



**Minutes of the Meeting of the
Southern Metropolitan Regional Council
held in Council Chambers
at the City of Melville
on Thursday 25 February 2010
Commencing at 5.04pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman welcomed Members and Mayor Delle Donne in the public galley and declared the meeting open at 5:04pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED) PRESENT

Cr Tony Romano Chairman	City of Cockburn
Cr Richard Smith Deputy Chair	City of Rockingham
Cr Clive Robartson AM	City of Melville
Cr Graham Barry	City of Canning
Cr Richard Olson	Town of East Fremantle
Cr Doug Thompson (from 5:10pm)	City of Fremantle
Cr Sandra Lee	Town of Kwinana
Mr Charles Sullivan	City of Canning
Mr Michael Littleton	City of Cockburn
Mr Peter Pikor	City of Fremantle
Mr Peter McKenzie	Town of Kwinana
Mr John Christie	City of Melville
Mr Graham Rose	City of Rockingham
Mr Stuart McAll	SMRC – Chief Executive Officer
Mr Chris Wiggins	SMRC – Manager Admin & Finance
Mr Brendan Doherty	SMRC – Manager Engineering Services
Mr Chuck Ellis	SMRC – Manager Communications
Mr Tim Youé	SMRC - Manager Business Development

Apologies

Nil

Observer

Mayor Delle Donne of the City of Canning

3. DISCLOSURE OF INTERESTS

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The Council wished to express its condolences and sadness of the passing of Mr Gavin Watters former CEO of the Eastern Metropolitan Regional Council. He was recognised for his contribution to local government and waste management.

The Council congratulated Cr Clive Robartson AM on his recent Australia Day Award as recipient of the Member of the Order of Australia for service to the community through local government and waste management.

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

7.1 The presentation by Mr Piers Vertegen, Director of the Conservation Council (WA) on the recent United Nations Conference in Copenhagen will be held later in the agenda on his arrival.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 MINUTES OF THE MEETING OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL HELD ON 26 NOVEMBER 2009

COUNCIL RESOLUTION/S

10.02-01 MOVED Cr LEE SECONDED Cr BARRY

MINUTES OF THE MEETING OF COUNCIL HELD AT THE CITY OF COCKBURN ON 26 NOVEMBER 2009 BE RECEIVED AS A TRUE AND ACCURATE RECORD.

CARRIED 6/0

9. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS.

The Following reports will be dealt with under item 14 in the Agenda:

Report 14.1 MRF Business Plan Feb 2010

10. REPORTS OF THE CEO

10.1 CHIEF EXECUTIVE OFFICER DELEGATED AUTHORITY 2010

Cr Thompson entered the meeting 5:10pm

The Chief Executive Officer responded to questions raised by Cr Barry

COUNCIL RESOLUTION/S

10.02-02 MOVED Cr ROBARTSON SECONDED Cr OLSON

THAT THE FOLLOWING DELEGATIONS OF POWERS AND DUTIES TO THE CHIEF EXECUTIVE OFFICER BE ADOPTED.

1) TENDER FOR GOODS AND SERVICES:

a) CALL AND INVITE TENDERS FOR GOODS AND SERVICES WITHIN THE APPROVED BUDGET.

b) TO ACCEPT OR REJECT TENDERS FOR GOODS AND SERVICES WITHIN THE APPROVED BUDGET TO THE VALUE OF \$300,000.

2) DISPOSAL OF REGIONAL COUNCIL ASSETS SURPLUS TO COUNCIL'S REQUIREMENTS UNDER \$20,000 WITHOUT THE NEED TO OBTAIN COUNCIL APPROVAL PRIOR TO DISPOSAL.

3) APPROVAL, AUTHORISATION AND PAYMENT OF ACCOUNTS IN ACCORDANCE WITH COUNCIL'S POLICY ARE DELEGATED TO THE CEO.

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- 4) TO SIGN THE FOLLOWING CERTIFICATES ON BEHALF OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL AND ITS PARTICIPANTS IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE SECURED LENDING FACILITY AGREEMENT WITH THE WA TREASURY CORPORATION FOR THE:
- i. REGIONAL RESOURCE RECOVERY CENTRE
 - ii. SMRC ADMINISTRATION BUILDING
1. SIGN AS AN AUTHORISED SIGNATORY ALL WA TREASURY CORPORATION LOAN DRAW-DOWN SCHEDULES PURSUANT TO THE SECURED LENDING FACILITY AGREEMENT.
 2. SIGN AS AN AUTHORISED SIGNATORY ALL CERTIFICATIONS OF PARTICIPANTS SHARE'S IN THE SECURED LENDING FACILITY WITH THE WA TREASURY CORPORATION PURSUANT TO THE SECURED LENDING FACILITY AGREEMENT.
 3. TO NOTIFY IN WRITING TO THE WA TREASURY CORPORATION ANY FAILURE BY A PARTICIPANT TO PAY PRINCIPAL OR INTEREST WITHIN THE TIME SPECIFIED PURSUANT TO THE SECURED LENDING FACILITY AGREEMENT.
- 5) DISPOSAL OF PRODUCTS PROCESSED AT THE RRRC TO STATE AND LOCAL GOVERNMENTS AND THE PRIVATE SECTOR UP TO \$50,000.
 - 6) AUTHORITY TO NEGOTIATE AND ENTER INTO SERVICE AGREEMENTS FOR SMRC SERVICES AND CONSULTANCIES WITHIN THE RANGE OF ADOPTED FEES AND CHARGES.
 - 7) TO NEGOTIATE A PERCENTAGE WITHIN THE ADOPTED FEE STRUCTURE FOR ACCEPTING PRE-SORTED RECYCLABLE MATERIAL AT THE RRRC.
 - 8) TO APPROVE MINOR VARIATIONS TO SMRC CONTRACTS UP TO A TOTAL VALUE OF 7% OF THE CONTRACT VALUE, BUT NOT EXCEEDING \$150,000 OR THE APPROVED ANNUAL BUDGET.
 - 9) TO SELL GREENHOUSE FRIENDLY OFFSET CREDITS AT THE PREVAILING MARKET PRICE.
 - 10) TO SELL COMMODITIES PRODUCED AT THE REGIONAL RESOURCE RECOVERY CENTRE AT THE PREVAILING MARKET PRICE IN ACCORDANCE WITH SECTION 3.58(5)(B) OF THE LOCAL GOVERNMENT ACT 1995.
 - 11) TO SELL COMMODITIES PRODUCED AT THE REGIONAL RESOURCE RECOVERY CENTRE THAT DO NOT MEET CONTRACTED MATERIAL SPECIFICATIONS.
 - 12) TO AWARD PUBLIC TENDERS FOR THE SALE OF COMMODITIES PRODUCED AT THE REGIONAL RESOURCE RECOVERY CENTRE WITH A TENDER VALUE NOT EXCEEDING \$500,000.
 - 13) TO NOMINATE LANDFILLS FOR DIVERTED MSW AND THE LANDFILL MSW AND THE LANDFILL GATE FEE.
 - 14) TO AWARD TENDER 2009-10 FOR SUPPLY OF TROMMEL SCREEN ASSEMBLIES WITH INSTALLATION OPTION UP TO THE CURRENT ADOPTED CAPITAL BUDGET EXPENDITURE OF PRIMARY TROMMEL #1 \$350,000 AND PRIMARY TROMMEL #2 \$350,000.

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- 15) TO AWARD TENDER 2009-13 SUPPLY & INSTALLATION OF CONTROL SYSTEM UPGRADE SENSORS & CABLING UP TO THE CURRENT ADOPTED CAPITAL BUDGET EXPENDITURE OF 56645 EPN ODOUR IMPROVEMENTS \$670,000 AND VARIOUS TENDERS AS REQUIRED FOR CONSTRUCTION OF MAINTENANCE WORKSHOP FACILITY OF TOTAL VALUE UP TO THE CURRENT ADOPTED CAPITAL BUDGET EXPENDITURE OF \$700,000.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/1

For: Cr Romano, Olson, Lee, Robartson, Smith, Thompson. Against: Cr Barry

Cr Barry requested that in accordance with section 5.21 (4) of the Local Government Act 1995 that the votes be recorded.

10.2 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN FOR 2009

COUNCIL RESOLUTION/S

10.02-03 MOVED Cr THOMPSON SECONDED Cr LEE

THE LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN FOR THE PERIOD 1 JANUARY 2009 TO 31 DECEMBER 2009 BE ADOPTED AND FORWARDED TO THE DEPARTMENT OF LOCAL GOVERNMENT FOLLOWING CERTIFICATION BY THE CHAIRMAN AND THE CHIEF EXECUTIVE OFFICER

CARRIED 6/1

Cr Barry requested that his vote be recorded as being against the motion

10.3 AUDITED FINANCIAL STATEMENTS FOR THE YEARS ENDED 30 JUNE 2008 AND 2009 NOTE 17 AMENDMENT

COUNCIL RESOLUTION/S

10.02-04 MOVED Cr THOMPSON SECONDED Cr LEE

- 1. THAT THE CEO EXPLANATION AND ACTIONS TO CORRECT NOTE 17 IN THE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2008 AND YEAR ENDED 30 JUNE 2009 TO DISCLOSE THE MISSING REMUNERATION BAND BE NOTED.**
- 2. THAT KEY STAKEHOLDERS BE ADVISED THAT AN AMENDMENT TO NOTE 17 IN BOTH FINANCIAL REPORTS ARE AVAILABLE ON THE SMRC WEBSITE OR ON REQUEST A COPY OF THE AMENDMENT NOTE SENT BY MAIL.**

CARRIED 7/0

10.4 RISK MANAGEMENT POLICY

COUNCIL RESOLUTION/S

10.02-05 MOVED Cr BARRY SECONDED Cr LEE

THE SMRC DRAFT RISK MANAGEMENT POLICY AND PROCEDURES DATED 8 FEBRUARY 2010 BE ADOPTED.

CARRIED 7/0

10.5 HALF YEAR 2009/10 BUDGET REVIEW

COUNCIL RESOLUTION/S

10.02-06 MOVED Cr THOMPSON SECONDED Cr LEE

THE HALF YEAR 2009/10 BUDGET REVIEW REPORT DATED 11 FEBRUARY 2010 BE ADOPTED.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0

10.6 SCHEDULE OF ACCOUNTS - NOVEMBER 2009 TO JANUARY 2010

COUNCIL RESOLUTION/S

10.02-07 MOVED Cr BARRY SECONDED Cr ROBARTSON

1) THAT THE SCHEDULE OF PAYMENTS AS LISTED IN THE ATTACHMENTS, AMOUNTING TO THE MONTH OF NOVEMBER 2009 OF \$1,579,055.94, DECEMBER 2009 OF \$1,807,383.36 AND JANUARY 2010 OF \$3,205,443.17 FOR THE MUNICIPAL FUND, BE RECEIVED.

2) THE SCHEDULE OF PAYMENTS, AS PRESENTED, BE INCORPORATED IN THE MINUTES OF THE MEETING.

CARRIED 7/0

10.7 FINANCIAL STATEMENTS FOR THE MONTH ENDED 30 NOVEMBER 2009

COUNCIL RESOLUTION/S

10.02-08 MOVED Cr BARRY SECONDED Cr ROBARTSON

THAT THE STATEMENT OF FINANCIAL ACTIVITY BY BUSINESS PLAN OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL FOR THE MONTH ENDED 30 NOVEMBER 2009 BE RECEIVED.

CARRIED 7/0

10.8 FINANCIAL STATEMENTS FOR THE MONTH ENDED 31 DECEMBER 2009

COUNCIL RESOLUTION/S

10.02-09 MOVED Cr BARRY SECONDED Cr SMITH

THAT THE STATEMENT OF FINANCIAL ACTIVITY BY BUSINESS PLAN OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL FOR THE MONTH ENDED 31 DECEMBER 2009 BE RECEIVED.

CARRIED 7/0

10.9 FINANCIAL STATEMENTS FOR THE MONTH ENDED 31 JANUARY 2010

COUNCIL RESOLUTION/S

10.02-10 MOVED Cr BARRY SECONDED Cr ROBARTSON

THAT THE STATEMENT OF FINANCIAL ACTIVITY BY BUSINESS PLAN OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL FOR THE MONTH ENDED 31 JANUARY 2010 BE RECEIVED

CARRIED 7/0

10.10 SMRC CASH INVESTMENT PORTFOLIO

COUNCIL RESOLUTION/S

10.02-11 MOVED Cr BARRY SECONDED Cr ROBERTSON

THAT THE SMRC CASH INVESTMENT PORTFOLIO AS AT 31 JANUARY 2010 BE RECEIVED.

CARRIED 7/0

10.11 TENDER T2010-01 PROVISION OF CONSULTING SERVICES

The Chief Executive Officer responded to questions raised by Cr Barry.

COUNCIL RESOLUTION/S

10.02-12 MOVED Cr THOMPSON SECONDED Cr LEE

THAT WITH REGARD TO SUBMISSIONS RECEIVED FOR TENDER 2010-01 - PROVISION OF CONSULTING SERVICES ALL TENDERS BE ACCEPTED

CARRIED 7/0

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

The Chairman referred to the tabled report no 11.1 Cr Barry's notice of Motion.

Moved Cr Barry

Council RESOLVE to Adopt and Amend and Standing Orders 2009 to include sections of the Local Government Act 1995 s.5,21 - s.5.25 Part 5 Division 2 as well as Local Government Act (administration) Regulations 1996 - r9 - ie, Voting at Council or Committee Meetings which says in part;

("Voting at a Council or Committee Meeting is to be conducted so that no Voters Vote is Secret")

The Chairman called for a seconder. As no member seconded the motion, the motion lapsed.

12. QUESTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 Questions with notice received from Cr Barry

In accordance with subclause (2) of Clause 3.13 of the SMRC Standing Orders Local Law Amendment 2009 the questions and responses were tabled at the meeting.

12.2 Questions with notice received from Cr Barry

In accordance with subclause (2) of Clause 3.13 of the SMRC Standing Orders Local Law Amendment 2009 the questions and responses were tabled at the meeting.

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

13.1 POLICY REVIEW - ENVIRONMENTAL POLICY 4.1

COUNCIL RESOLUTION/S

10.02-13 MOVED Cr ROBERTSON SECONDED Cr LEE

THAT THE ENVIRONMENTAL POLICY NO 4.1 IN THE AGENDA ATTACHMENTS BE ADOPTED.

CARRIED 7/0

The Chairman advised that the Presentation deferred at the beginning of the meeting be now presented.

7. PRESENTATIONS

- 7.1** Mr Piers Vertegen, Director of the Conservation Council (WA) spoke on the recent United Nations Conference in Copenhagen and the Conservation Council's views on climate change and waste management.

14. CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC

The Chairman announced that the meeting now be closed to the public to deal with report 14.1 in accordance with section 5.23 (2) (C) a draft business plan containing commercial in confidence information.

14.1 MATERIAL RECOVERY FACILITY FINANCIAL BUSINESS PLAN FEB 2010

The Chief Executive Officer responded to questions asked by members.

COUNCIL RESOLUTION/S

10.02-14 MOVED Cr THOMPSON SECONDED Cr ROBARTSON

- 1. THAT THE REVISED FINANCIAL BUSINESS PLAN FOR THE MATERIAL RECOVERY FACILITY OF THE REGIONAL RESOURCE RECOVERY CENTRE PROJECT DATED 5 FEBRUARY 2010 BE ADOPTED.**
- 2. THAT A RISK REGISTER BE ESTABLISHED FOR THE MRF PROJECT AND REPORTED TO THE NEXT AUDIT COMMITTEE.**

CARRIED 6/1

Cr Barry requested that his vote be recorded as being against the motion

15. DECLARATION OF CLOSURE OF MEETING

There being no further business, the Chairman declared the meeting closed at 5:50PM.

I hereby certify that the Minutes of the Ordinary Meeting of Council held on 25th February 2010 were confirmed on 29th April 2010.

Cr Richard Smith, Deputy Chairman

Signature _____ **Dated** _____