8.2.2 LIST OF PAYMENTS MADE FOR THE MONTHS ENDED
31 JULY 2009 AND 31 AUGUST 2009**

File No: FIN/5-02 (D/09/4817)

Attachment(s): 1. List of payments made for the month ended 31 July 2009
2. List of payments made for the month ended 31 August 2009

Author: Kalwant Dhillon

SUMMARY

The purpose of this report is to provide details of payments made during the periods identified. It is also a requirement as part of the delegation given to the Chief Executive Officer, to make payments from the Municipal Fund, that a list of payments made since the last Ordinary Council meeting be presented to Council.

COMMENT

The lists of payments for the months ended 31 July 2009 and 31 August 2009 are at Attachment One and Two to this Item and are presented for endorsement. Payments have been made in accordance with delegations that allow payments between meetings and are subsequently required to be presented to the next Council meeting following such payments. Further, at the Ordinary Council Meeting held on 23 October 2008, the Council delegated to the Chief Executive Officer the exercise of its power to make payments from the Municipal Fund. This delegation has been renewed upon annual reviews. 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.

Months Ended	Account	Vouchers	Amount
31 July 2009	General Municipal	3923 -4140 DP 259 – DP 267 EFT 194 - EFT 199	\$3,184,355.89
31 August 2009	General Municipal	4141 - 4306 DP 268 – DP 284 EFT 200 – EFT 202	\$2,289,744.53

MRC OFFICER RECOMMENDATION

That Council endorse the list of payments made, as per the delegation made to the Chief Executive Officer, for the months ended 31 July 2009 and 31 August 2009.

**ATTACHMENT ONE
TO ITEM 8.2.2
ORDINARY COUNCIL MEETING
15 OCTOBER 2009
LIST OF PAYMENTS MADE FOR THE MONTH ENDED
31 JULY 2009**

Schedule of Payment for July 2009
Council Meeting - 21 October 2009

Cheque Posting Date	Document No.	Vendor Name	Description	Cheque Amount
1/07/2009	3923	ABA Fridge & Washer Service	Recycling Contractors - Fridge Degas	\$2,032.80
1/07/2009	3924	ACTION LOCK SERVICE	Replacement of new locks for Admin. Office	\$672.00
1/07/2009	3925	Alance Newspaper & Magazine Delivery	Periodicals/ Publications	\$119.00
1/07/2009	3926	Blackwoods & Atkins	Flashing night lights for tipface	\$335.53
1/07/2009	3927	CLEAN SWEEP	Access Road Maintenance	\$412.50
1/07/2009	3928	CUTTING EDGES	Steel bar for workshop	\$1,192.73
1/07/2009	3929	Devco Holdings Pty Ltd	Concrete works to Old Admin Bldg.	\$12,622.50
1/07/2009	3930	DRAGE SIGNS	Signage for Admin Building	\$3,141.50
1/07/2009	3931	Electek	Power outage at Weighbridge	\$399.30
1/07/2009	3932	Ergolink	Office furniture	\$484.50
1/07/2009	3933	Fuji Xerox Australia Pty Ltd	Photocopier Maintenance	\$165.00
1/07/2009	3934	Geofabrics Aust. Pty Ltd	Access Road Maintenance	\$8,023.40
1/07/2009	3935	Glenmarri Pty Ltd	Dieback assessment	\$6,600.00
1/07/2009	3936	Grant O'Brien	Contract Labour - Education Centre	\$200.00
1/07/2009	3937	H & L GLASS	Supply & fit windscreen for vehicles.	\$770.00
1/07/2009	3938	HSE Control Pty Ltd	Environmental Management Program 2008-2009	\$10,399.22
1/07/2009	3939	Jasneat	General Cleaning	\$1,370.37
1/07/2009	3940	Joondalup Office National	Office stationary supplies	\$261.37
1/07/2009	3941	Kalmar Pty Ltd	Education Building Pergola	\$14,700.00
1/07/2009	3942	KINROSS SUPA IGA	Staff amenities	\$161.67
1/07/2009	3943	LINC STRATEGIC	Website project instalment fee	\$12,223.20
1/07/2009	3944	Mac Fabrications	Galvanised railing	\$2,343.00
1/07/2009	3945	Men of the Trees	Supply of plants for Education Centre	\$400.00
1/07/2009	3946	Methodist Ladies College	Education Centre - Tour bus hire	\$200.00
1/07/2009	3947	MINDARIE BUS CHARTER	Earth carer course tour	\$396.00
1/07/2009	3948	NCS International	Certification Audit	\$3,861.00
1/07/2009	3949	Neverfail Springwater Ltd	Bottled water	\$66.65
1/07/2009	3950	PIRTEK (MALAGA) PTY LTD	Hose replacement	\$390.80
1/07/2009	3951	PURE AIR FILTERS	Clean air filters	\$132.00
1/07/2009	3952	QUINNS ROCK CABINETS & MAINTEN	Water Cart hire	\$6,402.00
1/07/2009	3953	Red 11 Pty Ltd	Supply of Computer Equipment	\$28,738.44
1/07/2009	3954	SARAYA Australia	Sanitiser Dispenser unit	\$1,258.40
1/07/2009	3955	Dept of Planning & Infrastructure Fremantle Office	Searchs	\$36.40
1/07/2009	3956	Staff Link	Contract labour External - Bushland Management	\$4,157.79
1/07/2009	3957	SYNNOTT MULHOLLAND MANAGEMENT	Contract services - RRF community consultation	\$5,544.00
1/07/2009	3958	TELSTRA	Telephone Expenses	\$136.48
1/07/2009	3959	TITAN FORD	Motor vehicle service	\$754.25
1/07/2009	3960	Travel Associates Australia Pty Ltd	Flight booking & services for Conference	\$2,845.21

1/07/2009	3961	URS	Professional services - RRF Infrastructure	\$20,348.35
1/07/2009	3962	CANCELLED	CANCELLED CHEQUE	\$0.00
1/07/2009	3963	Western Plant Hire (WA) Pty Ltd	Repair and Maintenance of bin truck	\$1,131.08
1/07/2009	3964	WestTrac Pty Ltd	Plant maintenance & service for various plants and machineries	\$7,562.16
1/07/2009	3965	Mindarie Regional Council	Petty Cash reimbursements	\$651.75
1/07/2009	3966	AIR MET SCIENTIFIC PTY LTD	Replacement of pump & calibration	\$447.15
1/07/2009	3967	Cardno BSD Meinhardt Joint Venture	Professional services - RRF	\$13,852.55
1/07/2009	3968	CLEAN SWEEP	Access Road Maintenance	\$721.88
1/07/2009	3969	DRAGE SIGNS	New sign boards for site	\$759.00
1/07/2009	3970	Environment House Incorporated	Earth carers course	\$660.00
1/07/2009	3971	Helen Griffiths	Travel allowance - CEAG meeting	\$83.69
1/07/2009	3972	INFORMATION ENTERPRISES TRUST	Training - TRIM	\$4,565.00
1/07/2009	3973	Joondalup Office National	Office stationary supplies	\$278.33
1/07/2009	3974	KINROSS SUPA IGA	Staff amenities	\$285.73
1/07/2009	3975	Althea L Malligan	Travel allowance - CEAG meeting	\$484.21
1/07/2009	3976	MULTIPROGRAMMING PTY LTD	IT Support for RRF	\$169.77
1/07/2009	3977	NK CONTRACTORS	Ramp Backfill for Excavation Stage2 Phase3	\$89,980.00
1/07/2009	3978	ONESTEEL	Purchase of Grid Mesh & delivery	\$155.28
1/07/2009	3979	QUINNS ROCK CABINETS & MAINTEN	Hire of excavator	\$2,024.00
1/07/2009	3980	REPCO AUTO PARTS-Clarkson	Supply of parts for Hino Bin Truck	\$78.42
1/07/2009	3981	SHERIDAN'S FOR BADGES	Office name badges	\$89.08
1/07/2009	3982	The 12 Volt Shop	Supply of Computer Equipment	\$482.00
1/07/2009	3983	TOTALLY WORKWEAR	Staff Uniform	\$199.82
1/07/2009	3984	TOXFREE	Tanker hire	\$4,929.42
1/07/2009	3985	Ventouras Advertising & Design	Design services for mobile display brochure	\$1,721.50
1/07/2009	3986	VERTICAL EVENTS	WA OH&S Conference	\$3,080.00
1/07/2009	3987	Corinne MacRae	Member Meeting Fees	\$4,250.00
1/07/2009	3988	Dot Newton	Member Meeting Fees	\$3,500.00
1/07/2009	3989	John Bissett	Member Meeting Fees	\$3,500.00
1/07/2009	3990	Kathryn Thomas	Member Meeting Fees	\$3,500.00
1/07/2009	3991	Kerry Hollywood	Member Meeting Fees	\$3,500.00
1/07/2009	3992	Laura Gray	Member Meeting Fees	\$3,500.00
1/07/2009	3993	Peter Rose	Member Meeting Fees	\$3,500.00
1/07/2009	3994	Rob Butler	Member Meeting Fees	\$3,500.00
1/07/2009	3995	Rod Willox	Member Meeting Fees	\$10,000.00
1/07/2009	3996	Ron Sebrechts	Member Meeting Fees	\$3,500.00
1/07/2009	3997	Russ Fishwick	Member Meeting Fees	\$3,500.00
1/07/2009	3998	Steed Farrell	Member Meeting Fees	\$3,500.00
16/07/2009	3999	JMS Civil & Mining (Aust) Pty Ltd	Stage 2 - Tie in liner	\$342,886.30
20/07/2009	4000	Animal Pest Management Services	Pest control	\$2,304.50
20/07/2009	4001	ARMAGUARD	Cash Collection fee	\$756.91
20/07/2009	4002	AUSTRALIA POST - JOONDALUP	Postage & Freight	\$424.60
20/07/2009	4003	Bunnings Building Supplies	Workshop supplies	\$393.79
20/07/2009	4004	Castle Security & Electrical Pty	Mobile guard response	\$241.50
20/07/2009	4005	City of Wanneroo	Bin Pickup expenses	\$410.96

20/07/2009	4006	CLEAN SWEEP	Access Road Maintenance	\$481.25
20/07/2009	4007	CMA Recycling	Recycling Contractors - Flouro tubes	\$1,559.25
20/07/2009	4008	Command A Com	Call out charge for telephone issues	\$533.50
20/07/2009	4009	Concentric Asia Pacific Pty Ltd	Supply RiskSafe Software	\$6,110.50
20/07/2009	4010	Corporate Express Australia Limited	Purchase of computer equipment	\$1,516.90
20/07/2009	4011	CSIRO ACCOUNTS RECEIVABLE	CSIRO Groundwater gradient desktop study	\$8,942.56
20/07/2009	4012	Cube Consulting Pty Ltd	Software Subscriptions	\$786.50
20/07/2009	4013	David Ashton	Member Meeting Fees	\$140.00
20/07/2009	4014	DRAGE SIGNS	New price lists for weighbridge signs	\$462.00
20/07/2009	4015	Excel Window Cleaning	Building Maintenance	\$280.00
20/07/2009	4016	Fuji Xerox Australia Pty Ltd	Photocopier lease fee	\$999.92
20/07/2009	4017	Geoff Amphlett	Member Meeting Fees	\$140.00
20/07/2009	4018	Greenworld Indoor Gardens	Monthly service for indoor plants	\$332.82
20/07/2009	4019	Instant Products Group	Hire of mobile toilets	\$1,036.09
20/07/2009	4020	IW Projects	Contract services - Zero waste plan	\$10,310.30
20/07/2009	4021	Jasneat	General Cleaning	\$544.17
20/07/2009	4022	Keyfast Bulk Haulage Pty Ltd	Limestone Crushing to 3/6/9	\$112,863.89
20/07/2009	4023	KINROSS SUPA IGA	Staff amenities	\$158.62
20/07/2009	4024	LOCAL GOVERNMENT SUPERVISORS A	Annual membership fee	\$115.50
20/07/2009	4025	Lulifit Nursery	Eucalip Tuat -Waugal infill tubestock	\$1,375.00
20/07/2009	4026	Magicrop Pty Ltd	Monthly subscription fee	\$103.40
20/07/2009	4027	MOBILE MASTERS	Supply of 2-way Radio system to Loader and Caterpillar	\$1,996.50
20/07/2009	4028	NATIONWIDE OIL	Recycling Contractors - Used oil Collection	\$654.50
20/07/2009	4029	Neverfail Springwater Ltd	Bottled water	\$44.85
20/07/2009	4030	Northern Districts Pest Management	Pest management program	\$154.00
20/07/2009	4031	QUINNS ROCK EARTHMOVING	Contract Labour External - Workshop	\$2,244.00
20/07/2009	4032	Rapidspray Southern	Bushland Management - Fire Fighter Sprayers	\$618.00
20/07/2009	4033	Reliance Petroleum	Distillate	\$30,175.11
20/07/2009	4034	SCOPE BUSINESS IMAGING	Maintenance fee	\$147.48
20/07/2009	4035	SJM Fencing	Maintenance work for boundary fence	\$600.00
20/07/2009	4036	Staff Link	Contract labour External - Bushland Management	\$5,964.85
20/07/2009	4037	SYNNOTT MULHOLLAND MANAGEMENT	Contract services - Marketing & Waste Education programs - May'09	\$11,264.00
20/07/2009	4038	TELSTRA	Telephone Expenses	\$379.46
20/07/2009	4039	The Funk Factory	Education centre	\$2,585.00
20/07/2009	4040	TOTALLY WORKWEAR	Staff uniform	\$1,155.34
20/07/2009	4041	Wanneroo Business Association	Membership Subscription	\$242.00
20/07/2009	4042	WANNEROO PLUMBING SERVICE	Building Maintenance	\$484.00
20/07/2009	4043	WESTERN DIAGNOSTIC PATHOLOGY	Wellness Programs	\$54.78
20/07/2009	4044	WILSON SECURITY	Building Security - Mobile Patrols	\$1,279.83
20/07/2009	4045	Woodhouse Legal	Legal Fees	\$1,383.80
20/07/2009	4046	WORK CLOBBER	Safety boots	\$114.30
20/07/2009	4047	Yakka Pty Ltd	Staff Jackets	\$1,940.40
22/07/2009	4048	Mindarie Regional Council	Petty Cash reimbursements	\$989.85
23/07/2009	4049	Air Liquide WA Pty Ltd	Plant Hire Costs - gas cylinder fee	\$175.15
23/07/2009	4050	Ausrecord	Compactafle Unit Relocation - Administration Bldg	\$1,980.00

23/07/2009	4051	Blackwoods & Atkins	Toiletries	\$109.22
23/07/2009	4052	Cabcharge Australia Ltd	Travelling Expenses	\$14.76
23/07/2009	4053	City of Wanneroo	Bin Pickup expenses	\$329.34
23/07/2009	4054	CLEAN SWEEP	Access Road Maintenance	\$550.00
23/07/2009	4055	DRIVE IN ELECTRICS	Maintenance for Bomag compactor	\$1,118.85
23/07/2009	4056	Geodetic Supply & Repair Pty Ltd	Repair laser transporter	\$198.00
23/07/2009	4057	GOLDER ASSOCIATES PTY LTD	Professional services - Stage 2 Phase 3 Design	\$42,641.50
23/07/2009	4058	H & L GLASS	Supply and fit windscreen to side steer	\$395.00
23/07/2009	4059	IW Projects	Contract services - RRF	\$16,878.95
23/07/2009	4060	JMS Civil & Mining (Aust) Pty Ltd	Professional services - Stage1 Phase 2 Tie in Liner	\$376,924.68
23/07/2009	4061	Joondalup Office National	Office stationary supplies	\$574.74
23/07/2009	4062	Kalmar Pty Ltd	Buildings & Improvements - Infill for Pergola	\$655.00
23/07/2009	4063	KD Aire Mechanical and Electrical Services	Building Maintenance - relocate vent	\$715.00
23/07/2009	4064	Keyfast Bulk Haulage Pty Ltd	Limestone Crushing	\$74,309.88
23/07/2009	4065	LAKE ANNE CONSULTANCY	HR consultancy	\$1,650.00
23/07/2009	4066	Staff Link	Contract labour External - Bushland Management	\$1,131.37
23/07/2009	4067	TELSTRA	Telephone Expenses	\$810.84
23/07/2009	4068	The Funk Factory	Production of interpretive signs	\$2,475.00
23/07/2009	4069	The Hire Guys - Joondalup	Hire of ride on mower	\$1,188.00
23/07/2009	4070	TOXFREE	Recycling Contractors - Household Hazardous Waste	\$99,720.50
23/07/2009	4071	TRANEN PTY LTD	Seed Bank withdrawal charges	\$429.00
23/07/2009	4072	Travel Associates Australia Pty Ltd	National landfill Conference	\$4,180.49
23/07/2009	4073	United Equipment	Tyre locking clips	\$207.08
23/07/2009	4074	URS	Professional services - RRF Infrastructure	\$31,489.92
23/07/2009	4075	Ventouras Advertising & Design	Household Hazardous Waste flyers	\$1,301.30
23/07/2009	4076	WA Local Government Association	E-waste collection	\$15,522.84
23/07/2009	4077	WesTrac Pty Ltd	Plant maintenance & Repairs	\$1,519.83
23/07/2009	4078	WHK Horwath	Audit fees	\$6,270.00
23/07/2009	4079	YMCA	Education Centre - Reduce reuse recycle video production	\$2,675.00
23/07/2009	4080	BRYANT MEDIA	Development of CEAG RRF community engagement plan	\$4,323.00
23/07/2009	4081	LINC STRATEGIC	Website upgradation project	\$11,959.20
28/07/2009	4083	City of Joondalup	Lease Fee Lot 118 Marmion Avenue for August 2009	\$8,693.55
28/07/2009	4084	City of Perth	Lease Fee Lot 118 Marmion Avenue for August 2009	\$4,346.77
28/07/2009	4085	City of Stirling	Lease Fee Lot 118 Marmion Avenue for August 2009	\$17,387.10
28/07/2009	4086	City of Wanneroo	Lease Fee Lot 118 Marmion Avenue for August 2009	\$8,693.55
28/07/2009	4087	Town of Cambridge	Lease Fee Lot 118 Marmion Avenue for August 2009	\$4,346.77
28/07/2009	4088	Town of Victoria Park	Lease Fee Lot 118 Marmion Avenue for August 2009	\$4,346.77
28/07/2009	4089	Town of Vincent	Lease Fee Lot 118 Marmion Avenue for August 2009	\$4,346.77
29/07/2009	4090	Australian Landfill Owners Association Ltd	Annual membership fee	\$6,600.00
31/07/2009	4091	Alance Newspaper & Magazine Delivery	Periodicals/ Publications	\$79.00
31/07/2009	4092	Australian Institute of Management	Staff Training	\$810.00
31/07/2009	4093	B & T EARTHMOVING	Bobcat and Truck Hire - RRF Landscape	\$825.00
31/07/2009	4094	Better Digital Communications	Telephone Expenses	\$107.95
31/07/2009	4095	Blackwoods & Atkins	Office supplies	\$471.90
31/07/2009	4096	Bunnings Building Supplies	Repairs & maintenance	\$621.09

31/07/2009	4097	City of Stirling	Catering - WESSG meeting	\$1,494.00
31/07/2009	4098	CLEAN SWEEP	Access Road Maintenance	\$825.00
31/07/2009	4099	COATES HIRE	Message sign board rental	\$374.00
31/07/2009	4100	Couplers Malaga	Expendable Tools	\$159.83
31/07/2009	4101	DRIVE IN ELECTRICS	Wiring repairs & circuit replacement	\$198.00
31/07/2009	4102	EMRC	MRC Contribution to Forum of Regional Council	\$11,021.19
31/07/2009	4103	Great Southern Sands	Plant & operator hire - Dump truck, excavator & Dozer	\$399,892.76
31/07/2009	4104	GRIFFEN CIVIL	Contract Services - Construction at RRF	\$31,861.31
31/07/2009	4105	Immersive Operator Training	Staff Training	\$1,500.00
31/07/2009	4106	Iron Mountain Australia Pty Ltd	Records management fee	\$4.43
31/07/2009	4107	JOONDALUP RESORT	Room hire & catering - CEAG meeting	\$717.50
31/07/2009	4108	KINROSS SUPA IGA	Staff amenities	\$218.92
31/07/2009	4109	LGIS LIABILITY	Public Liability Insurance premium	\$23,947.00
31/07/2009	4110	Local Government Managers Australia	LGMA Subscription 2009/10	\$156.00
31/07/2009	4111	Lulfitz Nursery	Eucalip Tuarts - Tubestock	\$4,914.25
31/07/2009	4112	MERCURY	Courier charges	\$553.72
31/07/2009	4113	MULTIPROGRAMMING PTY LTD	Computer Systems Maintenance	\$11,050.22
31/07/2009	4114	NATIONWIDE OIL	Recycling Contractors - Oil Collection	\$376.20
31/07/2009	4115	Neverfail Springwater Ltd	Bottled water	\$77.55
31/07/2009	4116	NK CONTRACTORS	NK Contractors Ramp Backfill	\$14,490.30
31/07/2009	4117	OPTUS COMMUNICATIONS	Mobile Expense	\$1,039.35
31/07/2009	4118	ROADMARKING INDUSTRY ASSOCIATION OF AUSTRALIA	Memberships - 2009/10	\$222.00
31/07/2009	4119	Dept of Planning & Infrastructure Fremantle Office	Vehicle ownership searches	\$14.00
31/07/2009	4120	SKIPPER TRUCKS	Repairs & maintenance of plant	\$7,262.35
31/07/2009	4121	Staff Link	Contract labour external	\$1,470.00
31/07/2009	4122	STEVE'S MOBILE TYRE SERVICE	Tyre repair & maintenance	\$1,945.00
31/07/2009	4123	SYNNOTT MULHOLLAND MANAGEMENT	Contract services - Marketing & Waste Education programs, June'09	\$14,652.00
31/07/2009	4124	TELSTRA	Telephone Expenses	\$136.47
31/07/2009	4125	TOTALLY WORKWEAR	Staff Uniforms	\$51.25
31/07/2009	4126	TURNKEY INSTRUMENTS PTY LTD	Install and Commission Dust Monitors at site	\$3,663.44
31/07/2009	4127	WA Local Government Association	Advertising - Schedule of Fees & Charges	\$10,940.85
31/07/2009	4128	WASTE MANAGEMENT ASSN OF AUST LTD	Cash Contribution to WMAA A-ACAP project	\$7,770.87
31/07/2009	4129	WesTrac Pty Ltd	Repairs & maintenance	\$339.37
31/07/2009	4130	Materials Handling Pty Ltd	Expendable Tools	\$314.60
31/07/2009	4131	Asteron Portfolio Services	Superannuation premium	\$464.13
31/07/2009	4132	CBUS	Superannuation premium	\$462.54
31/07/2009	4133	CHILD SUPPORT	Child Support Allowance payment - Deduction made from staff salary	\$672.28
31/07/2009	4134	Health Insurance Fund of WA	Superannuation premium	\$276.15
31/07/2009	4135	HESTA SUPER FUND	Superannuation premium	\$1,046.14
31/07/2009	4136	Portfoliofocus - Premium Retirement Services	Superannuation premium	\$11,227.50
31/07/2009	4137	REST Superannuation	Superannuation premium	\$624.31
31/07/2009	4138	WALGS PLAN PTY LTD	Superannuation premium	\$47,914.40
31/07/2009	4139	WESTSCHEME	Superannuation premium	\$972.00
31/07/2009	4140	Mindarie Regional Council	Staff Uniform	\$424.00
Total Cheque Payments				\$2,282,458.80

1/07/2009	DP-00259	National Australia Bank	Merchant Fees - June'09	\$787.44
1/07/2009	DP-00260	National Australia Bank	National Online Fee - June'09	\$61.76
30/07/2009	DP-00261	linet Limited	Internet VOIP charge	\$9.95
21/07/2009	DP-00262	National Australia Bank	Credit Card Payment	\$5,905.32
27/07/2009	DP-00263	Commonwealth Bank of Australia	Loan 10a Repayment	\$43,832.53
29/07/2009	DP-00264	Commonwealth Bank of Australia	Loan 10b Interest Payment	\$7,500.82
31/07/2009	DP-00265	Cancelled	Cancelled	\$0.00
31/07/2009	DP-00266	Cancelled	Cancelled	\$0.00
31/07/2009	DP-00267	Cancelled	Cancelled	\$0.00
Total Direct Payments				\$58,097.82
3/07/2009	EFT-00194	Payroll Employee Wages	MRC	\$89,182.27
17/07/2009	EFT-00195	Payroll Employee Wages	MRC	\$86,535.69
30/07/2009	EFT-00196	Airefrig Australia Pty Ltd	Refrigerator Decommissioning Program Tools	\$5,050.49
31/07/2009	EFT-00197	Payroll Employee Wages	MRC	\$88,230.66
31/07/2009	EFT-00198	Cancelled	Cancelled	\$0.00
31/07/2009	EFT-00199	DEC	Landfill Levy 1/4/09 to 30/6/09	\$486,569.50
Total EFT Payments				\$755,568.61
Total EFT				\$3,096,125.23
Grand Total				\$3,096,125.23

Summary Schedule of Payments

Cheque Payments	
Cheque No. 3923 to 4140	\$2,282,458.80
Electronic Payments	
DP-00259 to DP-00267	\$58,097.82
EFT-00194 to EFT-00199	\$755,568.61
Grand Total	\$3,096,125.23

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts which was passed for payment, covering vouchers as above which was submitted to each member of Council on 21 October 2009 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costing and the amounts due for payment.

CHIEF EXECUTIVE OFFICER

**ATTACHMENT TWO
TO ITEM 8.2.2
ORDINARY COUNCIL MEETING
15 OCTOBER 2009
LIST OF PAYMENTS MADE FOR THE MONTH ENDED
31 AUGUST 2009**

Schedule of Payment for August 2009
Council Meeting - 21 October 2009

Cheque Posting Date	Document No.	Vendor Name	Description	Cheque Amount
4/08/2009	4141	Mindarie Regional Council	Petty cash reimbursements	\$633.85
4/08/2009	4142	Universal Panel and Paint	Excess payment for insurance claim	\$300.00
5/08/2009	4143	BENARA NURSERIES	Bushland Management	\$159.50
5/08/2009	4144	Blackwoods & Atkins	Expendable tools	\$627.33
5/08/2009	4145	Bunnings Building Supplies	Building maintenance	\$193.16
5/08/2009	4146	CLEAN SWEEP	Access Road Maintenance	\$687.50
5/08/2009	4147	COATES HIRE	Sign board hire	\$968.00
5/08/2009	4148	Command A Com	Maintenance of telephone equipment	\$137.50
5/08/2009	4149	Freehills	EMS quarterly review	\$4,913.70
5/08/2009	4150	Grant O'Brien	Landscaping and Gardens at RRF	\$3,760.00
5/08/2009	4151	Greenworld Indoor Gardens	Monthly plant hire	\$332.82
5/08/2009	4152	Hewlett Packard Australia Pty Ltd	TRIM annual support fee	\$1,912.81
5/08/2009	4153	Information Outlook Pty Ltd	Computer Systems Maintenance	\$13,377.17
5/08/2009	4154	Jasneat	Cleaning services	\$1,643.17
5/08/2009	4155	JUST SPECTACLES CLARKSON	Staff spectacles	\$550.00
5/08/2009	4156	L & T Venables	Expendable Tools	\$91.17
5/08/2009	4157	LANDFILL GAS & POWER PTY LTD	Electricity charge	\$3,222.05
5/08/2009	4158	LGIS INSURANCE BROKERS	Premium - Statutory & Business Practices liability	\$18,835.13
5/08/2009	4159	LGIS LIABILITY	Premium - Employee fraud protection	\$1,918.13
5/08/2009	4160	LGIS PROPERTY	Municipal Property Insurance	\$11,014.51
5/08/2009	4161	CANCELLED CHEQUE	CANCELLED CHEQUE	\$0.00
5/08/2009	4162	Ocean Keys Family Practice	Pre- employment medical check	\$88.00
5/08/2009	4163	QUINNS ROCK CABINETS & MAINTEN	Hire of Truck, Bobcat and labour for RRF landscaping	\$9,278.50
5/08/2009	4164	Red 11 Pty Ltd	Computer equipment	\$284.01
5/08/2009	4165	Salmat MediaForce	Distribution of Household Hazardous Waste flyers	\$715.45
5/08/2009	4166	SBS Sims Group	Recycling Contractors - E Waste	\$2,300.10
5/08/2009	4167	Staff Link	Contract External labour	\$1,448.79
5/08/2009	4168	TOXFREE	Recycling Contractors - Household Hazardous Waste	\$4,165.93
5/08/2009	4169	Western Plant Hire (WA) Pty Ltd	Plant Hire Costs	\$4,165.70
5/08/2009	4170	WesTrac Pty Ltd	Repairs & maintenance	\$336.60
5/08/2009	4171	Yakka Pty Ltd	Staff Uniforms/Protective Clothing	\$538.48
5/08/2009	4172	City of Stirling	Reimbursement of expenses under Lease Agreement	\$21,096.03
6/08/2009	4173	Surface Tech Surveys	Bushland Management - survey	\$1,321.37
7/08/2009	4174	BRYANT MEDIA	Corporate Communications	\$10,747.00
7/08/2009	4175	Mindarie Regional Council	Petty cash reimbursements	\$994.50
12/08/2009	4176 - 4188	CANCELLED CHEQUE	CANCELLED CHEQUE	\$0.00
12/08/2009	4189	Air Liquide WA Pty Ltd	Plant Hire Costs - cylinder	\$191.29
12/08/2009	4190	BOB JANE TMART	Repairs & maintenance	\$78.00
12/08/2009	4191	BULLIVANTS PTY LTD	Expendable tools - workshop	\$487.30
12/08/2009	4192	CLEAN SWEEP	Access Road Maintenance	\$1,237.50

12/08/2009	4193	Crossland & Hardy Pty Ltd	Professional services - landfill survey	\$1,518.00
12/08/2009	4194	FILTER SUPPLIES	Repairs & maintenance	\$1,384.42
12/08/2009	4195	Instant Products Group	Building maintenance	\$1,180.41
12/08/2009	4196	Mckenna Hampton	Insurance advice - RRF	\$550.00
12/08/2009	4197	NK CONTRACTORS	Excavation work for Stage 2 Phase 3 project	\$4,510.00
12/08/2009	4198	PIRTEK (MALAGA) PTY LTD	Repairs & maintenance	\$1,275.60
12/08/2009	4199	REPCO AUTO PARTS-Clarkson	Repairs & maintenance	\$41.05
12/08/2009	4200	The Factory	Signage for RRF	\$11,825.00
12/08/2009	4201	WA Local Government Association	Annual online service charge	\$4,791.60
12/08/2009	4202	SYNNOTT MULHOLLAND MANAGEMENT	Contract services - Marketing & Waste Education program	\$15,790.50
12/08/2009	4203	ALLMARK PROMOTIONS	Advertising & promotions	\$2,288.00
12/08/2009	4204	Bunnings Building Supplies	Building maintenance	\$296.93
12/08/2009	4205	CALTEX AUSTRALIA PETROLEUM PTY	Fuel and Oil	\$720.54
12/08/2009	4206	Castle Security & Electrical Pty	Building Security	\$93.50
12/08/2009	4207	Coastal Sweeping	Cleaning services - RRF	\$263.17
12/08/2009	4208	Coventrys	Plant - Repair and Maintenance	\$179.04
12/08/2009	4209	Domain Catering	Council Meeting Expenses	\$1,085.00
12/08/2009	4210	HSE Control Pty Ltd	Contract services - Environmental	\$14,157.00
12/08/2009	4211	J-CAN TRANSPORT SERVICE	Transportation of plant to service centre	\$528.00
12/08/2009	4212	Keyfast Bulk Haulage Pty Ltd	Limestone crushing	\$56,000.00
12/08/2009	4213	KINROSS SUPA IGA	Staff Amenities	\$179.84
12/08/2009	4214	L & T Venables	Expendable Tools	\$29.62
12/08/2009	4215	MAGNETIC AUTOMATION PTY LTD	Fencing Maintenance & Gate Repairs	\$698.50
12/08/2009	4216	CANCELLED CHEQUE	CANCELLED CHEQUE	\$0.00
12/08/2009	4217	Power Industrial Supplies	Safety gloves and glasses	\$1,189.32
12/08/2009	4218	Print Acumen Pty Ltd	Printing of business cards	\$766.00
12/08/2009	4219	CANCELLED CHEQUE	CANCELLED CHEQUE	\$0.00
12/08/2009	4220	Red 11 Pty Ltd	Computer equipment - RRF	\$36,378.60
12/08/2009	4221	Retirees WA Inc	Waste Management Education	\$200.00
12/08/2009	4222	Rhonda Evans	Financial system support & maintenance - July'09	\$2,420.00
12/08/2009	4223	Staff Link	Contract labour external - Bushland management	\$1,279.08
12/08/2009	4224	TELSTRA	Telephone Expenses	\$851.15
12/08/2009	4225	WHK Horwath	Professional services - Audit fees	\$5,720.00
12/08/2009	4226	SYNERGY	Electricity charge	\$31.10
12/08/2009	4227	CANCELLED CHEQUE	CANCELLED CHEQUE	\$0.00
13/08/2009	4228	Reliance Petroleum	Distillate	\$44,513.70
14/08/2009	4229	Keyfast Bulk Haulage Pty Ltd	Limestone crushing	\$91,653.77
19/08/2009	4230	A&A Plastic Strip Curtains	Blinds for Pergola - Education Centre	\$5,423.00
19/08/2009	4231	AUSTRALIA POST - JOONDALUP	Postage & Freight	\$498.63
19/08/2009	4232	Australian Local Government Association	Member Conference Expenses	\$1,109.00
19/08/2009	4233	Cabcharge Australia Ltd	Travelling Expenses	\$6.00
19/08/2009	4234	CALTEX AUSTRALIA PETROLEUM PTY	Fuel and Oil	\$547.22
19/08/2009	4235	Freehills	Legal Expenses - RRF Construction Period advice	\$5,430.15
19/08/2009	4236	HOPKINS J & K	Furniture & equipment	\$573.00
19/08/2009	4237	Joondalup Office National	Office stationary supplies	\$629.51

19/08/2009	4238	LOCAL GOVERNMENT SUPERVISORS A	Staff Conferences	\$1,434.50
19/08/2009	4239	MERCURY	Courier Expenses	\$474.61
19/08/2009	4240	Neverfail Springwater Ltd	Bottled water	\$231.90
19/08/2009	4241	Noranda Primary School	Waste Management Education	\$176.00
19/08/2009	4242	Rhonda Evans	Financial system support & maintenance - August'09	\$2,274.80
19/08/2009	4243	SCOPE BUSINESS IMAGING	Photocopier Maintenance	\$335.71
19/08/2009	4244	Staff Link	Contract labour external - Bushland management	\$1,811.77
19/08/2009	4245	STEVE'S MOBILE TYRE SERVICE	Repairs & maintenance	\$975.00
19/08/2009	4246	TOTALLY WORKWEAR	Staff Uniforms/Protective Clothing	\$453.50
19/08/2009	4247	URS	Professional services - RRF	\$19,267.20
19/08/2009	4248	GOLDER ASSOCIATES PTY LTD	Professional services - Stage1 and Stage2 Tie-in project	\$39,403.87
19/08/2009	4249	Environmental Printing Company	Earth Carers Guides Booklets	\$2,926.00
19/08/2009	4250	MULTIPROGRAMMING PTY LTD	Computer Systems Maintenance	\$10,989.37
25/08/2009	4251	City of Joondalup	Lease Fee Lot 118 Marmion Ave for September 2009	\$8,693.55
25/08/2009	4252	City of Perth	Lease Fee Lot 118 Marmion Ave for September 2009	\$4,346.77
25/08/2009	4253	City of Stirling	Lease Fee Lot 118 Marmion Ave for September 2009	\$17,387.10
25/08/2009	4254	City of Wanneroo	Lease Fee Lot 118 Marmion Ave for September 2009	\$8,693.55
25/08/2009	4255	Town of Cambridge	Lease Fee Lot 118 Marmion Ave for September 2009	\$4,346.77
25/08/2009	4256	Town of Victoria Park	Lease Fee Lot 118 Marmion Ave for September 2009	\$4,346.77
25/08/2009	4257	Town of Vincent	Lease Fee Lot 118 Marmion Ave for September 2009	\$4,346.77
27/08/2009	4258	A Class Displays	Display signs	\$94.38
27/08/2009	4259	Air Well Pumps Pty Ltd	Leachate System Management	\$1,509.94
27/08/2009	4260	Alance Newspaper & Magazine Delivery	Periodicals/ Publications	\$104.95
27/08/2009	4261	ARMAGUARD	Cash collection fee	\$758.90
27/08/2009	4262	BT Equipment Pty Ltd	Engine oil for Bomag compactor	\$554.40
27/08/2009	4263	Bunnings Building Supplies	Building supplies	\$251.71
27/08/2009	4264	CLEAN SWEEP	Access Road Maintenance	\$618.75
27/08/2009	4265	DELOITTE	Financial Modelling - Fee setting 2009/10 & advice on key projects going forward.	\$42,438.94
27/08/2009	4266	Domain Catering	Catering for Financial Mgt Workshop	\$419.75
27/08/2009	4267	EASTERN METROPOLITAN REGIONAL	Registration for ALGER project seminar.	\$100.00
27/08/2009	4268	Equilibrium Communication	Design and printing of fridge calendars	\$10,692.00
27/08/2009	4269	Freds Hardware	Expendable Tools	\$75.99
27/08/2009	4270	Fuji Xerox Australia Pty Ltd	Photocopying Expenses	\$1,277.55
27/08/2009	4271	GCM Enviro Pty Ltd	Repairs & maintenance	\$838.26
27/08/2009	4272	HOPKINS J & K	Furniture & equipment	\$862.00
27/08/2009	4273	Information Outlook Pty Ltd	Computer Software Development	\$7,425.00
27/08/2009	4274	Iron Mountain Australia Pty Ltd	Records management fee	\$4.53
27/08/2009	4275	Joondalup Office National	Office stationary supplies	\$283.94
27/08/2009	4276	LGIS WORKCARE	Workers Compensation Premium	\$60,753.00
27/08/2009	4277	LGIS INSURANCE BROKERS	Plant and Machinery Insurance- Bomag compactor	\$910.95
27/08/2009	4278	LINC STRATEGIC	Corporate Communications Strategy- website work	\$12,058.20
27/08/2009	4279	Neverfail Springwater Ltd	Bottled water	\$66.65
27/08/2009	4280	NEWCASTLE WEIGHING SERVICES PT	Wasteman Software Development	\$4,576.00
27/08/2009	4281	OPTUS COMMUNICATIONS	Mobile expenses	\$1,008.22
27/08/2009	4282	ORS GROUP	Wellness Programs	\$154.00

27/08/2009	4283	Red 11 Pty Ltd	Supply of Fortigate server at RRF	\$7,838.86
27/08/2009	4284	SAI GLOBAL LTD	Subscriptions	\$616.00
27/08/2009	4285	Siew Lee Optometrist Pty Ltd	Supply of Protective Eye Glasses	\$590.00
27/08/2009	4286	Staff Link	Contract labour external - Bushland management	\$2,855.14
27/08/2009	4287	TELSTRA	Telephone Expenses	\$856.82
27/08/2009	4288	TOTALLY WORKWEAR	Staff Uniforms/Protective Clothing	\$342.33
27/08/2009	4289	URS	Professional services for RRF water supply	\$144.19
27/08/2009	4290	Ventouras Advertising & Design	Advertising expenses	\$1,640.10
27/08/2009	4291	WASTE MANAGEMENT ASSN OF AUST LTD	Environmental Conference	\$450.00
27/08/2009	4292	WESTERN DIAGNOSTIC PATHOLOGY	Drug & Alcohol Screening	\$2,556.40
27/08/2009	4293	WesTrac Pty Ltd	Repairs & maintenance	\$10,498.41
27/08/2009	4294	SARAYA Australia	SmartSan Hand Sanitiser	\$718.30
28/08/2009	4295	LANDFILL GAS & POWER PTY LTD	Electricity Usage	\$3,032.32
28/08/2009	4296	Asteron Portfolio Services	Superannuation premium	\$309.42
27/08/2009	4297	Mindarie Regional Council	Petty cash reimbursements	\$741.95
27/08/2009	4298	CANCELLED CHEQUE	CANCELLED CHEQUE	\$0.00
28/08/2009	4299	CBUS	Superannuation premium	\$304.67
28/08/2009	4300	CHILD SUPPORT	Child Support Allowance payment - Deduction made from staff salary	\$459.80
28/08/2009	4301	Health Insurance Fund of WA	Superannuation premium	\$184.10
28/08/2009	4302	HESTA SUPER FUND	Superannuation premium	\$1,381.68
28/08/2009	4303	Portfoliofocus - Premium Retirement Services	Superannuation premium	\$7,485.00
28/08/2009	4304	REST Superannuation	Superannuation premium	\$416.22
28/08/2009	4305	WALGS PLAN PTY LTD	Superannuation premium	\$33,196.82
28/08/2009	4306	WESTSCHEME	Superannuation premium	\$648.00
		Total Cheque Payments		\$801,377.05

21/08/2009 DP-00268	Australian Taxation Office	BAS July 2009	\$167,997.00
25/08/2009 DP-00269	inet Limited	Internet VOIP charge	\$9.95
3/08/2009 DP-00270	National Australia Bank	Merchant charges	\$860.84
3/08/2009 DP-00271	National Australia Bank	National Online fees	\$61.14
3/08/2009 DP-00272	Cancelled	Cancelled	\$0.00
10/08/2009 DP-00273	Commonwealth Bank of Australia	Loan 11 Repayments	\$74,937.85
19/08/2009 DP-00274	Cancelled	Cancelled	\$0.00
20/08/2009 DP-00275	National Australia Bank	Credit Card Payment	\$7,553.44
21/08/2009 DP-00276	National Australia Bank	Bank Charges	\$44.98
DP-00277 to			
31/08/2009 00279	Cancelled	Cancelled	\$0.00
31/08/2009 DP-00280	National Australia Bank	Loan 10c Repayments	\$62,587.14
31/08/2009 DP-00281	National Australia Bank	Bill Drawdown Fee	\$150.00
31/08/2009 DP-00282	National Australia Bank	Account Keeping Fee August 2009	\$174.20
31/08/2009 DP-00283	Commonwealth Bank of Australia	Loan 10b Interest payment	\$8,109.86
31/08/2009 DP-00284	Commonwealth Bank of Australia	Loan 8 Repayments	\$22,178.68
	Total Direct Payments		\$344,665.08
6/08/2009 EFT-00200	BCL Constructions Pty Ltd	BCL Claim 2 - RRF Admin & Weighbridge building	\$195,827.17
19/08/2009 EFT-00200A	Biovision 2020 Pty Ltd	BioVision - Payment for July	\$766,543.26
14/08/2009 EFT-00201	Payroll Employee Wages	MRC	\$89,620.39
28/08/2009 EFT-00202	Payroll Employee Wages	MRC	\$91,711.58
	Total EFT Payments		\$1,143,702.40
	Grand Total		\$2,289,744.53

Summary Schedule of Payments

Cheque Payments	\$801,377.05
Cheque No. 4141 to 4306	
Electronic Payments	\$344,665.08
DP-00268 to DP-00284	
EFT-00200 to EFT-00202	\$1,143,702.40
Grand Total	\$2,289,744.53

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts which was passed for payment, covering vouchers as above which was submitted to each member of Council on 21 October 2009 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costing and the amounts due for payment.

CHIEF EXECUTIVE OFFICER

ITEM 8.2.3 CEO PERFORMANCE ISSUES

File No: **PER/11 (D/09/4862)**

Attachment(s): **1. CEO Performance Review – Key Result Areas 2009-2010**
 2. CEO Contract of Employment – January 2010

Author: **John Phillips (WALGA)**

SUMMARY

The purpose of this Item is to obtain Council approval to a revised set of Key Result Areas (KRA) for CEO performance and a revised contract of employment.

BACKGROUND

Council, at its meeting on 23 July 2009, resolved as follows:

That Council:

- (i) approve the appointment of WALGA as provider of CEO performance review services for review years 2009, 2010, 2011, at a total cost of \$14,564*
- (ii) note the timetable for this project as follows:*
 - *July 2009 - Council approval to Performance Targets – 2009, ongoing service provider*
 - *October 2009 - Council approval to revised contract for CEO*
 - *December 2009 - Council appointment of year 2009 reviewing committee*
 - *1 June 2010 - Commencement of review process for period January 2009 – May 2010*
 - *July 2010 - Council consideration of Reviewing Committee work*
- (iii) authorise an exercise for conduct by WALGA (Mr John Phillips), involving up to all Councillors, to develop a revised suite of CEO performance measures for 2009*

Mr John Phillips, in conjunction with Councillors and CEO, has now completed work as follows:

- Development of draft revised KRAs
- Development of draft revised contract of employment

Council consideration is now appropriate.

DETAIL

Draft KRAs

The draft revised suite of Key Result Areas (KRA) is at Attachment One to this Item.

Draft Revised Contract

The draft revised contract of employment is at Attachment Two to this Item.

CONSULTATION

- MRC Elected members and CEO
- Mr Phillips WALGA

STATUTORY ENVIRONMENT

Not directly applicable.

POLICY IMPLICATIONS

Not directly applicable.

STRATEGIC IMPLICATIONS

Not directly applicable.

COMMENT

Mr Phillips will be in attendance at this Ordinary Council Meeting to discuss these issues with Council.

MRC OFFICER RECOMMENDATION

That Council approve:

- (i) **draft revised KRAs at Attachment One to this Item**
- (ii) **draft revised contract of employment at Attachment Two to this Item**

**ATTACHMENT ONE
TO ITEM 8.2.3
ORDINARY COUNCIL MEETING
15 OCTOBER 2009
CEO PERFORMANCE REVIEW –
KEY RESULT AREAS 2009/2010**



MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

Mr. Kevin Poynton

**KEY RESULT AREAS
2009/2010**

MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

KEY RESULT AREA 1 STRATEGIC PLAN ACHIEVEMENTS

	Strategy	Performance Indicator	Achieved	Comments
Strategic Objective 1: Waste Management Promote and support sustainable development	Operate existing waste processing projects at, at least, Tamala Park (landfill, recycling and reuse) and Neerabup (resource recovery)	Council satisfaction with business and financial papers presented to OCM's.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Generate income via waste processing projects at Tamala Park i.e. landfill gas, recycling		☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

	Strategy	Performance Indicator	Achieved	Comments
Strategic Objective 2: Waste / Resource Processing Identify, evaluate and implement opportunities for expansion of the waste management business	Develop integrated regional plan for processing of at least municipal solid waste (MSW)	Council satisfaction with demonstrated progress on development of plans, preferably to 'Approved' status.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Develop plans for additional waste processing facilities within the region i.e. 'Son of Tamala' RRF Stage Two	Council satisfaction with demonstrated progress on development of plans, preferably to 'Approved' status.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Investigate additional opportunities for expanded waste processing capability e.g. Balcatta Transfer Station	Demonstrated evidence of investigative work to satisfaction of Council	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

	Strategy	Performance Indicator	Achieved	Comments
Strategic Objective 3: Industry Leadership and Advocacy Identify and promote industry-wide initiatives for improvements to waste/resource management, particularly in relation to waste minimisation and resource recovery.	Identify and adopt contemporary approaches to waste minimisation, resource recovery and associated community engagement.	Council satisfaction with demonstrated progress on SWMP projects	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Partner with complementary organisations in order to further develop improved approaches to waste minimisation and resource recovery. e.g. - participate in defined external industry-related forums eg. MWAC, WMAA, WALGA, FORC - partnerships with Government, industry and academic institutions in order to promote improvement in waste management sector particularly via the SWMP project.	Council satisfaction with demonstrated progress on joint partnership projects	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

Strategic Objective 4: Community Engagement	Strategy	Performance Indicator	Achieved	Comments
Engage with the community in the Mindarie Region in order to promote behaviour consistent with the region's operational plan for waste/resource management.	Conduct contemporary research programmes in order to fully understand the characteristics of our community.	Council satisfaction with outcome of stakeholder survey for conduct of survey Feb-June 2010.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Operate an effective integrated communication strategy, to ensure that stakeholders, including community, receive clear and consistent information.			
	Maintain the CEAG forum for communication and discussion of issues related to the RRF.	Council satisfaction with outcome of CEAG member survey for conduct in May 2010	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Conduct behavioural change programs to promote behaviour consistent with operational plans.	Council satisfaction with outcome of stakeholder survey for conduct of survey Feb-June 2010.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

	Build a strong and integrated regional approach to waste education.	Council satisfaction with outcome of stakeholder survey for conduct of survey Feb-June 2010.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
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MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

Strategic Objective 5: Organisational Development	Strategy	Performance Indicator	Achieved	Comments
Maintain excellent management of the Mindarie Regional Council Organisation.	Maintain and improve existing contemporary business systems, e.g. finance, procurement, project management, customer service and marketing, structure, staffing, governance.	Council satisfaction with demonstrated progress on organisational development.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Strengthen Member Council partnerships and relationships.	Council satisfaction with outcome of stakeholder survey for conduct of survey Feb-June 2010.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Review and where appropriate, revise funding strategies for the business with the context of the approved Strategic Financial Plan.	Review undertaken	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

	Develop and implement comprehensive Marketing Plan for the region.	Council satisfaction with demonstrated progress on development of marketing plan. Implementation of marketing plan by 30 June 2010, contingent upon adoption by Council.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate ☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
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MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

1. Strategic Plan Achievements:

(Tick one box only)

Outstanding
☐

Highly Satisfactory
☐

Satisfactory
☐

Marginal
☐

Inadequate/
Unsatisfactory
☐

Unsure/Unable to Rate
☐

COMMENTS -

MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

KEY RESULT AREA 2 PROJECT & CONTRACT MANAGEMENT					
Objective	Strategy	Performance Indicator	Achieved	Comments	
Resource Recovery Facility (RRF): Stage 1	oversight and management of the facility convene regular meetings of the Project Advisory Group and provide reports to Council	Council satisfaction with progress of implementation plan.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate		
Resource Recovery Facility (RRF): Stage 2	<i>list the milestones & timeframe</i>	Council satisfaction with progress of RRF (Stage 2) implementation plan.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate		

MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

2. Project and Contract Management:

(Tick one box only)

Outstanding
☐

Highly Satisfactory
☐

Satisfactory
☐

Marginal
☐

Inadequate/
Unsatisfactory
☐

Unsure/Unable to Rate
☐

COMMENTS -

MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

KEY RESULT AREA 3 GOVERNANCE & LEGAL					
Objective	Strategy	Performance Indicator	Achieved	Comments	
Preparation of the Schedule of Capital Expenditure prior to the budget process	Develop and implement approved Schedule preparation process in consultation with member Councils	Council satisfaction with Schedule preparation process	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate		
MRC Budget prepared within statutory requirements.	Develop and implement budget preparation process in consultation with member Councils	Council satisfaction with budget preparation process	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate		
Financial Management	Manage the implementation of the 2009/2010 budget	Council satisfaction with progress on Budget program	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate		

MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

Objective	Strategy	Performance Indicator	Achieved	Comments
Councillor liaison and relationships	Conduct effective liaison with Councillors	Annual survey of Councillor satisfaction through Appraisal process.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
Member Council Officer liaison	Conduct effective liaison with member Councils' Senior Officers	Annual survey of Senior Officers' satisfaction through Appraisal process.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
Council papers	Convene a workshop to review and determine the Agenda process. Production of Council papers to an acceptable standard, in a timely manner	Workshop convened Annual survey of Councillor satisfaction through Appraisal process.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate ☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
Use of consultants	Expenditure on contracted consultants is managed effectively and appropriately.	Councillor satisfaction with reported information use of consultants	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

3. Governance & Legal:

(Tick one box only)

Outstanding
☐

Highly Satisfactory
☐

Satisfactory
☐

Marginal
☐

Inadequate/
Unsatisfactory
☐

Unsure/Unable to Rate
☐

COMMENTS -

MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

KEY RESULT AREA 4 ORGANISATION/PEOPLE DEVELOPMENT					
Objective	Strategy	Performance Indicator	Achieved	Comments	
Resource planning	Develop effective plans for future projects e.g. 'son of Tamala', land fill gas	Councilor satisfaction	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate		
Succession planning	Establish a succession plan	Plan is in place	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate		
Human Resource planning	Development of a Workforce Plan	Plan is in place	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate		

MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

RECOMMENDATIONS TO VARY THE PERFORMANCE CRITERIA for 2011

Area of significant focus (‘KEY RESULT AREA and OBJECTIVES’)	Specific Task or Outcome (‘STRATEGY’)	Evidence/Proof of Achievement (‘KEY PERFORMANCE INDICATOR – KPI’)
		▪
		▪
		▪
		▪

**ATTACHMENT TWO
TO ITEM 8.2.3
ORDINARY COUNCIL MEETING
15 OCTOBER 2009
CEO CONTRACT OF EMPLOYMENT -
JANUARY 2010**



CONTRACT OF EMPLOYMENT

Kevin Poynton

January 2010

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THIS CONTRACT OF EMPLOYMENT

is made on _____

BETWEEN:

1. **Mindarie Regional Council** (the Local Government)
PO Box 538 (address for service of notices),
JOONDALUP WA 6919

and

2. **Kevin Poynton** (the Chief Executive Officer)
68A Alderbury Street (address for service of notices)
FLOREAT WA 6014

1. POSITION

The position is that of Chief Executive Officer of the Local Government.
This Contract is made under and subject to the Act.

2. DEFINITIONS

In this Contract, unless the contrary intention appears:

- (a) **“Act”** means the Local Government Act 1995.
- (b) **“CEO”** means the Chief Executive Officer of the Local Government.
- (c) **“Confidential Information”** means any and all confidential information, data, reports, operations, dealings, records, materials, plans, statistics, finances or other agreements and things (other than an agreement or thing which is already in the public domain), whether written or oral and of whatever type or nature relating to property, assets, liabilities, finances, dealings or functions of the Local Government or any undertaking from time to time carried out by the Local Government.
- (d) **“Council”** means the Mindarie Regional Council.
- (e) **“Long Service Leave Regulations”** means the Local Government (Long Service Leave) Regulations.
- (f) **“Mediation Service”** as referred to in clause 17 means an individual or company contracted to mediate a dispute between the parties.
- (g) **“Policies”** means the policies adopted by the Council.

- (h) **"Position"** means the office or position defined in clause 1.
- (i) **"Remuneration Package"** means the total of the remuneration package specified in clause 12.
- (j) **"Term"** means, the term specified in clause 4.

3. CONSTRUCTION

Unless expressed to the contrary:

- (a) words importing the singular include the plural and vice versa;
- (b) if a word or phrase is defined, cognate words or phrases have corresponding definitions;
- (c) a reference to:
 - (i) a month means a calendar month;
 - (ii) a person includes a firm, an unincorporated association, an incorporated association, a corporation and a government or statutory body or authority;
 - (iii) a person includes his or her legal personal representative, successors and assignees;
 - (iv) a statute, ordinance, code, regulation, award or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
 - (v) a right includes a benefit, remedy, discretion, authority or power;
 - (vi) an obligation includes a warranty or representation and a reference to a failure to observe or perform an obligation includes a breach of warranty or representation;
 - (vii) a provisions or term of this Contract, or another document, contract, understanding or arrangement, includes a reference to a provision or term that is either express and implied;
 - (viii) this Contract or any other document includes this Contract or other document as varied or replaced and notwithstanding any change in the identity of the parties;
 - (ix) writing includes any mode of representing or reproducing words in tangible and permanently visible form, and includes facsimile transmissions or other electronic mail or transmissions;

- (x) any thing (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any one or more of them; and
- (xi) a clause or Schedule is a reference to a clause or Schedule of this Contract.
- (d) headings are for convenience only and do not affect the interpretation of this Contract.

4. TERM OF EMPLOYMENT

Subject to the terms and conditions contained in this Contract, the Local Government will employ Kevin Poynton, in the position of the Local Government's CEO, for a term of three (3) years, commencing on 26 January 2010 and expiring on 25 January 2013

5. FURTHER CONTRACTS

There is no compulsion on either the Council or the CEO to agree to a new Contract.

The Council and/or the CEO shall initiate discussions not later than 12 months prior to the expiry of the Term for the parties to enter into a new Contract for a further term with the Council making a decision to finalise those discussions not later than 9 months prior to the expiry of the term of this Contract.

In the event that the Council and the CEO agree to a new contract, a new contract will be executed.

6. CHIEF EXECUTIVE OFFICER'S DUTIES AND FUNCTIONS

6.1 Duties and functions

The CEO shall carry out the duties and functions as are set out in:

- (a) the Position Description for the CEO, as varied from time to time by agreement between the parties;
- (b) the Policies as adopted or amended by the Local Government from time to time during the term of employment; and
- (c) the Act or any other statute or associated regulations relevant to the position of CEO.

6.2 Additional duties

The CEO shall:

- (a) work such reasonable hours as are necessary to carry out the duties and functions of the position;
- (b) observe and carry out all lawful directions given by the Council in relation to the performance of the CEO's duties and functions under this Contract;
- (c) disclose any financial or other interest relating to the business of the Local Government in accordance with the Act or which conflicts or may conflict with the discharge of the duties or functions of the office and comply with any reasonable direction given by the Council in respect of that interest; and
- (d) devote the whole of their professional effort to their employment and not hold any position or take on any activities which may in any way be seen to conflict with the CEO's duties or functions under this Contract unless approved by the Council.

7. PERFORMANCE CRITERIA

- (1) Subject to sub-clause (2), the performance criteria which apply to this Contract are included at **Attachment 1**
- (2) These performance criteria may be varied and any other criteria may be included by agreement between the parties at any time during the term of this Contract.

8. PERFORMANCE REVIEWS

- (1) The Council shall ensure that a review of the CEO's performance is conducted annually or more frequently if the Council or the CEO perceives there is a need to do so.
- (2) The Council, or any appointed Review Committee, shall give the CEO a minimum of twenty working days notice in writing that a performance review is to be conducted to enable the CEO sufficient time to prepare.
- (3) The performance review will be conducted on behalf of the Local Government by a reviewing committee consisting of the Chairperson, Deputy Chair and at least one other appointed Councillor.
- (4) Where an external facilitator is to be used, both parties must agree to the nominated facilitator.

- (5) The CEO shall prepare and submit to the council and/or facilitator an assessment of his/her own performance prior to the assessment by the council.
- (6) The final report on the performance of the CEO is to be forwarded to the Council for it to consider and decide whether to accept or reject the report.

9. CONFIDENTIAL INFORMATION

- (1) The CEO shall not divulge any Confidential Information about the Local Government both during and after their term of employment with the Local Government.
- (2) In the event of termination, the CEO shall deliver to the Local Government all Confidential Information relating to the local government in the CEO's possession and must not keep or make copies of such information.

10. CONDUCT

- (1) The CEO shall at all times carry out their duties and functions in the best interests of the Local Government, and ensure that the CEO's actions do not bring the Local Government into disrepute or cause the Local Government damage.
- (2) The CEO shall comply with the code of conduct adopted by the Local Government pursuant to section 5.103 of the Act or as prescribed in Regulations under the Act.

11. SUSPENSION

The Council may suspend the CEO from duty on full pay during any period in which the CEO has been charged with a criminal offence, and that charge has not been determined.

12. REMUNERATION PACKAGE

12.1 Amount

The Local Government shall pay to the CEO an annual Remuneration Package of \$179,141. which takes into account:

- (a) the requirement to attend the Council, committee and other meetings outside working hours; and
- (b) an acknowledgment that the position is measured on performance and not on the number of hours worked

12.2 Components

The components of the Remuneration Package are::

- | | | |
|-----|--|--------------------|
| (a) | salary (cash component)
year; | \$139,182 per |
| (b) | the benefit value of the provision of a motor
vehicle for private use | \$16,670 per year; |
| (c) | superannuation | \$22,269 per year; |
| (d) | Other Remuneration Package Benefits | \$ 1,200 |

12.3 Salary

The CEO's salary shall be payable fortnightly, in arrears, to an account nominated by the CEO.

12.4 Motor Vehicle

- (1) The Local Government shall provide the CEO with a motor vehicle up to the actuarial value of \$16,670.
- (2) If the CEO requests the provision of a motor vehicle which is valued in excess of the allocated motor vehicle, then the CEO shall be responsible for the additional costs, as agreed in writing.
- (3) The CEO shall have unlimited private use of the motor car which entitles the CEO and a driver designated by the CEO to use the motor vehicle for both business and private purposes in Western Australia (or, with the prior written approval of the Chairperson, outside Western Australia).
- (4) The Local Government shall be responsible for all running costs of the motor vehicle including, but not limited to all registration, insurance, fuel and maintenance costs of the motor vehicle.
- (5) The CEO shall be responsible for organising for the motor vehicle to be maintained, serviced and cleaned in an appropriate manner.

12.5 Superannuation

- (1) The Local Government will make superannuation contributions of 16% of the CEO's salary, during the term of the Agreement, inclusive of payments made in accordance with the *Superannuation Guarantee Administration Act 1992* and the *Superannuation Guarantee Charge Act 1992*.

- (2) Payments made by the Local Government in excess of the amount prescribed in the *Superannuation Guarantee Administration Act 1992* and the *Superannuation Guarantee Charge Act 1992* (as varied from time to time) will be contingent upon the CEO making their own contributions of 6%.
- (3) The CEO shall have freedom of choice over the complying fund that their superannuation contributions are paid to, providing this choice is not changed more regularly than annually. The default fund shall be the WA Local Government Superannuation Plan.
- (4) At the request of the CEO, the Local Government may from time to time vary the amount of the CEO's contributions towards superannuation by way of salary sacrifice and any variation will result in a lower cash component being paid.
- (5) The CEO may elect to pay additional superannuation contributions as part of an ATO approved salary sacrifice arrangement with the Local Government.

12.6 Other Remuneration Package Benefits

The Officer is entitled to an allowance of \$1200 for professional membership costs and professional journal subscriptions

12.7 Valuation

The value to be allocated to each component of the CEO's total remuneration shall be determined by the Local Government in accordance with such valuation principles as it may adopt from time to time to value benefits extended to its employees.

12.8 Annual review

- (6) The Remuneration Package shall be reviewed annually by the Council.
- (7) In a review under sub-clause (6):
 - (a) there is no obligation on the Local Government to increase the salary or amount of the Remuneration Package; and
 - (b) the Local Government shall not reduce the salary or the Remuneration Package.

13. EXPENSES, REIMBURSEMENTS AND BENEFITS

13.1 Expenses

If:

- (a) the CEO incurs expenses in the exercise of his or her duties, or the performance of his or her functions, under this Contract; and
- (b) the CEO provides the Local Government with an itemised account, together with supporting documentation,

the Local Government shall reimburse the CEO for those expenses.

13.2 Other benefits to be provided

The Local Government shall provide to the CEO:

- (a) a mobile phone;
- (b) a personal computer and/or laptop;
- (c) an internet connection; and
- (d) any other facility or thing,

for the purpose of enabling him or her to carry out his or her functions away from the Local Government's offices.

14. Fringe Benefits Tax

- (1) The Local Government shall pay any liability with respect to fringe benefits tax incurred as a result of:
 - (a) the payment of a benefit that is a component of the Remuneration Package;
 - (b) the payment of any other benefit provided under this Contract; and
 - (c) other payments for the ordinary carrying out of the Local Government's business, such as by way of functions or travelling.
- (2) The Local Government shall include, as part of the Remuneration Package, any fringe benefit tax payment under paragraph (a) of sub-clause (1).

15. LEAVE

15.1 Annual leave

The CEO is entitled to five weeks' paid annual leave each year, to be taken during agreed periods.

15.2 Long service leave

Long service leave shall be in accordance with the *Long Service Leave Regulations*.

15.3 Personal leave

- (1) The CEO is entitled each year to two weeks (cumulative) paid personal leave when he/she is absent:

- (a) due to personal illness or injury (sick leave); or
- (b) for the purposes of caring for an immediate family or household member who is sick and requires the CEO's care and support (carer's leave).

- (2) On resignation, retirement or redundancy, the CEO is entitled to a bonus based on unused Personal Leave accrued in accordance with the following model:

Scale	Unused Personal Leave	Entitlement
A	1 – 200 hours	20%
B	201 – 400 hours	40%
C	401 – 600 hours	60%
D	601+ hours	80%

The bonus payment will be calculated in accordance with the following formula:

$$\text{Bonus payment} = N \times E \times H$$

where

N = Number of hours of unused Personal Leave accrued since 26 January 2002

E = Entitlement percentage expressed as a decimal ie 20% = 0.20

H = Hourly rate

- (3) The CEO is entitled to two days bereavement leave as non cumulative leave on any occasion on which a member of the CEO's immediate family or household dies.

15.4 Public holidays

The CEO shall be entitled to Western Australian Gazetted public holidays and 2 days in lieu for the day after New Years Day and the Tuesday after Easter.

16. TERMINATION OF EMPLOYMENT

16.1 Effluxion of time

The employment of the CEO shall, unless a new contract is negotiated, terminate on the expiry date specified in Clause 4 of this Contract.

16.2 Termination by either party

- (1) Either party may terminate this Contract by giving three months' written notice to the other party. The Council may approve a payment to the CEO of up to the value of one year's remuneration if the contract has one year or more to run, or, if the contract has less than one year to run, a payment not exceeding the value of remuneration the CEO would have received if the contract had been completed.
- (2) The CEO retains the right to recourse for unfair and/or unlawful dismissal remedies if termination is harsh, unjust or unreasonable.

16.3 Summary dismissal

- (1) The Council may terminate the employment of the CEO prior to the expiry of the Term by notice in writing, or summarily if this is warranted, if:
- (a) the CEO commits any wilful or serious misconduct or wilful neglect in the discharge of the CEO's responsibilities or obligations under this Contract;
 - (b) the CEO wilfully disobeys any reasonable and lawful order or direction by the Council; and
 - (c) the CEO is convicted and under sentence for a crime or has been convicted of a serious Local Government offence within the meaning of section 2.22 of the *Act*.
- (2) A payment under sub-clause 16.2 does not apply where the termination is a result of an event identified under paragraphs (a), (b) or (c) of sub-clause (1).

17. INCONSISTENCY AND SEVERANCE

- (1) This Contract shall be governed by and construed in accordance with the laws of the State of Western Australia.
- (2) If there is any inconsistency between this Contract and any Industrial Relations Law, the Industrial Relations Law prevails, but only to the extent of the inconsistency.
- (3) If there is any inconsistency between this Contract and the *Local Government Act* 1995, the Act prevails but only to the extent of the inconsistency.
- (4) Each provision of this document shall be read and construed independently of the other provisions of this document so that if one or more are held to be invalid for any reason whatsoever, then the remaining provisions shall be valid to the extent that they are not held to be so invalid.
- (5) If a provision of this document is found to be void or unenforceable but would be valid if some part hereof were deleted or the period of application reduced, such provision shall apply with such modification as may be necessary to make it valid and effective.

18. ALTERATIONS TO THIS CONTRACT

This Contract may only be varied or replaced by agreement in writing signed by the parties.

19. DISPUTE RESOLUTION

- (1) In relation to any matter that may be in dispute between the CEO and the Council, the parties shall:
 - (a) attempt to resolve the matter at workplace level by the CEO and the Council, or a person or a committee delegated by the Council for that purpose, meeting and conferring on the matter;
 - (b) agree to allow either party to refer the matter to a Mediation Service if the matter cannot be resolved at the workplace level;
 - (c) agree that if either party refers the matter to a Mediation Service, both parties will participate in the mediation process in good faith; and
 - (d) acknowledge the right of either party to appoint, in writing, another person to advise on behalf of the party in relation to the mediation process. Such mediation shall operate in a manner as agreed by the parties.
- (2) The cost of the Mediation Service will be met by the Local Government. Where an advisor is used by either party, that party will be responsible for meeting the cost of the advisor.

20. NOTICES

Any notice or other communication between the parties:

- (a) shall be in legible writing to the last recorded (or known) address;
- (b) shall be regarded as being given to the sender and received by the addressee:
 - (i) if by person, when delivered;
 - (ii) if by post, 3 business days from and including the date of postage; and
 - (iii) if by facsimile transmission, whether or not legibly received, when transmitted to the addressee, but if the delivery or receipt is on a day which is not a business day or is after 4.00pm (addressee's time) it is regarded as received at 9.00am on the following business day; and
 - (iv) if by email, the date of receipt shown on the email;
- (c) if the sender is advised that a facsimile transmission is not legible within 2 hours after transmission, the facsimile transmission shall not be regarded as legible.

21. OTHER TERMS AND CONDITIONS

Subject to any express provision in this Contract to the contrary, each party shall bear its own legal and other costs and expenses relating directly or indirectly to the preparation of, and performance of its obligations arising out of this Contract

EXECUTION BY THE PARTIES

THE COMMON SEAL of the Local Government
was hereunto affixed by authority of a resolution
of the Council in the presence of:



Chairperson

Name of Chairman

signed by:

Chief Executive Officer

Kevin Poynton

in the presence of:

Witness

Name of Witness

Attachment 1



MINDARIE REGIONAL COUNCIL - CEO PERFORMANCE REVIEW 2010

Mr. Kevin Poynton

KEY RESULT AREAS
2009/2010

KEY RESULT AREA 1 STRATEGIC PLAN ACHIEVEMENTS

	Strategy	Performance Indicator	Achieved	Comments
Strategic Objective 1: Waste Management Promote and support sustainable development	Operate existing waste processing projects at, at least, Tamala Park (landfill, recycling and reuse) and Neerabup (resource recovery)	Council satisfaction with business and financial papers presented to OCM's.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Generate income via waste processing projects at Tamala Park i.e. landfill gas, recycling		☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

Strategic Objective 2: Waste / Resource Processing	Strategy	Performance Indicator	Achieved	Comments
Identify, evaluate and implement opportunities for expansion of the waste management business	Develop integrated regional plan for processing of at least municipal solid waste (MSW)	Council satisfaction with demonstrated progress on development of plans, preferably to 'Approved' status.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Develop plans for additional waste processing facilities within the region i.e. 'Son of Tamala' RRF Stage Two	Council satisfaction with demonstrated progress on development of plans, preferably to 'Approved' status.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Investigate additional opportunities for expanded waste processing capability e.g. Balcatta Transfer Station	Demonstrated evidence of investigative work to satisfaction of Council	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

Strategic Objective 3: Industry Leadership and Advocacy	Strategy	Performance Indicator	Achieved	Comments
Identify and promote industry-wide initiatives for improvements to waste/resource management, particularly in relation to waste minimisation and resource recovery.	Identify and adopt contemporary approaches to waste minimisation, resource recovery and associated community engagement.	Council satisfaction with demonstrated progress on SWMP projects	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Partner with complementary organisations in order to further develop improved approaches to waste minimisation and resource recovery. e.g. - participate in defined external industry-related forums eg. MWAC, WMAA, WALGA, FORC - partnerships with Government, industry and academic institutions in order to promote improvement in waste management sector particularly via the SWMP project.	Council satisfaction with demonstrated progress on joint partnership projects	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

Strategic Objective 4: Community Engagement	Strategy	Performance Indicator	Achieved	Comments
Engage with the community in the Mindarie Region in order to promote behavioural consistent with the region's operational plan for waste/resource management.	Conduct contemporary research programmes in order to fully understand the characteristics of our community. Operate an effective integrated communication strategy, to ensure that stakeholders, including community, receive clear and consistent information.	Council satisfaction with outcome of stakeholder survey for conduct of survey Feb-June 2010.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Maintain the CEAG forum for communication and discussion of issues related to the RRF.	Council satisfaction withn outcome of CEAG member survey for conduct in May 2010	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Conduct behavioural change programs to promote behaviour consistent with operational plans.	Council satisfaction with outcome of stakeholder survey for conduct of survey Feb-June 2010.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

	Build a strong and integrated regional approach to waste education.	Council satisfaction with outcome of stakeholder survey for conduct of survey Feb-June 2010.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
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Strategic Objective 5: Organisational Development	Strategy	Performance Indicator	Achieved	Comments
Strategic Objective 5: Organisational Development Maintain excellent management of the Mindarie Regional Council Organisation.	Maintain and improve existing contemporary business systems, e.g. finance, procurement, project management, customer service and marketing, structure, staffing, governance.	Council satisfaction with demonstrated progress on organisational development.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Strengthen Member Council partnerships and relationships.	Council satisfaction with outcome of stakeholder survey for conduct of survey Feb-June 2010.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
	Review and where appropriate, revise funding strategies for the business with the context of the approved Strategic Financial Plan.	Review undertaken	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

	Develop and implement comprehensive Marketing Plan for the region.	Council satisfaction with demonstrated progress on development of marketing plan. Implementation of marketing plan by 30 June 2010, contingent upon adoption by Council.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
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(Tick one box only)

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COMMENTS -

[illegible]

KEY RESULT AREA 2 PROJECT & CONTRACT MANAGEMENT				
Objective	Strategy	Performance Indicator	Achieved	Comments
Resource Recovery Facility (RRF): Stage 1	oversight and management of the facility convene regular meetings of the Project Advisory Group and provide reports to Council	Council satisfaction with progress of implementation plan.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
Resource Recovery Facility (RRF): Stage 2	<i>list the milestones & timeframe</i>	Council satisfaction with progress of RRF (Stage 2) implementation plan.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

(Tick one box only)

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COMMENTS -

[illegible]

KEY RESULT AREA 3 GOVERNANCE & LEGAL					
Objective	Strategy	Performance Indicator	Achieved	Comments	
Preparation of the Schedule of Capital Expenditure prior to the budget process	Develop and implement approved preparation process in consultation with member Councils	Council satisfaction with Schedule preparation process	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate		
MRC Budget prepared within statutory requirements.	Develop and implement approved preparation process in consultation with member Councils	Council satisfaction with budget preparation process	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate		
Financial Management	Manage the implementation of the 2009/2010 budget	Council satisfaction with reports on Budget program	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate		

Objective	Strategy	Performance Indicator	Achieved	Comments
Councillor liaison and relationships	Conduct effective liaison with Councillors	Annual survey of Councillor satisfaction through Appraisal process.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
Member Council Officer liaison	Conduct effective liaison with member Councils' Senior Officers	Annual survey of Senior Officers' satisfaction through Appraisal process.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
Council papers	Convene a workshop to review and determine the Agenda process. Production of Council papers to an acceptable standard, in a timely manner	Workshop convened Annual survey of Councillor satisfaction through Appraisal process.	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate ☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
Use of consultants	Expenditure on contracted consultants is managed effectively and appropriately.	Councilor satisfaction with reported information use of consultants	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

(Tick one box only)

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COMMENTS -

[illegible]

KEY RESULT AREA 4 ORGANISATION/PEOPLE DEVELOPMENT

Objective	Strategy	Performance Indicator	Achieved	Comments
Resource planning	Develop effective plans for future projects e.g. 'son of Tamala', land fill gas	Councilor satisfaction	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
Succession planning	Establish a succession plan	Plan is in place	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	
Human Resource planning	Development of a Workforce Plan	Plan is in place	☐ Yes ☐ No ☐ In Progress ☐ Unable to Rate	

4. Organisation/People Development:

(Tick one box only)

Outstanding
☐

Highly Satisfactory
☐

Satisfactory
☐

Marginal
☐

Inadequate/
Unsatisfactory
☐

Unsure/Unable to Rate
☐

COMMENTS -

Mr. Poynton's performance during the review period as MRC CEO has been:

Unsure/Unable to Rate ☐

COMMENTS -

[illegible]

RECOMMENDATIONS TO VARY THE PERFORMANCE CRITERIA for 2011

Area of significant focus (‘KEY RESULT AREA and OBJECTIVES’)	Specific Task or Outcome (‘STRATEGY’)	Evidence/Proof of Achievement (‘KEY PERFORMANCE INDICATOR – KPI’)
		▪
		▪
		▪
		▪