



**Minutes of the Meeting of the
Southern Metropolitan Regional Council
held in Council Chambers
at the City of Canning
on Thursday 24 September 2009
Commencing at 5.20pm**

1. Declaration of Opening / Announcement of Visitors

The Chairman welcomed members and welcomed Mayor Delle Donne and Cr Olsen from the City of Canning and declared the meeting open at 5.20pm

2. Record of Attendance / Apologies / Leave of Absence (previously approved)

Present:

Cr Doug Thompson (Chairman)	City of Fremantle
Cr Clive Robartson OAM (Deputy Chairman)	City of Melville (from 6.23pm)
Cr Graham Barry	City of Canning
Cr Tony Romano	City of Cockburn
Cr Sandra Lee	Town of Kwinana
Deputy Mayor Richard Smith	City of Rockingham
Mayor Allan Ferris (from 5.25pm)	Town of East Fremantle
Mr John Christie	City of Melville
Mr Michael Littleton	City of Cockburn
Mr Peter McKenzie	Town of Kwinana
Mr Charles Sullivan	City of Canning
Mr Stuart McAll	SMRC – Chief Executive Officer
Mr Chris Wiggins	SMRC – Manager Administration & Finance
Mr Brendan Doherty	SMRC – Manager Engineering Services
Mr Chuck Ellis	SMRC – Manager Communications
Mr Tim Youé	SMRC – Manager Business Development
Ms Lee Harris	SMRC – Executive Assistant to CEO - Minutes

Apologies

Nil

Observer

Mr Peter Pikor City of Fremantle

3. Disclosure of Interests

Nil

4. Response to Previous Public Questions Taken on Notice

Nil

5. Public Question Time

The Chairman welcomed members of the public and invited questions.

5.1 Mr N Perryman – 59 Tuscan St, Rossmoyne

Q1 Are copies of Council Meeting Minutes for the last 2 years available?

The Chairman advised that past minutes were available on the SMRC Website. The CEO will advise Mr Perryman on other means of viewing these documents.

Q2 Is the Department Environment & Conservation Report and Health Department Report stating that the odour is not a direct effect to health; available to the public?

The Chairman advised that the report provided by the Health Department was available on the SMRC Website.
The CEO will advise Mr Perryman on other means of viewing this document if he has no access to the website.

Q3 Is the City of Canning's investment returned to the City of Canning following withdrawal?

The Chairman stated that this was a question for the City of Canning to answer.

Additional information provided by the CEO to Mr Perryman:- The withdrawal of a participant of the SMRC is dealt with in the Establishment Agreement and Project Agreements. The manner in which equity and liabilities are determined will be calculated in accordance with those agreements.

5.2 Mr J Delle Donne – 50 Mallard Way Cannington

Q1 How much of the Capital Loan has been paid to date and what is the outstanding figure for RRRC, MRF, Greenwaste & Admin Building

The Chairman advised the question will be taken on notice and a response provided to Mr Delle Donne at a time following the meeting.

5.3 Mr R Olsen – 67 Portcullis Drive Willetton

Q1 I would like to take a group of friends to photograph orchids in Ken Hurst Park. How can we access the park through Bannister Road?

The Chairman advised Mr Olsen his question will be taken on notice.

5.4 Mr R Petterson – 8 Noreat Place Leeming

Due to the number of questions Mr Petterson had, the Chairman asked that he provide the questions in writing for a response by the Chief Executive Officer at a time following the meeting.

Mr Petterson advised he would forward the questions.

The questions were received on Tuesday 29th September 2009 and responses will be attended to.

6. Petitions / Deputations / Presentations

Nil

7. Confirmation of Minutes of Previous Meetings

7.1 Minutes of the meeting of the Southern Metropolitan Regional Council held on 23 July 2009

Cr Robartson asked what action if any had been done in relation to item 10.3(1) Temporary Road Closure. "Member Council's approach to Canning about its decision to not grant temporary road closure"

The CEO advised that no discussions have taken place however he is aware the CEO's will be addressing this matter and Councillors would be informed.

Council Resolution

09.09-01 MOVED Mayor Ferris SECONDED Cr Lee

Minutes of the Meeting of Council held at the City of Rockingham on 23 July 2009 be received as a true and accurate record.

CARRIED 7/0

7.2 Minutes of the Special Meeting of the Southern Metropolitan Regional Council held on 29 July 2009

COUNCIL RESOLUTION

09.09-02 MOVED Mayor Ferris SECONDED Cr Lee

Minutes of Special Meeting of Council held at the SMRC Boardroom 9 Aldous Place, Booragoon on 28 July 2009 be received as a true and accurate record.

CARRIED 7/0

8. Announcement of Confidential Matters for which Meetings may be Closed to the Public.

Report 10.4 (incorrectly shown as 10.16) to be discussed under Item 14 of the Agenda.

9. Business Not Dealt with from a Previous Meeting

Nil

10. REPORTS OF THE CEO

10.1 Policy Review Council Meetings

Cr Barry moved an alternative to the CEO Recommendation for the following reasons:

Unreasonably defers an opportunity to suitably engage SMRC administrators, REC Members and SMRC Regional Councillors in advancing development in organizational and governance structures.

COUNCIL RESOLUTION/S

09.09-03 MOVED CR Barry SECONDED Cr Romano

- 1. That Council resolve to adopt Option 2. suggested meeting framework for a period ending 30th June 2010. Points 1 – 7 on page 21 to apply to resolutions as well as to all other committee meetings and briefing sessions during and up to June 30th 2010.**

2. A further review and report be undertaken prior to the expiration date to gauge the success of Option 2 resolved in Point 1 above.

CARRIED 7/0

10.2 Draft Policy – Councillor Access to Information

MOVED Cr Robartson

SECONDED Cr Lee

THAT the Policy 1-13 Councillor Access to information as attached to report dated 10 September 2009 be adopted.

Cr Barry tabled a report from the Department of Local Government relating to the inquiry into the City of Joondalup, December 2005, and referred to page 3 of the report dealing with 'Council Members Access to the Local Government's Legal Advice'

09.09-04

MOVED Cr Barry

SECONDED Cr Smith

That the meeting adjourn for 5 minutes to allow members to read the tabled report.

CARRIED 4/3

The meeting was adjourned at 5.50pm
The meeting was re-adjourned at 5.55pm

Following questions from Cr Barry; Cr Barry moved a procedural motion that the motion be deferred until the draft policy had been forwarded to the Department of Local Government.

COUNCIL RESOLUTION/S

09.09-05

Moved Cr Barry

SECONDED Cr Robartson

That the draft policy be deferred to a later date and the policy be forwarded to the Department of Local Government.

CARRIED 5/2

10.3 Appointment of a Member to the Regional Executive Committee

COUNCIL RESOLUTION

09.09-06

MOVED Cr Smith

SECONDED Cr Barry

1. That Mr. Peter Pikor (City of Fremantle) be appointed as a deputy member to the SMRC's Regional Executive Committee for a term expiring the 30 November 2010.

CARRIED BY ABSOLUTE MAJORITY 7/0

10.4 Confidential Report – Discussed under Item 14

10.5 Withdrawn by CEO

10.6 Tender T2009-07 Supply of Trades, Equipment and Materials

The Chairman advised that the CEO has tabled an amendment to the CEO Recommendation

Cr Barry enquired why there are no prices included in the report. The CEO advised that the price schedules were provided to the REC Officers and were available at the meeting for viewing.

The CEO confirmed Cr Smith's question that the price schedules were hourly rates only and that the tender provided a panel of contractors to draw upon and that all tenders be accepted.

Cr Barry moved a 5 minute adjournment for members to read the price schedules. The motion lapsed due to no seconder.

COUNCIL RESOLUTION/S

09.09-07 MOVED Cr Robartson SECONDED Cr Lee

- 1. That all tenders received for Tender 2009-07 – Supply of Trades Personnel, Equipment & Materials be accepted.**
- 2. Contract period of 12 months with a maximum extension of 3 x 12 month periods, including CPI adjustment, by mutual agreement.**

CARRIED 6/1

10.7 Tender T2009-08 Hire of Plant & Equipment

COUNCIL RESOLUTION/S

The Chairman advised that the CEO has tabled an amendment to the CEO Recommendation

Cr Barry enquired why there are no prices included in the report. The CEO advised that the price schedules were provided to the REC Officers and were available at the meeting for viewing.

Cr Barry moved a 5 minute adjournment for members to read the price schedules. The motion lapsed due to no seconder.

09.09-08 MOVED Cr Lee SECONDED Cr Romano

- 1. That all tenders received for Tender 2009-08 – Hire of Plant & Equipment be accepted.**
- 2. Contract period of 12 months with a maximum extension of 3 x 12 month periods, including CPI adjustment, by mutual agreement.**

CARRIED 6/1

10.8 CEO Delegated Authority – Award of Tender 2009-10 Supply of Trommel Screen Assemblies with Installation Option.

COUNCIL RESOLUTION/S

The CEO responded to Councillors Barry, Romano & Robartson's questions in relation to the tender procedure.

09.09-09 MOVED Cr Lee SECONDED Mayor Ferris

- 1. That the Chief Executive Officer be given delegated authority to award: Tender 2009-10 Supply Of Trommel Screen Assemblies with Installation Option up to the Current Adopted Capital Budget Expenditure of:**
56652 PRIMARY TROMMEL NO 1; \$350,000.00 and
56653 PRIMARY TROMMEL NO 2. \$350,000.00
- 2. A Report on the CEO Delegated Authority be included in the November 2009 Information Bulletin.**

CARRIED BY ABSOLUTE MAJORITY 7/0

10.9 Waste Composting Facility (WCF) Capital Budget Amendment

COUNCIL RESOLUTION/S

The CEO responded to Cr Barry's questions relating to the tender and budget amendment.

09.09-10

MOVED Cr Lee

SECONDED Cr Robartson

That the following budget amendment be adopted:

WCF	Particulars	Current Adopted Budget	AMENDED BUDGET
56553	Front End Loader	\$ 450,000	\$ 480,000
56649	Digester Tyres	\$ 600,000	\$ 540,000
56656	Fire Alarms & Suppression	\$ 70,000	\$ 100,000
Total above items - Capital Budget		\$ 1,120,000	\$ 1,120,000

CARRIED BY ABSOLUTE MAJORITY 6/1

10.10 Southern Metropolitan Regional Council Community Advisory Group

COUNCIL RESOLUTION/S

The Chairman advised that the CEO has tabled an amendment to the CEO Recommendation

The CEO reported that he had been in contact with the Minister's Chief of Staff and had been advised that the Minister would not be proceeding with a Ministerial Community Advisory Group. Therefore point 3 of the CEO Recommendations should be deleted and point 4 delete the words 'Should the Minister not proceed with forming a Community Advisory Group'. Substitute the word "committee" to read "Regional Council".

Amendment

09.09-11

MOVED Cr Smith

SECONDED Cr Lee

That the SMRC contact local Members of Parliament seeking expressions of interest in the Group

CARRIED 7/0

Amendment

09.09-12

Moved Cr Barry

SECONDED Cr Romano

That a 5th point be added, "that Council authorise the allocation of funds up to \$15,000 for a Consultant to facilitate the first three meetings of the SMRC Advisory Group".

CARRIED 7/0

COUNCIL RESOLUTION/S

09.09-13

MOVED Cr Barry

SECONDED Cr Romano

1. The report dated 15 September 2009 be received.
2. Endorse the establishment of the SMRC COMMUNITY ADVISORY GROUP as detailed in the Report and Instrument of Appointment and Delegation.
3. The Council endorse a campaign to recruit new members to join the SMRC COMMUNITY ADVISORY GROUP to include the use of the SMRC website, media releases and SMRC e-news with a view to forming the Group in November 2009.
4. The SMRC contact local Members of Parliament seeking expressions of interest in the Group.

- CARRIED 7/0**

COUNCIL RESOLUTION/S

09.09-14 **MOVED** Cr Robartson **SECONDED** Mayor Ferris

- CARRIED 7/0**

COUNCIL RESOLUTION/S

That the SMRC Cash Investment Portfolio as at 31 August 2009 be received

CARRIED 7/0

The CEO responded to a question raised by Cr Barry.

COUNCIL RESOLUTION/S

09.09-16	MOVED Cr Lee	SECONDED Mayor Ferris
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- CARRIED 7/0**

Cr Robartson left the meeting at 6.23pm

COUNCIL RESOLUTION/S

The Chairman advised that the CEO has tabled an amendment to the CEO Recommendation

09.09-17	MOVED Cr Barry	SECONDED Mayor Ferris
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That the statement of financial activity by business plan of the Southern Metropolitan Regional Council for the month ended 31 July 2009 be received.

CARRIED 6/0

COUNCIL RESOLUTIONS/S

09.09-18	MOVED Cr Barry	SECONDED Mayor Ferris
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That the statement of financial activity by business plan of the Southern Metropolitan Regional Council for the month ended 31 August 2009 be received.

CARRIED 6/0

**11 Announcements by the Chairman or Person Presiding without Discussion
The Chairman advised –**

A meeting was held with the Hon Max Trenorden, relating to the WARR Bill amendments on exemptions.

Following the Local Government election, the SMRC will require the election of a new Chairman. A meeting in October will be called.

Passed on best wishes to all candidates standing for re-election and congratulated Mayor Ferris on his re-election.

12. New Business of an Urgent Nature Approved by the Chairman or Person Presiding or by Decision of Meeting

09.09-19 MOVED Cr Lee

SECONDED Cr Smith

That the Council sit behind closed doors to consider a late report item dealing with contracts in accordance with section 5.23(2)(1) of the Local Government Act 1995.

CARRIED 6/0

Confidential Item – The Chairman requested Members of the Public to vacate the meeting

12.1 Tender for Receival of Municipal Solid Waste from the City of South Perth.

Cr Barry moved an adjournment of the report until the next meeting. The motion lapsed due to no seconder.

The CEO responded to questions raised by Members.

09.09-20

Moved Cr Lee

Seconded Mayor Ferris

That the Regional Council approves the CEO to submit a conforming and non-conforming tender under the terms and conditions detailed in the confidential report.

CARRIED 5/1

13. Elected Members Questions of which Previous Notice has been Given

Questions with Notice received from Councillor Graham Barry and in accordance with subclause (2) of Clause 3.12A of SMRC's Standing Orders Local Law Amendment 2009 the questions and responses were included in the agenda of the meeting.

14. Confidential Matters for which the Meeting may be Closed to the Public

10.4 Chief Executive Officer's Performance and Salary Review

Members queried the unconfirmed minutes of the meeting and requested the following amendments be included in the minutes:

Voting nos to read 4/3 and point 1b) to read "...to attend a course such as....."

COUNCIL RESOLUTION/S

09.09-21

MOVED Cr Lee

SECONDED Cr Romano

1) The CEO Salary & Performance Review Committee recommendations as follows be adopted:

- a) That the Chief Executive Officer's 2009/10 remuneration package commencing from his anniversary date be increased by 1.8%.
- b) That the Chief Executive Officer be encouraged to attend a course such as the Australian Institute Management's Directors Course.
- c) That the Chief Executive Officer prepare a CEO skills development plan for council consideration.
- d) That the Chief Executive Officer's key performance indicators for 2009/10 be approved.

2) The Minutes as amended of the CEO Performance & Salary Review Committee Meeting held on Thursday 10 September 2009 at the SMRC (Boardroom) 9 Aldous Place Booragoon be received as a true and accurate record.

CARRIED 6/0

15. Future Meetings of Council

DATE 2009	VENUE
26 November	City of Cockburn

16. Declaration of Closure of Meeting

There being no further business, the Chairman declared the meeting closed at 6.45pm.