



Ordinary Council Meeting

Notice of Meeting & Agenda

25 March 2021

Meeting to be held at: The Administration Complex, Stanley Road Waste Management Facility, Lot 45 Stanley Road, Wellesley on Thursday 25 March 2021, commencing at 4.15pm

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

Notice of Meeting

The next Ordinary Meeting will be held at the Administration Complex, Stanley Road Waste Management Facility, Lot 45 Stanley Road, Wellesley on Thursday 27 May 2021.



Signed:

Tony Battersby

Chief Executive Officer

(Date of Issue: 19 March 2021)

AGENDA

Note: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the meeting.

<i>Council Members:</i>	Representing
Cr Tresslyn Smith (Chairperson)	City of Bunbury
Cr Tania Jackson (Deputy Chairperson)	Shire of Harvey
Cr Jaysen Miguel	City of Bunbury
Cr Karen Turner	City of Bunbury
<i>Executive Leadership Team (Non-Voting)</i>	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)
<i>Officers (Non-Voting)</i>	Representing
Mrs Karen McDonald	Finance Manager
Mrs Taryn York	Council Meeting Support Officer
<i>Others (Non-Voting)</i>	Representing
Cr Wendy Dickinson	Shire of Harvey

1. Declaration of Opening / Announcement of Visitors

The Presiding Member Declares Meeting open _____

2. Attendances and Apologies

2.1. Attendances

2.2. Apologies

Annie Riordan – Shire of Harvey

3. Public Question Time

4. Summary of Response to previous Questions taken on notice

5. Applications for Leave of Absence

6. Confirmation of Minutes

The minutes of the Ordinary meeting of Council held on 28 January 2021, are confirmed as a true accurate record.

MOVED BY: _____ SECONDED BY: _____

RESULT: CARRIED / LOST _____

RESOLUTION: _____

7. Petitions / Memorials / Presentations

8. Declarations of Interests

9. Announcements (by the presiding member without discussion)

10. Reports of Committees

11. Reports of Officers

11.1. Financial Statements for the period ending 31 January 2021

Applicant / Proponent:	Internal			
Responsible Officer:	Karen McDonald, Finance Manager			
Responsible Manager:	Tony Battersby, Chief Executive Officer			
Executive:	Tony Battersby, Chief Executive Officer			
Authority / Discretion:	Advocacy	<input type="checkbox"/>	Review	<input type="checkbox"/>
	Executive/Strategic	<input type="checkbox"/>	Quasi-Judicial	<input type="checkbox"/>
	Legislative	<input checked="" type="checkbox"/>	Information Purposes	<input checked="" type="checkbox"/>
Attachment(s):	Attachment 1 - 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)

1) Year-to-date Financial Performance to 31 January 2021

	ACTUAL	BUDGET	VARIANCE	
• Year-to-date Income	3,365,412	3,075,866	289,546	Favourable
• Year-to-date Expenditure	(3,530,652)	(3,351,358)	(178,294)	Unfavourable
• Year-to-date Operating Surplus/(Deficit)	(165,241)	(275,492)	110,251	Favourable

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

Closing Funding Surplus to 30 June 2021 is forecast at \$402,908. The Budgeted Closing Surplus amount of \$346,029 has been increased by \$56,879 due to:

Unspent contributions brought forward from June 2020	31,452
Increase in contributions	57,126
Increase in fees and charges	48,000
Decrease interest earnings	(467)
Increase in other revenue	60,468
Increase in materials and contracts	(12,969)
Increase in other expenditure	(125,067)
Decrease in capital expenditure	263
Increase in capital income	4,910
Increase in transfers to/from reserve	(6,837)
Total:	56,879

3. Capital Works (attached at Appendix 4)

	ACTUAL	BUDGET	VARIANCE	
• Year-to-date Capital Expenditure	1,000,763	944,980	55,783	Unfavourable

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

• Current Assets of \$3,222,849:	Year-to-date	Forecast
○ Cash and Cash Equivalents	2,511,632	1,046,585
○ Trade and Other Receivables	704,016	300,000
○ Prepayments	475	0
○ Inventories	6,727	2,000

Current Liabilities of \$539,589 includes:		
○ Trade and Other Payables	151,112	209,573
○ Provisions	388,477	365,882

• Working Capital (Current Assets less Current Liabilities) is:	2,683,260	773,130
• Equity (Total Assets less Total Liabilities) is:	8,321,737	12,145,271
• Reserves of \$2,189,714 includes:		
○ Plant and Infrastructure Reserve	130,287	306,783
○ Site Post Closure Rehabilitation Reserve	425,084	150
○ Stanley Road Environmental Protection Lined Cell Construction Reserve	520,233	49,025
○ Organics Processing Reserve	1,114,109	14,264

5. Investments

Total of \$2,232,875 includes:			
	Invested Funds \$	% of Total Funds	Max % of Total Funds Allowed
○ Commonwealth Bank	1,045,212	47	75
○ National Australia Bank	322,470	14	75
○ Westpac	865,192	39	75
TOTAL:	2,232,874	100	

Executive Recommendation

That Council:

Receive and accept the Financial Statements for period ending 31 January 2021 as presented to Council.

MOVED BY: _____ **SECONDED BY:** _____

RESULT: CARRIED / LOST _____

RESOLUTION: _____

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 30 July 2020, 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 2020/2021.

Consultation

Nil

Financial Implications

As per the 2020/2021 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 Financial Activity:

Statement of Financial Activity	
Revenues by Nature and Type	
Contributions Favourable year-to-date variance to budget mainly due to waste education contributions from DWER (\$48K) and unspent BORR project contributions (\$31K) received in June 2020 relating to expenditure made in July brought forward to comply with Australian Accounting Standards. The forecast has been amended to reflect this variance.	\$89,175 42%
Other Revenue Favourable year-to-date variance to budget mainly due to increases in fuel tax credits (\$8K), insurance reimbursements (good driver rebate and contributions assistance - \$9K, workers compensation reimbursements - \$20K), landfill levy income (increase in casual tipping from the Perth metropolitan area – \$26K), which was offset by a decrease in container deposit scheme revenue compared to budget (\$17K). The forecast has been amended to reflect these variances, except for the container deposit scheme, which has only been operating for three months. This revenue will be addressed in the March Budget Review.	\$98,454 23%
Employee Costs Unfavourable year-to-date variance to budget. Administration, Waste Education and earthworks operations employee costs are unfavourable, which is offset by a favourable variance in organics expenditure, Bore Funding and DWER funding. These employee costs will be reviewed in the March Budget Review.	(\$59,432) (4%)
Materials and Contracts Favourable year-to-date variance to budget. There are favourable variances in organics expenditure and skip bin recycling operations, which are offset by unfavourable variances in waste transfer station, (due to an average increase of 30 vehicles	\$13,800 1%

per day), and recycling operations. These materials and contracts costs will be reviewed in the March Budget Review.	
Other Expenditure Unfavourable year-to-date variance to budget mainly due to an increase in landfill levy expenditure (\$24K) which is fully recouped from customers (offset by increase in “Other Revenue”), container deposit scheme (\$95K) for container cash refunds to customers on deposit of eligible containers (reimbursed by scheme), and bad debts expense (\$6K) as per Council Resolution OC240920-1690. The forecast has been amended to reflect these variances. This “Other Expenditure” will be addressed in the March Budget Review.	(\$149,997) (60%)

Voting Requirement

Simple Majority

11.2. Financial Statements for the period ending 28 February 2021

Applicant / Proponent:	Internal			
Responsible Officer:	Karen McDonald, Finance Manager			
Responsible Manager:	Tony Battersby, Chief Executive Officer			
Executive:	Tony Battersby, Chief Executive Officer			
Authority / Discretion:	Advocacy	<input type="checkbox"/>	Review	<input type="checkbox"/>
	Executive/Strategic	<input type="checkbox"/>	Quasi-Judicial	<input type="checkbox"/>
	Legislative	<input checked="" type="checkbox"/>	Information Purposes	<input checked="" type="checkbox"/>
Attachment(s):	Attachment 2 - Appendices 1 - 8			

Summary

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

6. Statement of Comprehensive Income (attached at Appendix 1)

2) Year-to-date Financial Performance to 28 February 2021

	ACTUAL	BUDGET	VARIANCE	
• Year-to-date Income	3,765,085	3,488,125	276,961	Favourable
• Year-to-date Expenditure	(3,963,077)	(3,817,150)	(131,033)	Unfavourable
• Year-to-date Operating Surplus/(Deficit)	(197,993)	(329,026)	131,033	Favourable

7. Statement of Financial Activity (attached at Appendix 3)

Closing Funding Surplus to 30 June 2021 is forecast at \$402,908. The Budgeted Closing Surplus amount of \$346,029 has been increased by \$56,879 due to:

Unspent contributions brought forward from June 2020	31,452
Increase in contributions	57,126
Increase in fees and charges	48,000
Decrease interest earnings	(467)
Increase in other revenue	60,468
Increase in materials and contracts	(12,969)
Increase in other expenditure	(125,067)

Decrease in capital expenditure	263
Increase in capital income	4,910
Increase in transfers to/from reserve	(6,837)
Total:	56,879

8. Capital Works (attached at Appendix 4)

	ACTUAL	BUDGET	VARIANCE	
• Year-to-date Capital Expenditure	1,022,881	944,980	77,901	Unfavourable

9. Statement of Financial Position (attached at Appendix 5)

• Current Assets of \$3,282,401:	Year-to-date	Forecast
○ Cash and Cash Equivalents	2,578,494	1,046,585
○ Trade and Other Receivables	696,705	300,000
○ Prepayments	475	0
○ Inventories	6,727	2,000

Current Liabilities of \$605,100 includes:		
○ Trade and Other Payables	216,622	209,573
○ Provisions	388,477	365,882

• Working Capital (Current Assets less Current Liabilities) is:	2,677,301	773,130
• Equity (Total Assets less Total Liabilities) is:	8,288,986	12,145,271
• Reserves of \$2,191,014 includes:		
○ Plant and Infrastructure Reserve	130,292	306,783
○ Site Post Closure Rehabilitation Reserve	425,351	150
○ Stanley Road Environmental Protection Lined Cell Construction Reserve	520,560	49,025
○ Organics Processing Reserve	1,114,809	14,264

10. Investments

Total of \$2,234,277 includes:			
	Invested Funds \$	% of Total Funds	Max % of Total Funds Allowed
○ Commonwealth Bank	1,045,333	47	75
○ National Australia Bank	1,188,944	53	75
TOTAL:	2,232,874	100	

Executive Recommendation

That Council:

Receive and accept the Financial Statements for period ending 28 February 2021 as presented to Council.

MOVED BY: _____ SECONDED BY: _____

RESULT: CARRIED / LOST _____

RESOLUTION: _____

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 30 July 2020, 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 2020/2021.

Consultation

Nil

Financial Implications

As per the 2020/2021 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 Financial Activity:

Statement of Financial Activity	
Revenues by Nature and Type	
Contributions Favourable year-to-date variance to budget mainly due to waste education contributions from DWER (\$48K) and unspent BORR project contributions (\$31K) received in June 2020 relating to expenditure made in July brought forward to comply with Australian Accounting Standards. The forecast has been amended to reflect this variance.	\$89,409 41%
Other Revenue Favourable year-to-date variance to budget mainly due to increases in fuel tax credits (\$8K), insurance reimbursements (good driver rebate and contributions assistance - \$9K, workers compensation reimbursements - \$20K), landfill levy income (increase in casual tipping from the Perth metropolitan area – \$26K), which was offset by a decrease in container deposit scheme revenue compared to budget (\$17K). The forecast has been amended to reflect these variances, except for the container deposit scheme, which has only been operating for three months. This revenue will be addressed in the March Budget Review.	\$107,169 21%

Employee Costs Unfavourable year-to-date variance to budget. Administration, waste transfer station and earthworks operations employee costs are unfavourable, which is offset by a favourable variance in organics expenditure. These employee costs will be reviewed in the March Budget Review.	(\$70,416) (4%)
Materials and Contracts Favourable year-to-date variance to budget. There are favourable variances in organics expenditure and skip bin recycling operations, which are offset by unfavourable variances in waste transfer station, (due to an average increase of 30 vehicles per day), and recycling operations. These materials and contracts costs will be reviewed in the March Budget Review.	\$43,224 5%
Other Expenditure Unfavourable year-to-date variance to budget mainly due to an increase in landfill levy expenditure (\$24K) which is fully recouped from customers (offset by increase in "Other Revenue"), container deposit scheme (\$95K) for container cash refunds to customers on deposit of eligible containers (reimbursed by scheme), and bad debts expense (\$6K) as per Council Resolution OC240920-1690. The forecast has been amended to reflect these variances. This "Other Expenditure" will be addressed in the March Budget Review.	(\$180,708) (65%)

Voting Requirement

Simple Majority

11.3. Summary of Accounts paid for period ending 31 January 2021

Applicant / Proponent:	Internal		
Responsible Officer:	Karen McDonald, Finance Manager		
Responsible Manager:	Karen McDonald, Finance 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 3 - Summary of Accounts paid for period ending 31 January 2021		

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 January 2021

Officer Recommendation

That Council:

Receive and accept the Summary of Accounts paid for period ending 31 January 2021 as presented to Council.

MOVED BY: _____ SECONDED BY: _____

RESULT: CARRIED / LOST _____

RESOLUTION: _____

Background

As noted in Summary.

Officer Comment

The attachment details all payments made for 31 January 2021

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 2020/2021 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 28 February 2021

Applicant / Proponent:	Internal			
Responsible Officer:	Karen McDonald, Finance Manager			
Responsible Manager:	Karen McDonald, Finance 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 4 - Summary of Accounts paid for period ending 28 February 2021			

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 28 February 2021

Officer Recommendation

That Council:

Receive and accept the Summary of Accounts paid for period ending 28 February 2021 as presented to Council.

MOVED BY: _____ **SECONDED BY:** _____

RESULT: CARRIED / LOST _____

RESOLUTION: _____

Background

As noted in Summary.

Officer Comment

The attachment details all payments made for 28 February 2021

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 2020/2021 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. Draft Compliance Audit Return 2020

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 5 – DRAFT Compliance Audit Return 2020			

Summary

Regulation 14 of the Local Government (Audit) Regulations 1996 requires that a local government carry out a compliance audit for the period 1 January to 31 December of each year. This report is presented to Council for consideration of the Compliance Audit for the period 1 January 2020 to 31 December 2020.

Officer Recommendation

That Council:

Receive and accept the Compliance Audit Return 2020 as present to Council and that Council request the Chief Executive Officer and Chairperson to sign the Compliance Audit Return and forward the return to the Department of Local Government.

MOVED BY: _____ SECONDED BY: _____

RESULT: CARRIED / LOST _____

RESOLUTION: _____

Voting Requirement

Simple Majority

Background

Regulation 14 of the Local Government (Audit) Regulations 1996 requires that a local government carry out a compliance audit for the period 1 January to 31 December of each year. After carrying out a Compliance Audit the local government is to prepare Compliance Audit Return (CAR) in a form approved by the Minister.

The CAR is required to be submitted to the Executive Director by 31 March of each year. The form of CAR approved by the Minister for the 2018 CAR is via completion of an online form on the Department of Local Government and Regional Developments (DLGRD) website. The CEO has completed the return (Attachment 11.5A) and the report is provided for Council's information.

Officer Comment

Notes are included in the attached Compliance Audit Return.

Consultation

Nil

Financial Implications

Nil

Statutory Environment

Regulation 14 of the Local Government (Audit) Regulations 1996 apply require the Local Government to complete a Compliance Audit Return each year.

Strategic Implications

Nil

Policy Implications

Nil

11.6. Adoption of BHRC Code of Conduct for Council Members, Committee Members and Candidates

Applicant / Proponent:	Internal			
Responsible Officer:	Michelle Lloyd, Compliance Officer			
Responsible Manager:	-			
Executive:	Tony Battersby, Chief Executive Officer			
Authority / Discretion:	Advocacy	<input 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 6 – Code of Conduct – Updated Attachment 7 – WA Government Gazette (Tuesday, 2 February 2021)			

Summary

The purpose of this report is to present the recently legislated Local Government (Model Code of Conduct) Regulations 2021 which applies a model code of conduct applicable to Council Members, Committee Members and Candidates. The recommendations within this report seek Council adoption of the Model Code of Conduct, request Council to authorise the Chief Executive Officer as its current complaint officer to receive complaints and ensure an approved form for submitting complaints is in place.

The model Code of Conduct supersedes the current Bunbury Harvey Regional Council Code of Conduct V02 dated 30 January 2020 for Elected Members, Committee Members and Employees.

New Regulations prescribing the minimum requirements for an Employee Code of conduct were also proclaimed. The CEO will prepare and implement a code of conduct to be observed by employees accordingly. Endorsed Management Policies and procedures relating to Employee Customer Service Charter and complaint processes remain in place.

Officer Recommendation

That Council:

1. Adopt the Model Code of Conduct as contained within the *Local Government (Model Code of Conduct) Regulations 2021* as BHRC model, applicable to Council Members, Committee Members and Candidates.
2. Request the CEO to publish the adopted Code of Conduct on the BHRC website in accordance with section 5.104(7) of the *Local Government Act 1995*.
3. Authorise the CEO for the purposes of receiving complaints and withdrawal of complaints in accordance with Clause 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*.
4. Delegate to the CEO the power to appoint one or more persons to receive complaints and withdrawals of complaints in accordance with section 5.42 of the *Local Government Act 1995*. *

*Voting Requirement: *Points 1 and 4 Absolute Majority; Points 2 and 3 Simple Majority*

MOVED BY: _____ SECONDED BY: _____

RESULT: CARRIED / LOST _____

RESOLUTION: _____

Voting Requirement

Absolute & Simple Majority

Strategic Relevance

Strategic Community Development.

Regional Impact Statement

Not applicable to this Council item.

Background

On 27 June 2019 the *Local Government Legislation Amendment Act 2019* was passed by Parliament.

On Tuesday, 2 February 2021 the following regulations were gazetted to take effect on Wednesday, 3 February 2021:

- *Local Government (Administration) Amendment Regulations 2021*
- *Local Government (Model Code of Conduct) Regulations 2021*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.

New sections of the Local Government Act that provided for the New Regulations were proclaimed concurrently and are also now in effect.

The Department of Local Government Sporting and Cultural Industries (DLGSC) recognises the speed with which these changes were made, providing an implementation timeframe of up to three months for local governments to operationalise the new regulations.

Local governments are required to take specific initial actions within three weeks of the regulations taking effect (by 24 February 2021) as included within the Executive Recommendation of this report.

It is further expected that local governments adopt the new regulations and any other procedures and processes required for implementation within three months from the regulations taking effect (by 3 May 2021).

Council Policy Compliance

No Council Policy currently applies. The DLGSC have provided *Local Government (Model Code of Conduct) Regulations 2021* Explanatory Notes as well as Guidelines on the model Code of Conduct for Council Members, Committee Members and Candidates.

Legislative Compliance

Section 5.104 of the Act requires that local governments adopt the model Code as their Code of Conduct within three months of the *Local Government (Model Code of Conduct) Regulations 2021* coming into operation (by 3 May 2021).

The operational requirements of Division 3 require local governments to take certain initial actions within three weeks (by 24 February 2021).

Officer Comment

The *Local Government (Model Code of Conduct) Regulations 2021* bring into effect sections 48-51 of the Amendment Act by introducing a mandatory code of conduct for council members, committee members and candidates.

The Model Code Regulations provide for:

- overarching principles to guide behaviour
- behaviours which are managed by local governments
- rules of conduct breaches which are considered by the Standards Panel.

The purpose of the model is to guide decisions, actions and behaviours. It also recognises that there is a need for a separate code for council members, committee members and candidates to clearly reflect community expectations of behaviour and ensure consistency between local governments. It also provides for a process to deal with complaints to ensure a consistent approach across the sector.

If a council member does not comply with any action required by the local government following a breach of the model Code, the local government may refer the matter to the Standards Panel as an alleged contravention of a rule of conduct. The Standards Panel has the authority to make binding decisions to resolve minor breaches.

While local governments may not amend Division 2 (Principles) or Division 4 (rules of Conduct), additional behaviour requirements can be included in Division 3 (Behaviours) if deemed appropriate by the local government. Any additions must be consistent with the model Code of Conduct (section 5.104(3) of the Act). The CEO must publish the adopted Code of Conduct on the Local Government's official website as required by section 5.104(7) *Local Government Act 1995*.

Consultation

Nil

Financial Implications

Nil

Elected Member/Officer Consultation

Nil

Statutory Environment

Local Government (Model Code of Conduct) Regulations 2021 apply.

Strategic Implications

Nil

Policy Implications

Nil

Timeline: Council Decision Implementation

Following approval by Council:

- Recommendations 1 to 5 will be implemented immediately; and
- Recommendations 6 will be implemented within 6 months.

11.7. Deed of Lease – Lot 45 Stanley Road, Wellesley

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 8 – Correspondence from City of Bunbury dated 21.10.2020			

Summary

The Bunbury Harvey Regional Council is seeking a new lease agreement over the Stanley Road Waste Management Facility located at Lot 45 Stanley Road Wellesley; this new lease agreement would supersede any existing lease agreement. The new lease would take effect as of 1st July 2021.

Officer Recommendation

Council authorise the Chief Executive Officer to conduct the following;

- 1) Request renewal of lease in writing to the City of Bunbury and Shire of Harvey prior to the 31st March 2021.

MOVED BY: _____ SECONDED BY: _____

RESULT: CARRIED / LOST _____

RESOLUTION: _____

- 2) Enter negotiations with the City of Bunbury and Shire of Harvey to secure a long-term Twenty (20) year lease.

MOVED BY: _____ SECONDED BY: _____

RESULT: CARRIED / LOST _____

RESOLUTION: _____

- 3) Enter negotiations with the City of Bunbury and Shire of Harvey to secure a suitable and equitable rental agreement payable to the Member Councils.

MOVED BY: _____ SECONDED BY: _____

RESULT: CARRIED / LOST _____

RESOLUTION: _____

Voting Requirement

Simple Majority

Background

Council entered into a new Deed of Lease over Lot 45 Stanley Road, Wellesley for use as a Landfill site for a period of Five (5) year period commencing on the 1st July 2014 (**Council Resolution OC81219-1273**), with a first further term of Two (2) years commencing on the date immediately following the Expiry Date, and a second further term of Two (2) years commencing on the day immediately following the first term. Rental shall consist of a minimum of \$11.00 per tonne rebate of the gate fees payable to Member Councils for waste delivered by each Member Council to the Premises.

Council exercised the option of a further Two (2) years commencing on the 1st July 2019, with current date of expiry being 30th June 2021. Current rental consist of a \$12.50 per tonne rebate of gate fees payable to Member Councils for waste delivered by each Member Council to the Premises. In the 2019/2020 financial year City of Bunbury received \$92,346.00 and the Shire of Harvey received \$59,010.00.

Officer Comment

The current Deed of Lease has a second extension option of two (2) years commencing on the 1st July 2021 with an expiry date of 30th June 2023. The City of Bunbury has sent correspondence asking if the BHRC wishes to exercise the extension option as per **Attachment 8**.

With the current and future projects, the Councils has planned for the Stanley Road site costing multi million-dollar capital investment it is essential that Council obtains a long term lease on the site from the Member Councils for its long term security and borrowing capacity.

Consultation

Discussions to be held between Officers of the City of Bunbury, Shire of Harvey and BHRC.

Financial Implications

The 2021/2022 draft budget has allocation for rental value for Lot 45 Stanley Road Wellesley to Member Councils and the rental amount will be allowed for in the future BHRC financial budgets.

Statutory Environment

The lease of the Stanley Road site is a Civil agreement between the City of Bunbury/Shire of Harvey and the Bunbury-Harvey Regional Council.

Strategic Implications

Nil

Policy Implications

Nil

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

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

14. Confidential Business (Meeting Closed to the Public)

15. Next Meeting

The next meeting is scheduled for Thursday, 27 May 2021 at The Administration Complex, Stanley Road Waste Management Facility, Lot 45 Stanley Road, Wellesley, commencing at 4.15pm.

16. Close of Meeting

The Presiding Member declares meeting closed at _____