

# CITY OF ARMADALE

## MINUTES

OF THE TECHNICAL SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 1 JULY 2019 AT 7.00PM.

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**PRESENT:** Cr G Nixon (Chair)  
Cr R Butterfield  
Cr J H Munn CMC  
Cr L Sargeson  
Cr G Smith  
Cr J A Stewart

**APOLOGIES:** Cr K Busby  
Cr C Frost (Deputy Chair)

**OBSERVERS:** Cr M Geary

**IN ATTENDANCE:** Mr C Frewing Chief Executive Officer  
Mr K Ketterer Executive Director Technical Services  
Mr J Lyon Executive Director Corporate Services  
Mr T Naude Executive Manager Technical Services  
Mr P Lanternier Manager Parks  
Mr M Tapscott Manager Engineering Design  
Mrs A Owen-Brown Senior Administration Officer

**PUBLIC:** 2 (7.00 to 7.07pm)

*“For details of Councillor Membership on this Committee, please refer to the City’s website – [www.armadale.wa.gov.au/your\\_council/councillors](http://www.armadale.wa.gov.au/your_council/councillors).”*

## **DISCLAIMER**

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The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was read as there were members of the public present.

## **DECLARATION OF MEMBERS' INTERESTS**

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Nil.

## **QUESTION TIME**

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Nil.

## **DEPUTATION**

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Nil.

## **CONFIRMATION OF MINUTES**

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## **RECOMMEND**

**Minutes of the Technical Services Committee Meeting held on 5 June 2019 be confirmed.**

**Moved Cr Sargeson**

**MOTION CARRIED**

**(6/0)**

## **ITEMS REFERRED FROM INFORMATION BULLETIN**

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- **Outstanding Matters and Information Items**

Various Items.

- **Monthly Departmental Reports**

Technical Services Works Program.

*If any of the items listed above require clarification or a report for a decision of Council, this item to be raised for discussion at this juncture.*

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## TECHNICAL SERVICES COMMITTEE

1 JULY 2019

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***1.1 EIGHTH ROAD - EXTENSION FROM FORREST ROAD TO POWELL  
CRESCENT, BROOKDALE***

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WARD : RANFORD  
FILE No. : M/317/19  
DATE : 13 May 2019  
REF : MC/YA  
RESPONSIBLE : Executive Director  
MANAGER : Technical Services

**In Brief:**

- At the Ordinary Council Meeting of 10 June 2019 Council considered a report on the extension of Eighth Road to Powell Crescent
- The report was referred back to the July 2019 Technical Services Committee meeting with the request that mitigation plans and other possible alternative options to the current design be provided.
- This report recommends that Council endorse Plan E18-139-46 depicting the proposed layout and confirm that the project is to continue as planned, with the inclusion of mitigation measures following further consultation with the affected residents.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

2.3 Well Managed Infrastructure

2.3.3 Develop and implement asset management plans to inform long term funding requirements

2.3.3.1 Investigate future demand for infrastructure based on projected population growth and demand

2.3.4 Develop long term transport network planning

2.3.4.2 Investigate traffic patterns to determine future road capacity requirements

### **Legislative Implications**

Based on historical knowledge of relevant legislation, there are no restrictions.

### **Council Policy/Local Law Implications**

General assessment has not revealed any applicable Policies/Local Laws.

### **Budget/Financial Implications**

The adoption of the recommendation contained in this report has no financial implication. All costs related to the construction of the road can be accommodated within the 2019/20 budget and Long Term Financial Plan provisions.

### **Consultation**

- Residents of Powell Crescent.
- Dale Christian Primary School.
- Intra Directorate.

## **BACKGROUND**

A petition was presented at the Ordinary Council Meeting of 13 May 2019 with 108 signatories requesting the City not to proceed with the extension of Eighth Road from Forrest Road to Powell Crescent. Council received the petition and referred it to the Technical Services Committee. The prayer of the petition reads:

*“We the undersigned, are concerned citizens who urge our leaders to act now for the safety of our children and homes.*

*To stop the extension of Eighth Road to Powell Crescent and cutting down 20 trees.”*

At the Ordinary Council Meeting held on 10 June 2019, Council endorsed the modified recommendation to refer the item back to the Technical Services Committee (*T39/6/19 refers*):

*“That Council:*

- 1. Move that the recommendation not be adopted and referred back to the next meeting of the Technical Services Committee with the mitigation plans and other possible alternative options to the current design.*
- 2. Inform the petition convener accordingly.”*

This report will give a summary of the traffic complaints made to the City and outline the alternative designs considered by the City which will provide context to the City's decision making on this matter.

## COMMENT

### Traffic Congestion Complaints

Over the last ten years, the City has received several complaints from residents as well as from a state Member of Parliament regarding congestion around Dale Christian Primary School and Gwynne Park Primary School. Figure 1 shows the locations of the schools.

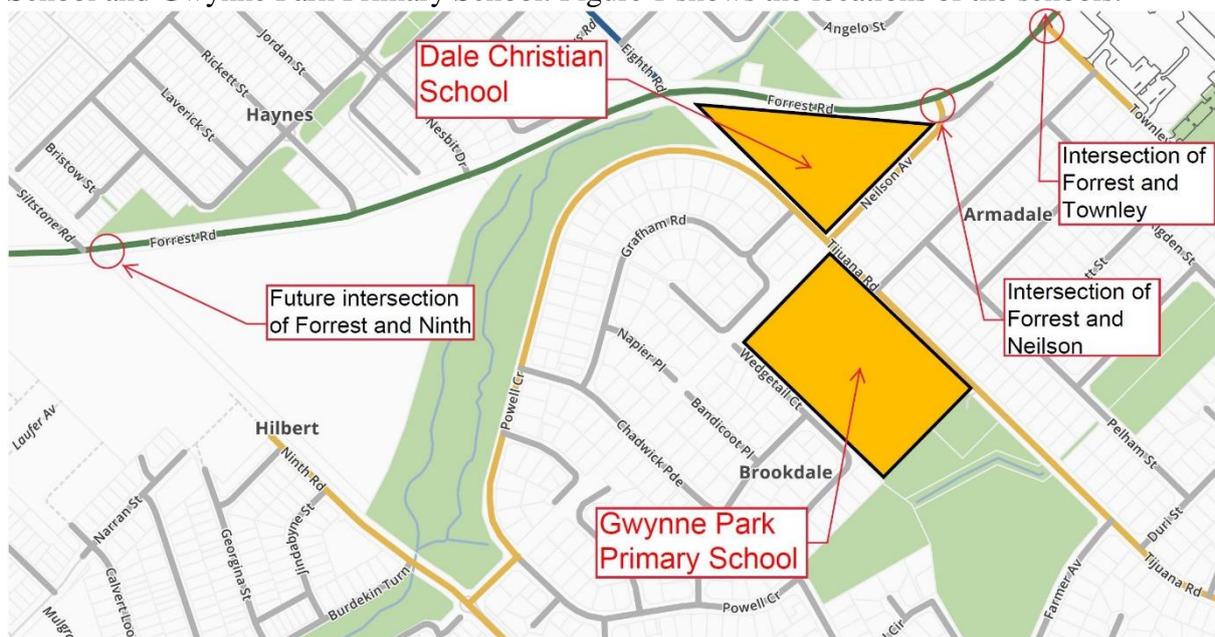


Figure 1: Location Map - Dale Christian School and Gwynne Park Primary

The majority of the complaints made to the City identified heavy traffic at the intersection of Forrester Road and Neilson Avenue as a significant traffic problem. A letter from the Dale Christian School dated 5 March 2014 urged the City to alleviate the congestion issues on Neilson Avenue (Attachment 1). The Dale Christian School Principal made the following suggestions:

*“...Some suggestions that may alleviate this situation is to:*

- 1. Install a left hand turn only lane on the intersection of Neilsen Avenue and Forrester Road.*
- 2. To resurrect the road reserve formerly Eighth Avenue on the west end of the School Property, 150 Forrester Road (Lot 1).”*

A letter from the Member for Armadale, Dr Tony Buti MLA dated 6 April 2017 (Attachment 2) requested that the City investigate the matter. Dr Buti made the following observations:

- “▪ *Heavy traffic (between the times of 08:10 to 08:45 and 15:00 to 15:45) backed up at the intersection of Forrest Road and Neilson Avenue with vehicles wanting to turn left being held up by a small number turning right. Ideally the construction of a roundabout with a left joining lane (with ample ground to construct such a lane) onto Forrest Road would alleviate the situation.*
- *Heavy traffic at similar times to the above between Tijuana Road and Neilson Avenue and Powell Crescent. Ideally the construction of a road that joins Forrest Road would be the best option. However, there are concerns over losing parking space currently available to parents and with limited parking space as it stands, a further problem could be created.”*

### **City Investigation**

The City commenced an investigation in 2014 by commissioning a Road Safety Audit (RSA). The RSA was conducted by an independent audit team which included senior traffic engineers and consultation with the principals from Gwynne Park Primary School and Dale Christian School. The inclusion of the school principals importantly gave the audit team local experience and knowledge of the local roads, particularly during peak school traffic times.

The RSA made 17 findings, many of which resulted in recommendations for modifications to school parking and minor road improvements such as improved signs, lines and street lighting. Concerning the intersection of Forrest Road and Neilson Avenue, the RSA found that poor intersection performance was causing traffic congestion. *Finding 5* as reported from the RSA reads:

#### ***“Finding 5***

*Extensive queuing along the Neilson Avenue approach at the Forrest Road intersection resulting in the blocking of the driveway exit from Dale Christian School suggesting that the capacity of the intersection layout during peak periods has reached or exceeded capacity.*

#### ***Recommendation 5***

*Modify intersection layout to increase the intersection’s capacity during peak periods and subsequently reduce queue lengths along the Neilson Avenue approach.”*

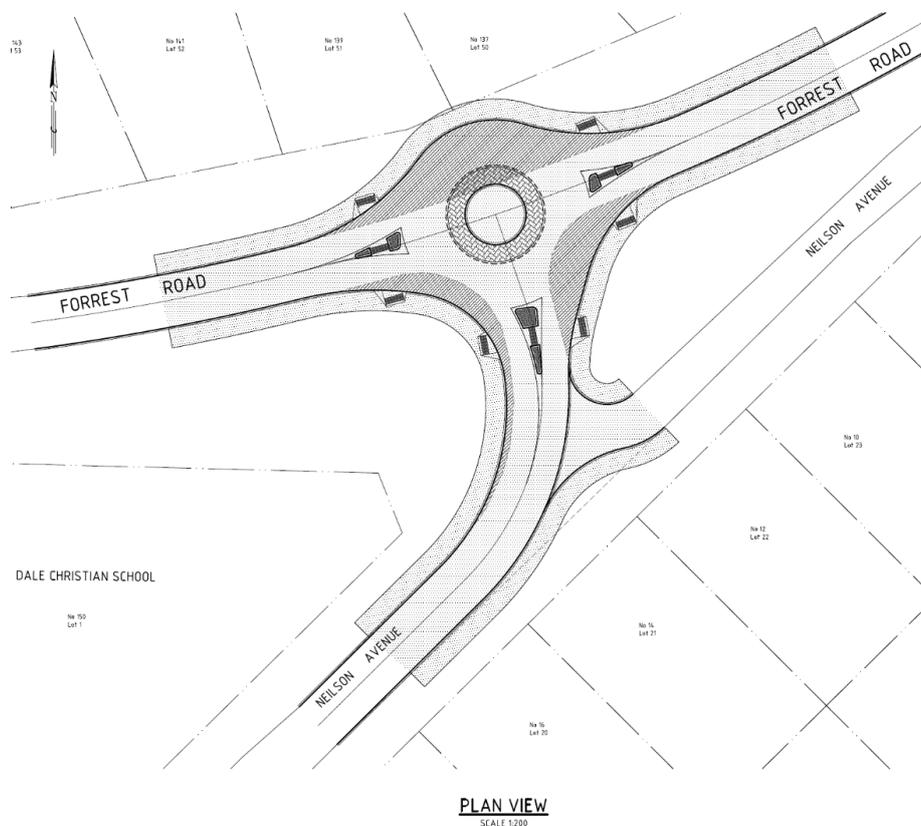
Following the audit, the City investigated possible solutions to the poor intersection performance of Forrest Road and Neilson Avenue as per the recommendation. A review of the local road network identified a lack of circulation around Dale Christian School and Gwynne Park Primary School was a primary cause of the traffic congestion. It was also noted that the proximity of the two schools exacerbated the lack of circulation. The City considered several options during the conceptual design phase.

The average week day traffic volume on Powell Crescent is 1826 vehicles per day, Tijuana Road is 1926 vehicles per day and Neilson Road is 3610 vehicles per day. An additional safer exit on to Forrest Road is required to ease the congestion on Neilson Road.

### Upgrade of Forrest Road and Neilson Avenue with a Roundabout

This option proposed a roundabout at the intersection of Forrest Road and Neilson Avenue. Roundabouts are a common solution to improve intersection performance at existing unsignalised priority intersections, reducing queuing lengths and delay times. The location of the roundabout was fixed due to the Forrest Road alignment and the unfavourable angle on the Nielson Avenue approach.

Figure 2 shows the concept plan the City produced to assess this option.



*Figure 2: Roundabout at the intersection of Forrest Road and Neilson Avenue - Concept Plan*

During subsequent concept analysis, the City identified several constraints. The Department of Planning, Lands and Heritage (DPLH) is currently in the process of finalising the road reservation study for Forrest Road and the predicted future traffic volumes of 17,400 vehicles per day by the year 2031. This figure is used as a basis for calculating the capacity of the road as a basis for the design.

At these traffic volumes, Forrest Road requires upgrading to a dual lane carriageway in each direction as shown in Figure 3.

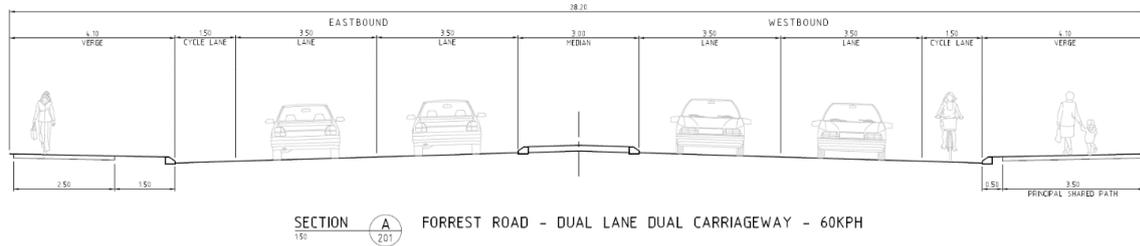


Figure 3: Forrest Road - dual lane carriageway in each direction

While the City’s roundabout concept design was suitable for the current Forrest Road single lane cross-section, a dual lane roundabout would be required to ensure that the intersection is suitably sized to cater for future traffic volume increases. A dual lane roundabout, being significantly larger than a single lane roundabout, could not be accommodated within the available road reserve. Purchasing of private land for road widening would be necessary and was considered. It was determined the land required would significantly impact on properties adjacent to the intersection. It was also found that a dual lane roundabout could not safely accommodate the Neilson Avenue service road accessing five properties (Neilson Avenue Lot Numbers 23–27).

This option was discounted given that the dual lane roundabout required to accommodate the future dual lane Forrest Road, could not be constructed within the available road reserve.

**Upgrade of Forrest Road and Neilson Avenue Intersection with Left Slip Lane**

This option involved the upgrade of Forrest Road and Neilson Avenue with a left slip lane from Neilson Avenue into Forrest Road. Figure 4 shows the considered concept plan.

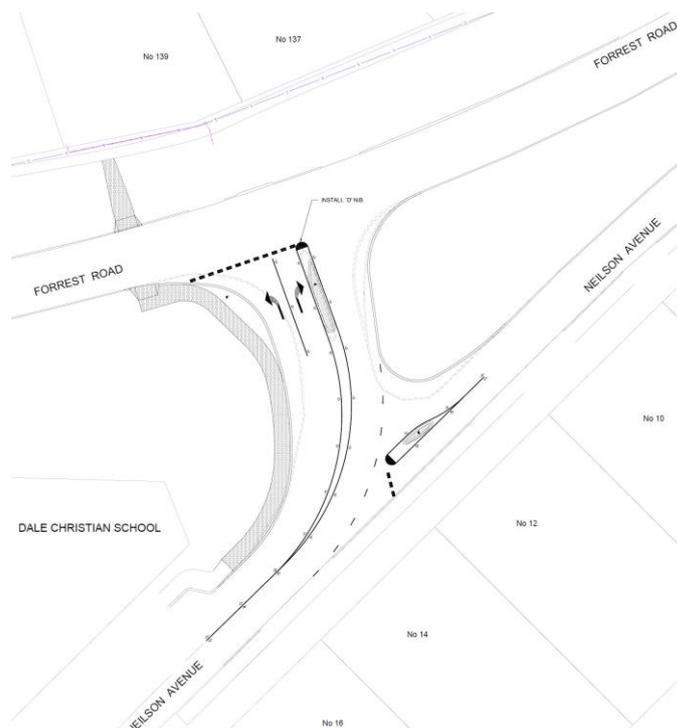


Figure 4 – Forrest and Neilson Intersection Upgrade Option – Left Slip Lane

A left slip lane could provide an improvement in intersection performance by allowing left turning traffic to bypass right turning traffic. This option would not address the substantial delays in turning right onto Forrest Road. Regarding the safety of right turn traffic from Neilson Avenue to Forrest Road, drivers may feel compelled to accept a shorter gap in traffic to make the turn as they queue for longer.

The horizontal geometry of the road, in addition to services, restricted the left slip lane to 35m, which was determined to be too short to have a positive impact on intersection performance. Right turning traffic from Neilson Avenue would back up past the slip lane, restricting access to the left turn slip lane.

This option was discounted given that it did not adequately improve the intersection performance of Forrest Road and Neilson Avenue.

### **Restriction of Right Turn Movements from Neilson Avenue into Forrest Road**

This option would restrict right turning movements at the Forrest Road and Neilson Avenue intersection, which would significantly increase intersection performance.

Employing this solution would be easy and considerably cheaper than a full intersection upgrade. However, there are significant issues with this option. Banning right turning movements would force traffic to the Forrest Road and Townley Street intersection and increase traffic volumes on Mornington Street. This option would have the effect of moving the same problem experienced at the Forrest Road and Neilson Avenue intersection, to the intersection of Forrest Road and Townley Street.

This option was discounted from further consideration because it would not solve the underlying traffic congestion issues and would create additional traffic congestion problems at the Forrest Road and Townley Street intersection.

### **One Way Road System - Intersections of Forrest Road/Neilson Avenue and Forrest Road/Townley Street**

A request was made to investigate the option to create a one way traffic system to direct the traffic flow around the schools. This would be one way in on Forrest Road/Townley Street, down Mornington Street to Tijuana Road and out through Neilson Road onto Forrest Avenue.

This arrangement could be chaotic for the parents of Dale Christian School students during school peak times, which could result in more traffic congestion; increasing traffic movements on Forrest Road in the vicinity and parking issues in the surrounding local roads (from parents avoiding the one way system). A one way system to service the schools during peak time is a permanent inconvenience to all traffic at all times that exacerbates the residents' limited access to the distributor road (Forrest Road).

### **Construction of Ninth Road Extension and the Forrest Road and Ninth Road Intersection**

This option proposed to construct the extension of Ninth Road from Catani Way to Forrest Road and upgrade the intersection of Forrest Road and Ninth Road to a roundabout.

The connection of Forrest Road to Ninth Road is planned in the Wungong Urban Water Scheme. Completing this connection would provide an alternative option for traffic to access Forrest Road. After review of the traffic network, it was considered that the intersection of Forrest Road and Ninth Road was too far from the intersection of Forrest Road and Neilson Avenue to have a discernable impact on traffic congestion at this intersection. Further, the road reserve required to construct the road is privately owned. Progressing this option would be costly if the City had to purchase the land ahead of the Wungong Urban Water Developer Contribution Scheme.

The option of pre-funding the construction is possible but the Wungong Developer Contribution Scheme in its current form does not provide for a full recovery of costs. The City would in practice be at risk if funding the road and land costs from municipal funds and will not be able to recover the full cost. At this stage this is estimated to be in the order of 50% based on the funding levels available on Eighth Road.

This option was discounted given that the construction of the Ninth Road connection and intersection with Forrest Road would not improve the traffic congestion problem around the schools.

### **Extension of Eighth Road within the Current Road Reserve Alignment**

This option would involve the construction of a road connecting Powell Crescent to Forrest Road within the existing unformed road reserve. This connection would improve the much needed circulation around both schools. Initially, the use of the existing road reserve was considered, given that it would allow for easier planning and approvals. Also, it was deemed to be beneficial for the road connection to integrate into the intersection of Forrest Road and Eighth Road being upgraded for the Wungong Urban Water Scheme administered by the Metropolitan Redevelopment Authority (MRA).

However, the MRA as part of their preplanning of the Wungong road system, developed a preliminary concept design in 2015 to assist in intersection sizing and land acquisition. Figure 5 shows the MRA concept design for the intersection of Forrest Road and Eighth Road, which was used to finalise land acquisition planning.

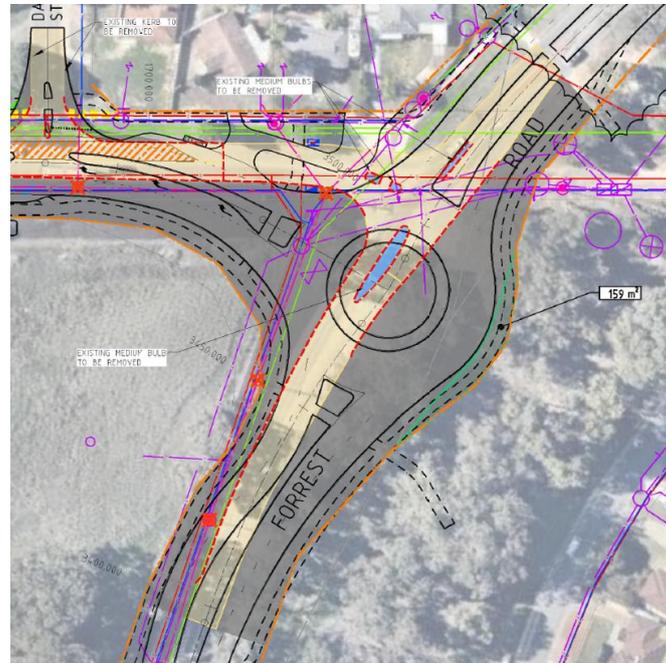


Figure 5: MRA – Concept Intersection Plan for Eighth and Forrest Roads

On reviewing the MRA concept plan, it is clear that the existing road reserve for Eighth Road did not align with the proposed Forrest Road and Eighth Road intersection upgrade. Construction of a separate intersection and link to Powell Crescent in the ‘old’ road reserve was not viable from a road user and pedestrian safety point of view given the close proximity to the proposed Forrest Road and Eighth Road roundabout.

This option was discounted because the existing road reserve did not align with the future intersection of Forrest Road and Eighth Road.

### Extension of Eighth Road to Powell Crescent – Merge into Powell Crescent

Figure 6 shows the concept of the Eighth Road extension that merges into Powell Crescent with the west side of Powell Crescent terminating to a T-junction. Due to the required size of the dual lane roundabout at Forrest Road and Eighth Road, the extension to Powell Crescent could not be accommodated through the existing unused road reserve; and land acquisition was still necessary.

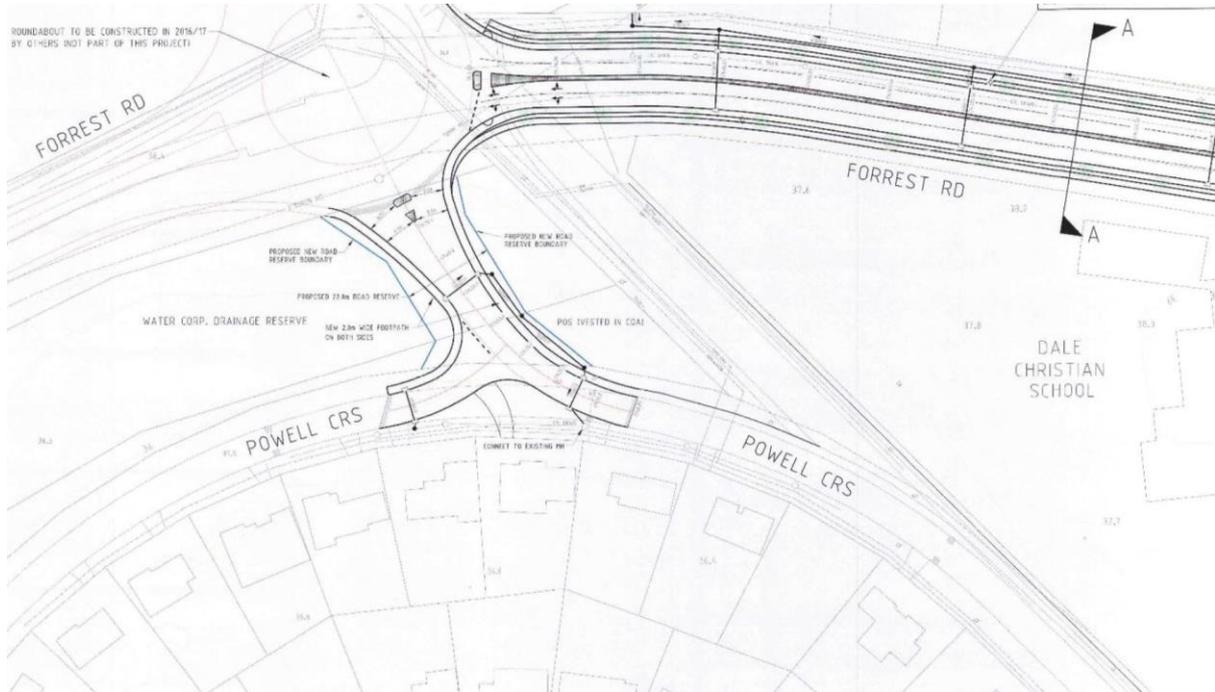


Figure 6 – First Concept of Eighth Road Extension

During the detailed design process the traffic movements and roundabout geometry were analysed. These investigations showed it was necessary to amend the design to meet the required design standards. The major design issues were as follows:

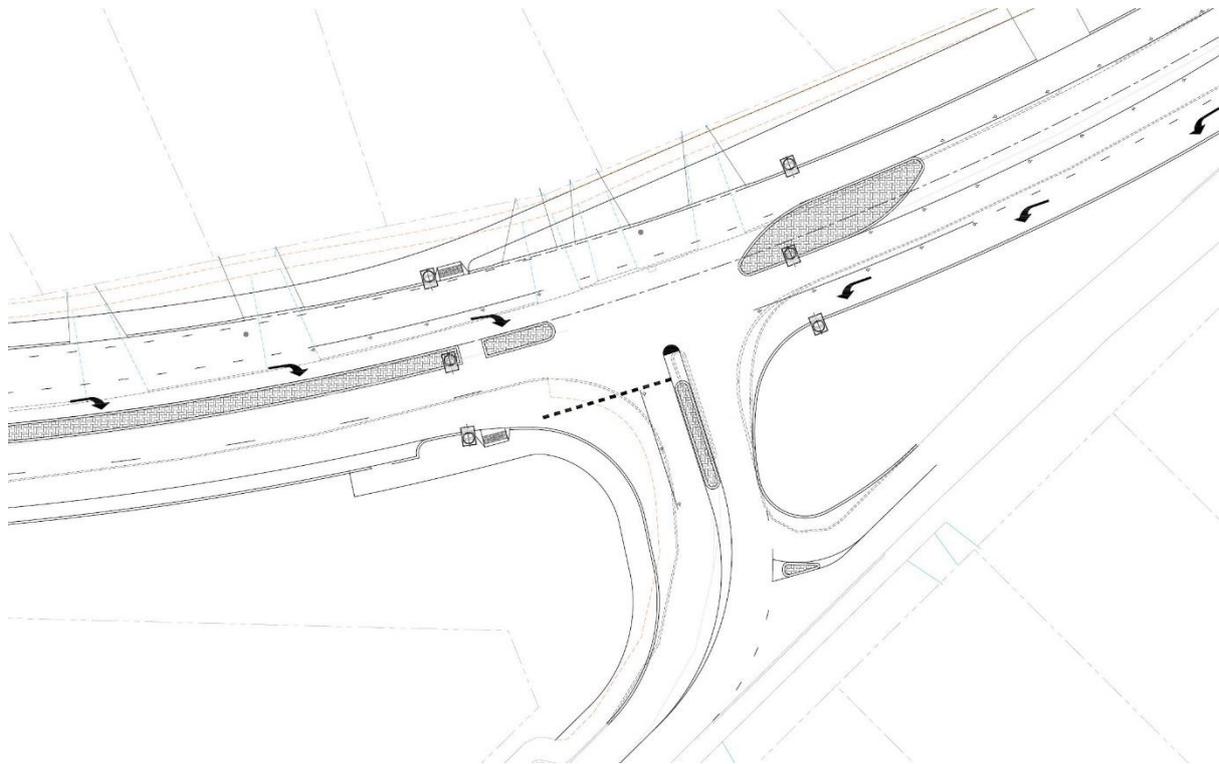
- The vehicle speeds on the extension through Powell Crescent to Tijuana Road could be anticipated to increase with the straight through route to Eighth Road, even though the speeds long Powell Crescent are deemed to be acceptable at current levels.
- The approach angle to the roundabout on Powell Crescent is sub-standard at  $64^\circ$  (minimum  $70^\circ$ ).
- The approach sight distance for left turning vehicles from Powell Crescent on to Forrest Road is only 37m and right turn vehicles is 48m (minimum 55-62m).

With these design criteria at the minimum of or less than the acceptable ranges, the outcome of such a design would be generally not acceptable and is not recommended.

### **Extension of Eighth Road to Powell Crescent – Intersection with Powell Crescent**

The option to straighten the proposed leg of the Forrest Road/Eighth Road roundabout provided safer vehicle approach and departure. The construction of a T-junction intersection at the connection with Powell Crescent was expected to slow the traffic on Powell Crescent. As this option slowed traffic, increased traffic circulation and provided the safest opportunity to extend in the Brookdale area, this became the recommended option. Refer to Plan E18-139-46 (Attachment 3) for proposed layout.

As part of the upgrade of Forrest Road to a dual lane median separated carriageway, the intersection of Neilson Road will also be upgraded as shown in Figure 7.



*Figure 7: Proposed intersection treatment at Neilson Road as per the Forrest Road carriageway upgrade*

### **Mitigation Measures for Affected Properties**

Unfortunately, in this case, there are impacts on existing properties. These have been detailed in the petition from the affected residents and have been detailed in the report to Council in June 2019, with comment from the City officers to each.

The detailed design process had already considered these potential impacts and every effort has been made to reduce any such impacts as far as practicable. In cases where these cannot be fully eliminated in the design of the road, there are opportunities to introduce mitigation measures to the verges or to the properties to eliminate or minimise any such impacts.

Following the Council meeting in June 2019, the City has consulted with the residents directly affected by the proposed location to identify the concerns and to discuss appropriate mitigation measures. The residents however, were still opposed to the road being designed in the recommended location and were unwilling to discuss mitigation offers as there was a concern that the discussion or acceptance of any mitigation proposals put by the City would imply an endorsement of the project.

Mitigation measures could however include the installation of solid fencing, provision of screening landscaping and the construction of a verge hardstand to allow for turning movements of exiting vehicles to leave the property in forward gear. Further discussions will need to be had with the residents to finalise these arrangements as part of the project.

### **Footpath Installation**

The provision of a footpath on the reserve side of Powell Crescent is proposed for 2019/20, but at the initial discussions at the June 2019 Technical Services Committee meeting, there was a preference expressed for any footpath to be provided on the side where the housing has been established, in order for this facility to be immediately available to the adjoining residents. This suggestion is supported.

### **CONCLUSION**

The City has identified the need to connect Forrest Road to Powell Crescent and considered several options to improve the traffic circulation; and to reduce traffic congestion around Dale Christian School and Gwynne Park Primary School.

Options considered included the upgrade of the Forrest Road and Neilson Avenue intersection and the creation of a road link from Forrest Road to Powell Crescent. The proposed Eighth Road extension as presented in the previous Technical Services Committee report (Plan E18-139-46 showing the preferred layout) is considered the superior option in establishing traffic circulation around the schools as required to eliminate the significant traffic congestion.

The City has met with the residents most affected by the proposed location to identify appropriate mitigation measures to reduce the impact of the road project. No specific agreements were reached at that time however, should the project proceed, the City will liaise with the residents to identify appropriate mitigation measures.

It is recommended that Council endorse Plan E18-139-46 (Attachment 3) depicting the proposed layout as the preferred option for the Eighth Road Extension.

## **ATTACHMENTS**

1. ↓ Comments and Suggestions - Heavy Traffic Congestion and Road Calming Devices - Neilson Avenue, Armadale
2. ↓ Traffic - Dale Christian School - Letter from Member for Armadale, Tony Buti
3. ↓ E18-139-46 - Eighth Road Extension Proposed Design

### Officer Recommendation

*“That Council:*

1. *Endorse Plan E18-139-46 depicting the proposed layout as the preferred option for the Eighth Road Extension.*
2. *Confirm that the project is to continue as planned, with mitigation measures to be implemented as part of the project following further consultation with the affected residents.”*

### Committee Discussion

*Committee reviewed the alternative designs presented in the report and discussed briefly.*

*Councillor Munn proposed that in consideration of the living environment of residents on Powell Crescent that the proposed extension of Eighth Road to Powell Crescent not be proceeded with.*

*Committee agreed, due to community objection to proposed design, to amend the recommendation to read as follows:*

*That the proposed link road between Forrest Road and Powell Crescent at the Eighth Road intersection not proceed.*

*Moved: Cr J Munn*

*Seconded: Cr G Nixon*

*Carried: 6/0*

## **RECOMMEND**

**T43/7/19**

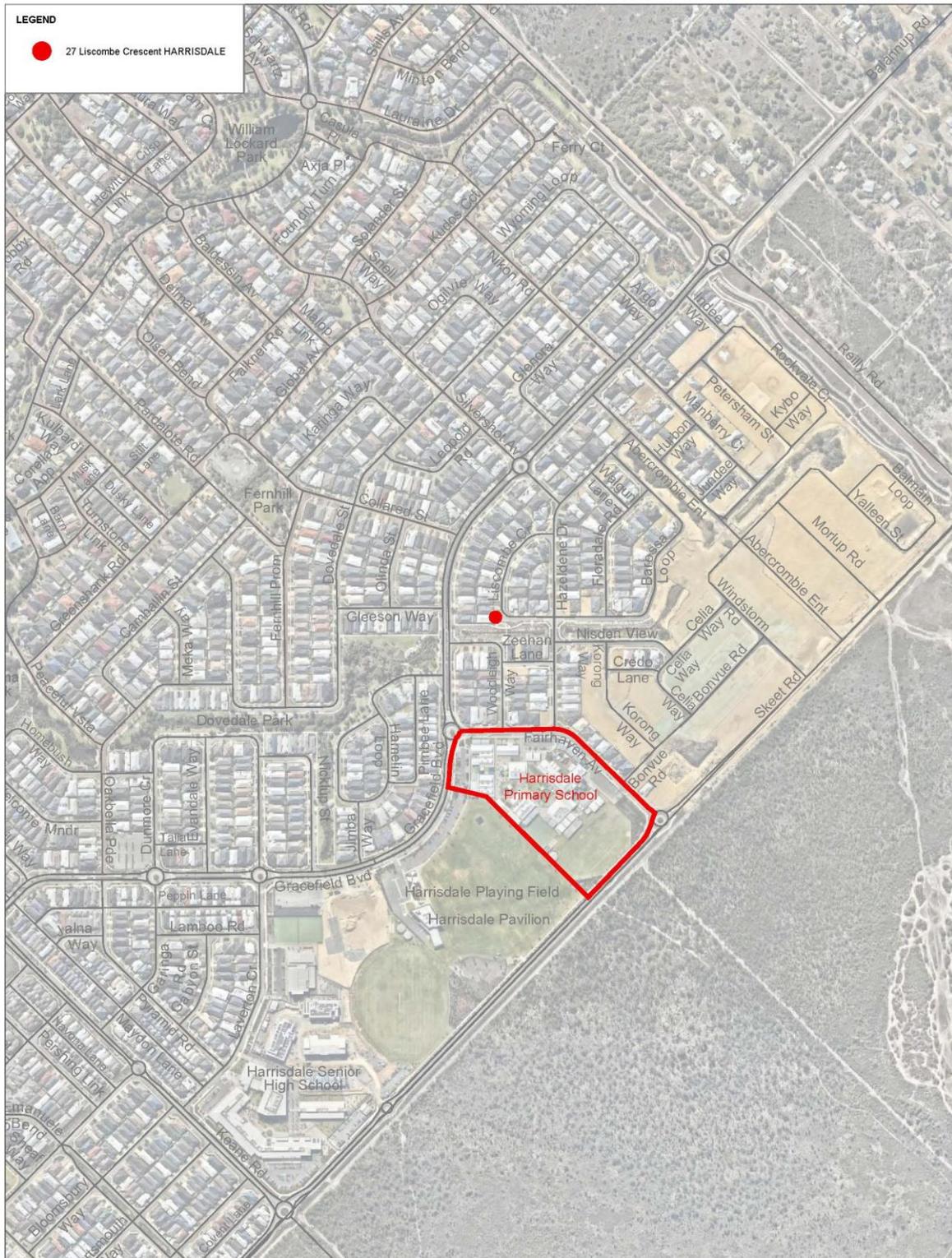
**That the proposed link road between Forrest Road and Powell Crescent at the Eighth Road intersection not proceed.**

**Moved Cr J H Munn**

**MOTION CARRIED**

**(6/0)**

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**Liscombe Crescent**  
HARRISDALE  
Location Plan

## **1.2 LISCOMBE CRESCENT, HARRISDALE - PARKING RESTRICTION**

WARD : RANFORD  
FILE No. : M/313/19  
DATE : 9 May 2019  
REF : MC/MT/YA  
RESPONSIBLE : Executive Director  
MANAGER : Technical Services

### **In Brief:**

- Vehicles are parking on the paved 'eyebrow treatment' at the curve located adjacent to 27 Liscombe Crescent, Harrisdale to access the local school and park.
- Parking restrictions are recommended to enable the City to enforce the road rules in this area.
- This report recommends that Council approve the installation of a yellow line (no stopping at any time) to the paved area adjacent to 27 Liscombe Crescent, as indicated on Plan E19-21.

### **Tabled Items**

Nil.

### **Officer Interest Declaration**

Nil.

### **Strategic Implications**

2.3 Well Managed Infrastructure

2.3.1 Apply best practice design and construction methodologies for the provision of infrastructure

### **Legislative Implications**

Assessment of legislation indicates that the following are applicable:

- *Local Government Act 1995* – Schedule 9.1, Section 2.1
- Road Traffic Code 2000 – Part 12, Division 2, Section 142 – No Stopping on Carriageway with Yellow Edge Line.

### **Council Policy/Local Law Implications**

General assessment of Policy/Local Law indicates that the following is applicable:

- Parking and Parking Facilities Local Law.

### **Budget/Financial Implications**

The costs associated with installation of the proposed line marking can be accommodated within the 2019/20 Budget.

### **Consultation**

- Resident of 27 Liscombe Crescent.
- Ranger Services.

## **BACKGROUND**

The resident of 27 Liscombe Crescent, Harrisdale contacted the City in March 2019 to report that vehicles are parking on the paved 'eyebrow treatment' adjacent to the property. The paved area is located 160 metres directly north of Harrisdale Primary School via Woodleigh Way and Liscombe Park.



*Figure 1: Paved eyebrow treatment*

Parking restrictions were implemented at Harrisdale Primary School in Term 3 of 2018, creating a ‘No Stopping Area’ around the school. This had the intended purpose of promoting walking to school or for parents to park further away to ease congestion at school peak times.

At its meeting of 11 June 2018, Council resolved that (T47/6/18):

- “1. Approve the implementation of the Parking Restrictions as shown on the drawings for the following schools:
  - Harrisdale Primary School - Plan E18-01
  - Piara Waters Primary School – Plan E18-02
2. Approve the implementation of the Kiss and Drive and bus parking on Wright Road as shown on Plan E18-35.”

## COMMENT

Parents accessing Harrisdale Primary School (for pick up and drop off purposes) and visitors to Liscombe Park are using the paved area adjacent to 27 Liscombe Crescent as a parking bay.

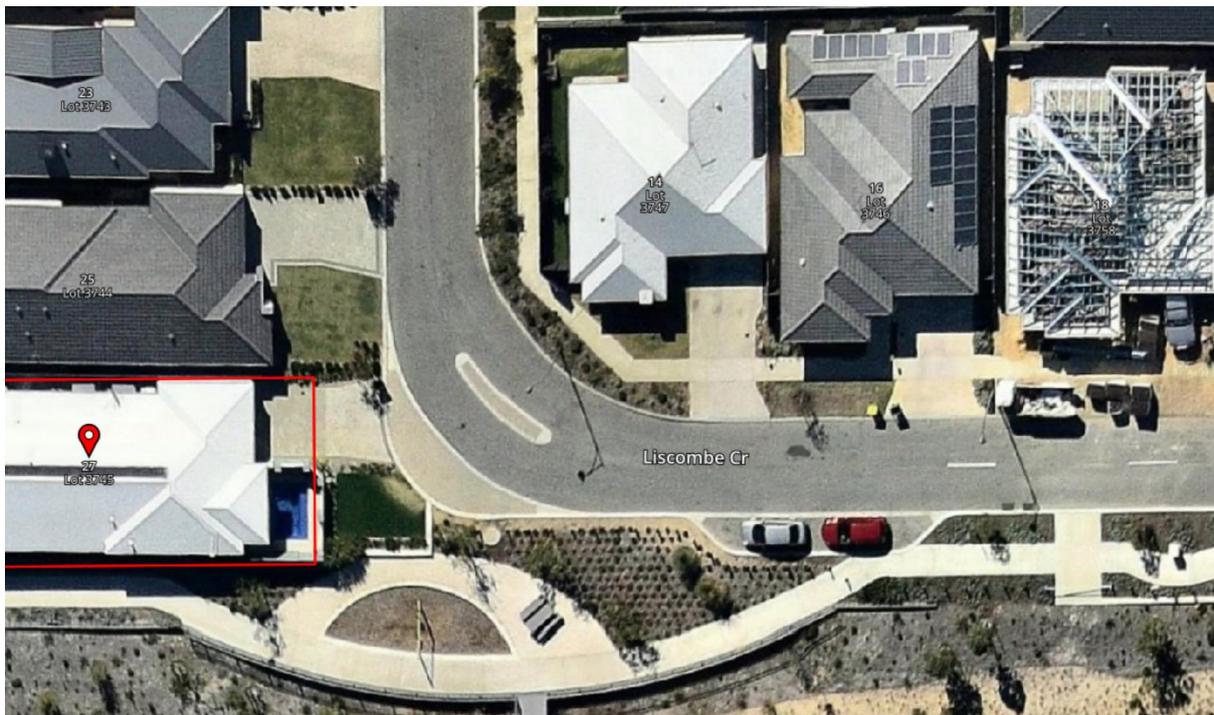


Figure 2: 27 Liscombe Crescent – Curve with treatment

Consultation with the City’s Ranger Services indicates that Ranger Services’ interpretation of the relevant section of the *Parking and Parking Facilities Local Law* is that they cannot infringe or enforce no parking on the eyebrow treatment. Parking on a curve or crest, as stated in the City’s Local Law and the Road Traffic Code, is not illegal provided there is 50m visibility on the road in a residential area.

Despite the intended use of the treatment being to facilitate the turning movements of larger vehicles (buses, waste trucks, emergency vehicles), vehicles are using the area as a parking bay to access the school or the local park. There is a two car parking embayment 6m east on Liscombe Crescent (see Figure 2) that could be utilised for this purpose. Cars parking in this area become an obstruction to turning larger vehicles; in addition to obstructing the driveway of 27 Liscombe Crescent.

The resident was advised to keep a log of incidents and report to the City; and Ranger Services provided patrols at peak school times.



*Figures 3 and 4: Paving area adjacent to 27 Liscombe Crescent*

The incidents have continued and the resident has continually contacted the City and provided photos (see Figures 3 and 4 above). Ranger Services have advised that they can only issue infringements if a car becomes an obstruction to the driveway and have recommended that parking restrictions be placed at the curve adjacent to 27 Liscombe Crescent.

## CONCLUSION

Due to the repeated incidents of vehicles parking on the paved ‘eyebrow treatment’ adjacent to 27 Liscombe Crescent, it is recommended that a yellow line (no stopping at any time) be installed as indicated on plan E19-21 (Attachment 1).

**ATTACHMENTS**

1. ↓ E19-21 Liscombe Crescent - Linemarking Plan

**RECOMMEND**

T44/7/19

**That Council approve the installation of a yellow line (no stopping at any time) to the paved area adjacent to 27 Liscombe Crescent as indicated on Plan E19-21 (Attachment 1).**

**Moved Cr R Butterfield  
MOTION CARRIED**

**(6/0)**

**2.1 COUNCIL POLICY REVIEW: ENG 2 - STANDARD CROSSOVER**

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WARD : ALL  
FILE No. : M/146/19  
DATE : 26 February 2019  
REF : JC  
RESPONSIBLE : Executive Director  
MANAGER : Technical Services

**In Brief:**

- At the Ordinary Meeting of 4 March 2003, Council formally adopted the Policy Manual and endorsed the associated Management Procedures for developing, amending and reviewing policies.
- A review of Policy ENG 2 – Standard Crossover was recently undertaken.
- It is recommended that Policy ENG 2 – Standard Crossover, as reviewed, continues to apply and operate with amendments as attached to this report, until March 2021.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

4.1 Visionary Civic leadership and sound governance

4.1.2 Make decisions that are sound, transparent and strategic

4.1.2.1 Implement policies and associated delegations to improve transparency of decisions

**Legislative Implications**

Assessment of legislation indicates that the following applies:

- *Local Government Act 1995*

### **Council Policy/Local Law Implications**

Assessment of Policy/Local Laws indicates that the following is applicable:

- Policy Manual

### **Budget/Financial Implications**

The adoption of the recommendation contained in this Report has no direct financial implication.

### **Consultation**

- Intra Directorate.
- MANEX.

## **BACKGROUND**

At its Ordinary Meeting of 4 March 2003, Council formally adopted the Policy Manual, and endorsed the associated Management Procedures for developing, amending and reviewing policies.

Part 3 of the Procedures states:

*“A review of every policy is to be made every 3 years by the relevant Executive Director, with a third of the policies reviewed each year.”*

Accordingly, ENG 2 – Standard Crossover has been reviewed and changes are recommended as described in this report.

## **DETAILS OF PROPOSAL**

In accordance with the Procedure for Developing, Amending and Reviewing Policies, *ENG 2 – Standard Crossover* was recently reviewed. It has been determined that some amendments to the existing policy are required. The proposed revised policy, with tracked changes, is presented in the attachment to this report for Council’s consideration.

In summary, the proposed changes are as follows.

**Inclusion of the following wording within the policy:**

*“The applicant must obtain the City’s approval prior to a crossover being constructed.”*

This proposed inclusion has been the case in practice for a number of years and including it in the policy is considered beneficial to clearly notify persons considering applying for the subsidy of this requirement.

**Update to the Specifications for Brick/Block Paved Crossovers**

The other change of note is the update to the specifications for brick/block paved crossovers, with the minimum required brick thickness being increased and brick/block paved crossovers not being considered an appropriate material for commercial businesses, these being highly utilised; often with a heavier class of vehicle travelling over the crossover.

The revised specifications for Brick/Block Paved Crossovers as presented in the attached policy are detailed below:

- *The minimum brick thickness shall be ~~60mm~~ 75mm (or above) trafficable brick pavers for residential crossovers. ~~and 75mm~~ Brick paved crossovers shall not be ~~for~~ approved for commercial business.*

Other minor changes have been made to the policy wording, with all the proposed changes detailed in Attachment 1.

**CONCLUSION**

A review of current Policy ENG 2 – Standard Crossover has recently been completed and it is recommended that the policy, with amendments (as detailed in Attachment 1), continues to apply and operate until March 2021 or such earlier date as Council may determine.

**ATTACHMENTS**

1. 1 Amended Policy - ENG 2 - Standard Crossover (tracked changes)

**RECOMMEND**

T45/7/19

**That Council pursuant to Section 2.7(2)(b) of the *Local Government Act 1995* reaffirm the continued application and operation of the following current Council policy with amendments as attached to this report, for a further three (3) years or such earlier date as Council may determine from time to time:**

- **ENG 2 - Standard Crossover**

**Moved Cr R Butterfield  
MOTION CARRIED**

**(6/0)**

**3.1 RIVERS REGIONAL COUNCIL - FUTURE STRUCTURE AND OPERATIONS**

WARD : ALL  
FILE No. : M/330/19  
DATE : 15 May 2019  
REF : JL/AO  
RESPONSIBLE : Executive Director  
MANAGER : Technical Services

**In Brief:**

- This report is to provide Council with an opportunity to consider what functions the Rivers Regional Council may undertake in the future and the applicable corporate structure.
- This report recommends that Council approve the windup of the Rivers Regional Council and the transition to a Regional Subsidiary as soon as all approvals can be obtained.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

2.4 Best Practice Waste Management

2.4.4 Apply efficient waste administration

**Legislative Implications**

Nil.

**Council Policy/Local Law Implications**

Nil.

### **Budget/Financial Implications**

Should Council adopt the recommendation to approve the winding up of the Rivers Regional Council and transition to a Regional Subsidiary, some financial saving could be realised as the annual financial contribution from the City to a future Regional Subsidiary is less than the financial contribution to the Regional Council.

### **Consultation**

- Technical Advisory Committee (Rivers Regional Council).
- Western Australian Local Government Association (WALGA).

### **BACKGROUND**

The purpose of the Rivers Regional Council (RRC), as per the establishment agreement is:

- “1. *To undertake the processing, recycling, treatment, sale and disposal of Household Waste delivered by the Member Councils.*
2. *To investigate and assess the possibilities and methodologies of carrying out and to identify funding opportunities for any service or facility on a regional basis.*
3. *To investigate and assess the possibilities and methodologies of undertaking the processing, recycling, treatment, sale and disposal of waste, other than Household Waste, which is delivered by the Member Councils.*
4. *To acquire any interest in land considered by the RRC to be necessary or desirable to accommodate facilities for the processing, recycling, treatment, sale and disposal of waste other than Household Waste.*
5. *To influence and liaise with Local, State and Federal Governments in the development of policies and legislation for the benefit of the region.*
6. *To provide advice, information and education to all Member Councils and their communities.”*

At the Ordinary Council Meeting of Rivers Regional Council, held on 21 February 2019, it was resolved under Item 14.7 that:

- “1. The Establishment Agreement be AMENDED to reduce the number of representatives to one or two (if that is possible) and the structure of the RRC be REVIEWED again by June 2020.*
- 2. The Strategic Community Plan and Corporate Plan be AMENDED to contain the operations of the RRC to:*
  - Provision of research and contract management services on matters associated with Waste Management and*
  - To influence and liaise with Local, State and Federal Governments in the development of Policies and Legislation for the benefit of the Region.*
- 3. Noting that the preferred option is to transition the RRC to a Regional Subsidiary, the CEO prepare a discussion paper outlining the details, timing and control mechanisms.”*

At the Ordinary Council Meeting of Rivers Regional Council, held on 2 May 2019, it was resolved under Item 14.5 that:

- “1. The Council resolved to seek approval from participating Councils to windup the Rivers Regional Council and transition to a Regional Subsidiary as soon as all approvals can be obtained.*
- 2. The CEO arrange preparation of:*
  - The Windup Agreement and relevant legal processes including individual Council and Ministerial approval*
  - The Rivers Regional Subsidiary Charter and Business Plan.”*

The vision of RRC is to provide sustainable waste minimisation, recycling and Alternative Waste Treatment (AWT) services for member councils to provide these services in a way which will move member councils and their communities substantially towards a zero-waste environment and to undertake this role sustainably.

## **DETAILS OF PROPOSAL**

This report deals with a proposal to wind up RRC and transition to a Regional Subsidiary as soon as all the approvals can be obtained. This process will require that the Chief Executive Officer of RRC arrange for the preparation of the windup agreement between member councils, relevant legal processes including Council and Ministerial approval as well as the Rivers Regional Subsidiary Charter and Business Plan.

## COMMENT

Previous planning documents identified the following considerations:

*“In summary the four priorities adopted for RRC over the period 2013-2017:*

- 1. Introduction of new waste infrastructure: AWT (short-term), MRF, green waste and bulk waste facilities (medium to long-term)*
- 2. Expansion of waste education programs*
- 3. Increased advocacy: to achieve better planning and resourcing of waste industry infrastructure and training of workers for this growth field*
- 4. Development of an expanded services delivery model (potentially comprising Regional Development, Environmental Services, Sustainability and Climate Change).*

*Once the AWT contract has been awarded, the next priority was to commence feasibility studies into possibly three new facilities for the region: an MRF, regional transfer station and green waste facility.*

*Feasibility studies could progress on these projects concurrently. The feasibility studies can commence in the second half of 2013, or during the first half of 2014. By early 2016 RRC will have answers on both facilities and will be in a position to make decisions on cost and current contractual commitments. If the decision is to proceed to tender, the tender process is likely to be undertaken during the 2016/17 FY. In the interim, individual Councils will make their decisions about whether to enter new contracts for recycling and bulk/green waste removal with these timelines in mind and in support of the intention to channel this waste to the new regional infrastructure, should it proceed.*

These projects were deferred pending the achievement of financial close for the Waste to Energy (WtE) facility.

## Current Considerations

### *Regional Materials Recovery Facility*

The current competitive environment including the opening of the new Cleanaway facility in 2017 and the state of the recycling products market, does not appear to support the RRC getting involved in the provision of a Materials Recovery Facility (MRF). The Southern Metropolitan Regional Council has also recently tested the market to take over their current MRF operations. The regional cost per property does however vary substantially with an average of \$33.14; minimum of \$26.78 and maximum of \$75.61. There may be scope to aggregate the regional materials recovery requirements but there is a marginal case for councils accepting further risks. The introduction of the Container Deposit Scheme may also lead to the splitting of the collection from the recovery facility. A full feasibility study would be required if there is support for this being pursued.

### ***Regional Transfer Station***

The WtE facility is located 25 to 41 minutes away from participating Councils. The Cities of South Perth and Gosnells could use the City of Canning transfer facility and the Shire of Murray could use the City of Mandurah transfer station, if those arrangements prove economically viable. Transfer stations are currently operated by the Shire of Murray and the Cities of South Perth and Mandurah and could all be used to attract additional waste streams. When the market is tested for delivery of waste to the new WtE facility it may prove more economic to accumulate waste at more local positions. It is unlikely that an RRC run facility would be viable.

A recent transport study regarding the cost to the City for the transport waste to the WtE plant indicated that a waste transfer station at the Armadale Landfill and Recycling Facility would double the cost of transporting waste to the WtE plant for the City, compared to transporting waste directly to the WtE plant during collection. The City is therefore not considering a waste transfer station at the Armadale Landfill and Recycling Facility at this time.

### ***Green Waste Facility***

The total green waste collected within the region (without introducing the three bin system) is 11,875 tonnes. It is unlikely that this quantity would warrant market intervention and operation by the RRC. The market will need to adjust to the new State Waste Strategy requiring organic separation, before the picture is clear.

### ***Waste Education Programs***

The creation of a new high level education program aligned with the WtE facility would suit regional cooperation but could be accomplished by officer coordination without the overheads attached to the RRC.

The City recently appointed a Waste Education Officer to address local waste education issues in more detail than when the function rested with RRC. In the short time that the waste education function has been inhouse, the City has been able to complete a bin tagging trial, engage SUEZ in schools education, revamp the battery recycling program, conduct a composting workshop, interact with social media and educate residents, provide input into the draft Waste Local Law and other publications like *City Views* and *Switch your thinking* and development of education material for the City.

Although there may be some motivation for high level waste education at RRC level, it will still fall short of the detail that is required at local authority level that is unique to individual Councils.

### ***Advocacy***

With the current State Waste Strategy targeting the introduction of the three bin organic separation system, advocacy will become an important response, however this is likely to be just as effective via individual Councils or group activity via a Regional Subsidiary. It would also be appropriate to review the effectiveness of representation on the Municipal Waste Advisory Council.

### ***Development of an Expanded Services Delivery Model***

Potentially comprising Regional Development, Environmental Services, Sustainability and Climate Change.

*Switch your thinking* programs continue to be managed by the City of Gosnells on behalf of a number of other councils including the City of Armadale.

Regional/economic development programs would be difficult, bearing in mind the separation of the City of South Perth to the City of Mandurah and the role undertaken by the Peel Development Commission. There is also the Southern Southeast Corridor (SSE) Councils promoting regional development opportunities. The SSE Corridor of metropolitan Perth has an area of 1577km<sup>2</sup> comprising of three local governments; the Cities of Armadale and Gosnells and the Shire of Serpentine Jarrahdale.

Projects with a regional benefit could fit the coordination role of the RRC but again this could be implemented via officer coordination.

Regional Climate Change and Carbon Reduction Program could be possible and would require further research on potential effectiveness.

### **Waste Services Agreement (WSA)**

The WSA has a substantial role for the RRC as Principal of the agreement and would need to be replaced. The retention of a regional council structure could be considered desirable until the WtE project has reached the stage where practical completion is likely. However, the creation of a Regional Subsidiary or Council Controlled Organisation under new legislation with officer representation could be an economically viable replacement.

The *Local Government Act 1995* provisions relevant to regional local governments are also being reviewed as part of the current Act review.

Another option is the Council Controlled Organisation which is more corporate orientated than a Regional Subsidiary. The Council Controlled legislation and *Local Government Act 1995* review is not due to be adopted until later this year.

### **Windup of the RRC**

The Establishment Agreement provides for the RRC to be wound up by agreement between the parties.

### **What Happens to the Remaining Funds?**

The Establishment Agreement details that remaining funds are distributed by the average of waste tonnes used in the budget deliberations over the last five years. It would be proposed that the RRC would continue to be funded from the Reserve Funds until windup occurs with the remaining funds being distributed to member councils and then returned to the Regional Subsidiary to fund that operation until funds can be generated from waste being delivered to the WtE Plant. This would form part of the windup agreement executed by member councils.

### **Establishment Agreement – Number of Elected Members**

No action has been taken at this stage to amend the current Establishment Agreement and this is being held pending agreement to the Regional Subsidiary. If this transition is unsuccessful then the action on reduction of numbers will be commenced.

### **Legal Implications**

Ministerial approval would be required for a winding up or change to the Establishment Agreement or a change to a Regional Subsidiary.

A change to the Establishment Agreement reducing the number of elected members would also require individual Council approval.

The windup agreement and subsidiary charter are in preparation and will be submitted for consideration of each Council.

The process is likely to take until the end of 2019.

### **Financial Implications**

Depending on the final structure, savings of up to \$300,000 could be possible if a Regional Subsidiary is considered appropriate.

Funding arrangements for the Regional Subsidiary have already been agreed as part of the Waste Services Agreement involving the Waste to Energy Facility.

## **OPTIONS**

The following options were considered regarding the future of RRC:

### **Option 1**

#### **Status Quo – Retain the Current Status of RRC**

The RRC falls under the *Local Government Act 1995* that requires a full suite of statutory reporting and compliance requirements under the Act. The Governance costs are significant and difficult to justify when considering the functions going forward. Maintaining an RRC structure would provide some opportunity to run commercial or business activities that could not be run under a Regional Subsidiary structure but there are no plans to implement any such business activities.

## **Option 2**

### **Assign the responsibility of managing the WtE contract to a consultant and wind up the RRC**

This model will only manage the contract without the option of regional services on behalf of member councils. The assignment of the responsibilities of Principal under the Waste Agreements to a body not controlled by the participants, would not be in the best interests of the City of Armadale. Lobbying and advocacy would be problematic and there would be some difficulty in getting approval from Avertas as the agreements require the Principal to be a body incorporated under the *Local Government Act 1995* or a government authority.

## **Option 3**

### **Assign the responsibility of managing the WtE contract to one of the current RRC member councils and wind up RRC**

This model will only manage the contract without the option of regional services on behalf of member councils. The role of Principal should be undertaken by an independent representative body. It would not be in the best interests of the participants for one member to have a dominant position.

## **Option 4**

### **Transition the RRC to a Regional Subsidiary**

This model can provide the same suite of services as the Regional Council without the exorbitant costs and governance structure linked to statutory reporting and compliance requirements. This option provides a flexible, cost effective and efficient method of managing the responsibilities under the Waste Agreements. Details are provided in Attachment 1.

Option 4 is the recommended option.

## CONCLUSION

Following consideration of the discussion paper and the different future options, it seems logical to lean towards a regional subsidiary as the way forward for Rivers Regional Council as it can deliver more cost effective services than the current Regional Council model.

## ATTACHMENTS

1. [Discussion Paper - RRC Future](#)

### Committee Discussion

*Committee discussed and sought clarification of the options and a breakdown of the budget figures (including proposed savings for the City) and further interpretation of the contract with regard to the education relating to waste reduction for the community. The Executive Director Technical Services advised he would provide the information to the Committee administratively.*

## RECOMMEND

T46/7/19

**That Council, in regard to the future structure and operations of the Rivers Regional Council:**

1. **Note the:**
  - **contents of the report and Discussion Paper**
  - **future options for RRC**
2. **Approve the windup of the Rivers Regional Council and the transition to a Regional Subsidiary as soon as all approvals can be obtained.**

**Moved Cr Sargeson  
MOTION CARRIED**

**(6/0)**

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**4.1 PANEL OF PRE-QUALIFIED SUPPLIERS PPS/8/19 - TRAFFIC  
MANAGEMENT SERVICES**

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WARD : ALL  
FILE No. :  
DATE : 11 October 2017  
REF : SA  
RESPONSIBLE Executive Director  
MANAGER Technical Services

**In Brief:**

- A Request for Applications to Join a Panel of Pre-Qualified Suppliers was recently advertised for PPS/8/19 – Traffic Management Services.
- Ten (10) applications were received by the specified closing time and evaluated against compliance and qualitative criteria.
- This report recommends that Council accept the applications from two applicants namely, Contra Flow Pty Ltd, and TMSW Pty Ltd.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

2.3 Well Managed Infrastructure

- 2.3.1 Apply best practice design and construction methodologies for the provision of infrastructure
- 2.3.2 Ensure maintenance activities address required levels of service

### **Legislative Implications**

Assessment of legislation indicates that the following apply:

- Section 3.57 *Local Government Act 1995* – Tenders for providing goods or services
- Part 4 Division 3 *Local Government (Functions and General) Regulations 1996* – Panels of pre-qualified suppliers

### **Council Policy/Local Law Implications**

Assessment of Policy/Local Law indicates that the following is applicable:

- Council Policy ADM 19 – Procurement of Goods and Services

### **Budget/Financial Implications**

The proposed expenditure can be accommodated in the 2019/20 Budget and Long Term Financial Plan estimates.

### **Consultation**

- Intra Directorate.

## **BACKGROUND**

Panel of Pre-Qualified Suppliers PPS/8/19 for Traffic Management Services was advertised in the 11 May 2019 edition of the West Australian newspaper, on the City's website and in a notice which was displayed on the Administration Centre, Armadale and Kelmscott Libraries' public notice boards.

The scope of works requires the qualified contractors to provide traffic management services throughout the City of Armadale.

## **DETAILS OF PROPOSAL**

The proposal requested provision of traffic management services throughout the City by a panel of suppliers for an initial period of twenty four (24) months commencing 15 July 2019.

## COMMENT

### Analysis

The advertising period closed at 2.00pm on 28 May 2019. Applications were received from:

	<b>Applicant's Name</b>
1.	Sandpoint Pty Ltd T/A LD Total
2.	Advanced Traffic Management (WA) Pty Ltd
3.	LGC Traffic Management
4.	TMSW Pty Ltd
5.	Altus Traffic Pty Ltd
6.	Taborda Contracting Pty Ltd
7.	Clune Group Pty Ltd T/A Peak Traffic Management (Clune Group Pty Ltd)
8.	WARP Traffic Management
9.	QTM Pty Ltd
10.	Contra-Flow Pty Ltd

No applications were received after the close of deadline.

The submitted applications were assessed against compliance criteria and all were found to be conforming.

An evaluation process was undertaken having specific regard to the following qualitative criteria.

### **Relevant Experience (25% weighting)**

This criterion required applicants to describe their experiences in completing/supplying similar contracts. Applicants were asked to provide a contract brief for at least three examples of similar maintenance contracts, including:

- Details of the project including timeframes
- Scope of the respondent's involvement
- Details of issues that arose during the project and how these were managed
- Site challenges/requirements
- Project value
- Contact details of a referee for each project

Contra Flow Pty Ltd, TMSW Pty Ltd and Clune Group Pty Ltd best addressed this criterion, providing multiple detailed examples of similar works and demonstrating their ability to work effectively with the client, including issue management.

### **Service Delivery and Availability (30% weighting)**

This criterion required applicants to provide details of service delivery and availability to be allocated to each project, such as:

- Processes and programming of services to ensure traffic controllers arrive on site at the times requested and at the quantities as set out in the Traffic Management Plan
- Response timeframes
- Capacity to meet KPIs
- Invoicing and accounts processes
- Economic impacts (efficiencies and operating costs, innovation)

Contra Flow Pty Ltd and Clune Group Pty Ltd best addressed this criterion by providing detailed information on service delivery and having a good response timeframe in meeting the City's requirements. TMSW Pty Ltd and Altus Traffic Pty Ltd also addressed this criterion to high standards. All of the above mentioned applicants addressed the KPIs and have suitable software and application systems for traffic control booking, paperwork and invoicing.

### **Key Personnel Skills and Resources (20% weighting)**

This criterion required applicants to provide details of resources to be allocated to this project, such as:

- Demonstrated evidence of sufficient personnel resource quantities to cope with high volumes of works
- Equipment and resources required to complete the contract

Contra Flow Pty Ltd, Clune Group Pty Ltd, WARP Traffic Management and TMSW Pty Ltd are well resourced and provided details that suit the size and requirements of the contract. Both Contra Flow Pty Ltd and TMSW Pty Ltd adequately detailed experienced crew, licensed and ticketed personnel.

### **Pricing (25% weighting)**

This criterion required applicants to submit prices for the services as outlined in the specification. The prices were structured as a Schedule of Rates table. The evaluation panel compared the pricing in each application. The weighted cost method was used in the evaluation of the applications.

**Ranking of the compliant applicants as determined by the evaluation panel:**

Applicant	Relevant Experience	Service Delivery & Availability	Key Personnel & Resources	Price	Total	Ranking
	25%	30%	20%	25%		
Sandpoint Pty Ltd T/A LD Total	13.33	14.00	12.00	16.71	<b>56.04</b>	<b>9</b>
Advanced Traffic Management (WA) Pty Ltd	17.08	18.00	14.00	21.18	<b>70.26</b>	<b>5</b>
LGC Traffic Management	12.50	14.00	10.00	18.64	<b>55.14</b>	<b>10</b>
TMSW Pty Ltd	20.42	23.00	15.00	20.86	<b>79.28</b>	<b>2</b>
Altus Traffic Pty Ltd	16.25	23.00	14.67	17.70	<b>71.62</b>	<b>4</b>
Taborda Contracting Pty Ltd	12.92	15.50	10.00	19.35	<b>57.77</b>	<b>8</b>
Clune Group Pty Ltd T/A Peak Traffic Management (Clune Group Pty Ltd)	20.42	24.50	15.67	18.05	<b>78.64</b>	<b>3</b>
WARP Traffic Management	12.50	20.00	15.33	18.38	<b>66.21</b>	<b>6</b>
QTM Pty Ltd	15.00	18.00	12.00	18.16	<b>63.16</b>	<b>7</b>
Contra-Flow Pty Ltd	20.42	23.50	17.33	19.19	<b>80.44</b>	<b>1</b>

Based on the evaluation panel's assessment, using a combination of the qualitative criteria detailed above, the applications from Contra Flow Pty Ltd and TMSW Pty Ltd represent the most advantageous options to the City.

**CONCLUSION**

Applications to Join a Panel of Pre-Qualified Suppliers for Traffic Management Services were recently invited with ten (10) applications received and assessed by an evaluation panel against compliance criteria. All of the applications were found to be conforming, and proceeded to be assessed by the panel against the qualitative criteria.

The result was that the applications submitted by Contra Flow Pty Ltd and TMSW Pty Ltd, represent the most advantageous applications to the City.

The evaluation panel therefore recommends that Contra Flow Pty Ltd and TMSW Pty Ltd be selected and added to the panel as the City's preferred suppliers for an initial period of twenty four (24) months commencing 15 July 2019.

***NB: The Confidential Attachment to this report detailing the recommended applicants' price/consideration will be made public when Council has accepted the successful applicants.***

**ATTACHMENTS**

1. Confidential Attachment - Schedule of Rates - PPS/8/19 - *This matter is considered to be confidential under Section 5.23(2) (c) of the Local Government Act, as it deals with the matter relates to a contract entered into or which may be entered into by the City of Armadale*

**RECOMMEND**

**T47/7/19**

**That Council, in regard to Panel of Pre-Qualified Suppliers PPS/8/19 – Traffic Management Services:**

- 1. Accept the applications from Contra Flow Pty Ltd and TMSW Pty Ltd for a period of twenty four (24) months commencing 15 July 2019, in accordance with:**
  - The applicants' submitted Schedules of Rates as presented in Confidential Attachment 1**
  - Council contract documentation, Budget and Long Term Financial Plan estimates.**
- 2. Authorise the Chief Executive Officer to extend the contracts for three (3) periods of twelve (12) months subject to satisfactory performance by the relevant contractor and price adjustments, as specified in the Request for Applications to Join a Panel of Pre-Qualified Suppliers Special Conditions of Contract Clause 4.1.**

**Moved Cr G Smith  
MOTION CARRIED**

**(6/0)**

**5.1 CONFERENCE ATTENDANCE - 2019 PARKS AND LEISURE CONFERENCE**

WARD : ALL  
FILE No. : M/254/19  
DATE : 9 April 2019  
REF : DH/PL  
RESPONSIBLE : Executive Director  
MANAGER : Technical Services

**In Brief:**

- The 2019 Parks and Leisure National Conference is to be held on 27-30 October 2019 at Crown Perth, Great Eastern Highway Burswood.
- A summary of proceedings for the conference is outlined in this report.
- This report seeks nominations for Councillor attendance as a delegate to the 2019 Parks and Leisure Conference.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

4.1 Visionary Civic leadership and sound governance

4.1.3 Support the role of the elected body

4.1.3.2 Facilitate appropriate training and development opportunities for Councillors

**Legislative Implications**

General assessment of relevant legislation (e.g. Local Government Act) has not revealed any restrictions.

### **Council Policy/Local Law Implications**

Assessment of Policy/Local Law indicates that the following are applicable:

- Council Policy ADM3 – Conferences and Training
- Council Policy EM1 – Reimbursement of Councillor's Expenses

### **Budget/Financial Implications**

Allowances for Councillor and officer attendance at conferences have been made within the 2019/20 Budget and Long Term Financial Plan estimates.

### **Consultation**

- Intra Directorate.

## **BACKGROUND**

The annual Parks and Leisure Australia national conference is the leading parks and leisure event which is being held in Western Australia in October this year. The conference is attended by leaders from government and industry, providing an innovative program of presentations and technical papers.

Nominations for Councillor attendance are requested at this Technical Services Committee Meeting, to be presented to the Ordinary Council Meeting of 8 July 2019, in order to facilitate timely registrations.

## **DETAILS OF PROPOSAL**

The 2019 Parks and Leisure Conference is a collaborative, inclusive event involving government, industry, students, educators and organisations at all levels. This year's event will focus on the importance of linking parks, open spaces and facilities to our health, wellbeing and sporting performance.

The 2019 event will address the fundamental need for good policy, planning and provision of parks, open spaces and facilities.

The conference seeks to present innovative ideas, emerging trends and current issues affecting parks and leisure professionals. This year's conference will involve a number workshops and presentations delivered by industry leaders and colleagues.

## COMMENT

The 2019 Parks and Leisure Conference will bring inspiring speakers together with curious audiences who want to learn. The three day event will focus on the importance of linking parks, open spaces and facilities to our health, wellbeing and sporting performance and will address the fundamental need for good policy, planning and provision of parks, open spaces and facilities.

The conference will officially open on Sunday, 27 October by HON Mick Murray MLA, Minister for Seniors and Ageing; Volunteering; Sport and Recreation.

The calibre of this year's speakers and exhibitors is outstanding and cements the national Parks and Leisure Australia conference and exhibition as a premier event and meeting point of Australia's parks, leisure, health and sporting industry thought leaders and industry innovators.

With so many sector leaders under one roof, this event will highlight the ways in which our sector is linking parks, open spaces and facilities to our health, wellbeing and sporting performance and will address the fundamental need for good policy, planning and provision of parks, open spaces and facilities.

The conference is an important chance for those in the parks and leisure industry to share ideas, discuss relevant concerns, hear about the latest trends and consider the future. The conference offers the opportunity to learn about what's new, what to plan for and how to ensure all Western Australians have access to quality leisure and community sporting opportunities and infrastructure.

The conference program will cover the latest Australian and international trends, future directions and culminate in the prestigious Parks and Leisure Australia Awards of Excellence.

Topics covered at the 2019 conference include:

- Parks and Open Space
- Facilities
- Trade Exhibition
- Healthy, Activity and Play
- Sport and Recreation
- Trees and Gardens

Technical Tours will further explore the following areas:

- **Technical Tour 1**  
Developing a sense of place - the story of Yagan Square and Elizabeth Quay
- **Technical Tour 2**  
Surfside! Scarborough Beach and City Beach Surf Club Facilities and Precincts
- **Technical Tour 3**  
Optus Stadium
- **Technical Tour 4**  
Perth Playspaces

The keynote speakers for the 2019 conference include:

- **Minister Mick Murray**

Mick Murray has been a Member of Parliament since 2001 and was appointed the Minister for Seniors and Ageing; Volunteering; Sport and Recreation in the McGowan Government in March 2017.

- **Jack Kardys**

Jack Kardys, NRPA's Chairman of the Board, recently retired as the Director of the nationally accredited and Gold Medal Award winning Miami-Dade Parks, Recreation & Open Spaces Department (MDPROS), one of the largest and most diverse park systems in the United States. A 38 year park professional, Jack has earned dozens of awards that recognise his extraordinary leadership and achievements.

- **Erion Veliaj  
Mayor, Municipality of Tirana, Albania**

As the Mayor of Tirana since 2015, Erion Veliaj has focused on the implementation of child-friendly policies aimed at transforming Tirana into a long-term sustainable city.

As part of his vision of giving the city back to its citizens, his administration completely renovated the city's central square, which was awarded the European Prize for Urban Public Space 2018 and created the Orbital Forest; a two-million tree belt that will serve as a pivotal element in addressing the environmental concerns of the city by 2030.

- **Katie Sarah**

Katie Sarah currently owns and manages Sarah Mountain Journeys Pty Ltd.

Her experience and education have developed skills in a variety of industries and roles. She has worked in roles ranging from a multi-national organisation to family business, in technical, sales and managerial roles.

Her business experience combined with field experience in extreme conditions and environments has led to the acquisition of skills in project management, working with third world business partners, logistics and risk management in high pressure situations. Working both as a member of a team and in leadership and managerial roles has given her a wide range of experience and expertise.

The City's Manager Parks has been a member of Parks and Leisure Australia for over 30 years, including as a past and present Western Australian Regional Councillor. The City is a Corporate Member of Parks and Leisure Australia.

Attendance costs for full registration amount to approximately \$1650 per person.

Councillors should note – Policy and Management Practice *ADM 3 Conferences, Seminars and Training* in item 2 (d) of the Management Practice states that:

*“Where a member of Council at the date of the conference, seminar or training course has an electoral term of less than six (6) months to complete, such member shall be ineligible to attend unless such is specifically authorised by Council.”*

## **CONCLUSION**

The Parks and Leisure Australia national conference is held annually and offers items of significant interest to the Local Government Sector, being largely represented by local government officers, along with other government agencies, consultants and students.

The conference brings together leading professionals from across Australia and the world to share best practice, innovation and discuss trends as increasingly more people live in urban environments.

Attendance at the conference is considered beneficial and a Councillor delegate is sought accordingly, as we face new industry challenges while trying to deliver more for less.

## **ATTACHMENTS**

There are no attachments for this report.

### *Committee Discussion*

*The nominations for the 2019 Parks and Leisure Conference will be sought at the Ordinary Council Meeting of Monday, 8 July 2019.*

## **RECOMMEND**

**T48/7/19**

### **That Council:**

- 1. Nominate Councillor C Frost as a delegate to the 2019 Parks and Leisure Conference to be held on 27-30 October 2019 at Crown Perth, Burswood Western Australia.**
- 2. Note the attendance of officers as delegates to the 2019 Parks and Leisure Conference.**

**Moved Cr R Butterfield  
MOTION CARRIED**

**(6/0)**

**5.2 INFORMATION STICKER FOR NEW RECYCLING STANDARDS (REFERRAL ITEM)**

---

At the Council meeting held on 15 April 2019, Cr R Butterfield referred the following matter to the Technical Services Committee.

*That the matter of information stickers being placed on the inside of bin lids indicating the new recycling standards for the City be referred to the Technical Services Committee.*

**Comment from Cr R Butterfield**

There is currently some confusion about the new rules for recycling. Television reports showing Australian recyclable plastic sent to other countries is causing some doubt as to the success and outcomes for recycling in Western Australia.

I request that the City investigate ways to inform residents of the new recycling rules, with an easy to follow sticker or fridge magnet (which could be placed in the rates notice to each household) and engage in a widespread education program surrounding waste reduction and recycling.

*Cr Butterfield's detailed comments are outlined in a memo forwarded under separate cover.*

**Officer Comment**

This matter requires further investigation and a detailed report regarding the updated recycling information will be presented at a future Technical Services Committee meeting.

**ATTACHMENTS**

There are no attachments for this report.

**RECOMMEND**

**T49/7/19**

**That a report be provided at a future Technical Services Committee meeting.**

**Moved Cr R Butterfield  
MOTION CARRIED**

**(6/0)**

---

***COUNCILLORS' ITEMS***

---

Nil.

---

***EXECUTIVE DIRECTOR TECHNICAL SERVICES REPORT***

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**1. Sustainable Urban Forest Workshop - 14 June 2019**

An overview of the Sustainable Urban Forest Workshop held on 14 June 2019 was presented by the Manager Parks.

**Sustainable Urban Forest Workshop**

On 14 June 2019 the City hosted a workshop for the community with the City's Urban Forest team, ABC Gardening Australia's Josh Byrne and award winning radio presenter Sabrina Hahn, for a talk on Sustainable Urban Forests.

The event was held at the recently refurbished Armadale District hall and along with the audio visual presentations, the City organised a display of 18 different varieties of trees that will be planted within this year's Urban Forest program.

Over a period of three months a total of 98 responses were registered with 63% having seen the event invitation on Facebook; making this to be the most advantageous way for marketing this event.

The three presenters discussed the following:

- City of Armadale's Urban Forest Strategy history and achievements (Mr Paul Lanternier)
- Benefits of Street Trees in a Changing Urban Landscape (Mr Josh Byrne)
- Conflicts between the natural environment and urban living - community outcomes and connections to environment (Ms Sabrina Hahn)

The Workshop objectives and deliverables were to promote, educate and build on the knowledge of the community in relation to the subject of what an urban forest is and what it means for the Armadale community. Feedback from the event reflected that the structure and content of the workshop had delivered the objectives with over 90% of attendees rating the event as excellent and 86% of attendees saying that they had found it beneficial.

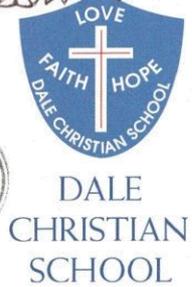
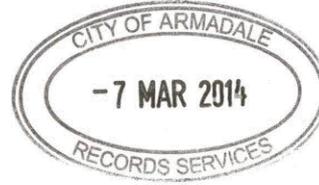


**MEETING DECLARED CLOSED AT 7.53pm**

<b>TECHNICAL SERVICES COMMITTEE</b>		
<b>SUMMARY OF ATTACHMENTS</b>		
1 JULY 2019		
ATT NO.	SUBJECT	PAGE
<b>1.1 EIGHTH ROAD - EXTENSION FROM FORREST ROAD TO POWELL CRESCENT, BROOKDALE</b>		
1.1.1	Comments and Suggestions - Heavy Traffic Congestion and Road Calming Devices - Neilson Avenue, Armadale	50
1.1.2	Traffic - Dale Christian School - Letter from Member for Armadale, Tony Buti	52
1.1.3	E18-139-46 - Eighth Road Extension Proposed Design	53
<b>1.2 LISCOMBE CRESCENT, HARRISDALE - PARKING RESTRICTION</b>		
1.2.1	E19-21 Liscombe Crescent - Linemarking Plan	54
<b>2.1 COUNCIL POLICY REVIEW: ENG 2 - STANDARD CROSSOVER</b>		
2.1.1	Amended Policy - ENG 2 - Standard Crossover (tracked changes)	55
<b>3.1 RIVERS REGIONAL COUNCIL - FUTURE STRUCTURE AND OPERATIONS</b>		
3.1.1	Discussion Paper - RRC Future	56

5<sup>th</sup> March 2014

Mr Kerry Busby  
Councillor  
City of Armadale  
9 Orchard Ave  
ARMADALE WA 6112



Dear Kerry,

**RE: TRAFFIC CONGESTION – NEILSEN AVENUE**

Dale Christian School are experiencing extremely heavy traffic conditions along Neilsen Ave. These heavy conditions are causing traffic congestion within the School grounds that are unmanageable. This situation has been caused by the traffic flow from the new Sienna Wood Estate on the South Western end of Armadale.

Some suggestions that may alleviate this situation is to;

1. Install a left hand turn only lane on the intersection of Neilsen Ave and Forrest Road.
2. To resurrect the road reserve formerly Eighth Avenue on the West end of the School Property, 150 Forrest Road (Lot 1).

We trust that these suggestions or any alternatives that may alleviate the current congestion on Neilsen Avenue will be considered and acted upon.

We look forward to a positive reply to our concerns.

Yours sincerely,

A handwritten signature in black ink that reads "Frederick Galsworthy".

MR FREDERICK GALSWORTHY  
Principal

150 Forrest Road, Armadale WA 6112  
PO Box 273, Armadale WA 6992  
Tel: (08) 9497 1444 • Fax: (08) 9497 4825  
Email: dale@dalecs.wa.edu.au • Website: www.dalecs.wa.edu.au  
A Ministry of the Armadale Congregational Church Inc.  
Affiliated with Christian Schools Australia  
ABN 45 267 331 045

TS INBOX

est

**n:** Bret Busby [bret@busby.net]  
**t:** Wednesday, 26 February 2014 3:20 PM  
crgbest@armadale.wa.gov.au; crmgeary@armadale.wa.gov.au  
**ject:** Problems in Brookdale area  
**ortance:** High

lo.

realise that Brookdale is a distance from where each of you live, but I ask for you visit this part of the ward, and look at the conditions here.

the corner of Pelham Street and Offord Street, the sign for Offord Street, is rift and needs to be re-fixed to the pole.

Offord Street and Selby Street, are trees that I can touch when standing in the ddle of the respective roads, thus making those trees dangerous for road traffic, icht is the norm in this area, with a truck driver coming close to being killed by e council, a few years ago.

realise that the council has a history of not regarding road safety as important, t these are some of the problems that urgently need attending.

have a desperate shortage of footpaths, forcing mothers pushing prams and shchairs, onto the road, to face the street racers that we get in the area, some th cars and motor bikes that have no registration plates, that they know that they n do, because we do not have a police presence in this area.

id, with the shortage of the footpaths that we have, we get vehicles parking on ootpaths, that frequently happens on the corner of one of the roads on Duri Street, id, the trees, including council trees, that grow onto the footpaths, and, the trees f residents that force pedestrians onto the road, such as at the corner of Seventh ad and Avonlea Road / Church Avenue

o, for the sake of safety, given the policy of neglect by the city council, for this rea, and, the council's demonstrated disregard for safety, I ask that you visit this rea, and look at the conditions here, and, take action to reduce the danger that is nvolved in being in this area, for which danger, the council is responsible.

-  
ret Busby

street address:  
Pelham Street  
armadale 6112  
est Australia

Postal address:  
PO Box 153  
armadale 6992  
est Australia

Landline phone number: 08-9399-3820  
.....

"So once you do know what the question actually is,  
you'll know what the answer means."

- Deep Thought,  
Chapter 28 of Book 1 of  
"The Hitchhiker's Guide to the Galaxy:  
A Trilogy In Four Parts",  
written by Douglas Adams,  
published by Pan Books, 1992  
.....

## Dr. Tony Buti MLA

B.P.E.(Hons), Dip Ed, M.I.R., L.L.B.(Hons), D.Phil

### Member for Armadale



Mr R Tame  
CEO  
City of Armadale

Dear Ray

I write on behalf of Dale Christian School regarding current traffic related issues affecting the school community and surrounding families.

I have discussed these concerns with school Principal Colleen Enoch who suggested that it would be prudent if council staff could visit the school during the times mentioned to observe the following issues and consider the suggestions made.

- Heavy traffic (between the times of 08:10 to 08:45 and 15:00 to 15:45) backed up at the intersection of Forrest Rd and Neilson Ave with vehicles wanting to turn left being held up by a small number turning right. Ideally the construction of a roundabout with a left joining lane (with ample ground to construct such a lane) onto Forrest Road would be alleviate the situation.
- Heavy traffic at similar times to the above between Tijuana Road and Neilson Avenue and Powell Cres. Ideally the construction of a road that joins Forrest Road would be the best option. However, there are concerns over losing parking space currently available to parents and with limited parking space as it stands, a further problem could be created.
- Significant amount of children crossing from Eighth Road over Forrest Road during the said times. The presence of a traffic lolly pop warden with crossing lines is needed.

I would be most appreciative if you would investigate the school's concerns with a view to addressing the road safety issues with the appropriate agencies.

Yours sincerely



**DR TONY BUTI MLA**  
**MEMBER FOR ARMADALE**

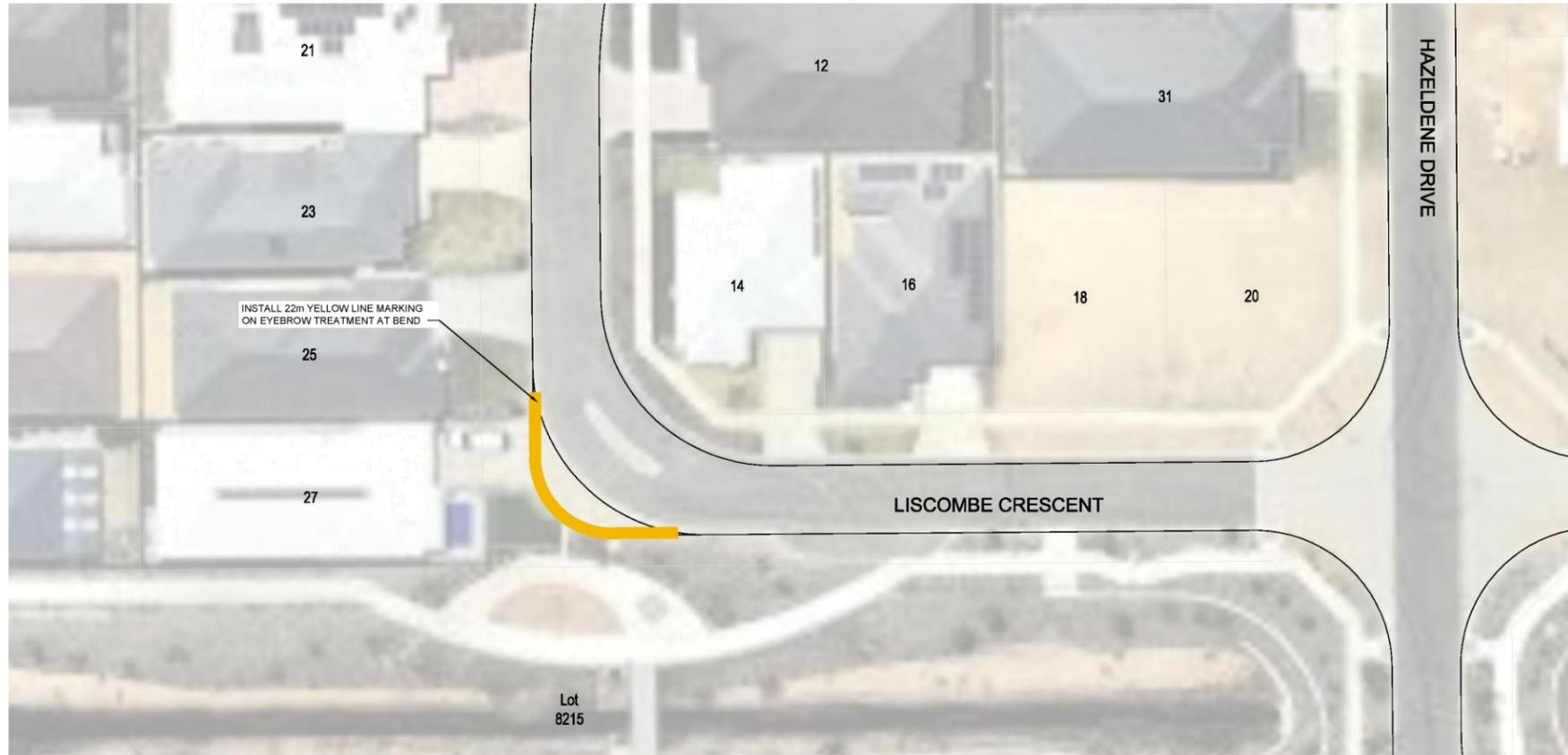
6 April 2017

Cc. Kerry Busby

2898 Albany Highway, Perth, Western Australia 6111  
Telephone: (08) 9495 4877 or text only 0474 195 312 • Facsimile: (08) 9495 4866  
Email: armadale@mp.wa.gov.au







**NOTES**

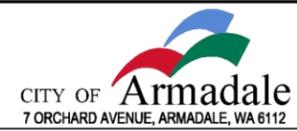
— INSTALL YELLOW  
'NO STOPPING' LINES  
(ANYTIME)

**PLAN VIEW**  
SCALE 1:250



No	Date	Revision	By	Approved

Scale:	1:250 (A1)
Drawn:	AHD
Checked:	MGAB4
Surveyed:	

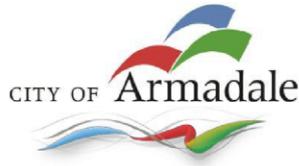


THIS DRAWING REMAINS THE PROPERTY OF THE CITY OF ARMADALE AND SHALL NOT BE RETAINED, COPIED, OR USED, WITHOUT WRITTEN APPROVAL FROM THE DIRECTOR ENGINEERING SERVICES

Client:	MC	Date:	04/2018	Signat:	
Design:	MC	Date:	04/2018	Signat:	
Check:	MT	Date:		Signat:	
Manager:		Date:		Signat:	

Project:	LISCOMBE CRESCENT YELLOW LINE MARKING
Title:	HARRISDALE

PC No:	
Title No:	
Sheet No:	1
Revision No:	0
DWG No:	E19-21



**POLICY – ENG 2 – Standard Crossover**

**Related Management Practice**

No

**Relevant Delegation**

N/A

**Rationale**

To clearly determine the type and material that will be accepted by Council in the construction of crossovers.

To clearly identify a standard crossover upon which Council will base its contribution as required by Regulation 15 of the Local Government (Uniform Local Provisions) Regulations.

**Policy**

The applicant must obtain the City’s approval prior to a crossover being constructed.

Construction of the crossover shall be:

- For concrete crossovers:
  - a minimum of 100mm thickness concrete for residential crossovers and a minimum of 150mm thickness for commercial crossovers (where the use is clearly above residential standard).
- For brick/block paved crossovers:
  - -the minimum brick thickness shall be ~~60mm~~ 75mm (or above) trafficable brick pavers for residential crossovers, ~~and 75mm~~ Brick paved crossovers shall not be ~~for~~ approved for commercial business.
- For asphalt crossovers:
  - -the minimum thickness shall be 150mm thick compacted road base with 25mm thickness asphalt for residential crossovers and 200mm thick compacted road base with 40mm thickness asphalt for commercial crossovers.

Unless otherwise approved ~~all~~ existing paths shall ~~be~~ receive precedence and ~~removed and~~ the crossover shall be designed and constructed to tie in vertically with the ~~cut edge of the~~ existing path.

Related Local Law	Activities and Trading in Thoroughfares and Public Places Local Law	
Related Policies	N/A	
Related Budget Schedule	N/A	
Last Reviewed	14 March 2016	
Next Review Date	March 2019	
Authority Council Meeting of:	4 March 2003 (C6/2/03) 9 March 2009 (T18/3/09) 14 March 2016 (T6/2/16)	7 March 2006 (T12/02/06) 10 April 2012 (27/4/12)



**Discussion Paper  
Future Structure Responsibilities and Operations  
Transition to Rivers Regional Subsidiary**

A handwritten signature in blue ink, appearing to read "John McNally".

**John McNally  
Chief Executive Officer  
May 2019 V4**

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## RRC Future Structure and Operations

### 1. PURPOSE

To provide the RRC and Member Councils with an opportunity to consider what functions the RRC may undertake in the future and the applicable corporate structure. This report is intended to facilitate discussion and prompt ideas. Following consideration by the RRC each Council should then consider options so that future meetings of the RRC can consider that feedback.

### 2. BACKGROUND

The RRC Council has previously resolved to review whether two representatives are required when the WTE project financial close was achieved. This review also considers whether the RRC as currently structured is required for the delivery of future activities.

The original purpose of RRC, as per the Establishment Agreement is:

1. To undertake the processing, recycling, treatment, sale and disposal of Household Waste delivered by the Member Councils;
2. To investigate and assess the possibilities and methodologies of carrying out and to identify funding opportunities for any service or facility on a regional basis;
3. To investigate and assess the possibilities and methodologies of undertaking the processing, recycling, treatment, sale and disposal of waste, other than Household Waste, which is delivered by the Member Councils;
4. To acquire any interest in land considered by the RRC to be necessary or desirable to accommodate facilities for the processing, recycling, treatment, sale and disposal of waste other than Household Waste;
5. To influence and liaise with local, State and Federal Governments in the development of policies and legislation for the benefit of the region;
6. To provide advice, information and education to all Member Councils and their communities.

#### **The Vision for Waste Management in this Region (from Strategic Plan)**

The vision of RRC is to provide sustainable waste minimisation, recycling and Alternative Waste Treatment (AWT) services for Member Councils; to provide these services in a way which will move Member Councils and their communities substantially towards a zero-waste environment; and to undertake this role sustainably.

Previous corporate planning documents have identified the following considerations:-

In summary, these are the four priorities adopted for RRC over the period 2013-2017:

1. Introduction of new waste infrastructure: AWT (short-term); MRF, green waste and bulk waste facilities (Medium to long-term)
2. Expansion of waste education programs
3. Increased advocacy: to achieve better planning and resourcing of waste industry infrastructure, and training of workers for this growth field

4. Development of an expanded services delivery model (potentially comprising Regional Development, Environmental Services, Sustainability and Climate Change)

*Once the AWT contract has been awarded, the next priority is to commence feasibility studies into possibly three new facilities for the region: an MRF, regional transfer station and green waste facility.*

*Feasibility studies could progress these projects concurrently. The feasibility studies can commence in the second half of 2013, or during the first half of 2014. By early 2016 RRC will have answers on both facilities and will be in a position to make decisions on cost and current contractual commitments. If the decision is to proceed to tender, the tender process is likely to be undertaken during the 2016/17 FY. In the interim, individual Councils will make their decisions about whether to enter new contracts for recycling and bulk/green waste removal with these timelines in mind, and in support of the intention to channel this waste to the new regional infrastructure, should it proceed.*

*These projects were deferred pending the achievement of financial close for the WtE facility.*

At the DECEMBER 2018 RRC meeting there was general agreement that the RRC should be retained for up to 12 months to assist in the advocacy resulting from the conflict with the State Waste Strategy.

**At the February meeting the RRC resolved as follows:-**

**That:**

1. **The Establishment Agreement be AMENDED to reduce the number of representatives to one or up to two (if that is possible) and the structure of the RRC be REVIEWED again by June 2020.**
2. **The Strategic Community Plan and Corporate Plan be AMENDED to contain the operations of the RRC to:**
  - **Provision of research and contract management services on matters associated with Waste Management and;**
  - **To influence and liaise with Local, State and Federal Governments in the development of Policies and Legislation for the benefit of the Region.**
3. **Noting that the preferred option is to transition the RRC to a Regional Subsidiary, the CEO prepare a discussion paper outlining the details, timing and control mechanisms.**

### 3. CURRENT CONSIDERATIONS

#### **Regional Materials Recovery Facility - Marginal**

The current competitive environment including the opening of the new Cleanaway facility in 2017 and the state of the recycling products market does not appear to support the RRC getting involved in the provision of a Materials Recovery Facility (MRF). The SMRC has also recently tested the market to take over their current MRF operations. The regional cost per property does however vary substantially with an average of \$33.14, minimum of \$26.78 and maximum of \$75.61. There maybe scope to aggregate the regional recycling materials requirements – but this is marginal given the state of the market. The introduction of the Container Deposit Scheme may also lead to the splitting of the collection from the recovery facility for those Councils not already operating that way. A full feasibility would be required if there is support for this being pursued.

#### **Regional Transfer Station – Not Viable**

The WtE facility is located 25 to 41 minutes away from participating Councils. South Perth and Gosnells could use the Canning transfer facility and Murray could use the Mandurah transfer station if those arrangements prove economically viable. Transfer stations are currently operated by South Perth, Murray and Mandurah and could all be used to attract additional waste streams. When the market is tested for delivery of waste to the new WtE facility it may prove more economic to accumulate waste at more local positions. It is unlikely that a RRC run facility would be viable.

#### **Green Waste Facility – Not Viable**

The total green waste collected within the region (without introducing the 3 Bin system) is 11,875 tonnes. It is unlikely that this quantity would warrant intervention and operation by the RRC. The market will need to adjust to the new State Waste Strategy requiring organic separation before the picture is clear.

#### **Waste Education Programs – Continue via co-operation**

The creation of a new education program aligned with the WtE facility would suit regional co-operation but could be accomplished by officer co-ordination without the overheads attached to the RRC.

#### **Advocacy – Viable and continue via co-operation**

With the current State Waste Strategy targeting the introduction of the 3 Bin organic separation system by 2025, advocacy will become an important response, however this is likely to be just as effective via individual Councils. It would also be appropriate to review the effectiveness of representation on the Municipal Waste Advisory Council.

#### **Development of an Expanded Services Delivery Model – Marginal.**

Potentially comprising Regional Development, Environmental Services, Sustainability and Climate Change.

RRC has previously acted as banker for Switch your Thinking programs. During 2017 this function was discontinued and the programs were then managed by the City of Armadale on behalf of a number of other participating Councils. This approach would continue.

Regional/Economic Development programs would be difficult bearing in mind the separation of South Perth to Mandurah and the role undertaken by the Peel Development Commission. The Southern Southeast Corridor (SSE) Councils also have a program promoting regional development opportunities. The SSE Corridor of metropolitan Perth has an area of 1577 square kilometres comprising of three local governments – the Cities of Armadale and Gosnells and the Shire of Serpentine Jarrahdale.

Projects with a Regional benefit could fit the Co-ordination role of the RRC but again this could be implemented via officer co-ordination.

Regional Climate Change and Carbon Reduction Program could be possible and would require further research on potential effectiveness.

#### **WtE Facility - Waste Services Agreement (WSA) - Required**

The WSA includes a substantial role for the RRC as Principal of the agreement and would need to be replaced. The retention of a Regional Council Structure could be considered desirable until the WtE project has reached the stage where practical completion is likely. However, the creation of a Regional Subsidiary or Council Controlled Organisation under new legislation with officer representation could be an economically viable replacement.

The City of Canning which is a participant in the WSA but not a member of the RRC could also be invited as a member of the Regional Subsidiary.

The Local Government Act provisions relevant to Regional Local Governments are also being reviewed as part of the current Local Government Act review. Another option is the Council Controlled Organisation which is more corporate orientated than a Regional Subsidiary. As the Council Controlled legislation and LG Act review is not due to be adopted until later this year, the retention of the current structure for up to 12 months could be beneficial.

#### **Community Education Programs – Council Level**

The RRC has previously resolved that these services not be provided by RRC and be performed by Member Councils where required or related to their activities or needs using coordination and shared resources where effective. It had been established that education programs are best targeted to the local community with officers coordinating these activities where it is economically viable to do so. The additional overheads created by using a RRC type structure does not add value to this activity. Each Council should have their own community education program fully documented.

The WtE facility will also prepare in consultation with participants a macro level education program aligned with the operations of the plant.

#### **4. LEGAL IMPLICATIONS**

Ministerial approval would be required for a winding up or change to the Establishment Agreement or a change to a Regional Subsidiary. Separate legal advice and formal drafting of the constitution would also be required.

A change to the Establishment Agreement reducing the number of Elected Members would also require individual Council approval.

## 5. FINANCIAL IMPLICATIONS

Depending on the final structure savings of up to \$200,000 (based on the 2018/19 Budget) could be possible if a Regional Subsidiary is considered appropriate.

These savings include subscriptions to the Municipal Waste Advisory Council of \$39,000 per annum could continue in some other form direct from member Councils or membership cease.

In light of the reduced role for the RRC, Council could consider a review of the sitting fees with the annual minimum fee permitted of \$1177 (currently \$7725) per member and \$2354 for Chairman (currently \$20600). Alternatively a move to a per meeting fee structure of \$90-\$236 could be considered. Some direction on this aspect of the governance structure would be appropriate.

## 6. REGIONAL SUBSIDIARY - SUMMARY

### What is a Regional Subsidiary?

It is a semi-independent collaborative organisation established by two or more local governments to provide new or existing services that can be more effectively delivered together than by one local government alone.

### How is it established?

It is established under the Local Government Act 1995 with the agreement of two or more local governments. Local Governments wishing to establish a Regional Subsidiary must develop a Charter and Business Plan and seek feedback from their respective communities. Each Local Government must approve the Charter and Business Plan before seeking the approval of the Minister for Local Government, Sport and Cultural Industries.

### How does it operate?

A Regional Subsidiary is a corporate body managed by a Board comprising representatives from each member local government and may have two optional 'expert' members. It operates in accordance with its Charter, which is similar to a Constitution, and may employ staff and have its own premises. While regulations detail some requirements of the Charter, each Regional Subsidiary can determine its own 'rules'. Each local government contributes funds for the operation of the Regional Subsidiary in accordance with its Charter and Business Plan.

A Regional Subsidiary is afforded the same protections under the Act as if it were a local government.

### Who has oversight over the Regional Subsidiary?

While the Regional Subsidiary is managed by a Board under specific provisions of the Act, it is required to report to each member local government. Member local governments have the ability to withdraw from a Regional Subsidiary and collectively can wind up a Regional Subsidiary.

A Regional Subsidiary can be subject to a Ministerial Inquiry in the case of serious misconduct.

#### **What can it do?**

It can deliver one or more services currently delivered or functions performed by a local government. These could include rating services, records management, environmental health services, finance functions, procurement to name a few. It can also initiate new opportunities such as tourism, aged care, procurement, etc.

The purposes of a Regional Subsidiary are captured in its Charter and Business Plan.

#### **What can't it do?**

At this stage a Regional Subsidiary cannot borrow money, apart from through a member local government, however the sector is working to have this changed as part of the review of the regulations.

#### **How is it different to a Regional Council?**

A Regional Council is in effect an independent local government established under the Act with full compliance and reporting responsibilities of a local government. By comparison, a Regional Subsidiary is established under a section of the Act and is a semi-independent organisation governed by its Charter and without the full suite of statutory reporting and compliance requirements of a local government.

#### **How is it different to a Voluntary Group of Councils?**

A Regional Subsidiary is a legal entity and has the ability to manage its own funds and deliver its own services and has more formality to its governance via its Charter and the requirements of the Act.

By contrast, a VROC's governance structure is usually governed by a non-binding MOU and must use the resources of individual member local governments to manage funds and deliver services on behalf of the VROC. A Regional Subsidiary may replace a VROC as a more effective model for cooperation.

#### **How is it different to an incorporated body?**

While apparently similar to the structure and function of an incorporated body, a Regional Subsidiary is able to deliver statutory services that an incorporated body is not legally able to deliver. These include services delivered by local government under both the Local Government Act and other relevant legislation such as public library services, finance services, environmental health services, planning services, regional waste management, etc.

#### **How can it benefit a local government?**

A Regional Subsidiary may provide a way for local governments to provide services for their community that alone they would be unable to deliver due to cost or lack of expertise. A Regional Subsidiary may also provide services or undertake local government functions in a more efficient and effective way than can be achieved by a single local government.

Local governments may also use a Regional Subsidiary to focus on projects that will benefit the region and have important flow on effects for its local community. These could include tourism projects, aged care facilities, economic development initiatives, etc.

## 7. Regional Model comparisons

### Legislative Context for Shared Services

Local Governments in Western Australia are limited in their ability to enter into shared service arrangements by the Local Government Act 1995, although there are two key regional collaboration vehicles available. Firstly, Local Governments are able, with the Minister's approval, to establish a Regional Local Government to undertake Local Government functions on behalf of participating Local Governments. Secondly, Local Governments are able to establish an association incorporated under the Associations Incorporation Act 1987.

### Regional Local Governments

Regional Local Governments are formed under the Local Government Act 1995 and operate under an 'establishment agreement'. The establishment agreement must be agreed to by the Regional Local Government participants as well as the Minister for Local Government. The establishment agreement must include the purpose, membership and representation, means of determining financial contributions and procedures for winding up the Regional Local Government.

Regional Local Governments are body corporates, can open and operate bank accounts, can invest and borrow money and have the ability to make local laws.

The governing body of a Regional Local Government consists of Elected Members from the member Local Governments only. There is no scope to appoint external expertise or independent directors to the governing body.

Regional Local Governments operate in a similar legislative and compliance environment to Local Governments. Section 3.66(1) of the Local Government Act 1995 states:

- (1) Except as otherwise stated in this section, this Act and any other Act under which anything can be done for the regional purpose apply in relation to a regional local government as if-
  - (a) the participants' districts together made up a single district; and
  - (b) the regional local government were the local government established for that district.

The rest of Section 3.66 of the Act then excludes particular parts of the Local Government Act 1995 that do not apply to Regional Local Governments. Provisions that do not apply relate to districts and wards, elections, electors' meetings, rates and service charges and some other minor matters.

Consequently, most of the compliance and accountability requirements that apply to Local Governments also apply to Regional Local Governments. This can become a significant disincentive for Local Governments to establish Regional Local

Governments because any potential benefits from efficiency gains must significantly outweigh the costs associated with the Regional Local Government's compliance obligations.

#### **Incorporated Associations**

Local Governments have the ability, under the *Associations Incorporation Act 1987*, to form or take part in forming an incorporated association.

An incorporated association, formed under legislation, is a legal entity which can open bank accounts, hold and dispose of property, invest money and give securities. The governance structure of the incorporated association is defined by its constitution and its board of management may include external members.

An incorporated association must have more than five members and the *Associations Incorporation Act 1987* limits the purposes for which incorporated associations can be established. Activities of a commercial nature such as regional road construction or waste management may not be acceptable purposes.

Any profits raised by the association cannot be distributed back to members and must be utilised by the association to progress its constitutional objectives.

Further, neither an incorporated association nor its employees would be able to exercise statutory functions which are currently given to Local Government employees by the *Local Government Act 1995* and other legislation. This means that Local Government functions such as town planning, building and environmental health could not be undertaken by an incorporated association.

For these reasons the incorporated association model is not widely used by Western Australian Local Governments. Typically, where this model is used, it is for a narrow purpose such as economic development and promotion in a broad sense.

**Regional Subsidiary and Regional Local Government -  
Comparison of Collaborative Models**

Comparison	Regional Subsidiary	Regional Local Government (Regional Council)
<b>Activities</b>	Delivery of services and back office functions	Any activity that an individual local government may perform
<b>Public consultation required to establish</b>	Yes	Yes – if major land transaction or trading activity is involved
<b>Ministerial approval required to establish</b>	Yes	Yes
<b>Disclosure of interest</b>	Internal enforcement	Ministerial enforcement
<b>Compulsory financial reporting</b>	Annual budget and annual financial statement required	Full reporting obligations apply
<b>Land transactions and trading undertakings</b>	No	Yes
<b>Restriction on investment</b>	Yes	Yes
<b>Financial loans</b>	From member councils only	Yes
<b>Tender requirements</b>	Yes	Yes
<b>Board restricted to council members/ local government employees</b>	No	Yes
<b>Legal protection for actions taken in good faith</b>	Yes	Yes
<b>Board meetings</b>	As prescribed in charter	<i>Local Government Act 1995 – Part 5 Division 2</i>
<b>Committee meetings</b>	Prescribed in charter	<i>Local Government Act 1995 – Part 5 Division 2</i>

<b>Comparison</b>	<b>Regional Subsidiary</b>	<b>Regional Local Government (Regional Council)</b>
<b>Employment of staff</b>	As provided in charter	<i>Local Government Act 1995 – Part 5 Division 4</i>
<b>Minimum benefits for long service leave and superannuation</b>	As provided in charter	Long Service Leave and Superannuation Regulations apply to all staff
<b>Member councils may request information</b>	Statutory right	As provided in Establishment Agreement
<b>General public access to information</b>	Prescribed in charter	<i>Local Government Act 1995 – Part 5 Division 7</i>
<b>Freedom of Information legislation applies</b>	Yes	Yes
<b>Payments and gifts</b>	Prescribed in charter	<i>Local Government Act 1995 - Part 5 Division 8</i>
<b>Conduct of officials</b>	Prescribed in charter	<i>Local Government Act 1995 – Part 5 Division 9</i>
<b>Fees for goods/services</b>	Yes	Yes
<b>May be subject to Ministerial inquiry</b>	Yes	Yes
<b>Decisions subject to administrative review</b>	No	<i>Local Government Act 1995 – Part 9</i>

## Appendix 1 – Draft Outline of Rivers Regional Subsidiary Charter

### Purpose of Charter

The charter of a regional subsidiary serves the following purposes:

- (a) It sets out the agreement between the local governments forming the subsidiary
- (b) It is the primary governance document for the subsidiary, and
- (c) It is part of the mechanism by which the subsidiary is created as a legal entity.

### Content of Charter

The content of a regional subsidiary's charter should be determined in the way that best fits the subsidiary's circumstances.

This means the charter will need to take into account –

- The goals of the subsidiary
- The level of financial activity the subsidiary will conduct
- The complexity of the subsidiary's business structure, and
- The unexpected circumstances with which a subsidiary may need to deal.

A charter does not need to anticipate every possible contingency, but it should provide the subsidiary with sufficient powers and mechanisms to deal with any situation.

Since the form of a charter depends on a subsidiary's unique circumstances, there is no universal "model" for developing a charter.

Instead, the member local governments should consider particular issues and how they wish the subsidiary to address these issues. The following potential issues and questions can be used to guide the process.

### Powers and duties

- What are the subsidiary's goals?
  - To replace the Rivers Regional Council and act as principal under the terms of the 2015 Receipt and Processing of Waste for Resource Recovery Agreement and Participants Agreement for the Receipt and Processing of Waste for Resource Recovery (Waste Supply Agreements);
  - Co-ordinate Waste Recovery, Reuse and Disposal Education programs;
  - Develop co-operation between the Constituent Councils so as to improve waste management and recycling programmes and practices within the Region;

- Assist Councils to minimise the volume of waste collected in the areas of the Constituent Councils which is required to be disposed of by landfill;
- On behalf of the Constituent Councils or on its own behalf, to liaise with the WA Local Government Association, other Councils, the State of Western Australia, the Commonwealth of Australia and their respective instrumentalities for matters relating to Waste Management in the common interest of the Constituent Councils
- What powers does it need to achieve them?
  - Do anything necessary, expedient or incidental to performing or discharging its functions including, without limitation to:
    - Delegate the exercise of any of its functions or other powers (including the receipt and payment of money) to any person;
    - acquire, deal with and dispose of real and personal property;
    - sue and be sued in its corporate name;
    - enter into any kind of contract or arrangement;
    - establish a reserve fund or funds clearly identified for the upkeep and/or replacement of fixed assets or for meeting any deferred liability;
    - invest any surplus funds;
    - distribute surplus to the Constituent Councils;
    - enter into agreements with the Constituent Councils;
    - employ, engage, remunerate, remove, suspend or dismiss the Executive Officer;
    - open and operate bank accounts;
    - make submissions for and accept grants, subsidies and contributions to further its objects and purposes;
    - charge appropriate fees for services rendered;
    - do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.
  - If powers are needed, do they need to be limited in any way?
    - not delegate the following powers or functions:
      - to impose charges;
      - to approve expenditure of money on the works, services or operations not set out in an approved Budget;

- to adopt a Budget;
- to adopt an Annual Plan or Business Plan;
- to adopt or revise financial estimates and reports; and
- to make any application or recommendation to the Minister.
- Does the subsidiary need the ability to:
  - Employ staff? – Yes Financial Management maybe outsourced to a Member Council, but an Executive Officer independent of the Member Councils must be employed unless the Board has unanimously agreed.
  - Enter into contracts for goods and services? - Yes
  - Advertise or distribute information? – Yes
  - Operate a bank account? - Yes
  - Acquire, own and dispose of real or personal property? - Yes
  - Give security over a liability owed by the subsidiary or another entity? – No Except in accordance with the Waste Agreements
  - Delegate matters to the CEO? - Yes
  - Compete against local business? - No

### Management Board

- How many seats are on the board?
  - Seven - One representative for each participant. A natural person nominated by the CEO of the participating and intended to be the person responsible for the management of the WSA for the participating Council. Eight if Kwinana elect to join.
  - The RRS is a body corporate and is governed by its Board, which has the responsibility to manage the business and other affairs in accordance with this Charter.
- How are the members of the board appointed?
  - Nominated by the CEO of the participating Council.
- Are any qualifications required to be eligible for a position on the board?
  - Natural Person
- What outside experience is required to sit on the board?
  - Assesses as appropriate by the CEO of the participating Council

- Will the local governments have a majority of board seats under their control?
  - Yes
- Is the board limited to councillors and local government employees?
  - Yes - Local Government Employees
- Will there be deputy members?
  - Yes one Deputy
- When does a board member's term of office begin?
  - Upon receipt of written consent to act as a Director, signed by him/herself, and
  - When the nomination is accepted by the RRS CEO
- How can a term of office end?
  - Four Year Term Expires and is not reappointed.
  - Nomination withdrawn by the CEO of the participating Council.
  - The office of a Director becomes vacant if the Director:
    - dies;
    - resigns by written notice addressed to the Constituent Councils and served on any of them;
    - becomes bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
    - ceases to be an employee of that Constituent Council; or
    - was appointed by a Constituent Council, which ceases to be a Constituent Council.
- Can a board member or Deputy member be removed from their position and if so, how and when should this occur?
  - The Board may recommend to Constituent Councils CEO, that the appointment of a Director be terminated in the event of:
    - behaviour of the Director which in the opinion of the Board amounts to impropriety;
    - serious neglect of duty in attending to the responsibilities of Director;
    - breach of fiduciary duty to the Board;
    - breach of the duty of confidentiality to the Board;

- breach of the conflict of interest rules of the Board; or
  - any other behaviour which may discredit the Board.
- If certain qualifications or training are required to sit on the board, does this apply to all members equally?
  - Yes
- Will board members be paid fees, allowances or expenses?
  - No
- How will meeting procedures be determined?
  - Standing orders similar to Local Governments;
  - Quorum required;
  - Minutes kept;
  - Telephone, audio-visual or other instantaneous means ('telecommunications meeting') of a number of the Board Members is permitted;
  - Simple majority deliberative vote only.

### **Planning and Reporting**

- What level of record keeping is needed, given the financial activities of the subsidiary?
  - Full financial records, correspondence and electronic records to be kept
- Is any additional level of financial reporting necessary beyond the minimum required by legislation?
  - No
- How will this information be provided to the board and the member councils?
  - Reporting to Councils via the Board member.
  - Business Plans, Annual Budgets and Annual Reports
- What auditing is required?
  - Yes but taking into account the size and scale of the organisation this is to at the discretion of the Board.

### **Amendment of Charter**

- In what circumstances can an amendment to the charter be proposed to the Minister?

- With agreement of the Board and Constituent Councils
- If the members can propose an amendment, does it require a unanimous endorsement?
  - Yes

### Issuing Directions

- How can the member councils issue directions to the regional subsidiary?
  - In accordance with the provisions of the WSA Agreements Consultation is required but direction is not permitted where the Principal has to exercise a discretion.
- What happens if a direction is not complied with?
  - No Directions are allowed
- Under what circumstances should a direction be issued?
  - Never
- Are there any situations where a board must request a direction from the member councils rather than taking action itself?
  - No

### Dispute Resolution

- How are disputes to be solved between:
  - Member councils?
    - If the dispute involves the WSA agreement then the provisions under the Agreements will apply.
    - Otherwise the provisions of the current establishment agreement.
  - A member council and the subsidiary?
    - If the dispute involves the WSA agreement then the provisions under the Agreements will apply.
    - Otherwise the provisions of the current establishment agreement.

### Financial Contributions

- What contributions are required?
  - Fixed amount?
    - The remaining funds held by the RRC will be allocated to participants in accordance with the windup provisions of the Establishment

agreement ( average of the last 5 years tonnes) and transferred to the RRS to act as Equity/Working Capital allocations as required under the current agreements.

- To be determined periodically?
  - An amount per tonne of waste based on the adopted Budget as describing in the Agreements will apply. Based on a Budget of \$250,000 and 200,000 tonnes a charge of \$1.25 per tonne would added to the WtE Fee.
- Can obligations be changed and if so, how?
  - Only by amendment to the Agreements
- Do contributions differ between members?
  - Yes by tonnes as describing in the Agreements
- Can members make voluntary contributions and if so, does this increase their personal equity in the subsidiary?
  - Only in accordance with the Agreements
- Can emergency contributions be imposed and if so, in what circumstances?
  - Yes in accordance with the provisions of the agreements; and
  - The Board may during any year for purposes of genuine emergency or hardship determine that additional operating costs contributions are required for the continuing function of the Authority. Each Constituent Council shall contribute contributions to the amount required in proportion to that Council's waste percentage used for the last Budget
- What happens if contributions are required but not made?
  - Default provisions apply in the agreements; and
  - Any emergency contribution to operating costs shall be made by each Constituent Council within 60 days of notice in writing being given by the Board to the Chief Executive Officer of the Constituent Council, provided that if the Board so decides such payments may be made in advance by monthly instalments.

### **Use of Revenue**

- If the subsidiary obtains revenue, how should this revenue be used?
  - To offset the net operating expenditure
- Can revenue be distributed back to member councils and if so, how should this distribution occur?

- Only as a carry forward to the following years budget and then on termination in accordance with the provisions of the Agreements
- Can revenue be used to further the subsidiary's purpose and if so, what uses may be permitted?
  - As per the Budget approved by the Board
- Who will decide how the revenue is used?
  - Board when considering the Budget

### **Prevention of Insolvency**

- Are there sufficient financial records and reporting to ensure that potential insolvency can be detected in advance?
  - Yes as per the Agreements – operating costs are added to tonnes charged to participating Councils.
- Can the subsidiary operate at a loss?
  - No
- What happens when potential or actual insolvency is detected?
  - Calls on participating Councils as per the Agreements

### **Winding Up**

- When does winding up have to occur?
  - May be considered upon conclusion of responsibilities under the Agreements.
- Does the subsidiary have a fixed lifespan?
  - No sunset clause BUT future should be considered upon conclusion of responsibilities under the Agreements. Current term is 20-30 years
- Does it have a fixed objective?
  - Yes
- How are assets liquidated and distributed?
  - In accordance with termination provisions of the Agreements
- How are outstanding liabilities dealt with?
  - Settled prior to any distributions

### **Membership of the Subsidiary**

- How can members join?

- With agreement of the Board AND member constituents.
- How can members leave?
  - In accordance with the provisions of the agreements by agreement of ALL parties.
- Can members be expelled and if so, in what circumstances should this occur?
  - No
- If a member leaves the subsidiary, how is that member “paid out” for their equity in the subsidiary’s assets?
  - Negotiation as per the provisions of the Agreements
- Whose permission is required?
  - As per the Agreements – All participants

#### **Use of Subsidiary Funds**

- Who makes the decision?
  - Board
- Are there any limitations on how subsidiary funds can be used?
  - As approved by Budget
- Can subsidiaries use funds to purchase capital assets?
  - Yes

#### **Disposal of Subsidiary Assets**

- Who makes the decision?
  - Board
- Are there any limitations on when and how assets may be disposed of?
  - As per Budget
- What happens to the proceeds of sale?
  - Board determines as per Budget

#### **Code of Conduct**

- Is there a code of conduct?
  - Yes

- Who creates this code of conduct?
  - Board
- Is the code set in separate documents or policies?
  - Yes
- Can the code be amended and if so, how?
  - By the Board
- Does the code only apply to board members or does it apply to the subsidiary's employees as well?
  - Board and Employees

### **Fees and Charges**

- What kind of fees and charges can the subsidiary impose, if any?
  - As per the Agreements – administration costs of operations, Shortfall Fees, Liquidated Damages.
- Who is responsible for the decision to impose fees and charges?
  - Board
- Are there any limits on how high fees and charges may be?
  - No - As per the Budget and Agreements
- Are fees and charges to be determined on a cost recovery basis?
  - Yes
- How can established fees and charges be amended?
  - Board – amended Budget or by amending Agreements

### **Review of Charter**

- How does this occur?
  - Board discussion and constituent consultation.
- How often does it occur?
  - At least once every four years
- How is the review conducted and concluded?
  - Conducted by the Board in Consultation with Members
  - Amendments approved by Constituents and Minister

### Public advertising of charter

A draft charter can be advertised to the public for comment, but there is no direct requirement for this to occur.

Local governments should be mindful any obligations imposed by the charter will need to be reflected in the business plan which is put out for consultation.

### Independent advice

While the Minister may intervene to investigate or wind up a subsidiary in extreme situations, the Minister will not be responsible for enforcing the charter or mediating disputes between member councils.

For this reason, it is highly recommended that:

- (a) The charter is prepared by a legal practitioner, and
- (b) Each local government should only endorse the charter after obtaining independent legal and financial advice.

This will ensure that the charter is viable, enforceable and does not compromise the interests of a member council.

### Application to the Minister

The charter will need to be submitted to the Minister as part of the application to establish the regional subsidiary.

The charter should be:

- (a) Endorsed by an absolute majority of each member council
- (b) Duly executed by each member council, and
- (c) Accompanied by all necessary supporting material.

### Preliminary assessment

While the charter does not need to be submitted until the point an application is made, there are benefits to providing the charter at an earlier stage.

This will allow the department an opportunity to carry out a preliminary check of the charter to determine:

- (a) Whether it appears to comply with legislation, and

(b) Whether there are any obvious issues in the business plan which the Minister is likely to view with concern.

If any issues are identified, the department will advise the member councils so that steps can be taken to rectify or mitigate these issues. This increases the possibility that the final application will be approved.

Any preliminary check conducted by the department will be in addition to any formal assessment conducted on the final application to the Minister.

## Appendix 2 – Roles Responsibility and Delegated Authority – Rivers Regional Subsidiary

### Waste Services Agreement

			Authority
1	<i>Definitions and Terms</i>		
1.1	Notifications		CEO
	Principals Cost		CEO
	Principals Party		CEO
	Approval of Rectification Plan		Board
	Representatives of the Principal		Board
	Services to Principal Defined		CEO
	Receive Insurance Certificates		CEO
	Approve Waste Delivery Plan		CEO
	Dispute Relating to Rectification Plan		CEO
	Approve Waste Acceptance Protocol		CEO
2	<i>Financial Close and Term</i>		
2.2	Receive Key Contract Document		CEO
	Receive Regular progress Reports on Financial Close		CEO
	Grant Extensions to Financial Close		CEO
	Terminate Agreement If FC not achieved		Board
2.3	Recourse to Bank Guarantees		Board
2.4	Extend Term for up to 2 periods of five years		Board
4	<i>Overview of Services</i>		
	Review Products and Residue Management Plan	May	CEO
	Approve Facility Performance Reporting Plan	May	CEO
	Approve Community Waste Education Plan	May	CEO
	Determine reasonable requirements for 3 plans	May	CEO
5	<i>Representatives and Key Personnel</i>		
	Approval of Contractor Key Role Personnel		CEO
	Power to act for the Principal		Board
6	<i>Development of RRF</i>		
	Keep Principal informed		CEO
	Receive Copy of Commissioning Plan	5 B Days after approval	CEO
	Receive notice of commissioning tests	20 B days	CEO
	Receive notice of independent certifier	40 B Days	CEO
	Receive Notice of waste required for commissioning	60 B Days	CEO
	Ensure type & qty of waste supplied for commissioning		CEO
	Pay commissioning shortfall fee		CEO
	Receive results of commissioning		CEO
	Receive Independent certifier certificate		CEO
7	<i>Extension of Time</i>		

	Extend Practical Completion date		Board
8	<i>Conditions Precedent to Services</i>		
	Obligation to deliver waste		CEO
	Receive notice of satisfaction CP's		CEO
	Determine if services CP's satisfied	5 B Days	CEO
	Issue notice of satisfaction		CEO
9	<i>Resource Recover Services</i>		
	Procure the delivery of waste - incl Principal Party		CEO
	Approve Waste Delivery Plan (WDP)	1 Mth prior to Comm	CEO
	Approve WDP	May each Yr.	CEO
	Approve Inter Year changes to the WDP	as required	CEO
	Agree waste tonnes at RRF		CEO
	Check weighbridge calibration and license	regular intervals	CEO
	Approve arrangements if RRF unavailable		CEO
	Review Rectification Plan	10 B Days	CEO
	Notice not to deliver if RRF unavailable		CEO
11	<i>Service of Notices</i>		
	Receive notices under the agreement		CEO
12	<i>Variations to Agreement</i>		
	Approve Variations to Agreement		Board
13	<i>Invoicing and Payment</i>		
	Agree Fee to Contractor	Monthly	CEO
	Pay Fee to Contractor	30 Days	CEO
	Access shortfall fee	Quarterly	CEO
	Issue invoices to Participants	Monthly	CEO
	Dispute Contractor Invoices		CEO
	Nomination of Contractor Account Payments		CEO
14	<i>Compliance</i>		
	Direct inconsistency		Board
15	<i>Indemnity and Liability</i>		
	Hold indemnity on Trust for indemnified parties		Board
	Receive Contractor Insurance Certificates	before PC and annually	CEO
18	<i>Force majeure Event and Change of Law</i>		
	Determine Force Majeure Event		Board
	Determine Change of Law event (CoL)		Board
	Arrange financial compensation for CoL event		CEO
19	<i>Default</i>		
	Determine Contractor default		Board
	Determine Principal/Participant default		Board
	Rectify default		CEO
	Determine Cure plan		Board
20	<i>Termination of Agreement</i>		
	Terminate Agreement for default		Board
	Terminate Agreement for Force Majeure event		Board

	Terminate Agreement expiration of term	Board
21	<i>Settlement of Disputes</i>	
	Dispute Resolution - Minor	CEO
	Dispute Resolution - Major	Board
22	<i>Replacement of Principal</i>	
	Principal and Participant obligations	CEO
23	<i>Direct Deed</i>	
	Direct Deed obligations	CEO
24	<i>Miscellaneous Matters</i>	
	Approve publicity	CEO
	Approve legal costs	CEO
Annexure		
8	Waste Acceptance Protocol & Waste Delivery Plan	
	Waste Acceptance Protocol contamination disputes	CEO
	Unacceptable waste requests	CEO
<b><u>Participants Agreement</u></b>		
1	<i>Definitions</i>	
	Determine Default (BBSY) Rate	CEO
	Approve Budget of Expenses	Board
	Approve Waste Delivery (WDP)	CEO
3	<i>Delivery and Receipt of Waste</i>	
	Notify Participants - commissioning wastes	CEO
	Pay and Recover commissioning shortfall fee	CEO
	Pay and Recover commissioning liquidated damages	CEO
		1 Mth prior to
	Receive notification of optional waste	Comm
	Receive notification of optional waste	May
	Approve WDP	CEO
	Receive written confirmation of WDP	CEO
	Notify Participants - Unavailability or Force Majeure events	CEO
	Notify changes to district	CEO
	Consult with participants re Waste Acceptance Protocol	CEO
	Calculate Invoice Recover Shortfall Fee	Quarterly
	Calculate Invoice Recover Liquidated Damages	Quarterly
4	<i>Payments</i>	
	Invoice Recover Participants Fee	CEO
	Invoice Recover Administration Fee	CEO
	Invoice Recover Working Capital Fee	CEO
	Invoice Recover Setup Fee	CEO
5	<i>Unavailability of RRF</i>	
	Notification	CEO
	Elec not to deliver waste	CEO

6	<i>Force Majeure</i>		
	Notification and extension of term		CEO
	Election re Lump Sum Contribution		Board
7	<i>Liability of Participants</i>		
	Indemnification held by Principal on Trust		Board
8	<i>Replacement of the Parties and Role of Principal</i>		
	Deeds of Succession		Board
	Notice to Contractor		CEO
	Transfer working capital account		CEO
	Negotiation re Participant withdrawal		CEO
	Agreement to Participant withdrawal		Board
9	<i>Settlement of Disputes</i>		
	Receive/Deliver Notice of Disputes		CEO
	Written Response	10 days	CEO
	Meeting of parties	10 Days	CEO
	Resolve dispute	10 Days	CEO
	Notification of Loss		CEO
	Recovery of Compensation		CEO
	Enforce rights under WSA		CEO
10	<i>Insurances</i>		
	Obtain Insurance Certificates from participants	Before PC	CEO
	Obtain Insurance Certificates from participants	Annually	CEO
11	<i>Representatives</i>		
	Power to act for Principal		Board
	Record power to act for Participants		CEO
12	<i>Compliance and Decision Making</i>		
	Obtain and Maintain Approvals and Licenses		CEO
	Notification of variance		CEO
	Compliance with Safety Obligations		CEO
	Consulting Participants when exercising discretion		CEO
13	<i>Waste Service Agreement and Direct Deed</i>		
	Compliance and Notices		CEO
14	<i>Variations of Agreement Terms</i>		
	Notices and Agreement		CEO
15	<i>Service of Notices</i>		
	Receive and Serve Notices		CEO
16	<i>Entire Agreement</i>		
17	<i>Confidentiality</i>		
	Maintain confidentiality		CEO
18	<i>Set Off</i>		
	Set off amounts owed by Participants		CEO
19	<i>Publicity</i>		
	Approve publicity by all Parties		CEO
20	<i>Enforceability</i>		
	Warranties and reasonable adjustments		CEO
21	<i>Legal Costs</i>		

	Approve legal expenses	CEO
22	<i>Cumulative Rights</i>	
23	<i>Waiver Rights</i>	
24	<i>Relationship of Parties</i>	
25	<i>Shire of Murray</i>	
	Amend Committed Waste Schedule - early inclusion	CEO
26	<i>Survival</i>	

**Direct Deed**

1	<i>Definitions and Terms</i>	
	Principals Obligations	Board
2	<i>Consents and Acknowledgements</i>	
	Principal consents to security encumbrance	Board
	No default if security exercised	Board
3	<i>Undertakings</i>	
	Approval from Trustee to amend documents	CEO
4	<i>Remedy for Contractor Defaults</i>	
	Principal remedy constrained	Board
	Issue breach notice	CEO
	Issue termination notice	CEO
	Notify Trustee	3 B days CEO
	Agreement of remedy	Board
	Assessing requirements re misrepresentation default	Board
5	<i>Debt Financier Cure Plan</i>	
	Receive notice and access cure plan	CEO
	Accept cure plan	10 B days Board
6	<i>Termination of WSA</i>	
	Notification to Trustee	CEO
	Notification by Trustee	CEO
7	<i>Payments Costs and Expenses</i>	
	Notification of payment direction from Trustee	CEO
	Payment of costs by contractor	CEO
8	<i>Waste Volumes and Waste Delivery Plan</i>	
	Agreement to new tonnages - sch 4	CEO
9	<i>Assignment</i>	
	Trustee approval for amendments to WSA & PA	CEO
	Principal consent for Trustee assignment	CEO
10	<i>General</i>	
	Receive and Deliver Notices	CEO

**Supplemental Deed (Energy & Delay Costs)**

5	<i>Power Purchase Agreements</i>	
	Negotiations re Energy Supply	CEO
	Invoice and recover delay costs	CEO
	Receive election notice from contractor	25/5/2019 CEO

6	Notice to Contractor re delay Costs	Monthly	CEO
7	Invoice and recover costs		CEO