



Ordinary Council Meeting

Minutes

30 May 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
Australind WA 6233

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VISION

To develop, implement and maintain innovative and sustainable waste reduction, recycling and landfilling services while managing waste facilities with best practice standards for the councils of the Wellington Region and beyond.

To provide sustainable waste minimisation, recycling and alternative waste treatment services to an informed community while reducing the environmental impact of waste and maximising the conservation of natural resources through reduced material use and increased resource recovery

MISSION

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

Reduce the environmental impact of waste and maximise conservation of natural resources through reduced overall material use and increased materials and energy recovery.

VALUES

Excellence:

To provide best practice facilities and waste services to our community through the development of quality controls and continuous improvements.

Leadership:

Having a clear vision and direction, that engages with key stakeholders and our community.

Integrity:

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

Accountability:

To ensure 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 Environmental Regulation licence conditions.

Innovation:

Embrace new and better ways to achieve improved results through creativity, inventiveness and teamwork.

Respect

We value diversity and respect and are committed to work towards integrating the principles of Equal Employment Opportunity and ensure that the work environment is free from harassment and discrimination. We value and respect all members of our community.



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, 30 May 2019 at 4:00pm.

Minutes

1. Declaration of Opening / Announcement of Visitors

The meeting was declared open by Deputy Presiding Member Cr Anita Shortland at 4:00pm.

These Minutes were confirmed as being true and correct by Council on 27 June 2019 by Council Resolution: OC270619-1611

Cr Anita Shortland
Deputy Chairperson

Mr Tony Battersby
Chief Executive Officer

2. Attendances

Council Members:	Representing
Cr Anita Shortland (Deputy Chairperson)	Shire of Harvey
Cr Tresslyn Smith	City of Bunbury
Cr Betty McCleary	City of Bunbury
Cr James Hayward	City of Bunbury
Cr Peter Monagle	Shire of Harvey
Executive Leadership Team (Non-Voting)	Representing
Mr Tony Battersby	Chief Executive Officer (BHRC)
Ms Annie Riordan	Chief Executive Officer (Shire of Harvey)
Mr Mal Osborne	Chief Executive Officer (City of Bunbury)
Officers (Non-Voting)	Representing
Mr Gavin Harris	City of Bunbury – Director Works and Services
Mr Chris Welham	Accountant
Miss Martinette Pieterse	Council Meeting Support Officer
Others(Non-Voting)	Representing

2.1 Apologies

Cr Murray Cook – 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 2 May 2019, are confirmed as a true accurate record.

MOVED BY: Cr Betty McCleary

SECONDED BY: Cr Peter Monagle

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC300519-1604

7. Petitions / Memorials / Presentations

Nil

8. Declarations of Interests

Nil

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 30 April 2019

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 Period Ending 30 April 2019 (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 30 April 2019

	ACTUAL	BUDGET	VARIANCE	
• Year-to-date Income	3,229,312	3,429,042	(199,730)	unfavourable
• Year-to-date Expenditure	(3,804,344)	(3,757,066)	(47,278)	unfavourable
• Year-to-date Operating Surplus	(575,033)	(328,024)	(247,009)	unfavourable

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

Closing Funding Surplus to 30 June 2019 is forecast at \$323,100. The Budgeted Closing Surplus amount of \$399,834 has been decreased by \$76,734 for increased insurance and parental leave reimbursements received and paid reduced depreciation and carried forward capital expenditure, and a reduction in transfers from reserve.

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

	ACTUAL	BUDGET	VARIANCE	
• Year-to-date Capital Expenditure	(613,870)	(613,712)	(158)	unfavourable

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

• Current Assets of 4,748,794 includes:	Year-to-date	Forecast
○ Cash and Cash Equivalents	4,376,501	4,510,220
○ Trade and Other Receivables	366,067	300,000
○ Prepayments	3,940	-
○ Inventories	2,286	2,000

Current Liabilities of 381,162 includes:		
○ Trade and Other Payables	106,997	212,518
○ Provisions	274,165	284,900

• Working Capital (Current Assets less Current Liabilities) is:	4,367,632	4,314,802
• Equity (Total Assets less Total Liabilities) is	9,148,866	9,385,421
• Reserves of 3,075,094 includes:		
○ Plant and Infrastructure Reserve	544,602	1,037,074
○ Site Post Closure Rehabilitation Reserve	767,598	1,069,587
○ Stanley Road Environmental Protection Lined Cell Construction Reserve	682,207	1,091,394
○ Organics Processing Reserve	1,080,687	793,644

5. Investments

Total of \$4,313,375 includes:			
	Invested Funds \$	% of Total Funds	Max % of Total Funds Allowed
○ Bankwest	431,426	10	75
○ Commonwealth Bank	1,834,284	43	75
○ National Australia Bank	2,047,665	47	75
TOTAL:	4,313,375	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 30 April 2019as presented to Council.

MOVED BY: Cr James Hayward

SECONDED BY: Cr Betty McCleary

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC300519-1605

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 26 July 2018, 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 2018/19.

Consultation

Nil

Financial Implications

As described in the 2018/2019 Financial Budget.

Statutory Environment

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

Strategic Implications

Nil

Policy Implications

Nil

Officer Comment

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
Fees and Charges	
Casual Tipping Fees Unfavourable year-to-date variance to budget due to less than expected tonnages being received from the City of Busselton, the Shire of Capel and Westbins.	(\$175,517) (14%)
Sale of Scrap Metal Favourable year-to-date variance to budget due to strong demand and a good price per tonne being achieved.	\$27,075 14%
Sale of Compost Unfavourable year-to-date variance to budget. This is due to the seasonal effect of low rainfall. Demand for compost increases when there is rain to enhance assimilation of compost into existing soils.	(\$40,560) (35%)
Interest Earnings	
Interest earnings Unfavourable year-to-date variance to budget due to the lower interest rate received on Council's invested funds during the year	(\$16,190) (16%)
Other Revenue	
Insurance Reimbursements Favourable year-to-date variance to budget due to receipt of good driver rebate and ongoing workers compensation wages recoups.	\$24,273 126%
Employee Costs	
Waste Transfer Station Favourable year-to-date variance to budget due to staff being on annual leave and close monitoring of staff rosters.	\$44,132 15%
Earthworks Operations Unfavourable year-to-date variance to budget mainly due to annual leave not taken.	(\$42,945) (30%)
Site Rehabilitation Favourable year-to-date variance to budget mainly due to staff being on annual leave and close monitoring of staff rosters.	\$29,617 22%
Recycling Operations Unfavourable year-to-date variance to budget mainly due to annual leave not taken.	(\$15,560) (52%)
Materials and Contracts	
Technical Services Unfavourable year-to-date variance to budget mainly due to The DWER requesting further technical information in relation to the new lined Cell proposal for the Stanley Road Landfill.	(\$28,100) (28%)
Organics Expenditure Unfavourable variance compared to year-to-date budget mainly due to an increase in organics licence fees, and plant maintenance costs e.g. replacement of aeration pipes (\$7,870) and the works approval (\$12,883) for the relocation of the Organics Processing Facility to Stanley Road.	(\$39,221) (30%)
Skip Bin recycling Operations Favourable variance compared to year-to-date budget because the tender for the new waste handler was awarded later than expected.	\$34,611 49%
Statement of Financial Activity	
Revenues by Nature and Type	
Interest Earnings Unfavourable variance. See explanation above included in the Statement of Comprehensive Income variances.	(\$16,190) (16%)
Other Revenue Favourable variance. See explanation above included in the Statement of Comprehensive Income variances.	\$23,656 13%

Voting Requirement

Simple Majority

11.2 Summary of Accounts paid for period ending 30 April 2019

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 30 April 2019			

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 30 April 2019

Officer Recommendation

That Council:

Receive and accept the Summary of Accounts paid for period ending 30 April 2019 as presented to Council.

MOVED BY: Cr Peter Monagle

SECONDED BY: Cr James Hayward

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC300519-1606

Background

As noted in Summary.

Officer Comment

The attachment details all payments made for 30 April 2019

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 2018/2019 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 Schedule of Fees and Charges 2019/2020

Applicant / Proponent:	Internal			
Responsible Officer:	Tony Battersby, Chief Executive Officer Chris Welham, Accountant			
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):	-			

Précis

Section 6.1 of the Local Government Act 1995 requires a local government to prepare and adopt (in the period June 1 to August 31) an annual budget of its Municipal fund for that same year. The Schedule of proposed Fees and Charges for the 2019/2020 Financial Year forms part of the 2019/2020 Budget.

Executive Recommendation

That Council:

Adopt the Schedule of proposed Fees and Charges (which forms part of the 2019/2020 Budget) effective as of 1 July 2019.

MOVED BY: Cr James Hayward

SECONDED BY: Cr Tresslyn Smith

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC300519-1607

Background

As mentioned above.

Officer Comment

The Schedule of proposed Fees and Charges for the 2019/2020 Financial Year forms part of the 2019/2020 Budget. The Schedule of Fees and Charges 2019/2020 will be effective as of the 1 July 2019.

There is an allowance of \$2.00 per tonne in the Fees and Charges for Waste Minimisation Strategies. It is intended that the \$2.00 per tonne will be transferred into a reserve for funding of future waste minimisation projects. There have been new charges introduced into the heavy vehicles weighbridge section:

Consultation

The Schedule of Fees and Charges for 2019/2020 are to be advertised in the South Western Times and the Harvey Reporter in the first week of June 2019 and Schedule of Fees and Charges for 2019/2020 to be distributed out to Stanley Road Waste Facility and Banksia Road Compost Facility customers from 1 June 2019.

Financial Implications

As discussed in the body of the report.

Statutory Environment

Section 6.1 of the Local Government Act 1995 applies.

Strategic Implications

Nil

Policy Implications

Nil

Voting Requirement

Absolute Majority

Stanley Road Waste Management Facility

	Increase / Decrease %	2019/20 Fees Budget Proposal (Incl. GST)	2018/19 Fees (Incl. GST)	2017/18 Fees (Incl. GST)
LIGHT VEHICLES (Volume of General Waste)				
Per Car or Station Wagon	0%	\$15.00	\$15.00	\$14.00
Per Utility or trailer (up to 1.8m x 1.2m)	0%	\$22.00	\$22.00	\$20.00
Per Trailer or large utility (up to 2.1m x 1.2 m or Trailer with sides exceeding 600mm)	0%	\$33.00	\$33.00	\$30.00
LIGHT VEHICLES (Volume of Green Waste)				
Per Car or Station Wagon	0%	\$9.00	\$9.00	\$14.00
Per Utility or trailer (up to 1.8m x 1.2m)	0%	\$15.00	\$15.00	\$20.00
Per Trailer or large utility (up to 2.1m x 1.2m or Trailer with sides exceeding 600mm)	0%	\$25.00	\$25.00	\$30.00
LIGHT VEHICLES (Volume of Clean Fill/Rubble Waste)				
Per Utility or trailer (up to 1.8m x 1.2m)	0%	\$6.00	\$6.00	\$20.00
Per Trailer or large utility (up to 2.1m x 1.2m or Trailer with sides exceeding 600mm)	0%	\$6.00	\$6.00	\$30.00
HEAVY VEHICLES WEIGHBRIDGE				
Co-mingled Waste per tonne	0%	\$61.00	\$61.00	\$59.50
Minimum Charge	0%	\$44.00	\$44.00	\$42.50
Mattresses per tonne	2.2%	\$95.00	\$93.00	\$59.50
Minimum Charge	2.2%	\$95.00	\$93.00	\$59.50
Co-mingled Skip Waste per tonne	0%	\$44.00	\$44.00	\$59.50
Minimum Charge	0%	\$44.00	\$44.00	\$42.50
Clean Green Waste per tonne	14%	\$28.50	\$25.00	\$25.00
Minimum Charge	14%	\$28.50	\$25.00	\$25.00
Clean Cardboard Waste per tonne	0%	\$28.50	\$28.50	\$28.50
Minimum Charge	0%	\$28.50	\$28.50	\$28.50
Clean Wood Waste per tonne (New)	0%	\$28.50		
Minimum Charge (New)	0%	\$28.50		
Clean Fill – Suitable for Daily Cover and Road Building per tonne	0%	\$0	\$0	\$0
Minimum Charge	0%	\$0	\$0	\$0
Building and Demolition Waste per tonne (No Gyprock or Timber and Maximum Size 500mm)	9.9%	\$7.25	\$6.60	\$5.50
Minimum Charge	9.9%	\$7.25	\$6.60	\$5.50
OTHER WASTE				
Tyres				
• Passenger/Motorcycle (per tyre)	0%	\$3.00	\$3.00	\$5.50
• 4WD/Light Truck (per tyre)	0%	\$5.50	\$5.50	\$5.50
• Truck (per tyre)	0%	\$20.00	\$20.00	\$20.00
Car Bodies	0%	\$0.00	\$0.00	\$0.00
Special Burial (i.e. Asbestos) per tonne	0%	\$84.00	\$84.00	\$84.00
Minimum Charge	0%	\$84.00	\$84.00	\$84.00
Quarantine Waste per tonne	0%	\$130.00	\$130.00	\$130.00
Minimum Charge	0%	\$130.00	\$130.00	\$130.00

TIP PASSES (Volume of General Waste)				
Charges to Shire of Harvey for tip pass usage – as per light vehicles as detailed below:				
Car or Station Wagon	0%	\$15.00	\$15.00	\$14.00
Utility or Trailer	0%	\$22.00	\$22.00	\$20.00
Large Utility / Trailer	0%	\$33.00	\$33.00	\$30.00
LIGHT VEHICLES (Volume of Green Waste)				
Car or Station Wagon	0%	\$9.00	\$9.00	\$14.00
Utility or Trailer	0%	\$15.00	\$15.00	\$20.00
Large Utility / Trailer	0%	\$25.00	\$25.00	\$30.00
LIGHT VEHICLES (Volume of Clean Fill/Rubble Waste)				
Utility or Trailer	0%	\$6.00	\$6.00	\$20.00
Large Utility / Trailer	0%	\$6.00	\$6.00	\$30.00
MEMBER COUNCIL REBATE				
To City of Bunbury – Per Tonne of General Waste	0%	\$12.50	\$12.50	\$11.00
To Shire of Harvey – Per Tonne of General Waste	0%	\$12.50	\$12.50	\$11.00
SALE OF COMPOST AND MULCH				
Per Skid Steer Loader Bucket	0%	\$22.00	\$22.00	\$22.00
Per Tonne	0%	\$44.00	\$44.00	\$44.00

Operating Income

	Revised Budget 2018/2019	Proposed Budget 2019/2020
Casual Tipping Fees	\$1,555,604.00	\$1,760,000.00
Sale of Scrap Metal	\$230,000.00	\$270,000.00
Disposal – City of Bunbury	\$505,375.00	\$515,482.00
Disposal – Shire of Harvey	\$514,657.00	\$305,525.00
Shire of Harvey Tip Passes	\$247,324.00	\$252,270.00
Waste Minimisation Income	\$78,663.00	\$80,236.00
Landfill Levy Income	\$83,748.00	\$85,423.00
Recycling Shop	\$40,500.00	\$41,310.00
Sale of Mulch	\$6,500.00	\$7,000.00
Sale of Cardboard	\$31,555.00	\$25,000.00

Banksia Road Waste Management Facility

	Increase / Decrease %	2019/20 Fees Budget Proposal (Incl. GST)	2018/19 Fees (Incl. GST)	2017/18 Fees (Incl. GST)
HEAVY VEHICLES WEIGHBRIDGE				
Organic Waste per tonne	2.9%	\$35.00	\$34.00	\$33.00
Minimum Charge	2.9%	\$35.00	\$34.00	\$33.00
Clean Green Waste per tonne	14%	\$28.50	\$25.00	\$25.00
Minimum Charge	14%	\$28.50	\$25.00	\$25.00
Clean Green Waste Mulched per tonne	0%	\$0.00	\$0.00	0%

Organic Waste with over 5% Contamination per tonne	0%	\$120.00	\$120.00	\$118.00
Minimum Charge	0%	\$120.00	\$120.00	\$118.00
COMPOST AND MULCH SALES				
Compost Sales to Wellington Group of Councils per tonne	0%	\$34.00	\$34.00	\$33.00
10mm Compost per tonne	-11.9%	\$37.00	\$42.00	\$41.00
Processed Mulch per tonne	0%	\$35.00	\$35.00	\$35.00
Green Mulch Unprocessed per tonne	0%	\$22.00	\$22.00	\$22.00

Operating Income

	Revised Budget 2018/2019	Proposed Budget 2019/2020
Organic Tipping Fees	\$376,000.00	\$533,390.00
Sale of Compost	\$138,375.00	\$141,834.00

11.4 AMENDED – Code of Conduct Policy

Applicant / Proponent:	Internal			
Responsible Officer:	Michelle Lloyd, Workplace Safety Advisor/Compliance Officer			
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 3 – 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.

Executive Recommendation

That Council:

Adopt the amended Code of Conduct Policy as detailed in the attachment.

MOVED BY: Cr Peter Monagle

SECONDED BY: Cr Betty McCleary

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC300519-1608

Background

The BHRC adopted the 2016 Code of Conduct at its Ordinary Meeting of Council on the 31 March 2016 Resolution # OC81023-1384 and adopted an update to the Code of Conduct 19 July 2016 Resolution #OC81023-1418. The amended Code of Conduct is presented to Council for adoption due to formalization of existing arrangements and compliance with the OSH Act:

Social Media added
Right to Refuse Entry Added
Intellectual Property Updated
Administrative Updates (Logo, Colours, formatting)

Consultation

Nil

Financial Implications

Nil

Statutory Environment

- Local Government Act 1995
- Local Government (Rules of Conduct) Regulations 2007
- Local Government (Administration) Regulations 1996
- Public Interest Disclosure Act 2003
- Corruption and Crime Commission Act 2003
- Equal Opportunity Act 1984
- Statutory Corporations (Liability of Directors) Act 1996

Strategic Implications

Nil

Policy Implication

As discussed in the body of the Report.

Voting Requirement

Simple Majority

11.5 Appointment of Accountants 2019/2020

Applicant / Proponent:	Internal			
Responsible Officer:	Tony Battersby, Chief Executive Officer			
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 4 – CONFIDENTIAL QUOTATION			

Summary

The purpose of this report is to provide Council with information regarding the appointment of Accounting Services to the Bunbury-Harvey Regional Council for 2019/20 financial year.

Executive Recommendation

That Council:

That Council appoint the City of Bunbury to provide accounting, human resource and payroll services to Bunbury-Harvey Regional Council (BHRC) for the 2019/20 financial year.

MOVED BY: Cr James Hayward

SECONDED BY: Cr Peter Monagle

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC300519-1609

Background

The City of Bunbury has provided the accounting services to BHRC for the past 28 years as a fee for service agreement. Council formalised the agreement with the City of Bunbury in 2016/17 after reviewing all accounting costs including sourcing quotes from commercial accountants to provide the accounting services to BHRC.

The City of Bunbury has written to Council requesting an increase to the current agreement of 2% in the 2019/20 financial year.

Council Policy Compliance

Council's current Purchasing Policy "1.7.4 - Exemptions" applies, from a Regional Local Government or another Local Government.

Legislative Compliance

The Local Government Act 1995, Local Government Regulations 1996, and Local Government (Financial Management) Regulations 1996 apply.

Officer Comments

The City of Bunbury has provided the Council with a professional cost effective accounting service for many years and are the current provider of accounting services. Previous cost comparisons conducted have shown that the City of Bunbury accounting charges are below the market value for the equivalent services.

Analysis of Financial and Budget Implications

Accounting fees form part of Council's Annual Budget.

Community Consultation

Not applicable.

Councillor/Officer Consultation

This report is presented to Council for consideration.

Voting Requirement

Absolute Majority

11.6 Delegation of Authority - Negotiate Land Acquisition Offsets

Applicant / Proponent:	Internal			
Responsible Officer:	Tony Battersby, Chief Executive Officer			
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):	-			

Précis

This item is presented to Council to consider adoption of delegation of authority to the BHRC CEO for the purpose of commencing negotiation of land acquisition to offset clearing at the Stanley Road Waste Management Facility. The authority of delegation will only be for negotiations of land acquisition and any contractual agreements or financial transfers will be brought back to Council for adoption.

Officer Recommendation

That Council:

That Council adopt the approval of Delegation of Authority to the BHRC CEO to commence negotiations of land acquisition for the purpose of clearing offsets at the Stanley Road Waste Management Facility.

MOVED BY: Cr Peter Monagle

SECONDED BY: Cr Betty McCleary

RESULT: CARRIED / ~~LOST~~ – 5/0

RESOLUTION: OC300519-1610

Background

This is to provide a historical record of decisions made with regard to the offsets for CPS5394/1 and L8949/2016/1 and the reasons for the decisions.

2012/13 - CPS5394/1 was initiated with a clearing application

2015 – Clearing Permit CPS5394/3 with offset condition required by 17 December 2015

2016 – 18 October Letter to request information on offset status

2016 - 13 December Covenant Proposal due date extended to 31 March

2017 – Offset proposal supplied

2017 – 8 September – BHRC acceptance of both CPS 5394/3 and L8949/2016/1 Offset Requirements

2017 – 27 November 2017 – Amended Clearing Permit CPS 5394/4

2018 – 1 March 2018 – Draft Amendment for L8949/2016/1

2019 – 8 May 2019 – Clearing Permit for Lined Cells 2 and 3

Offset Location Decision:

- Requirement to offset CPS5394 initiated
- BHRC was moving site to Banksia Road and the Stanley Road site was closing down – no necessary concern for placement of offsets to occur at the Stanley Road Site
- BHRC also understood that there was a buffer of 150m alongside the Dampier to Bunbury pipeline, so there was no opportunity to use the area in the future
- 26 April 2018 - Progress made with CPS5394 – owners (City of Bunbury and Shire of Harvey) approval sought and achieved with resolutions #OC 260418-1532.
- Initial discussions to create covenant undertaken with lawyers (who then spoke with the Department of Agriculture, Covenant section)
- July 2017 – May 2018 – progress made to Offset – Agreement to Reserve
- May 2018 – City of Bunbury CEO raised a concern over the area being set aside as an offset for clearing permits. His concern was whether the area could be used in the future for other purposes, and that he couldn't find any information to support the 150m buffer along the gas pipeline.
- May 2018 – Contact was made with the Dampier to Bunbury Pipeline – Australian Gas Infrastructure Group to get clarification on the buffer area. Email with Kathryn Chick (Land Management Officer) confirms the buffer only needs to be 20m.
- May 2018 – decision to request an extension for offset covenant made and paperwork drafted

Officer Comment

Land acquisition offsets involve the protection of environmental values through improved security of tenure or restricting the use of the land. This may be achieved through ceding freehold land to the Crown for conservation purposes or perpetual covenants for conservation. In considering land acquisition offsets, the need for ongoing management must be considered. Any offsets proposing land acquisition, whether the land is to be managed by the proponent/applicant, a third party or the Department of Parks and Wildlife, must consider the upfront costs of establishing the offset site and the on-going management costs of maintaining the offset for the long term. Where land is ceded to the Crown, the Department of Parks and Wildlife is generally responsible for maintaining this land in perpetuity.

Consultation

Nil

Financial Implications

Nil

Statutory Environment

- Local Government Act 1995 (Administration) 5.42. Delegation of some powers and duties to CEO;
- DWER Licence L8949/2016/1 (Stanley Road Site Licence);
- EP Act;
- Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Strategic Implications

In line with the Strategic Community Plan 2018-2020 and Councils Mission Statement:

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

Policy Implication

As discussed in the body of the Report.

Voting Requirement

Absolute 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)

Nil

15. Next Meeting

The next meeting is scheduled for Thursday, 27 June 2019 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 **4:15pm**