



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

1 JULY 2010

VENUE – CITY OF STIRLING

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

25 June 2010

Councillors of the Mindarie Regional Local Government are respectfully advised that an Ordinary Meeting of the Council will be held in the Council Chambers of the City of Stirling, 25 Cedric Street, Stirling, at 5.30pm on Thursday 1 July 2010.

The business papers pertaining to the meeting follow.

Your attendance is requested.



KEVIN POYNTON
Chief Executive Officer

MINDARIE REGIONAL COUNCIL - MEMBERSHIP

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

NB: Although some Councils have nominated alternate members, it is a precursor to any alternate member acting that a Council carries a specific resolution for each occasion that the alternate member is to act, referencing Section 51 of the Interpretation Act. The current Local Government Act does not provide for the appointment of deputy or alternate members of Regional Councils. The DLGRD is preparing an amendment to rectify this situation.

MINUTES
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1 OATHS/AFFIRMATIONS OF ALLEGIANCE AND DECLARATIONS OF OFFICE
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Elections were conducted by the CEO in accordance with the appropriate legislation, and the MRC Constitution.

- **Appointment of Chair**

That Cr Russ Fishwick be appointed Chair of Mindarie Regional Council for the period 1 July 2010 to 30 June 2011.

(Moved: Cr Butler Seconded: Cr Gray)

(Carried: 12/0)

- **Appointment of Deputy Chair**

That Cr Laura Gray be elected Deputy Chair of Mindarie Regional Council, by vote, for the period 1 July 2010 to 30 June 2011.

2 QUESTION TIME

Nil.

3 ATTENDANCE AND APOLOGIES

Refer Page 3.

4 MINUTES

4.1 ORDINARY COUNCIL MEETING – 22 APRIL 2010

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

The Minutes of the Ordinary Council Meeting held on 22 April 2010 have been printed and circulated to members of the Council.

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of Council held on 22 April 2010 be taken as read, confirmed and the Chairman invited to sign same as a true record of the proceedings.

AMENDMENT TO MOTION

(Moved: Cr Cooke Seconded: Cr Robbins)

That Council amend Minutes of Ordinary Council Meeting 22 April 2010 as follows:

- Minutes page 12 (Item 8.1.1)
 - insert before "Suspension of Orders" as follows:

"The Mover (Cr Gray) with the consent of the Seconded (Cr Withers) altered the wording of the Recommendation as follows:
(iii) authorise the CEO to adopt the single fee model immediately"
(Against: Cr Boothman, Cr Cooke, Cr Robbins, Cr Stewart)

The amendment was put to the vote.
(Lost: 5/7)

AMENDMENT TO MOTION

(Moved: Cr Gray Seconded: Cr Butler)

That Council amend Minutes of Ordinary Council Meeting 22 April 2010 as follows:

- Minutes page 12 (Item 8.1.1)
 - insert before "Suspension of Orders" as follows:

"The Mover (Cr Gray) with the consent of the Seconded (Cr Withers) altered the wording of the Recommendation as follows:

(iii) Authorise the CEO to present a report to Council Budget Workshop scheduled for 13 May 2010, to consider the immediate adoption of the 'Single Fee' model in Financial Year 2010/2011"

The amendment was put to the vote.
(Carried: 8/4)

AMENDMENT TO MOTION

(Moved: Cr Robbins Seconded: Cr Cooke)

That Council amend minutes of Ordinary Council Meeting 22 April 2010 as follows:

- Minutes page 12 (Item 8.1.1)
 - insert after amendment to Wording of the Motion, second dot point as follows:
 1. Cr Withers spoke for Motion
 2. Cr Cooke and Cr Boothman raised point of order relating to Cr Withers' offensive language in contravention of MRC Standing Orders 8.4(2)

The amendment was put to the vote.
(Carried: 6/6 with Chairman casting vote 'FOR')

The Substantive Motion as amended as follows was put to the vote

That the Minutes of the Ordinary Council Meeting of Council held on 22 April 2010 be taken as read, confirmed and the Chairman invited to sign same as a true record of the proceedings with the following amendments

Amendment 1

Insert before "Suspension of Orders" as follows:

- "The Mover (Cr Gray) with the consent of the Seconded (Cr Withers) altered the wording of the Recommendation as follows:**
- (iii) Authorise the CEO to present a report to Council Budget Workshop scheduled for 13 May 2010, to consider the immediate adoption of the 'Single Fee' model in Financial Year 2010/2011"**
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Amendment 2

Insert after amendment to Wording of the Motion, second dot point as follows:

3. Cr Withers spoke for Motion
4. Cr Cooke and Cr Boothman raised point of order relating to Cr Withers' offensive language in contravention of MRC Standing Orders 8.4(2)

(Carried: 8/4)

Against: Cr Cooke, Cr Getty, Cr Robbins, Cr Stewart)

4.2 SPECIAL COUNCIL MEETING – 6 MAY 2010

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

The Minutes of the Special Council Meeting held on 6 May 2010 have been printed and circulated to members of the Council.

RECOMMENDATION

That the Minutes of the Special Council Meeting of Council held on 6 May 2010 be taken as read, confirmed and the Chairman invited to sign same as a true record of the proceedings.

(Carried: 12/0)

4.3 SPECIAL COUNCIL MEETING – 24 JUNE 2010

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

The Minutes of the Special Council Meeting held on 24 June 2010 have been printed and circulated to members of the Council.

RECOMMENDATION

That the Minutes of the Special Council Meeting of Council held on 24 June 2010 be taken as read, confirmed and the Chairman invited to sign same as a true record of the proceedings.

The Mover and Seconder proposed the following amendments.

Amendment No. 1 (page 3)

Insert Chairman Cr R Fishwick

Amendment No. 2 (page 7)

Adjournment

- Delete: Cr Gray
 - Insert: Cr Getty
-

Amendment No. 3 (page 8)

After "Cr Robbins... members"

- insert: CEO advised Notice of Motion required

Amendment No. 4 (page 10)

(iii)

Insert: Carried (8/4)

Insert Voting Against: Cr Getty

(vii)

Insert: Carried (9/3)

Insert Voting Against: Cr Robbins

Delete Voting Against: Cr Cooke

(ix)

Insert: Carried (9/3)

Insert Voting Against: Cr Getty

Amendment No. 5 (page 7)

Adjournment

Delete: Carried (12/0)

Insert: Carried

Amendment No. 6 (page 9)

Amendment (top of page, with respect to (i))

Insert after (Moved/Seconded)

"Council discussed the FOR and AGAINST issues related to this Amendment"

The Substantive Motion, with Amendments 1 – 6, was put to the vote.

(Carried: 10/2)

Against: Cr Butler, Cr Hollywood

5 ANNOUNCEMENTS

The Chairman thanked Councillors for their support in re-electing him. He then congratulated Cr Gray on her appointment as Deputy Chair.

The Chairman issued a vote of appreciation to Cr MacRae for her service to the Council in her role as Deputy Chair.

The Chairman advised that CONFIDENTIAL items 8.1.3 and 8.1.4 would be dealt with as last agenda items.

6 DEPUTATIONS

Nil.

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

8 REPORTS

Mr Ian Watkins declared a Financial Interest (consultant fees) in Items 8.1.2, 8.1.3, 8.1.4, 8.3.2.

8.1 CHIEF EXECUTIVE OFFICER

8.1.1

File No: COR/8

SUBJECT: BUSINESS REPORT FOR THE PERIOD 23 APRIL 2010 – 4 JUNE 2010

MRC RECOMMENDATION

That Council receive this progress report for the period 23 April 2010 – 4 June 2010 against Annual Business Plan 2009/2010.

AMENDED RECOMMENDATION

That Council:

- (i) Receive this progress report for the period 23 April 2010 – 4 June 2010 against Annual Business Plan 2009/2010
- (ii) Receives a Briefing on the MRC's Marketing and Education Plan, and progress against this Plan, prior to the review of the Council's Strategic Plan

(Moved: Cr Cooke Seconded: Cr MacRae)

The CEO undertook to provide the following information, at a later meeting, in response to questions:

- Attendees at ENVIRO 2008, 2006, by Council
- Comprehensive report on Groundwater Management activities

Council agreed that project reports on SWMP projects should be endorsed by Council prior to public release.

AMENDMENT TO MOTION

(Moved: Cr Robbins Seconded: Cr Getty)

(That Council) defer any further action on development of Establishment Agreement until Financial Year 2011/2012.

Amendment to Motion was put to the vote.

(Lost: 4/8)

For: Cr Cooke, Cr Getty, Cr Robbins, Cr Stewart

Against: Cr Bissett, Cr Butler, Cr Farrell, Cr Fishwick, Cr Gray, Cr Hollywood, Cr Newton, Cr MacRae,

Amended Recommendation was put to the vote.

That Council:

- (i) Receive this progress report for the period 23 April 2010 – 4 June 2010 against Annual Business Plan 2009/2010**
- (ii) Receives a Briefing on the MRC's Marketing and Education Plan, and progress against this Plan, prior to the review of the Council's Strategic Plan**

(Carried: 11/1)

For: Cr Bissett, Cr Butler, Cr Cooke, Cr Farrell, Cr Fishwick, Cr Gray, Cr Getty,

Cr Hollywood, Cr Newton, Cr MacRae, Cr Stewart

Against: Cr Robbins

8.1.2

File No: WST/13-02

SUBJECT: RESOURCE RECOVERY FACILITY UPDATE REPORT

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

MRC RECOMMENDATION

That Council note the RRF update report.

The Mover and Seconder agreed an amendment as follows:

(That Council) receive a report on issues related to the RRF Project Advisory Group

Council noted that BioVision was dealing with issues related to rear lift vehicles.

AMENDED MOTION

That Council:

- (i) Receive the RRF update report
- (ii) Receive a report on issues related to the RRF Project Advisory Group

The amended motion was put to the vote.

That Council:

- (i) Receive the RRF update report**
- (ii) Receive a report on issues related to the RRF Project Advisory Group**

(Carried: 9/3)

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

Against: Cr Getty, Cr Robbins, Cr Stewart

8.1.5

File No: GOV/34

SUBJECT: AUDIO RECORDING OF MRC COUNCIL MEETINGS

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

MRC RECOMMENDATION

That Council:

- (i) note the investigation and report into a quality audio recording system for MRC Council meetings
- (ii) approve the establishment of an audio recording capability for MRC Council meetings
- (iii) note the plan to implement this system following the purchase of the recommended audio recording system 'For the Record' for the recording of MRC Council meetings

Cr Getty requested details of indicative costings. These are as follows:

1 x FTR Hearings recording software
1 x FTR foot pedal
1 x FTR software installation
1 x FTR training (Governance Officer)
\$4,907.80 plus GST

1 x Laptop (provided by MRC)
\$3,000.00 plus GST (estimate)

Cr MacRae suggested that consideration of improved meeting procedures should include:

- development of a policy on any audio recording capability
- consideration of usage of a 'real time' screen based tool for 'Recommendation' management

PROCEDURAL MOTION

That, in accordance with MRC Standing Orders, Clause 12.1, Council proceeds to next business.

(Moved: Cr Butler Seconded: Cr Hollywood)

(Carried: 8/4)

For: Cr Bissett, Cr Butler, Cr Farrell, Cr Fishwick, Cr Gray, Cr Hollywood, Cr Newton, Cr MacRae

Against: Cr Cooke, Cr Getty, Cr Robbins, Cr Stewart

The CEO advised that a further report on this matter of improved meeting procedures, including option such as audio recording, 'real time' screen usage and associated draft policies would be provided to a future meeting.

8.1.6

File No: FIN/5-02

**SUBJECT: FINANCIAL STATEMENTS FOR THE PERIODS ENDED
31 MARCH 2010 AND 30 APRIL 2010**

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

Nil discussion.

COUNCIL RECOMMENDATION

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

(Carried: 12/0)

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

8.1.7

File No: FIN/5-02

**SUBJECT: LIST OF PAYMENTS MADE FOR THE MONTHS ENDED
31 MARCH 2010 AND 30 APRIL 2010**

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

MRC RECOMMENDATION

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

The CEO accepted a task from Council to revise the format of the report to include an 'explanation of work'.

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 March 2010 and 30 April 2010.

(Carried: 12/0)

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

8.2 AUDIT COMMITTEE MEETING – 8 JUNE 2010

8.2.1 Audit Com. Item 1

File No: FIN/6

SUBJECT: AUDIT COMMITTEE MEETING – 8 JUNE 2010

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

Nil discussion.

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COUNCIL RECOMMENDATION

That Council:

- (i) accept the quotation submitted by Grant Thornton for the delivery of audit services with following characteristics
 - for a period of three years commencing 2009/2010
 - maximum total hours of 120 hours per year (360 hours total)
 - maximum total cost - \$54,750
- (ii) appoint Michael Hillgrove and/or alternate partner of Grant Thornton as the auditor for a term of three years to conduct the Annual audits of Mindarie Regional Council for the financial years 2009/2010 to 2011/2012

(Carried: 12/0)

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

8.3 STRATEGIC PROJECTS COMMITTEE MEETING – 14 MAY 2010

Council noted advice from the CEO that the appointments for the Committee are as follows:

- Chair: Ms Karen Caple (City of Wanneroo)
- Deputy Chair: Mr Martyn Glover (City of Joondalup)

8.3.1 SPC Item 1

File No: WST/176

SUBJECT: STRATEGIC INTEGRATED REGIONAL PLAN

SPC RECOMMENDATION

That the Strategic Projects Committee receive the progress report on the development of a strategic integrated regional plan.

8.3.2 SPC Item 2

File No: WST/31

SUBJECT: FUTURE LANDFILL SITE INVESTIGATION

SPC RECOMMENDATION

That this project be discussed at the July Strategic Projects Committee meeting.

8.3.3 SPC Item 3

File No: FIN/9

SUBJECT: BUDGET 2010/2011

SPC RECOMMENDATION

Draft report with identified changes be presented at the next Budget Workshop for further discussion.

AMENDMENT

That Council receive the Minutes from the Strategic Projects Committee meeting, held on 14 May 2010, consisting of Items 8.3.1, 8.3.2, 8.3.3.

(Moved: Cr Butler Seconded: Cr Gray)

(Carried: 9/3)

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

Against: Cr Getty, Cr Robbins, Cr Stewart

Departure from Meeting

Cr Stewart departed 6.50pm.

Closure of meeting to the Public.

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

That Council:

- (i) Close the meeting to the public in accordance with Local Government Act 1995 Section 5.23 (2) (d)**

(Carried: 11/0)

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

8.1.3

File No: WST/179

CONFIDENTIAL ITEM

SUBJECT: RRFA WASTE DIVERSION TARGET

MRC RECOMMENDATION

That Council note the anticipated changes to the Waste Diversion Target in accordance with the RRFA.

AMENDED MOTION

That Council receive the report on matters related to Waste Diversion Targets associated with RRF.

(Moved: Cr Bissett Seconded: Cr Robbins)

Council received a briefing from MRC Project Manager, Mr Ian Watkins, on this matter. Details of this material follows:

During Contract Development -

- (1) February 2005. Worley Parsons tender submission proposed a waste diversion target (WDT) of 71.4% (based on experience at Sorel Tracy-Canada).
- (2) April 2007. Worley Parsons withdraw from the tender process.
- (3) June 2007. SITA replaced Worley Parsons in the BioVision team. SITA raised concerns with the WDT of 71.4% and requested that Annexure E Clause 1 – Waste Characteristics (p.85 of Item 8.1.3) be inserted in the contract.
- (4) Annexure E Clause 1 of the RRFA recognised that the contract WDT was based on a theoretical assumption that if the Mindarie Regional Council (MRC) RRF processed Sorel Tracy waste, then there should be a WDT of 71.4%; however, recognised that there was likely to be a difference between Sorel Tracy waste and Perth waste composition. If there was a significant difference between the waste composition then BioVision would have an opportunity to reassess the contractual WDT at the end of the Commissioning period.
- (5) This contract amendment was tabled at the Special Council Meeting of 27 June 2007, along with numerous other changes to the Contract. In comparison to other contract amendments, this particular issue was not given significant coverage; however, was clearly covered in the meeting documents.
- (6) The inclusion of the change to Annexure E was again covered in the Special Council meeting of 29 August 2007 in the Table of Amendments 24 April 2007 to 23 August 2007.
- (7) This matter was again covered in September 2007 as part of the ‘Road Show’ presentations to all member Councils prior to the Member Council Financial Guarantees being signed.
- (8) In November 2007 the RRFA (contract) was signed.

During Construction -

- (9) October 2008 and January 2009 BioVision highlighted the difference between Sorel Tracy and Perth waste.
- (10) June 2009 Agreement to assess WDT over a 12 month period.
- (11) BioVision need MRC Agreement to a change in the WDT or go through the dispute resolution process in the RRFA.
- (12) Composter cracks have resulted in the facility shutting down for an extended period hence agreement to assess the WDT over a 24 month period.

Current Activities -

- (13) BioVision is in the process of developing a detailed methodology for assessing the final WDT.
 - (14) MRC is in the process of appointing an independent consultant to review the BioVision documentation and comparing Sorel Tracy waste with Perth waste.
-

Financial Implications -

- (15) Cost implications to the MRC will only be known once the final WDT has been determined.

The RRF Gate fee impact at a WDT of 55.51% is presented in the July 2010 Agenda report (p.91).

The impact on the operational costs at the landfill will only be the variable cost per tonne as the fixed costs have already been covered by the budgeted tonnes throughout the year.

The true financial impact to the business will only be the additional variable costs at Tamala Park.

General Comments -

- (16) The WDT is only marginally impacted by performance of the facility.

What we put into the facility has the most significant impact on the WDT.

If you put lemons in, you will get lemons out.

It is for the MRC and member Councils to adjust what we deliver to the facility if we want to significantly impact the WDT.

Council requested the CEO to provide, inter alia, a detailed report on 'Future Mitigation Measures' (page 90 the Agenda, refers) as well as the financial implications.

Amended Motion put to the vote.

That Council received a briefing from MRC Project Manager, Mr Ian Watkins, on this matter. A copy of this briefing is attached to and forms part of these minutes.

(Carried: 10/1)

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

Against: Cr Getty

8.1.4

File No: WST/31

CONFIDENTIAL ITEM

SUBJECT: FUTURE LANDFILL SITE INVESTIGATION AND PROPOSAL TO PURCHASE LAND

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

MRC RECOMMENDATION

That Council:

- (i) note the progress report on investigations to identify a suitable replacement landfill for Tamala Park**
 - (ii) approve the Business Plan for the purpose of giving Statewide public notice under the Local Government Act and to consider any submissions and whether to proceed with the transaction at the next available meeting**
-

The CEO undertook to investigate a suggestion from Cr Robbins for the conduct of geological work on the Culford Property prior to any purchase.

COUNCIL RECOMMENDATION

That Council:

- (i) note the progress report on investigations to identify a suitable replacement landfill for Tamala Park**
- (ii) approve the Business Plan for the purpose of giving Statewide public notice under the Local Government Act and to consider any submissions and whether to proceed with the transaction at the next available meeting**

(Carried: 7/4)

*(For: Cr Bissett, Cr Butler, Cr Farrell, Cr Fishwick, Cr Gray, Cr Hollywood, Cr Newton
Against: Cr Cooke, Cr Getty, Cr MacRae, Cr Robbins,*

Meeting Open to the Public.

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

That the meeting now be opened to the public.

(Carried: 11/0)

*For: Cr Bissett, Cr Butler, Cr Cooke, Cr Farrell, Cr Fishwick, Cr Getty, Cr Gray,
Cr Hollywood, Cr Newton, Cr MacRae, Cr Robbins*

9 NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

10 GENERAL BUSINESS - SEE NOTE (1)

The CEO undertook to investigate improved location within meeting layout for 'note takers'.

11 NEXT MEETING

11.1 Ordinary Council Meeting

- 26 August 2010
- 5.30pm
- Town of Vincent

12 CLOSURE - MEETING DECLARED CLOSED 7.38PM
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