



Ordinary Council Meeting

Minutes

26 April 2018

Open Council Meetings – Procedures

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting under “public question time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the Council.

Undersigned

Chief Executive Officer

Bunbury-Harvey Regional Council
Lot 45 Stanley Road, Wellesley
Western Australia 6233

Correspondence to:
Post Office Box 111
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ATTACHMENTS

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Attachment 2	-	Summary of Accounts Paid for the Period Ending 31 March 2018
Attachment 3	-	ATR BHRC Wording Final Draft
Attachment 4	-	ATR BHRC MAP DP413526 lodged [18447]
Attachment 5	-	Clearing CPS5394.4 and Licence 8949.2016.1
Attachment 6	-	Associated offset areas for CPS5394.4 and Licence 8949.2016.1
Attachment 7	-	Environmental Management DRAFT
Attachment 8	-	CONFIDENTIAL ITEM – CEO Performance Review 2017
Attachment 9	-	Health and Safety Meeting Minutes April 2018 – INFORMATION ONLY

Vision

To be a leader in the development, implementation and maintenance of innovative and sustainable waste reduction, recycling and collection services while managing waste facilities with best practice standards within an engaged community.

Mission

To ensure the delivery of an integrated, cost-effective and environmentally sound waste management system and to promote sustainable community programs and policies. Intergenerational equity – ensuring that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

Core Values

The Bunbury-Harvey Regional Council aspires to act in accordance with the following values in all its decisions and actions:

Leadership: with good leadership, employee wellbeing and performance are enhanced and consequently the organisation thrives and prospers. Leadership is a critical determinant of organisational effectiveness empowering people to help create change. This means that the essence of leadership is building and maintaining a team and guiding that team towards desired results.

Team Work: a team environment demands that you make responsible decisions; it requires you to take charge. It requires you to develop excellent interpersonal skills to interact at a much different level with your team members.

Integrity: acting with a level of trust, respect, honesty, hard work, communication and shared responsibility that is exhibited by its people.

Accountability: ensuring the collection and management of solid waste and recovered materials in an environmentally sound manner and in accordance with regulatory requirements and the Department of Water and Environment Regulation Licence Conditions.

Respect: 'respect yourself', 'respect others' and 'respect our environment'.

Innovation: embracing new and better ways to achieve improved results through creativity, inventiveness, teamwork and the adoption of appropriate new processes and technology.

Bunbury-Harvey Regional Council

Minutes

Minutes of the Ordinary Meeting of the Bunbury-Harvey Regional Council held in the Shire of Harvey Council Chambers, Administration Building, 7 Mulgara Street, Australind on Thursday, 26 April 2018 at 4:00pm.

MINUTES

1. Declaration of Opening / Announcement of Visitors

The meeting was declared open by Presiding Member Cr Murray Cook at 4:00pm.

These Minutes were confirmed as being true and correct by Council on [Click here to enter a date.](#) by Council Resolution: [Click here to enter text.](#)

Cr Murray Cook
Chairperson

Mr Tony Battersby
Chief Executive Officer

2. Attendances

Council Members:	Representing
Cr Murray Cook (Chairperson)	City of Bunbury
Cr Anita Shortland (Deputy Chairperson)	Shire of Harvey
Cr Betty McCleary	City of Bunbury
Cr Treslyn Smith	City of Bunbury
Cr Peter Monagle	Shire of Harvey
Executive Leadership Team (Non-Voting)	Representing
Mr Tony Battersby	Chief Executive Officer (BHRC)
Mr Michael Parker	Chief Executive Officer (Shire of Harvey)
Officers (Non-Voting)	Representing
Ms Aileen Clemens	Manager Waste Operations (City of Bunbury)
Chris Welham	Accountant
Ms Kate Shaw	Council Meeting Support Officer
Others(Non-Voting)	Representing

2.1 Apologies

Cr James Hayward (City of Bunbury)
Gavin Harris (Director Works and Services - City of Bunbury)
Mal Osborne (Chief Executive Officer - City of Bunbury)

3. Public Question Time

NIL

4. Summary of Response to previous Questions taken on notice

NIL

5. Applications for Leave of Absence

NIL

6. Confirmation of Minutes

The minutes of the Ordinary meeting of Council held on 22 March 2018, are confirmed as a true accurate record.

COUNCIL DECISION:

MOVED BY: Cr Peter Monagle

SECONDED BY: Cr Betty McCleary

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC260418-1529

7. Petitions / Memorials / Presentations

NIL

8. Declarations of Interests

Tony Battersby (CEO) declared interest in Agenda Item 14.1 and will need to leave the room when item are being discussed.

9. Announcements (by the presiding member without discussion)

NIL

10. Reports of Committees

NIL

11. Reports of Officers

11.1 Financial Statements for the period ending 31 March 2018

Applicant / Proponent:	Internal			
Responsible Officer:	Chris Welham, Accountant			
Responsible Manager:	David Ransom, Manager Finance			
Executive:	Tony Battersby, Chief Executive Officer			
Authority / Discretion:	Advocacy	<input checked="" type="checkbox"/>	Review	<input type="checkbox"/>
	Executive/Strategic	<input checked="" type="checkbox"/>	Quasi-Judicial	<input type="checkbox"/>
	Legislative	<input checked="" type="checkbox"/>	Information Purposes	<input type="checkbox"/>
Attachment(s):	Attachment 1 – Financial Statements for the Period Ending 31 March 2018 (Appendices 1 – 8)			

Summary

The following comments are provided on the key elements of Council's Financial Performance:

1. Statement of Comprehensive Income (**attached at Appendix 1**)
 - a. Year-to-date Financial Performance to 31 March 2018

	ACTUAL	BUDGET	VARIANCE	
• Year-to-date Income	2,944,482	2,891,671	52,811	Favourable
• Year-to-date Expenditure	(2,869,345)	(2,875,360)	6,015	Favourable
• Year-to-date Operating Surplus	75,137	16,311	58,826	Favourable

2. Statement of Financial Activity (**attached at Appendix 3**)

Closing Funding Surplus to 30 June 2018 is forecast at \$137,422 being \$8,698 more than the Budgeted Closing Surplus.

3. Capital Works (**attached at Appendix 4**)

	ACTUAL	BUDGET	VARIANCE	
• Year-to-date Capital Expenditure	(1,036,937)	(1,033,362)	3,575	Unfavourable

4. Statement of Financial Position (**attached at Appendix 5**)

• Current Assets of \$6,463,179 includes:	Year-to-date	Forecast
○ Cash and Cash Equivalents	6,106,418	3,377,926
○ Trade and Other Receivables	348,233	294,462
○ Prepayments	7,416	1,787
○ Inventories	1,112	2,000

Current Liabilities of \$388,715 includes:		
○ Trade and Other Payables	150,280	208,226
○ Provisions	247,061	180,489

• Working Capital (Current Assets less Current Liabilities) is:	6,065,838	3,287,460
• Equity (Total Assets less Total Liabilities) is	10,805,736	9,326,584
• Reserves of \$4,383,746 includes:		
○ Plant and Infrastructure Reserve	215,655	809,408
○ Site Post Closure Rehabilitation Reserve	2,313,406	1,388,482
○ Waste Minimisation Reserve	260,200	368,384
○ Stanley Road Lined Cell Construction Reserve	548,059	555,018
○ Organics Processing Reserve	1,046,426	28,747

5. Investments

Total of \$6,029,330 includes:			
	Invested Funds \$	% of Total Funds	Max % of Total Funds Allowed
○ Bankwest	681,242	11	50
○ Commonwealth Bank	585,672	10	75
○ National Australia Bank	2,652,379	44	75
○ Westpac	2,110,037	35	75
TOTAL:	6,029,330	100	

Funds which are not required for payment of creditors are invested in interest bearing Term Deposits for 1 to 3 months. Quotations are obtained to ensure the best interest rate is received. Interest earnings are shown in the financial statements.

Executive Recommendation

That Council:

Receive and accept the Financial Statements for period ending 31 March 2018 as presented to Council.

COUNCIL DECISION:

MOVED BY: Cr Betty McCleary

SECONDED BY: Cr Anita Shortland

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC260418-1530

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)**
- Statement of Financial Position **(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 Regulations 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.

At the Council Meeting on 27 July 2017, Council adopted that a variance between actual and budget-to-date of greater than or equal to 10% and \$15,000, is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2017/18.

The following is an explanation of significant variances identified in the Statement of Comprehensive Income and the Statement of Financial Activity:

Statement of Comprehensive Income	YTD Actual to YTD Budget Variance
Interest Earnings	
Interest Earnings - Unfavourable compared to year-to-date budget due to lower than expected interest rates being received.	(\$21,602) (18%)
Other Revenue	
Insurance Reimbursements – Favourable year-to-date budget variance due to receipt of successful break-in claim and ongoing workers compensation reimbursements.	\$20,371 53%
Landfill Levy Income - Favourable compared to year-to-date budget due to a favourable increase in casual tipping fees from outside the Bunbury-Harvey Region.	\$16,243 9%

Employee Costs	
Waste Transfer Station – Year-to-date expenditure exceeds the original budget. The total employee cost variance is within budget tolerances due to savings in administration and site rehabilitation employee costs.	(\$27,180) (13%)
Earthworks Operations – Year-to-date expenditure exceeds the original budget. This is largely due to workers compensation wages paid which will be fully reimbursed from our insurers. The total employee cost variance is within budget tolerances due to savings in administration and site rehabilitation employee costs.	(\$24,566) (12%)
Site Rehabilitation - Year-to-date expenditure is less than the original budget. Site Rehabilitation expenditure is expected to achieve budget by the end of the financial year.	\$45,149 40%
Organics Expenditure - Year-to-date expenditure exceeds the original budget. The total employee cost variance is within budget tolerances due to savings in administration and site rehabilitation employee costs.	(\$17,937) (14%)
Materials and Contracts	
Organics Expenditure - There have been savings compared to budget due to the reduction in tipping volumes.	\$28,625 20%
Earthworks Operations - Favourable year-to-date budget variance due to savings in repairs and maintenance of plant.	\$38,146 22%
Other Expenditure	
Landfill Levy – Unfavourable compared to year-to-date budget due to an increase in causal tipping fees from outside the Bunbury-Harvey Region. Landfill levy costs are fully covered by levy income received from customers.	(43,529) (33%)
Statement of Financial Activity	
Operating Revenues by Nature and Type	
Interest Earnings – Unfavourable variance. See explanation above included in the Statement of Comprehensive Income variances.	(\$21,602) (18%)
Other Revenue – Favourable variance. See explanation above included in the Statement of Comprehensive Income variances.	\$39,989 15%

11.2 [Summary of Accounts paid for period ending 31 March 2018](#)

Applicant / Proponent:	Internal			
Responsible Officer:	Chris Welham, Accountant			
Responsible Manager:	David Ransom, Manager Finance			
Executive:	Tony Battersby, Chief Executive Officer			
Authority / Discretion:	Advocacy	<input checked="" type="checkbox"/>	Review	<input type="checkbox"/>
	Executive/Strategic	<input checked="" type="checkbox"/>	Quasi-Judicial	<input type="checkbox"/>
	Legislative	<input checked="" type="checkbox"/>	Information Purposes	<input type="checkbox"/>
Attachment(s):	Attachment 2 - Summary of Accounts paid for period ending 31 March 2018			

Summary

Section 13 (2) of Government (Financial Management) Regulations 1996 require that where Local Government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing detail for each account paid since such list was prepared. This item is presented to Council to advice of payments made for 31 March 2018

Officer Recommendation

That Council:

Receive and accept the Summary of Accounts paid for period ending 31 March 2018 as presented to Council.

COUNCIL DECISION:

MOVED BY: Cr Anita Shortland

SECONDED BY: Cr Peter Monagle

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC260418-1531

Background

As noted in Summary.

Officer Comment

The attachment details all payments made for 31 March 2018

Consultation

Nil

Financial Implications

As per the declaration within the schedule summary, the accounts have been checked and are fully supported by vouchers and invoices and which have been duly certified as to the receipt of goods and the rendition of service and as to prices, computation and costing(s). Sufficient allocations are contained within the 2017/2018 budget to cover payment of the accounts.

Statutory Environment

Sections 12 and 13 of the Local Government (Financial Management) Regulations 1996 Apply.

Strategic Implications

Nil

Policy Implications

Nil

Voting Requirement

Simple Majority

11.3 Application – Clearing of Native Vegetation at Stanley Road Waste Management Facility

Applicant / Proponent:	Internal			
Responsible Officer:	Kate Shaw			
Executive:	Tony Battersby, Chief Executive Officer			
Authority / Discretion:	Advocacy	<input checked="" type="checkbox"/>	Review	<input type="checkbox"/>
	Executive/Strategic	<input checked="" type="checkbox"/>	Quasi-Judicial	<input type="checkbox"/>
	Legislative	<input checked="" type="checkbox"/>	Information Purposes	<input type="checkbox"/>
Attachment(s):	Attachment 3 - ATR BHRC Wording Final Draft Attachment 4 - ATR BHRC MAP DP413526 lodged [18447] Attachment 5 - clearing CPS5394.4 and Licence 8949.2016.1 Attachment 6 - associated offset areas for CPS5394.4 and Licence 8949.2016.1			

Summary

The Bunbury Harvey Regional Council is required to provide offset areas under an Agreement to Reserve to compensate for clearing associated with clearing permit CPS 5394/4 and licence L8949/2016/1 by 30 June 2018.

Officer Recommendation

That Council:

That Council endorses the implementation of an Agreement to Reserve in perpetuity of native vegetation as highlighted in Attachment 6, comprising two areas of land containing 6 hectares and 12 hectares respectively (total 18 hectares) along the eastern edge of lot 45 Stanley Road, Waste Management Facility under Section 30B of the Soil and Land Conservation Act 1945, as per Attachment 3 and 4, subject to the agreement of the landholders, the City of Bunbury and the Shire of Harvey.

COUNCIL DECISION:

MOVED BY: Cr Treslyn Smith

SECONDED BY: Cr Betty McCleary

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC260418-1532

Background

Bunbury Harvey Regional Council has been approved clearing permits under Clearing Permit CPS 5394/4 and amendment to Licence 8949/2016/1 (identified in Attachment 5). A condition of the clearing permit being granted is that BHRC is required to enter into a conservation covenant agreement to reserve or some other form of binding agreement to maintain native vegetation.

Clearing permit CPS 5394/4 relates to 6 hectares being cleared for the purpose of daily cover for a rubbish disposal site and rehabilitation. An offset of 12 hectares (ratio 1:2) is required to compensate for this clearing.

In relation to the Licence 8949/2016/1, clearing of 1.7 hectares was granted for the purpose of expanding the landfill footprint to enable closure works to be undertaken and storm water management. An offset of 6 hectares (ratio 1:3.53) is required to compensate for this clearing.

To implement the offset condition requires the BHRC to enter into an Agreement to Reserve under the Soil and Land Conservation Act to conserve a total of 18 hectares along the eastern boundary of Stanley Road Waste Management Facility for perpetuity. A document to this effect has been provided under Attachment 3 and Attachment 4.

Once finalised the Agreement to Reserve will be registered on the Certificate of Title to the subject Land by Memorial.

The original clearing permit CPS 5394/4 to offset clearing of 6 hectares with 12 hectares was considered and endorsed by the Member Councils on the following dates;

- City of Bunbury, 17 September 2013, resolution number 294/13
- Shire of Harvey, 1 October 2013, resolution number 13/306

Officer Comment

The agreement of the member Councils, as landowners needs to be obtained, noting that their previous decisions did not include the 6 hectares relating to License 8949/2016/1.

Consultation

Member Councils City of Bunbury and Shire of Harvey

Financial Implications

As per adopted annual budget for operational requirements as per the Agreement to Reserve

Statutory Environment

- Environmental Protection Act 1986 and Regulations including:
 - Clearing of Native Vegetation
- Department of Water and Environmental Regulations (DWER) Licence L8949/2016/1
- Commonwealth Environment Protection and Biodiversity Conservation Act 1999
- Government of Western Australia WA Environmental Offsets Policy
- Section 30B and 30C of the Soil and Land Conservation Act 1945
- Clause 6.01 of the original Deed of Lease between the City of Bunbury/ Shire of Harvey, as the lessor and the BHRC, requires the lessor's consent in writing prior to alterations to the demised premises:

Strategic Implications

As per BHRC Strategic Community Plan 2016

Policy Implications

Not applicable

Voting Requirement

Simple Majority

11.4 DRAFT - Environmental Management Plan

Applicant / Proponent:	Internal			
Responsible Officer:	Tony Battersby, Chief Executive Officer			
Responsible Manager:	-			
Executive:	Tony Battersby, Chief Executive Officer			
Authority / Discretion:	Advocacy	<input checked="" type="checkbox"/>	Review	<input type="checkbox"/>
	Executive/Strategic	<input checked="" type="checkbox"/>	Quasi-Judicial	<input type="checkbox"/>
	Legislative	<input checked="" type="checkbox"/>	Information Purposes	<input type="checkbox"/>
Attachment(s):	Attachment 7 – DRAFT Environmental Management Plan			

Summary

The objective of this Environmental Management Plan is to develop a systematic management approach to the environmental concerns of the BHRC and to comply with ISO 14001 Environmental Management Systems and relevant Department of Water and Environment Regulations legislation. The expected outcome of this approach is *continual improvement* in environmental management and to ensure that BHRC are managing the impacts and risks associated with the SRWMF to an acceptable standard, while ensuring compliance with the conditions of the environmental licence. The EMP encompasses environmental management strategies and mitigation measures for all activities conducted on the SRWMF site. The EMP structure includes the following sections:

- Waste management facility description;
- Environmental management system – description of system for facility and linkage to policies;

- Environmental aspects, impacts and risk assessment – description and analysis of impacts and risk associated with the facility operation;
- Environmental management and mitigation – management plans to mitigate the impacts and risks of the facility; and
- Environmental Monitoring – To ensure that operations on site do not cause detrimental environmental impacts.

Officer Recommendation

That Council:

Adopt the Environmental Management Plan as detailed in attachment 7.

COUNCIL DECISION:

MOVED BY: Cr Peter Monagle

SECONDED BY: Cr Betty McCleary

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC260418-1533

Background

BHRC is committed to environmental sustainability and understands that our actions are important to our staff, customers, visitors as well as our business outcomes and will ensure that its environmental policy, operational procedures and maintenance methods are understood, implemented and maintained by staff, contractors and subcontractors at all levels involved with the operations.

The BHRC has not previously adopted an Environmental Management Plan.

Consultation

Nil

Financial Implications

As adopted in annual budget.

Statutory Environment

- Environmental Protection Act 1986 and Regulations including:
 - Clearing of Native Vegetation
 - Controlled Waste
 - Noise Protection
 - Unauthorised Discharge
- Contaminated Sites Act
- Department of Water and Environmental Regulations (DWER) Licence L8949/2016/1
- ISO 14001 Environmental Managements Systems
- Waste Avoidance and Resource Recovery Act and Regulations
- Freedom of Information
- Local Government Act and Regulations including:
 - Compliance Framework
 - Financial Management
 - Functions and General
- Occupational Safety and Health Act and Regulations

Strategic Implications

Discussed in the body of the Report

Policy Implication

As discussed in the body of the Report.

Voting Requirement

Simple Majority

12. Elected Member motions of which previous notice has been given

NIL

13. Urgent business approved by the person presiding or by decision of the Council

NIL

14. Confidential Business (Meeting Closed to the Public)

14.1 CEO Performance Review 2017

Applicant / Proponent:	CEO Performance Review Committee (Cr Murray Cook, Cr Anita Shortland and Cr Peter Monagle)			
Executive:	Tony Battersby, Chief Executive Officer			
Authority / Discretion:	Advocacy	<input checked="" type="checkbox"/>	Review	<input checked="" type="checkbox"/>
	Executive/Strategic	<input checked="" type="checkbox"/>	Quasi-Judicial	<input type="checkbox"/>
	Legislative	<input checked="" type="checkbox"/>	Information Purposes	<input type="checkbox"/>
Attachment(s):	Attachment 8 – CONFIDENTIAL (Performance Review 2017, 2018 Targets)			

This matter was discussed under a separate cover.

Council request that Tony Battersby, Kate Shaw, Chris Welham, Michael Parker, Aileen Clemens to step out of room, in order to discuss the matter in confidence (4:05pm).

Council move that members step out while confidential report is being discussed.

COUNCIL DECISION:

MOVED BY: Cr Peter Monagle

SECONDED BY: Cr Betty McCleary

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC260418-1534

Review Committee Recommendation

1. That Council notes and endorses the CEO Performance Review Committee findings, as outlined in “Councillor Comments” below, for the 2017 calendar year.
2. That Council notes and endorses the CEO Performance Review Committee recommendations for the 2018 Key Performance Indicator (KPI) targets.
3. That Council approve a Total Reward Package increase of 2% and that the change be back dated to the CEO’s employment anniversary of 2 November 2017.

4. Given that the CEO's contract expires on 2 November 2018, Council tasks the CEO Performance Review Committee with commencing contract negotiations with the CEO and report back to Council with their recommendation/s.

****Voting Requirements: Absolute Majority (item 3)***

COUNCIL DECISION:

MOVED BY: Cr Betty McCleary

SECONDED BY: Cr Peter Monagle

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC260418-1535

Council finished discussion and call members back into meeting room (4:12pm).

COUNCIL DECISION:

MOVED BY: Cr Peter Monagle

SECONDED BY: Cr Treslyn Smith

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC260418-1536

15. Next Meeting

The meeting is scheduled for Thursday, 24 May 2018 at the Shire of Harvey Council Chambers, 7 Mulgara Street, Australind, commencing at 4:00pm.

16. Close of Meeting

The Presiding Member declares meeting closed at 4:14pm.