



# Ordinary Council Meeting

## Minutes

26 September 2019

### 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**

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### ATTACHMENTS

<b>Attachment 1</b>	-	<b>Financial Statement Period Ending 31 July 2019</b>
<b>Attachment 2</b>	-	<b>Financial Statement Period Ending 31 August 2019</b>
<b>Attachment 3</b>	-	<b>Summary of Accounts Paid Period Ending 31 July 2019</b>
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<b>Attachment 5</b>	-	<b>UPDATED: Financial Plan 2019-2029</b>
<b>Attachment 6</b>	-	<b>CONFIDENTIAL: CEO Performance Review 2018/2019</b>



## 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, 26 September 2019 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.](#)

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**Cr Murray Cook**  
Chairperson

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**Mr Tony Battersby**  
Chief Executive Officer

### 2. Attendances

<b>Council Members:</b>	<b>Representing</b>
Cr Murray Cook ( <b>Chairperson</b> )	City of Bunbury
Cr Anita Shortland ( <b>Deputy Chairperson</b> )	Shire of Harvey
Cr Betty McCleary	City of Bunbury
Cr Jaysen Miguel	City of Bunbury
Cr Wendy Dickinson	Shire of Harvey
<b>Executive Leadership Team (Non-Voting)</b>	<b>Representing</b>
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)
<b>Officers (Non-Voting)</b>	<b>Representing</b>
Mr Gavin Harris	Director for Infrastructure (City of Bunbury)
Mr Chris Welham	Accountant
Miss Martinette Pieterse	Council Meeting Support Officer
<b>Others(Non-Voting)</b>	<b>Representing</b>

#### 2.1 Apologies

Cr James Hayward (City of Bunbury)  
Cr Peter Monagle (Shire of Harvey)

### 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 25 July 2019, are confirmed as a true accurate record.

**MOVED BY: Cr Betty McCleary**

**SECONDED BY: Cr Anita Shortland**

**RESULT: CARRIED / ~~LOST~~ – 5/0**

**RESOLUTION: OC260919-1624**

### 7. Petitions / Memorials / Presentations

Nil

### 8. Declarations of Interests

Nil

### 9. Announcements (by the presiding member without discussion)

Stating the obvious, this is the last meeting of Council before the October Local Government Elections.

I would like to thank all retiring Councillors for their help and support, during the past two (2) years. In particular, of course, Councillors Monagle and Shortland, who together with me are not seeking re-election. Both Anita and Peter have contributed greatly and wisely to this Council.

I personally feel very blessed to have served for eight (8) years, the last two (2) as Chairman. Having spent time with Tony attending Municipal Waste Advisory Council meetings, I have learned just how good our business is really performing when bench marked (albeit anecdotally) against others. The simple fact that Bunbury (to pick on one Council) is diverting 67% of its domestic waste away from landfill, compared to the Metropolitan Area's 38%, is outstanding. It is Tony and his staff who have this mantra that everything has to be done to divert away from landfill. Our staff have no peers, in this industry.

Thank you to Martinette, Chris, City of Bunbury CEO and Shire of Harvey CEO and both Council's staff for their support and assistance and congratulations to the Shire of Harvey for introducing the 3<sup>rd</sup> Bin.

### 10. Reports of Committees

Nil

## 11. Reports of Officers

### 11.1 Financial Statements for the period ending 31 July 2019

<b>Applicant / Proponent:</b>	Internal			
<b>Responsible Officer:</b>	Chris Welham, Accountant			
<b>Responsible Manager:</b>	David Ransom, Manager Finance			
<b>Executive:</b>	Tony Battersby, Chief Executive Officer			
<b>Authority / Discretion:</b>	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"/>
<b>Attachment(s):</b>	<b>Attachment 1</b> – Financial Statements for the Period Ending 31 July 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 31 July 2019

	ACTUAL	BUDGET	VARIANCE	
• Year-to-date Income	397,422	385,015	12,407	favourable
• Year-to-date Expenditure	(332,209)	(335,944)	3,735	favourable
• Year-to-date Operating Surplus	65,213	49,071	16,142	favourable

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

Closing Funding Surplus to 30 June 2019 is forecast at \$152,853. There is no change from the Budgeted Closing Surplus.

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

	ACTUAL	BUDGET	VARIANCE	
• Year-to-date Capital Expenditure	0	0	0	

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

	Year-to-date	Forecast
• Current Assets of <b>4,489,138</b> includes:		
○ Cash and Cash Equivalents	4,106,187	2,274,689
○ Trade and Other Receivables	370,895	300,000
○ Prepayments	3,940	0
○ Inventories	8,116	2,000

Current Liabilities of **379,389** includes:

○ Trade and Other Payables	118,735	209,569
○ Provisions	260,654	291,163

Working Capital (**Current Assets less Current Liabilities**) is:

	4,109,749	2,075,957
• Equity ( <b>Total Assets less Total Liabilities</b> ) is	9,243,736	11,995,873

Reserves of <b>3,418,675</b> includes:		
o Plant and Infrastructure Reserve	727,878	871,476
o Site Post Closure Rehabilitation Reserve	841,085	708,515
o Stanley Road Environmental Protection Lined Cell Construction Reserve	761,937	11,885
o Organics Processing Reserve	1,087,775	331,229

## 5. Investments

Total of <b>3,904,796</b> includes:			
	Invested Funds \$	% of Total Funds	Max % of Total Funds Allowed
o Bankwest	267,678	7	75
o Commonwealth Bank	810,115	21	75
o National Australia Bank	2,827,004	72	75
<b>TOTAL:</b>	<b>3,904,797</b>	<b>100</b>	

*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 July 2019 as presented to Council.

**MOVED BY: Cr Betty McCleary**

**SECONDED BY: Cr Anita Shortland**

**RESULT: CARRIED / ~~LOST~~ – 5/0**

**RESOLUTION: OC260919-1625**

### 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 25 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 2019/20.

### Consultation

Nil

### Financial Implications

As described the 2019/2020 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

There are no significant variances in the Statement of Comprehensive Income or the Statement of Financial Activity.

### Voting Requirement

Simple Majority

## 11.2 Financial Statements for the period ending 31 August 2019

<b>Applicant / Proponent:</b>	Internal			
<b>Responsible Officer:</b>	Chris Welham, Accountant			
<b>Responsible Manager:</b>	David Ransom, Manager Finance			
<b>Executive:</b>	Tony Battersby, Chief Executive Officer			
<b>Authority / Discretion:</b>	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"/>
<b>Attachment(s):</b>	<b>Attachment 2</b> – Financial Statements for the Period Ending 31 August 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**)

b. Year-to-date Financial Performance to 31 August 2019

	ACTUAL	BUDGET	VARIANCE	
• Year-to-date Income	743,618	682,998	60,620	favourable
• Year-to-date Expenditure	(683,231)	(708,036)	24,805	favourable
• Year-to-date Operating Surplus	60,387	(25,038)	85,425	favourable

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

Closing Funding Surplus to 30 June 2019 is forecast at \$152,853. There is no change from the Budgeted Closing Surplus.

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

	ACTUAL	BUDGET	VARIANCE	
• Year-to-date Capital Expenditure	0	0	0	



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

• Current Assets of <b>\$4,547,549</b> includes:	<b>Year-to-date</b>	<b>Forecast</b>
○ Cash and Cash Equivalents	4,143,727	2,274,689
○ Trade and Other Receivables	393,736	300,000
○ Prepayments	1,970	0
○ Inventories	8,116	2,000

Current Liabilities of <b>\$438,240</b> includes:		
○ Trade and Other Payables	139,035	209,569
○ Provisions	299,205	291,163

• Working Capital ( <b>Current Assets less Current Liabilities</b> ) is:	4,109,309	2,075,957
• Equity ( <b>Total Assets less Total Liabilities</b> ) is:	9,220,352	11,995,873
Reserves of <b>\$3,431,479</b> includes:		
○ Plant and Infrastructure Reserve	729,012	871,476
○ Site Post Closure Rehabilitation Reserve	842,446	708,459
○ Stanley Road Environmental Protection Lined Cell Construction Reserve	765,391	11,885
○ Organics Processing Reserve	1,094,630	331,284

5. Investments

Total of <b>\$3,993,932</b> includes:			
	<b>Invested Funds \$</b>	<b>% of Total Funds</b>	<b>Max % of Total Funds Allowed</b>
○ Commonwealth Bank	342,885	9	75
○ National Australia Bank	810,115	20	75
○ Westpac	2,840,932	71	75
<b>TOTAL:</b>	3,993,932	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 August 2019 as presented to Council.

**MOVED BY: Cr Wendy Dickinson**

**SECONDED BY: Cr Jaysen Miguel**

**RESULT: CARRIED / ~~LOST~~ – 5/0**

**RESOLUTION: OC260919-1626**

**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 June 2019, 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 2019/20

### Consultation

There is no requirement for community consultation for this report. The Chief Executive Officer and the City of Bunbury finance staff monitor the Bunbury-Harvey Regional Council's monthly revenue and expenditure and (as required) refers any variances requiring remedial action to Council.

Approved budget amendments are recorded in the financial statements to reflect the Council's current budget and financial position at all times.

### Financial Implications

This Financial Management Report on the financial performance of the Council is provided for Councillor's information and does not have any financial or budget implications for the 2019/20 financial year.

### Statutory Environment

Section 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 in the Statement of Financial Activity:

Statement of Comprehensive Income	YTD Actual to YTD Budget Variance
<b>Other Revenue</b>	
<b>Landfill Levy Income:</b> Favourable year-to-date variance to budget due to an increase in tonnages being received from the Perth metropolitan area.	\$15,985 96%
<b>Other Expenditure</b>	
<b>Landfill Levy Expenditure:</b> Unfavourable year-to-date variance to budget due to an increase in tonnages being received from the Perth metropolitan area. This expenditure is fully recouped from customers.	(\$15,481) (101%)
<b>Statement of Financial Activity</b>	
<b>Revenues by Nature and Type</b>	
<b>Other Revenue:</b> Favourable year-to-date variance to budget due to an increase in Landfill Levy Income derived from tonnages being received from the Perth metropolitan area and an increase in Fuel tax Credits received due to higher use of plant and equipment for rehabilitation works.	21,895 74%

### Voting Requirement

Simple Majority

### 11.3 Summary of Accounts paid for period ending 31 July 2019

<b>Applicant / Proponent:</b>	Internal			
<b>Responsible Officer:</b>	Chris Welham, Accountant			
<b>Responsible Manager:</b>	David Ransom, Manager Finance			
<b>Executive:</b>	Tony Battersby, Chief Executive Officer			
<b>Authority / Discretion:</b>	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"/>
<b>Attachment(s):</b>	<b>Attachment 3</b> - Summary of Accounts paid for period ending 31 July 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 31 July 2019

#### **Officer Recommendation**

##### **That Council:**

Receive and accept the Summary of Accounts paid for period ending 31 July 2019 as presented to Council.

**MOVED BY:** Cr Jaysen Miguel

**SECONDED BY:** Cr Betty McCleary

**RESULT:** CARRIED / ~~LOST~~ – 5/0

**RESOLUTION:** OC260919-1627

#### **Background**

As noted in Summary.

#### **Officer Comment**

The attachment details all payments made for 31 July 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 2019/2020 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

## 11.4 Summary of Accounts paid for period ending 31 August 2019

<b>Applicant / Proponent:</b>	Internal			
<b>Responsible Officer:</b>	Chris Welham, Accountant			
<b>Responsible Manager:</b>	David Ransom, Manager Finance			
<b>Executive:</b>	Tony Battersby, Chief Executive Officer			
<b>Authority / Discretion:</b>	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"/>
<b>Attachment(s):</b>	<b>Attachment 4</b> - Summary of Accounts paid for period ending 31 August 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 31 August 2019

### **Officer Recommendation**

#### **That Council:**

Receive and accept the Summary of Accounts paid for period ending 31 August 2019 as presented to Council.

**MOVED BY: Cr Betty McCleary**

**SECONDED BY: Cr Wendy Dickinson**

**RESULT: CARRIED / ~~LOST~~ – 5/0**

**RESOLUTION: OC260919-1628**

### **Background**

As noted in Summary.

### **Officer Comment**

The attachment details all payments made for 31 August 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 2019/2020 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

## 11.5 10 Year Financial Plan 2019-2029

<b>Applicant / Proponent:</b>	Internal			
<b>Responsible Officer:</b>	Tony Battersby, Chief Executive Officer			
<b>Responsible Manager:</b>	-			
<b>Executive:</b>	Tony Battersby, Chief Executive Officer			
<b>Authority / Discretion:</b>	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"/>
<b>Attachment(s):</b>	<b>Attachment 5 – UPDATED – Financial Plan</b>			

### Summary

This plan sets out the 10 year investment program and the overall approach to maintaining financial stability and is an update to the revised BHRC Financial Plan 2019 - 2029.

The purpose of the LTFP is to guide and inform decision making by establishing the framework upon which sound financial decisions can be made. It is a financial modelling tool used to assess the capacity to implement the Strategic Community Plan and to provide transparency and accountability to the community in relation to the BHRC finances. It also provides an opportunity for early identification of financial management issues.

The following key principles have been taken into account in developing this LTFP:

- In the absence of formal contracts, modeling is based on the most conservative probable outcome.
- BHRC is intended to be an autonomous, self-funded entity.
- Ongoing operations will generally be funded from internally generated cash flow.
- Conservative use of debt to fund major new assets or significant upgrades.

The LTFP sets out:

- financial goals and challenges
- strategies for financial sustainability
- projected financial position
- assumptions, adjustments and risk assessment
- the capital works program
- financial performance monitoring
- sensitivity analysis and performance monitoring
- Financial implications

### Officer Recommendation

**That Council:**

That Council adopt the Financial Plan 2019-2029 as detailed in **Attachment 5**.

**MOVED BY:** Cr Betty McCleary

**SECONDED BY:** Cr Wendy Dickinson

**RESULT: CARRIED / ~~LOST~~ – 5/0**

**RESOLUTION: OC260919-1629**

### Background

The BHRC has previously adopted a Long-Term Financial Plan on 29 November 2018 Resolution: OC291118-11578.

### Consultation

With Bunbury-Harvey Regional Council staff and City of Bunbury Accountant.

### Financial Implications

As detailed in Annual Budget.

### 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

As detailed in the body of the Report.

### Policy Implication

As detailed in the body of the Report.

### Voting Requirement

Simple Majority

## 11.6 Offsets Land Acquisition (Offsets for Clearing at Stanley Road Waste Management Facility)

<b>Applicant / Proponent:</b>	Internal			
<b>Responsible Officer:</b>	Kate Shaw, Waste Education Coordinator			
<b>Executive:</b>	Tony Battersby, Chief Executive Officer			
<b>Authority / Discretion:</b>	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"/>
<b>Attachment(s):</b>	-			

### 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:

Endorse the CEO to enter into a formal agreement between Department of Biodiversity Conservation and Attractions (DBCA), Department of Water and Environment Regulation (DWER) and Bunbury-Harvey Regional Council (BHRC) for a financial contribution towards purchasing land to allow future environmental offsets to permit the further development of Stanley Road Landfill site that includes:

- a. A contribution by BHRC to DBCA of \$329,500 to allow the purchase by DBCA of an appropriate site for environmental offsets;
- b. The ability for BHRC to utilise 98.4 ha of the purchased land for environmental offsets; and
- c. Confirmation from DWER that the purchased site is able to be utilised by BHRC for environmental offsets associated with current and future licensing requirements and BHRC clearing permits.

**MOVED BY: Cr Betty McCleary**

**SECONDED BY: Cr Jaysen Miguel**

**RESULT: CARRIED / ~~LOST~~ – 5/0**

**RESOLUTION: OC260919-1630**

## **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

Council adopted 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 on the 30 May 2019 resolution # OC300519-1610.

### **Officer Comment**

In order to comply with conditions within Clearing Permits CPS 5394/5 and CPS 7259/2 (as well as the current application of CPS 8486/1), the BHRC would like to provide financial contribution towards “Land acquisition offsets” (2012 August, WA Environmental Offsets Guidelines, page 12) to the Western Australian Department of Biodiversity, Conservation and Attractions. The financial contribution will assist in the purchase of land in Cookernup, within the Shire of Harvey which will then be ceded from freehold land to the Crown for conservation purposes.

The proposed land acquisition will include upfront costs to purchase the land and a contribution to management costs in order to establish it as a reserve, and will require the BHRC to pay \$329,500 (outline of costs provided in Table 1) to the Western Australian Department of Biodiversity, Conservation and Attractions.

The choice of area for the land acquisition has been made with guidance of the WA Environmental Offsets Guidelines and alongside the Department of Biodiversity, Conservation and Attractions. Of the total 162.4 hectares 98.4 hectares has been found to comply with current, future and potential offsets for clearing at the Stanley Road Waste Management Facility. The remaining 64 hectares will be financially contributed by the Western Australian Department of Biodiversity, Conservation and Attractions.

As the land will be vested with the Department as a reserve area it will not be owned by the BHRC, it will however provide adequate contribution to achieve all the current conditions (as a part of CPS 5394/5, CPS

7259/2 and application CPS 8486/1) required to offset the clearing at the Stanley Road Waste Management Facility.

In addition to complying with the conditions of the clearing permits and application to clear, there will be a portion of the land that will be acquired for BHRC to use as future offsets (these will be banked with the DWER on file). This area will be broken into two types of offsets:

- Those that are like for like offsets, a total of 28.4 hectares
- Those that may have the potential to be used for offsets in the future, if the recovery and regrowth of the area is sufficient at the time of requiring the offset. This area is 25.9 hectares

The Guidelines require that:

“Any offset needs to be relevant not only to the environmental value being impacted (e.g. flora, fauna) but also to the associated attributes which may be lost or are at risk (e.g. habitat). Offsets should be ‘like-for-like’ – that is, impacts to an environmental value are required to be offset by actions that benefit the same environmental value being impacted.”

Below is a table which provides a breakdown of the total hectares into each of the permits and also ‘banked’ offsets.

<b>Table 2: Land Acquisition Through DBCA</b>		
<b>Details</b>	<b>Permit Allocation</b>	<b>Area (hectares)</b>
BHRC Portion	CPS 5394/5	12
	CPS 7259/2	6
	CPS 8486/1	26.1
	Future Offsets – like for like	28.4
	Future Potential Offsets - regrowth	25.9
<b>TOTAL AREA ASSIGNED TO BHRC</b>		<b>98.4 hectares</b>
DBCA Portion	Internal Offsets	64
<b>Total Land Size (both BHRC and DBCA)</b>		<b>162.4 hectares</b>

Outlined below are the details for the financial contribution required by BHRC and the contribution provided by the DBCA.

<b>Table 1: Cost of Land Acquisition Offset</b>			
	<b>BHRC Portion</b>	<b>DBCA Portion</b>	<b>TOTAL LAND COSTS</b>
Land Purchase Price	\$321,000	\$214,000	\$535,000
Management Costs	\$8500		
<b>BHRC Costs</b>	<b>\$329,500</b>		

#### **Consultation**

Nil

#### **Financial Implications**

As per 2019/2020 Annual Budget – GL Code 049005.0205.0015 Offset Land Acquisition \$550,000

#### **Statutory Environment**

- 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)**

**14.1 CEO Performance Review 2018/2019**

Presiding Member Cr Cook declared meeting closed to the public at 4:17pm to discuss CEO Performance Review 2018/2019 detailed in separate document – **Attachment 6**

**MOVED BY: Cr Jaysen Miguel**

**SECONDED BY: Cr Wendy Dickinson**

**RESULT: CARRIED / ~~LOST~~ – 5/0**

**RESOLUTION: OC260919-1631**

Presiding Member Cr Cook declared meeting open to public at 4:30pm.

**MOVED BY: Cr Wendy Dickinson**

**SECONDED BY: Cr Jaysen Miguel**

**RESULT: CARRIED / ~~LOST~~ – 5/0**

**RESOLUTION: OC260919-1633**

**15. Next Meeting**

The next meeting is scheduled for Thursday, 28 November 2019 at the Shire of Harvey Council Chambers, 7 Mulgara Street, Australind, commencing at 4:15pm.

**16. Close of Meeting**

The Presiding Member declares meeting closed at 4:41pm.