



**MINUTES OF THE MEETING OF THE
SOUTHERN METROPOLITAN REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL
HELD ON THURSDAY 28TH FEBRUARY 2013
AT THE CITY OF MELVILLE, 10 ALMONDBURY ROAD, BOORAGOON**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman, Cr Tony Romano welcomed Members and declared the meeting open at 5:07pm.

2. RECORD OF ATTENDANCE / APOLOGIES

PRESENT:

Cr Tony Romano (Chairman)	City of Cockburn
Cr Sandra Lee	City of Kwinana
Cr Robert Willis	City of Melville
Mr Peter Pikor (REG member) from 5:15pm	City of Fremantle
Mr Peter McKenzie (REG member)	City of Kwinana
Mr Tim Youé	SMRC, 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	SMRC, Minutes

APOLOGIES

Cr Doug Thompson (Deputy Chairman)	City of Fremantle
Cr Cliff Collinson	Town of East Fremantle
Mr John Christie (REG member)	City of Melville
Mr Michael Littleton (REG member)	City of Cockburn

OBSERVERS

Mr John Hurley until 5:32pm	The Odour Unit
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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

Nil

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

7.1 PERFORMANCE TESTING – HUMIDIFICATION VESSELS

Mr John Hurley, The Odour Unit, presented a report on the performance testing of the humidification vessels at the Waste Composting Facility.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 MINUTES OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL ORDINARY MEETING HELD 22ND NOVEMBER 2012

COUNCIL RESOLUTION

13.02.01 MOVED CR R WILLIS SECONDED CR S LEE
THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT RRRR, CANNING VALE ON 22ND NOVEMBER 2012 BE RECEIVED AS A TRUE AND ACCURATE RECORD.

CARRIED 3/-

8.2 MINUTES OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL SPECIAL MEETING HELD 10TH JANUARY 2013

COUNCIL RESOLUTION

13.02.02 MOVED CR S LEE SECONDED CR R WILLIS
THAT THE MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE BOARDROOM AT 9 ALDOUS PLACE, BOORAGOON ON THURSDAY 10TH JANUARY 2013 BE RECEIVED AS A TRUE AND ACCURATE RECORD.

CARRIED 3/-

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 2010-05 DESIGN & CONSTRUCTION OF MRF & ASSOCIATED BUILDINGS & INFRASTRUCTURE – CONTRACTOR REQUEST FOR RELEASE FROM LIQUIDATED DAMAGES

The Director Assets & Operations gave an overview of the report for Members.

COUNCIL RESOLUTION

13.02.03 MOVED CR R WILLIS SECONDED CR S LEE

THAT:

- 1) THE LIQUIDATED DAMAGES APPLICABLE TO SEPARABLE PORTION 1 AND SEPARABLE PORTION 2 RELATING TO THE AGREEMENT FOR THE DESIGN AND CONSTRUCTION OF THE MATERIALS RECOVERY FACILITY AND ASSOCIATED BUILDINGS AND INFRASTRUCTURE BE WAIVED ON THE BASIS THAT THE CONTRACTOR'S DELAYS WILL NOT IMPACT ON THE FINAL COMPLETION DATE OF THE PROJECT AND ANY ACTUAL DAMAGES ARISING; AND**
- 2) THE EXTENSIONS OF TIME GRANTED FOR SP3 BE ENDORSED ON THE BASIS THAT:**
 - A) THE MEMBER COUNCILS WERE UNABLE TO DELIVER RECYCLABLE MATERIAL FOR PERFORMANCE TESTING BY THE REQUIRED DATE DUE TO COMMITMENTS MADE TO DELIVER TONNAGES IN PRE-EXISTING RECYCLABLES PROCESSING CONTRACTS; AND**
 - B) ALL RECYCLABLE MATERIAL DELIVERED TO THE SMRC'S MRF AFTER THE EXPIRY OF THE MEMBER COUNCILS' PRE-EXISTING RECYCLABLES PROCESSING CONTRACTS WAS PROCESSED AND NO MATERIAL WAS REQUIRED TO BE DIVERTED TO LANDFILL THUS MITIGATING ANY DAMAGES IN THIS REGARD TO THE SMRC.**

CARRIED 3/-

11.2 TENDER 2012-01 SUPPLY AND DELIVERY OF HUMIDIFICATION VESSELS – CONTRACTOR REQUEST FOR RELEASE FROM LIQUIDATED DAMAGES

COUNCIL RESOLUTION

- 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.
- 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 OR OTHER PROCESSING FACILITIES FOR DIVERTED MSW AND THE LANDFILL GATE FEE.

13.02.11 MOVED CR S LEE SECONDED CR R WILLIS

THAT THE AUDIT & RISK COMMITTEE RECOMMEND TO COUNCIL:

MR DAVID TOMASI AND MR GREG GODWIN, PARTNERS OF UHY HAINES NORTON BE APPOINTED TO PROVIDE EXTERNAL AUDIT SERVICES FOR THE SOUTHERN METROPOLITAN REGIONAL COUNCIL FOR A THREE (3) YEAR TERM, FOR THE FINANCIAL YEARS 2012/13, 2013/14 & 2014/15.

CARRIED 3/-

11.10 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 NOVEMBER 2012

COUNCIL RESOLUTION

13.02.12 MOVED CR R WILLIS SECONDED CR S LEE

THAT THE STATEMENT OF FINANCIAL ACTIVITY BY BUSINESS UNITS OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL FOR THE PERIOD ENDED 30 NOVEMBER 2012 BE RECEIVED.

CARRIED 3/-

11.11 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 DECEMBER 2012

COUNCIL RESOLUTION

13.02.13 MOVED CR S LEE SECONDED CR R WILLIS

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

CARRIED 3/-

11.12 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST JANUARY 2013

COUNCIL RESOLUTION

13.02.14 MOVED CR R WILLIS SECONDED CR S LEE

THAT THE STATEMENT OF FINANCIAL ACTIVITY BY BUSINESS UNITS OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL FOR THE PERIOD ENDED 31 JANUARY 2013 BE RECEIVED.

CARRIED 3/-

11.13 SCHEDULE OF PAYMENTS FOR NOVEMBER, DECEMBER 2012 & JANUARY 2013

COUNCIL RESOLUTION

13.02.15 MOVED CR S LEE SECONDED CR R WILLIS

THAT:

- 1. THE SCHEDULE OF PAYMENTS AS LISTED IN THE ATTACHMENTS, AMOUNTING TO THE MONTH OF NOVEMBER 2012 OF \$2,570,574.57, DECEMBER 2012 OF 4,583,956.08 & JANUARY 2013 OF \$2,883,533.01 FOR THE MUNICIPAL FUND, BE RECEIVED; AND**
- 2. THE SCHEDULE OF PAYMENTS, AS PRESENTED, BE INCORPORATED IN THE MINUTES OF THE MEETING.**

CARRIED 3/-

11.14 SMRC CASH INVESTMENT PORTFOLIO

COUNCIL RESOLUTION

13.02.16 MOVED CR S LEE SECONDED CR R WILLIS

THAT THE SMRC CASH INVESTMENT PORTFOLIO AS AT 31 JANUARY 2013 BE RECEIVED.

CARRIED 3/-

11.15 HALF YEAR 2012-13 BUDGET REVIEW AND AMENDMENTS

COUNCIL RESOLUTION

13.02.17 **MOVED CR S LEE**

SECONDED CR R WILLIS

THAT THE HALF YEAR 2012/13 BUDGET REVIEW AND BUDGET AMENDMENTS REPORT DATED 8 FEBRUARY 2013 BE ADOPTED.

CARRIED 3/-

11.16 SIX MONTHLY STRATEGIC KPI REPORT

COUNCIL RESOLUTION

13.02.18 **MOVED CR R WILLIS**

SECONDED CR S LEE

THAT THE 2ND QUARTER PERFORMANCE REPORTING RESULTS TO 31 DECEMBER 2012 (6 MONTHS) BE RECEIVED.

CARRIED 3/-

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

Nil

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 declared the meeting closed at 5:56pm.

I hereby certify that the Minutes of the Ordinary Council Meeting held on 28th February 2013 were confirmed on 2nd May 2013.

Cr Tony Romano, Chairman

Signed _____ **Dated** _____