



**Minutes of the Meeting of the
Southern Metropolitan Regional Council
held at the Town of East Fremantle
135 Canning Highway East Fremantle
on Thursday 26th February 2009
Commencing at 5.02pm**

1. Declaration of Opening / Announcement of Visitors

The Chairman welcomed members and declared the meeting open at 5.02pm
The Chairman welcomed Cr Tony Romano, City of Cockburn who was sworn in as Regional Councillor prior to the commencement of the meeting.

He also welcomed Mr Steve Millington, newly appointed SMRC Corporate Office and Ms Lee Harris, Executive Assistant and minute clerk to the meeting.

The Chairman advised that the meeting would be conducted under the new SMRC's Standing Orders Local Law.

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

Present:

Cr Doug Thompson (Chairman)	City of Fremantle
Mayor Alan Ferris	Town of East Fremantle
Cr Sandra Lee	Town of Kwinana
Cr Richard Smith	City of Rockingham (Deputy Mayor)
Cr Tony Romano	City of Cockburn
Mr Michael Littleton (from 5.03pm)	City of Cockburn
Mr Stuart Wearne	Town of East Fremantle
Mr Glen Dougall	City of Fremantle
Mr Peter McKenzie	Town of Kwinana
Mr John Christie	City of Melville
Mr Chris Thompson	City of Rockingham
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

Cr Clive Robartson OAM (Deputy Chairman) City of Melville

Observer

Mr Steve Millington – SMRC Corporate Officer

3. Disclosure of Interests

Nil

4. Response to Previous Public Questions Taken on Notice

Nil

5. Public Question Time

Nil

6. Petitions / Deputations / Presentations

The Chairman advised that two presentations would be held during the business of the meeting.

1. 2008/9 Budget Review Report at Item 10.1
2. Site Investigations – (Compost Turner) Europe Jan 2009 at end of business

7. Confirmation of Minutes of Previous Meetings

7.1 Council Minutes for the Meeting held on 27 November 2008

Councillor Smith requested the following corrections be recorded in the minutes of the meeting held on 27 November 2008.

- (i) The meeting was held at the City of Cockburn
- (ii) Cr Robartson be noted in the minutes as Deputy Chairman
- (iii) Cr Smith be noted as Deputy Mayor of the City of Rockingham
- (iv) Item 18.1 be amended to the correct spelling of Cr Phil Edman

COUNCIL RESOLUTION/S

02/09-1 MOVED Mayor Ferris

SECONDED Cr Smith

CARRIED 5/0

That the minutes of the previous meeting of the Southern Metropolitan Regional Council held on Thursday 27 November 2008 at the Southern Metropolitan Regional Council be received as a true and accurate record.

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

14.1 Legal Action by Oceanic Multitrading Pty Ltd

9. Business Not Dealt with from a Previous Meeting

Nil

10. Reports of the CEO

10.1 Budget Review Report

A presentation was given by the Manager, Administration & Finance.

Mayor Ferris moved an amendment motion relating to point 5 of the CEO recommendation to replace the words "\$45,000,000" with a breakdown of actual loan amounts.

02/09-02 MOVED Mayor Ferris

SECONDED Cr Romano

That

- 5) The SMRC re-structure its existing RRRC Project Borrowing Facility with the Western Australian Treasury Corporation and re-finance to take into account the current debt of \$40,019,679 plus the premium fee for re-structure plus a new loan of \$870,000 to a maturity date of 30 June 2023, subject to the adjusted**

annual repayments being less than the current project participants' annual budget contributions.

CARRIED 5/0

Cr Smith sought an amendment to the motion relating to point 8 of the CEO recommendation requesting that the presentations to member councils be conducted, where possible, prior to each member councils meeting in March 2009.

02/09-03 MOVED Cr Smith SECONDED Mayor Ferris
That

8) The Chairman and the CEO contact the member councils to arrange a presentation on the 08/09 Budget Review and where possible, be conducted prior to each member councils' meeting in March 2009.

CARRIED 5/0

The Chairman put the motion with amendments

COUNCIL RESOLUTION

02/09-04 MOVED Mayor Ferris SECONDED Cr Smith
That

- 1) The 2008/09 budget review report dated 17 February 2009 be adopted.
- 2) The transfer amount of \$1,000,000 to the RRRC Contingency and Development Reserve be deleted from the 2008-2009 budget.
- 3) The MRF Discount payable to RRRC Project Participants to an amount of \$857,000 be deleted from the 2008-2009 budget.
- 4) The 2008-2009 Fees and Charges (Ex GST) be increased from the 1 April 2009 by the following amounts:
 - a. Material Recovery Facility Members Gate Fees be increased by \$44 p/tonne.
 - b. Green waste Members Gate Fees be increased by \$31 p/tonne
 - c. Waste Composting Facility Members Gate Fees be increased by \$18 p/tonne.
 - d. Material Recovery Facility Non-Members Gate Fees by increased by \$44 p/tonne.
- 5) The SMRC re-structure its existing RRRC Project Borrowing Facility with the Western Australian Treasury Corporation and re-finance to take into account the current debt of \$40,019,679 plus the premium fee for re-structure plus a new loan of \$870,000 to a maturity date of 30 June 2023, subject to the adjusted annual repayments being less than the current project participants' annual budget contributions.
- 6) The 2008-2009 Borrowing Program include a new loan for the amount of \$870,000 to be funded from the WATC's RRRC Loan Facility Agreement for the purpose of funding its operations.
- 7) The CEO writes to all Member Councils advising of the 2008-2009 Budget revision.
- 8) The Chairman and the CEO contact the member councils to arrange a presentation on the 08/09 Budget Review and where possible, be conducted prior to each member councils' meeting in March 2009.

CARRIED BY ABSOLUTE MAJORITY 5/0

10.2 Sale and Removal of Recovered Recyclables Tender T2009/4

COUNCIL RESOLUTION/S

02/09-05 MOVED Cr Smith

SECONDED Cr Romano

1. That the Regional Council award the tendered prices detailed and recommended in the report in accordance with the terms and conditions of tendering:

a) Mixed Plastic & HDPE Clear to Polytrade Pty Ltd

b) Aluminium, SMRC Cardboard & PET to Australian Paper Recovery Pty Ltd

2. That the Regional Council reject all tenders for Steel Cans

CARRIED 5/0

10.3 Project Participant Agreement – RRRRC Temporary Closure Green Waste

COUNCIL RESOLUTION/S

02/09-06 MOVED Mayor Ferris

SECONDED Cr Smith

1) The Project Participants of the Regional Resource Recovery Centre Project be advised that the requirement to deliver Green Waste to the Regional Resource Recovery Centre be temporary suspended during any odour management surveys to assist in the monitoring of the air assessments of the RRRRC.

2) CEO to notify the member councils of the location of Green waste services during the temporary closure

CARRIED 5/0

10.4 Tender T2008/05 Supply and Installation of one (1) Baling Press and associated equipment.

COUNCIL RESOLUTION/S

02.09.07 MOVED Cr Lee

SECONDED Cr Smith

That no tender be accepted for tender number T2008/5 Supply and Installation due to a decision to defer purchasing until the current depression in commodity prices has stabilised.

CARRIED 5/0

10.5 Tender T2009/1 Supply and Delivery of Trommel Screen

COUNCIL RESOLUTION/S

02/09-08 MOVED Mayor Ferris

SECONDED Cr Lee

That Tender 2009-01 Supply and Delivery of One (1) Mobile Trommel Screen be accepted from Recycling Technology Pty Ltd being One (1) Komptech Mustang 'E' mobile electric trommel for the lump sum price of \$397,000.00 excluding GST, subject to the 2008/09 budget review.

CARRIED 5/0

10.6 Tender T2009/02 Design and Construction of Workshop Building

COUNCIL RESOLUTION/S

02/09-09 MOVED Cr Smith

SECONDED Mayor Ferris

That no tender be accepted for Tender 2009-02 – Design & Construction of Workshop Building (Structural Steel and Cladding Package).

10.7 Tender T2008/06 – Supply & Delivery Report Compost Windrow Turner

Following a question from Cr Romano referring to CEO delegated authority, the Chairman agreed to a minor amendment to the CEO recommendations by substituting the words “endorsed” with “noted as information”

COUNCIL RESOLUTION/S

02/09-10 MOVED Cr Romano

SECONDED Mayor Ferris

That the delegation of authority exercised by the CEO to accept Tender No. SMRC 2008-06 Supply and Delivery of One (1) Compost Windrow Turner be noted as information.

CARRIED 5/0

10.08 Submission to DEC (Request for RRRC Odour Plan)

COUNCIL RESOLUTION/S

02/09-11 MOVED Cr Lee

SECONDED Cr Smith

The Regional Council endorse the actions of the CEO as outlined in the report.

CARRIED 5/0

10.9 E-Waste Collection Trial

COUNCIL RESOLUTION/S

02/09-12 MOVED Cr Smith

SECONDED Mayor Ferris

That the Regional Council proceed with the design of a trial E-waste recycling programme.

CARRIED 5/0

10.10 Carbon Pollution Reduction Scheme (CPRS)

COUNCIL RESOLUTION/S

02/09-13 MOVED Cr Lee

SECONDED Cr Romano

That Council endorse the SMRC submission to the Draft National Carbon Offset Standard.

CARRIED 5/0

10.11 Australian Council of Recyclers Industry Working Group

COUNCIL RESOLUTION/S

02/09-14 MOVED Cr Lee

SECONDED Cr Smith

That Council Endorse the SMRC CEO’s participation in an Australian Council of Recyclers (ACOR) industry working group to provide input to the National Waste Policy to be developed by the Department of Environment , Heritage and the Arts.

CARRIED 5/0

10.12 Sponsorship – Physical Contamination of Compost Study

COUNCIL RESOLUTION/S

The Manager, Business Development provided further information to questions raised by Members regarding the request for Membership for the Hyder Report

02/09-15 MOVED Cr Smith SECONDED Cr Lee

That Council endorse SMRC Gold Sponsorship of the Physical Contamination of Compost Study to the value of \$8,000

CARRIED 5/0

10.13 Community Engagement Plan

COUNCIL RESOLUTION/S

02/09-16 MOVED Cr Smith SECONDED Cr Lee

That Council:

- 1) receive the report item 9.11 dated 16 February 2009;**
- 2) adopt the community engagement plan as detailed in the report item 9.11 dated 16 February 2009; and**
- 3) progress of the community engagement plan be reported to the Public Relations Committee at each Committee meeting.**

CARRIED 5/0

10.14 Submission to Municipal Waste Management Inquiry

COUNCIL RESOLUTIONS/S

02/09-17 MOVED Cr Lee SECONDED Mayor Ferris

That the Council endorse the submission dated 13 February 2009 into municipal waste management in Western Australia, submitted to the Standing Committee on Environment and Public Affairs.

CARRIED 5/0

10.15 MWAC – Partnership Agreement

COUNCIL RESOLUTIONS/S

02/09-18 MOVED Cr Lee SECONDED Cr Smith

The Council endorse -

- 1. That the Southern Metropolitan Regional Council (SMRC) enters into the Municipal Waste Authority Council (MWAC) Partnership Agreement.**
- 2. That the Chairman of SMRC be authorised to sign the Agreement on behalf of the SMRC.**

CARRIED 5/0

The Chairman suggested that Item 10.16; 10.17 and 10.18 referring to the financial statements be moved en bloc unless members wished to discuss the items.

The CEO responded to a question by Cr Romano referring to the period ended 31 January 2009 not available to the REC due to the lack of staff resources on the Friday Meeting.

COUNCIL RESOLUTIONS/S

02/09-19 MOVED Mayor Ferris SECONDED Cr Romano

That report Items 10.16; 10.17 and 10.18 be carried 'en bloc' as resolutions of the Regional Council

CARRIED 5/0

10.16 Financial Statement for the period ended 30 November 2008

The CEO recommendation was carried 'en bloc' and recorded in the minutes at the commencement of report 10.16 in the Agenda.

That the Statement of Financial Activity by Business Plan of the Southern Metropolitan Regional Council for the month ended 30 November 2008 be received.

10.17 Financial Statement for the period ended 31 December 2008

The CEO recommendation was carried 'en bloc' and recorded in the minutes at the commencement of report 10.16 in the Agenda.

That the Statement of Financial Activity by Business Plan of the Southern Metropolitan Regional Council for the month ended 31 December 2008 be received.

10.18 Financial Statement for the period ended 31 January 2009

The CEO recommendation was carried 'en bloc' and recorded in the minutes at the commencement of report 10.16 in the Agenda.

That the Statement of Financial Activity by Business Plan of the Southern Metropolitan Regional Council for the month ended 31 January 2009 be received.

10.19 Schedule of Accounts

COUNCIL RESOLUTION/S

02/09-20 MOVED Mayor Ferris SECONDED Cr Smith

That the schedule of payments as listed in the attachments, amounting to \$8,064,363.32

- 1) That the schedule of payments as listed in the attachments, amounting to the month of November 2008 of \$2,457,404.11, month of December 2008 of \$5,163,164.05 and month of January 2009 \$443,795.16, for the municipal fund, be received.
- 2) The schedule of payments, as presented, be incorporated in the minutes of the meeting.

CARRIED 5/0

10.20 Chief Executive Officer's Delegated Authority Review

Mayor Ferris advised the meeting that the Audit Committee had reviewed the delegations and noted point 12's purpose is to include 'where appropriate', the CEO will use this delegation". A point No.13 be added to the CEO recommendation referring to an existing delegation for the CEO to nominate landfills for diverted MSW

COUNCIL RESOLUTIONS/S

02/09-21 MOVED Cr Smith SECONDED Cr Lee

That the Regional Council adopt the following delegations of powers and duties to the Chief Executive Officer.

- 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 \$150,000.

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- 2) Disposal of regional council assets surplus to council's requirements up to a value of \$2,000.
 - 3) Approval, authorisation and payment of accounts in accordance with council's policy are delegated to the CEO.
 - 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 gate fee. Where participants use alternative landfills the SMRC shall only reimburse the participant the value of the nominated landfill gate fee or levy an additional gate fee charge as a cost recovery for the higher gate fees paid.

CARRIED BY ABSOLUTE MAJORITY 5/0

10.21 Federal Government Bank Deposits Guarantee

COUNCIL RESOLUTION/S

02/09-22 MOVED Mayor Ferris

SECONDED Cr Romano

- 1) Where the SMRC invests in excess of \$1,000,000 of its funds with the ANZ it is not required to pay the voluntary Federal Govt Deposit Guarantee Levy.

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- 2) The SMRC shall not invest with any non- authorised Deposit Institution or instruments that are complex in nature or have a maturity date exceeding 12 months.

CARRIED BY ABSOLUTE MAJORITY 5/0

10.22 Proposed Legal Class Action against Credit Rating Agencies

Cr Smith requested that the regional council be advised prior to entering into the class legal action. The Chairman agreed to a minor amendment by adding the word "affected" before "WA Local Governments"

COUNCIL RESOLUTION/S

02/09-23

MOVED Mayor Ferris

SECONDED Cr Romano

The CEO be given delegated authority to enter into a US Court multi plaintiff class legal action against Credit Rating Agencies subject to the majority of affected WA Local Governments entering into such an action.

CARRIED BY ABSOLUTE MAJORITY 5/0

10.23 Public Relations Committee

Members agreed to the Chairman's suggestion that all regional councillors be nominated to the committee. In response to questions raised by members referring to the requirement for delegations to the committee, the Chairman suggested that a further point to the CEO recommendation be added for the committee to consider its processes at its first meeting.

COUNCIL RESOLUTION/S

02/09-24

MOVED Cr Lee

SECONDED Cr Smith

That Council:

- 1) Adopt the draft Public Relations Committee policy, as attached;**
- 2) Appoint Councillors Thompson, Romano, Lee, Robartson and Smith and Mayor Ferris to the Public Relations Committee; and**
- 3) The Public Relations Committee be given delegated authority to carry out its objective as stated in the draft Public Relations Committee policy.**
- 4) The committee consider its processes at its first meeting**

CARRIED BY ABSOLUTE MAJORITY 5/0

10.24 Battery Recycling Scheme

The Chairman advised that a report on this item was tabled at the meeting.

COUNCIL RESOLUTION/S

02/09-25

MOVED Cr Romano

SECONDED Mayor Ferris

Council approves the SMRC to facilitate and co-ordinate the introduction of a Dry - Cell Battery Recycling Initiative on behalf of all Metropolitan Regional Councils.

CARRIED 5/0

10.25 Information Bulletin

Cr Lee advised that Item 6.4 minutes of the Council Briefing Session held on 10 February 2009 include the following corrections: The record of attendance be amended to show Mr Wearne, Town of East Fremantle and Mr McKenzie, Town of Kwinana.

COUNCIL RESOLUTION/S

02/09-26

MOVED Cr Lee

SECONDED Cr Smith

1. That the February 2009 Information Bulletin be received and noted
2. That the SMRC Cash Investments report in the February 2009 Information Bulletin as Information Item 2.2 be received

CARRIED 5/0

10.26 Local Government Compliance Audit Return for 2008

COUNCIL RESOLUTION/S

02/09-27

MOVED Mayor Ferris

SECONDED Cr Smith

That the Local Government Compliance Audit Return for the period 1st January 2008 to the 31st December 2008 and the Certification of the Chairman and the CEO, be adopted and forwarded to the Department of Local Government.

CARRIED 5/0

11. Announcements by the Chairman or Person Presiding without Discussion

1. The Chairman welcomed Councillor Romano and would at a later time recognise the service of former Mayor Stephen Lee and wishes Mr Lee well in the up-coming mayoral election.
2. Cr Mason had resigned from the SMRC and the City of Canning resolved at its Special Meeting of Council held 19th February 2009 to withdraw from the SMRC and that he was aware that the City of Canning may not appoint a representative on the SMRC and in his view this means the City has opted not to have appropriate input and thereby not displaying good governance.
3. The Chairman read out a prepared statement with regard to his U-tube video and requested the statement be recorded in the minutes:

Quote

"I apologise for any embarrassment or discomfort my filing of our visits to public sites where odours have been reported may have caused councillors, officers or members of the public.

The videos were placed on my personal site on U-tube for a limited time so those on the tour could view what I had filmed. I have reviewed those videos and remain of the opinion that they show councillors and officers carrying out their responsibilities to duty investigate issues that are of concern to the public or the organisation. I did not seek to publicise those videos outside of those in Council in any way other than by letting individuals know it was available for viewing.

Given there are millions of videos on U-tube it did not occur to me that an individual would find, copy and circulate those videos to others and, I understand, to the press. The inference drawn from comments made in the media is that the SMRC, its agents, councillors and officers do not take the perception of odour seriously. I am of the view the videos show exactly the opposite.

However if there is a fault or misjudgement attached to this issue it is solely mine and for that I apologise.

These videos have been commented on publicly by Canning Councillor Bruce Mason and members of the public. I understand they formed part of Canning Councils submission to the parliamentary inquiry. As they are already now part of the public record I am submitting them to SMRC as my personal record of those visits. As such those videos will now form part of SMRC's public record." Unquote

12. Elected Members Motions of which Previous Notice has been Given

Nil

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

13.1 City of Canning Minutes of Special Council Meeting held 19 February 2009.

The CEO tabled a copy of the City of Canning's minutes of its Special Council Meeting resolving to Withdraw from the SMRC. He advised no formal correspondence from the City had been received.

COUNCIL RESOLUTION/S

02/09-28 MOVED Cr Smith

SECONDED Mayor Ferris

That the City of Canning Minutes of its Special Council Meeting held on 19 February 2009 be noted.

CARRIED 5/0

13.2 Department of Environment & Conservation's Environmental Protection Notice dated 24 February 2009.

The CEO advised that an Environment Protection Notice had been served on the SMRC on 24th February. There are some issues with the Notice in that the DEC have stipulated a biochemical engineer and an industrial auditor are to prepare and submit detailed reports in April. Given that RRRC is environmentally regulated neither of these areas are appropriate. The CEO has made contact with the DEC regarding these issues and will inform the outcome.

COUNCIL RESOLUTION/S

02/09-29 MOVED Cr Smith

SECONDED Mayor Ferris

That the verbal report by the CEO be noted.

CARRIED 5/0

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

As no members of the public were in attendance, the meeting was not closed.

14.1 Legal Action by Oceanic Multitrading Pty Ltd

COUNCIL RESOLUTION/S

That the report be noted and the actions of the CEO be endorsed.

02/09-30 MOVED Mayor Ferris SECONDED Cr Lee

CARRIED 5/0

15. Future Meetings of Council

DATE 2009

23 April

28 May

25 June

23 July

24 September

26 November

VENUE

City of Fremantle

City of Melville

Town of Kwinana

City of Rockingham

City of Canning

City of Cockburn

16. Declaration of Closure of Meeting

There being no further business, the Chairman declared the meeting closed at 7.00pm.

I hereby certify that the Minutes of the Ordinary Meeting of Council held on 26 February 2009 were confirmed on 23rd April 2009

Cr Doug Thompson, Chairman

Signed _____

Dated 23 April 2009