



Ordinary Council Meeting

Minutes

25 August 2016

Bunbury-Harvey Regional Council

Old Railway Station Complex

Carmody Place

Bunbury WA 6230

Western Australia

Correspondence to:

Post Office Box 21

Bunbury WA 6231

Ordinary Council Meeting Declaration of Opening

The Chairman declared the meeting open at **4:00pm**.

These Minutes are confirmed as being true and correct by Council – **RESOLUTION: OC81023-1430**

Cr Judy Jones
Chairman

Mr Tony Battersby
Chief Executive Officer

Minutes 25 August 2016

Council Members:

Member Name	Representing
Cr Judy Jones	City of Bunbury
Cr Jaysen Miguel	City of Bunbury
Cr Murray Cook	City of Bunbury
Cr Peter Monagle	Shire of Harvey
Cr Bill Adams	Shire of Harvey

Ex-officio Members (non-voting):

Member Name	Representing
Mr Tony Battersby	Chief Executive Officer (BHRC)
Mr Michael Parker	Chief Executive Officer (Shire Of Harvey)
Mr Andrew Brien	Chief Executive Officer (City of Bunbury)

Support Staff:

Name	Title
Ms Martinette Pieterse (minute taker)	Secretary
Chris Welham	Accountant

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ATTACHMENTS:

Attachment 1 - Amended Code of Conduct Policy

Attachment 2 - Organics Audit

Attachment 3 - Handling and Disposal of Asbestos Procedure

Attachment 4 - Hazardous Manual Tasks Procedure

Attachment 5 - Near Miss Reporting Procedure

Attachment 6 - Website Terms of Use - Disclaimer and Privacy

Attachment 7 - Training Manual

1. Attendances

Council Members:

Member Name	Representing
Cr Judy Jones	City of Bunbury
Cr Jaysen Miguel	City of Bunbury
Cr Murray Cook	City of Bunbury
Cr Peter Monagle	Shire of Harvey
Cr Bill Adams	Shire of Harvey

Ex-officio Members (non-voting):

Member Name	Representing
Mr Tony Battersby	Chief Executive Officer (BHRC)
Mr Scott Dandridge	Principal Environmental Health Officer (SOH)
Mr Andrew Brien	Chief Executive Officer (City of Bunbury)
Mr Gavin Harris	Director Works and Services (City of Bunbury)

Support Staff:

Name	Title
Martinette Pieterse (minute taker)	Secretary
Chris Welham	Accountant

1.1 Apologies

Michael Parker – Scott Dandridge attended meeting in his absence.

1.2 Approved Leave of Absence

Nil

2. Public Question Time

Nil

3. Summary of Response to previous Questions taken on notice

Nil

4. Applications for Leave of absence

Nil

2. Capital Works (attached at Appendix 4)			
• Year-to-date capital expenditure	0	0	0
3. Balance Sheet (attached at Appendix 5)			
• Current Assets of \$7,441,054 includes:		Actual	
o Cash and Cash Equivalents		7,112,392	
o Trade and Other Receivables		326,702	
o Prepayments		0	
o Inventories		1,960	
• Current Liabilities of \$241,897 includes:			
o Trade and Other Payables		98,968	
o Provisions		142,929	
• Working Capital (Current Assets <i>less</i> Current Liabilities) is		7,199,157	
• Equity (Total Assets <i>less</i> Total Liabilities) is		10,234,893	
• Reserves of \$6,273,886 includes;			
o Plant and Infrastructure Reserve		333,520	
o Site Post Closure Rehabilitation Reserve		3,704,033	
o Waste Minimisation Reserve		703,399	
o Stanley Road Lined Cell Construction Reserve		527,229	
o Site Acquisition and Investigation Reserve		1,005,705	
4. Investments			
• Total of \$6,959,919 includes;			
o BankWest		1,020,552	
o Commonwealth Bank		452,908	
o National Australia Bank		5,486,459	

Background

A financial management report is provided to Councillors on a monthly basis which includes the following summaries:

- Statement of Comprehensive Income (**attached** at Appendix 1)
- Banksia Road Operations (**attached** at Appendix 2)
- Statement of Financial Activity (**attached** at Appendix 3)
- Capital Works Expenditure Summary (**attached** at Appendix 4)
- Balance Sheet Summary (**attached** at Appendix 5)
- Statement of Net Current Assets (**attached** at Appendix 6)
- Fees and Charges Summary (**attached** at Appendix 7)
- Debtors Report (**attached** at Appendix 8)

Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (Attached at Appendix 3) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

Strategic Implications

Nil

Policy Implications

Nil

Voting Requirement

Simple Majority

Officer Recommendation

Council Decision: **Moved:** Cr Bill Adams **Seconded:** Cr Jaysen Miguel

That the attached summary of accounts paid for July 2016 be received.

CARRIED

5/0

RESOLUTION: OC81023-1417

11.3 AMENDED – Code of Conduct Policy

Reporting Officer: Tony Battersby, Chief Executive Officer
File Number: -
Attachments: **Attachment 1:** Amended Code of Conduct Policy

Précis

The intent of this policy is in accordance with section 5.103 of the *Local Government Act 1995*, every local government is to prepare or adopt a code of conduct to be observed by Elected Members, Committee Members and Employees.

The Bunbury Harvey Regional Council (BHRC) Code of Conduct (the Code) has been prepared for this purpose and ensures the roles and responsibilities of Elected Members, Committee Members and Employees are understood and respected.

The Code of Conduct applies to every Elected Member, Committee Member and employee of the BHRC, whom must comply with the applicable provisions of this Code of Conduct. This Code does not override or affect those provisions or requirements.

The Code must be read in conjunction with the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007*, *Local Government (Administration) Regulations 1996* and other legislation that affect Elected Members, Committee Members and Employees in performing their roles and duties.

If any part of this Code of Conduct in any way conflicts with any provisions of the *Local Government Act 1995* as amended, or any regulations made there under or with any specific policy or decision of Council then, the latter shall prevail if such part cannot be read above so as to confirm with the Act, regulation or policy.

Background

The BHRC adopted the 2016 Code of Conduct at its ordinary Meeting of Council on the 31 March 2016 Resolution # OC 81023-1384. The amended Code of Conduct is presented to Council for adoption due to a Local Government amendment as follows:

12. General Business

12.1 Operational Update – July 2016

- **Stanley Road Expansion**

Closure and Post-Closure Management Plan was submitted to the DER prior to the closing date of 1 February 2016 - **Awaiting DER response.**

Phase 2 – Hydrogeological works and Geotechnical Investigation commenced with additional groundwater monitoring bores completed. Quotation on final landfill cells designs works to be sourced – on hold awaiting DER response.

Met with the DER on the 7 June to discuss licence amendments, closure and post-closure including future lined cell construction. Meeting went well with verbal approval given to southern foot print extension and capping for first three stages. DER has asked for gabion wall design drawings and the hydrogeological report, once these have been reviewed by DER then they will give written approval.

Further licence amendment and approvals for lined cells will be considered at a later date, the first stage of approvals will give an additional three years of landfilling.

Hydrogeological Phase 2 report and modelling has been completed and presented to the DER as part of the licence amendment approvals. In addition a report on the Preliminary Design of Gabion Wall was completed and presented to the DER. Both reports are available Council viewing if requested, Hydrogeological report is over 300 pages.

Awaiting on DER for official response to amendments, verbally DER have commented that they are currently drafting amended licence.

- **Compost Site Relocation**

Awaiting on the DER new Environmental Standards for Composting to be released which will include the required buffer distances for new compost facilities – Still waiting.

- **Organics Audit**

As per attachment (Very Good Results) – **Attachment 2**

Cr Jones requests that Andrew Brien forward the report to Councillors.

- **Stanley Road Groundwater Monitoring**

First round of groundwater monitoring completed by Hydro Solutions, new monitoring bores south of site have been vandalised making it impossible for Hydro Solutions to test. Attempts are currently being made to clear all debris from each of the bores. Locks have been secured to caps of bores to try and prevent further vandalism.

Cr Jones requests that the event gets reported to the Police and to DER and Tony to report back to Council on findings.

- **Stanley Road Administration Complex**

Chris Coates consultant engineer doing site drawings and specifications including bushfire prone planning requirements and Veen's Design Drafting Services doing architects drawings and plans for

administration complex tender. Tender to include all services i.e. septic, car park, retainer walls, paving, power supply etc. and will have allowances for new or second hand building.

Waiting on licence amendment from DER to be able to confidently proceed with project.

- **Yarloop Fire Waste Disposal**

Met with an Officer from Entech Risk Consultant (company contracted to coordinate Yarloop fire clean up) on Tuesday 26 April 2016 to discuss options of waste from Yarloop going to Stanley Road. Toxfree have advised of being successful tenderer for part of waste. Toxfree will commence waste disposal at the Stanley Road Waste Facility starting Monday 25 July 2016, quantities unknown.

As of 1pm Friday 19 August 2016 1,895 tonnes of asbestos contaminated soil had been delivered to Stanley Road Waste Facility.

- **Landfill Compactor Replacement Tender**

Call for tenders for purchase of new Landfill Compactor and sale of old Landfill Compactor are currently being advertised and will be presented to Council at its September 2016 Ordinary Council meeting.

- **Handling and Disposal of Asbestos Procedure**

The attached Handling and Disposal of Asbestos procedure is for Council information – **Attachment 3**

- **Hazardous Manual Tasks Procedure**

The attached Hazardous Manual Tasks procedure is for Council information – **Attachment 4**

- **Near Miss Reporting Procedure**

The attached Near Miss Reporting procedure is for Council information – **Attachment 5**

Council approve and adopt Handling and Disposal of Asbestos, Hazardous Manual Tasks and Near Miss Reporting Procedures.

Council Decision:

Moved: Cr Peter Monagle

Second: Cr Bill Adams

CARRIED

5/0

RESOLUTION: OC81023-1419

- **Web Site – Terms of Use – Disclaimer and Privacy**

The attached Web Site terms of use, disclaimer and privacy is for Council information – **Attachment 6**

- **Staff Matters**

Staff has been offered seasonal flu shots through the LGIS scheme – **Completed**

Staff has been offered seasonal skin cancer screening through the LGIS scheme – **Completed**

Member of Public arrived at the meeting 4:16pm.

Enterprise Bargaining Agreement completed, voting results 14 (Yes) – 0 (No) out of a possible 16. Agreement sent to Fair Work Commission for ratification. All BHRC staff contracts and position descriptions will be updated to reflect the new EBA.

Staff Training – Household Hazardous Waste training – **Completed**

Training Manual – How to Identify Hazards is for Council information – **Attachment 7**

Annual Leave – Jack Stidworthy 19/08/2016 to 5/09/2016.

13. **Confidential Reports**

13.1 **Matters for which the Meeting may be Closed**

This report is confidential in accordance with section 5.23(2)(e) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

- (e) *a matter that if disclosed, would reveal –*
- i. a trade secret; or*
 - ii. information that has a commercial value to a person; or*
 - iii. information about the business, professional, commercial or financial affairs of a person,*

where the trade secret or information is held by, or is about, a person other than the local government; and

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report). The report is not for circulation.

Recommendation

In accordance with section 5.23(2) of the *Local Government Act 1995*, Council resolves to close the meeting to members of the public to consider the item titled “*13.1.1 Chief Executive Officer Probation Review*”.

Outcome – Council Meeting 25 August 2016

The recommendation (as printed) was moved Cr Miguel, seconded Cr Adams and Tony Battersby, Martinette Pieterse and members of the public were asked to leave meeting.

The Chair put the motion to the vote and it was adopted to become the Council’s decision on the matter.

Council Decision: OC81023-1420

In accordance with section 5.23(2) of the Local Government Act 1995, Council resolves to close the meeting to members of the public to consider the item titled “13.1.1 Chief Executive Officer Probation Review”.

CARRIED
5 votes “for” / Nil votes “against”

The meeting was closed to members of the public at 4:20pm.

13.1.1 Chief Executive Officer Probation Review

Applicant/Proponent: Council
Reporting Officer/Author: Cr Judy Jones, Chairperson
Executive: Andrew Brien, Chief Executive Officer (City of Bunbury)
Attachments: Nil

This report is confidential in accordance with section 5.23(2)(a) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

(a) *a matter affecting an employee or employees;*

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report). The report is not for circulation.

Outcome – Council Meeting 25 August 2016

The recommendation (as printed) was moved Cr Adams, seconded Cr Cook.

The Chair put the motion to the vote and it was adopted to become the Council’s decision on the matter.

Council Decision: OC81023-1421

Performance Based Contract – Council to note that:

- 1. The CEO has satisfactorily completed the probationary period, confirm the appointment as CEO.***
- 2. The Chair to provide the CEO with a list of specific strategies and actions to be addressed over the next three (3) months (by November 2016).***
- 3. An annual review be completed at the end of the twelve (12) month period (CEO to arrange for November).***

CARRIED
5 votes “for” / Nil votes “against”

13.2 Reopening of Meeting to Members of the Public

Cr Miguel moved and Cr Cook seconded that the meeting be reopened to the members of the public.

The Chair put the motion to the vote and it was adopted to become the Council’s decision on the matter.

Council Decision: OC81023-1422

Council resolves that the meeting be reopened to Council Officers and Members of the public.

CARRIED
5 votes “for” / Nil votes “against”

The meeting was reopened to the council officers and public at 4:35pm.

14. Notice of Motion

Nil

15. Next Meeting

To be held on Thursday 22 September 2016 at the Shire of Harvey Council Chambers, Mulgara Street, Australind, commencing at 4:00pm.

16. Close of Meeting

The Presiding Member closed the meeting at **4:45pm**.