



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

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**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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
Cr Sandra Lee	City of Kwinana
Cr Robert Willis	City of Melville
Cr Cliff Collinson	Town of East Fremantle
Mr Michael Littleton (REG member) to 6:25pm	City of Cockburn
Mr Peter Pikor (REG member) to 6:06pm	City of Fremantle
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 RRRRC
Mrs Leanne Downie	SMRC, Minutes

**APOLOGIES**

Nil

**OBSERVERS**

Mr Iain Freeman to 5:27pm Lavan Legal

**3. DISCLOSURE OF INTERESTS**

Nil

**4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**5. PUBLIC QUESTION TIME**

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 RRRRC loan liability from the SMRC and the SMRC is now in receipt of all monies owed by the City. This matter is now closed.

**6.2 CITY OF ROCKINGHAM WITHDRAWAL**

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 20<sup>th</sup> 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<sup>TH</sup> 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<sup>TH</sup> OCTOBER 2012 BE RECEIVED AS A TRUE AND ACCURATE RECORD.**

**CARRIED 5/-**

8.2 MINUTES OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL SPECIAL MEETING HELD 25<sup>TH</sup> 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<sup>TH</sup> 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**

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 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**
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**CARRIED 5/-**

**11.3 RRRR 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:**







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.