

MINUTES OF THE MEETING OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL **ORDINARY MEETING OF COUNCIL** HELD ON THURSDAY 22ND NOVEMBER 2012 AT THE RRRC ED CENTRE, 350 BANNISTER ROAD, CANNING VALE

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS 1.

The Chairman, Cr Tony Romano welcomed Members and declared the meeting open at 5:04pm.

2. **RECORD OF ATTENDANCE / APOLOGIES**

PRESENT:

Cr Tony Romano (Chairman) City of Cockburn Cr Doug Thompson (Deputy Chairman) to 6:06pm City of Fremantle City of Kwinana Cr Sandra Lee City of Melville Cr Robert Willis Cr Cliff Collinson Town of East Fremantle Mr Michael Littleton (REG member) to 6:25pm City of Cockburn City of Fremantle Mr Peter Pikor (REG member) to 6:06pm Mr Peter McKenzie (REG member) City of Kwinana Mr John Christie (REG member) to 6:25pm City of Melville

Mr Tim Youé SMRC, A/Chief Executive Officer Mr Chris Wiggins SMRC, Director Corporate Services Mr Brendan Doherty SMRC, Director Assets and Operations Mr Peter Segura SMRC, Executive Manager RRRC Mrs Leanne Downie

APOLOGIES

Nil

OBSERVERS

Mr Iain Freeman to 5:27pm

Lavan Legal

SMRC, Minutes

3. **DISCLOSURE OF INTERESTS**

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE 4.

Nil

PUBLIC QUESTION TIME 5.

Nil

6. ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING PERSON

6.1 CITY OF CANNING WITHDRAWAL

The City of Canning withdrawal from the SMRC was completed during October with the City approving its Mayor and A/CEO to sign the Deed of Settlement between the continuing Participants for the City to segregate their portion of the RRRC loan liability from the SMRC and the SMRC is now in receipt of all monies owed by the City. This matter is now closed.

CITY OF ROCKINGHAM WITHDRAWAL 6.2

The City of Rockingham withdrawal from the SMRC is progressing with the SMRC now in receipt of all monies the City owes as part of its liability to the SMRC. The continuing Participants are requested to consider their consent to releasing the City from its loan obligations for the Office Project to complete the process.

6.3 MRF OFFICIAL OPENING

The Official Opening of the Materials Recovery Facility was completed on Tuesday 20th November 2012 with Mr Marcus Geisler, Chairman, Waste Authority of WA officiating. The Chairman thanked all those involved in organizing the event and congratulated them on a job well done.

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

7.1 WCF DIGESTER TYRE SLIPPAGE

Mr Iain Freeman, Lavan Legal presented a report on the background and future legal action available to the Regional Council.

Mr Freeman and Mr Segura left the meeting at 5:27pm.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 MINUTES OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL ORDINARY MEETING HELD 25^{TH} OCTOBER 2012

COUNCIL RESOLUTION

12.11.01 MOVED CR R WILLIS

SECONDED CR S LEE

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE TOWN OF EAST FREMANTLE ON $25^{\rm TH}$ OCTOBER 2012 BE RECEIVED AS A TRUE AND ACCURATE RECORD.

CARRIED 5/-

8.2 MINUTES OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL SPECIAL MEETING HELD 25TH OCTOBER 2012

COUNCIL RESOLUTION

12.11.02 MOVED CR C COLLINSON

SECONDED CR S LEE

THAT THE MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD AT 9 ALDOUS PLACE, BOORAGOON ON 6^{TH} NOVEMBER 2012 BE RECEIVED AS A TRUE AND ACCURATE RECORD.

CARRIED 5/-

9. ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC

The Chairman announced that the Confidential Reports at Item 11.1, 11.2 and 11.3 could be dealt with during normal business as there were no members of the public in attendance.

10. BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

Nil

11. REPORTS OF THE CEO

11.1 TENDER 2012/04: REMOVAL AND BENEFICIAL REUSE OF UNPROCESSED GREEN WASTE AND TENDER 2012/05: RECEIVAL AND BENEFICIAL REUSE OF BULK VERGE SIDE COLLECTED GREEN WASTE

The Chairman asked Members to note a minor change to the CEO Recommendation No. 3 and the CEO responded to a query from Cr Sandra Lee.

COUNCIL RESOLUTION

12.11.03 MOVED CR R WILLIS

SECONDED CR C COLLINSON

THAT:

1. TENDER 2012/04 REMOVAL AND BENEFICIAL REUSE OF UNPROCESSED GREEN WASTE AT THE TENDERED PRICES DETAILED AND RECOMMENDED IN THE REPORT IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF TENDERING BE AWARDED TO BIOWISE:

- 2. TENDER 2012/05 RECEIVAL AND BENEFICIAL REUSE OF BULK VERGE SIDE COLLECTED GREEN WASTE AT THE TENDERED PRICES DETAILED AND RECOMMENDED IN THE REPORT IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF TENDERING BE AWARDED TO BIOWISE; AND
- 3. ACCEPTANCE OF TENDER 2012/05 IS SUBJECT TO PROJECT PARTICIPANTS AGREEING TO CONTINUE TO PAY TO THE SMRC THE ADOPTED GATE FEES FOR 2012/13 DURING THE TERM.

CARRIED 5/-

Mr Peter Segura returned to the meeting at 5:28pm.

11.2 WASTE COMPOSTING FACILITY DIGESTER TYRE SLIPPAGE

MOVED CR D THOMPSON

SECONDED CR C COLLINSON

- A NOTICE OF DISPUTE IN ACCORDANCE WITH PART A ITEM 22 (ARBITRATION AND EXPERT DETERMINATION) CLAUSE 15 OF AS 4122-2000 BE SERVED ON GW ENGINEERS PTY LTD;
- A WRIT OF SUMMONS BE LODGED IN THE SUPREME COURT OF WA AND HELD IN THE EVENT THAT ANY MEDIATION PROCESS BE UNSUCCESSFUL; AND
- 3. A FURTHER REPORT ON THE LEGAL ACTIONS TAKEN AND RECTIFICATION INVESTIGATIONS BE PRESENTED BACK TO COUNCIL.

Members discussed the legal action options at length and Cr Thompson moved an amendment to point 3 of the CEO recommendation as follows:

COUNCIL RESOLUTION

12.11.04 AMENDMENT RESOLUTION

MOVED CR D THOMPSON

SECONDED CR C COLLINSON

3. A FURTHER REPORT ON THE LEGAL ACTIONS TAKEN, RECTIFICATION INVESTIGATIONS AND FUTURE COST RAMIFICATIONS BE PRESENTED BACK TO THE COUNCIL AT THE NEXT ORDINARY MEETING IN FEBRUARY 2013.

CARRIED 5/-

The Chairman put the Amended Resolution to the vote.

COUNCIL RESOLUTION

12.11.05 MOVED CR D THOMPSON

SECONDED CR C COLLINSON

THAT:

- 1. A NOTICE OF DISPUTE IN ACCORDANCE WITH PART A ITEM 22 (ARBITRATION AND EXPERT DETERMINATION) CLAUSE 15 OF AS 4122-2000 BE SERVED ON GW ENGINEERS PTY LTD:
- 2. A WRIT OF SUMMONS BE LODGED IN THE SUPREME COURT OF WA AND HELD IN THE EVENT THAT ANY MEDIATION PROCESS BE UNSUCCESSFUL; AND
- 3. A FURTHER REPORT ON THE LEGAL ACTIONS TAKEN, RECTIFICATION INVESTIGATIONS AND FUTURE COST RAMIFICATIONS BE PRESENTED BACK TO THE COUNCIL AT THE NEXT ORDINARY MEETING IN FEBRUARY 2013.

CARRIED 5/-

11.3 RRRC OPERATING LICENCE

COUNCIL RESOLUTION

The A/Chief Executive Officer gave an overview of the report for Members.

12.11.06 MOVED CR D THOMPSON SECONDED CR S LEE

THAT:

- 1. IF CONDITIONS 17(B) AND 26(B) OF THE DEC LICENCE ARE NOT COMPLETED TO THE SATISFACTION OF DEC BY 15 DECEMBER 2012, THE RECEIVAL OF WASTE AT THE WASTE COMPOSTING FACILITY BE TEMPORARILY SUSPENDED UNTIL THE CONDITIONS ARE FULFILLED;
- 2. WHERE RECEIPT OF WASTE AT THE WASTE COMPOSTING FACILITY IS TEMPORARILY SUSPENDED THE SMRC SEEKS FINANCIAL SUPPORT FROM ITS PROJECT PARTICIPANTS BY REQUESTING PARTICIPANTS TO CONTRIBUTE TO THE OPERATING COST BY PAYING THE ADOPTED 2012/13 WASTE COMPOSTING FACILITY GATE FEE LESS THE COST PARTICIPANTS' INCUR FOR LANDFILL GATE FEES;
- 3. DURING THE TEMPORARY SUSPENSION OF PROCESSING GREEN WASTE ON SITE IN ACCORDINACE WITH THE RRRC OPERATING LICENCE DATED 7 MAY 2012, PARTICIPANTS BE REQUESTED TO CONTRIBUTE TO THE OPERATING COST BY PAYING THE ADOPTED 2012/13 GATE FEE FOR ANY GREEN WASTE IT DISPOSES OFFSITE DURING THIS PERIOD; AND
- 4. IF REQUIRED, CONSIDERATION OF ANY FURTHER ACTIONS BE CONSIDERED AT A SPECIAL MEETING OF COUNCIL.

CARRIED 5/-

Cr Doug Thompson and Mr Peter Pikor left the meeting at 6:06pm.

11.4 RRRC ANNUAL AUDIT COMPLIANCE REPORT 2011-2012

COUNCIL RESOLUTION

12.11.07 MOVED CR R WILLIS

SECONDED CR S LEE

THAT:

- 1. THE REGIONAL COUNCIL AUTHORISES THE ACTING CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE COMMON SEAL OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL TO THE REGIONAL RESOURCE RECOVERY CENTRE ANNUAL AUDIT COMPLIANCE REPORT FOR THE PERIOD 27 OCTOBER 2011 TO 26 OCTOBER 2012; AND
- 2. THE USE OF THE COMMON SEAL BE RECORDED IN THE COMMON SEAL REGISTER

CARRIED 4/-

11.5 WALGA DECLARATION ON CLIMATE CHANGE

COUNCIL RESOLUTION

12.11.08 MOVED CR C COLLINSON

SECONDED CR S LEE

THAT:

- 1. THE SOUTHERN METROPOLITAN REGIONAL COUNCIL RESOLVES TO BE A SIGNATORY TO THE WALGA DECLARATION ON CLIMATE CHANGE; AND
- 2. THE CHAIRMAN IS AUTHORISED TO SIGN THE WALGA DECLARATION ON CLIMATE CHANGE.

CARRIED 4/-

11.6 ADMINISTRATION OFFICE ACCOMMODATION REVIEW PAPER

COUNCIL RESOLUTION

12.11.09 MOVED CR R WILLIS

SECONDED CR C COLLINSON

THAT THE REGIONAL COUNCIL ACKNOWLEDGES THE POSITION STATEMENT OF THE PARTICIPANTS THAT THE TWO OFFICE LOCATIONS CONTINUE UNTIL A FUTURE REVIEW IS PRESENTED TO THE PARTICIPANTS SHOULD THE NEED ARISE.

CARRIED 4/-

11.7 COUNCIL MEETING DATES 2013

COUNCIL RESOLUTION

12.11.10 MOVED CR S LEE

SECONDED CR C COLLINSON

THAT THE ORDINARY MEETINGS OF THE REGIONAL COUNCIL MEETING DATES, TIMES AND VENUES FOR THE YEAR 2013 AS PROPOSED BE ADOPTED.

CARRIED 4/-

11.8 DRAFT ANNUAL REPORT FOR THE YEAR 2011-2012

Cr Rob Willis requested that the picture on Page 20 of the pdf provided to Members be replaced with another picture depicting community involvement.

COUNCIL RESOLUTION

12.11.11 MOVED CR R WILLIS

SECONDED CR S LEE

THAT THE ANNUAL REPORT OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL FOR THE YEAR ENDED 30 JUNE 2012 BE ADOPTED.

CARRIED 4/-

11.9 METROPOLITAN LOCAL GOVERNMENT REVIEW

The A/Chief Executive Officer gave an overview of the report to Members and the Chairman responded to a query from Cr Rob Willis.

COUNCIL RESOLUTION

12.11.12 MOVED CR C COLLINSON

SECONDED CR R WILLIS

THAT:

- 1. COUNCIL RESOLVE THAT THE CHAIRMAN AND A/CEO UNDERTAKE PRELIMINARY DISCUSSIONS WITH RIVERS REGIONAL COUNCIL TO EXPLORE POTENTIAL SYNERGIES BETWEEN THE TWO ORGANISATIONS;
- 2. A WORKSHOP IS HELD TO CANVASS THE VIEWS OF COUNCIL WITH REGARD TO THE RECOMMENDATION OF THE METROPOLITAN LOCAL GOVERNMENT REVIEW; AND
- 3. THE A/CEO PREPARES A SUBMISSION TO THE METROPOLITAN LOCAL GOVERNMENT REVIEW FOR CONSIDERATION AT THE FEBRUARY ORDINARY MEETING OF COUNCIL.

CARRIED 4/-

11.10 AUDITOR'S REPORT & FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

Cr Sandra Lee noted that at the Audit & Risk Committee meeting the Auditor commended Officers for all their hard work and it was to their credit that the organisation has continued to operate during difficult times.

COUNCIL RESOLUTION

12.11.13 MOVED CR S LEE

SECONDED CR R WILLIS

THAT THE AUDITOR'S REPORT AND MANAGEMENT LETTER RECEIVED FROM UHY HAINES NORTON FOR THE YEAR ENDED 30 JUNE 2012 BE RECEIVED.

CARRIED 4/-

11.11 STRATEGIC KPI QUARTERLY REPORT

The A/CEO responded to a query from Cr Rob Willis regarding commercial customers.

COUNCIL RESOLUTION

12.11.14 MOVED CR C COLLINSON

SECONDED CR S LEE

THAT THE 1ST QUARTER PERFORMANCE REPORTING RESULTS TO 30 SEPTEMBER 2012 BE RECEIVED.

CARRIED 4/-

11.12 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST OCTOBER 2012

COUNCIL RESOLUTION

12.11.15 MOVED CR R WILLIS

SECONDED CR C COLLINSON

THAT THE STATEMENT OF FINANCIAL ACTIVITY BY BUSINESS UNITS OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL FOR THE PERIOD ENDED 31 OCTOBER 2012 BE RECEIVED.

CARRIED 4/-

11.13 SCHEDULE OF PAYMENTS FOR OCTOBER 2012

COUNCIL RESOLUTION

12.11.16 **MOVED CR S LEE**

SECONDED CR R WILLIS

THAT:

- 1. THE SCHEDULE OF PAYMENTS AS LISTED IN THE ATTACHMENTS, AMOUNTING TO THE MONTH OF OCTOBER 2012 OF \$3,295,298.63 FOR THE MUNICIPAL FUND, BE RECEIVED; AND
- 2. THE SCHEDULE OF PAYMENTS, AS PRESENTED, BE INCORPORATED IN THE MINUTES OF THE MEETING.

CARRIED 4/-

11.14 SMRC CASH INVESTMENT PORTFOLIO

COUNCIL RESOLUTION

12.11.17 MOVED CR R WILLIS

SECONDED CR C COLLINSON

THAT THE SMRC CASH INVESTMENT PORTFOLIO AS AT 31 OCTOBER 2012 BE RECEIVED.

CARRIED 4/-

12. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil

The meeting was closed to all but Elected Members at 6:25pm.

13. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PERSON PRESIDING OR BY DECISION OF MEETING

13.1 CHIEF EXECUTIVE OFFICER APPOINTMENT

COUNCIL RESOLUTION

12.11.18 MOVED CR R WILLIS

SECONDED CR C COLLINSON

THAT:

- 1. MR TIM YOUÉ BE APPOINTED TO THE POSITION OF CHIEF EXECUTIVE OFFICER FOR A PERIOD OF THREE YEARS, UNDER A CONTRACT OF EMPLOYMENT COMMENCING FROM 23 NOVEMBER 2012; AND
- 2. THE CHAIRMAN BE AUTHORISED TO SIGN THE CONTRACT OF EMPLOYMENT FOR THE CHIEF EXECUTIVE OFFICER ON BEHALF OF COUNCIL.

CARRIED 4/-

Council Officers and Members of the Regional Executive Group returned to the meeting at 6:45pm. The Chairman congratulated Mr Tim Youé on his appointment as Chief Executive Officer.

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

Nil

15. CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil

16. DECLARATION OF CLOSURE OF MEETING

There being no further business, the Chairman introduced Mr Peter Segura, Executive Manager RRRC and declared the meeting closed at 6:57pm.