



**SHIRE OF ASHBURTON
PILBARA REGIONAL WASTE MANAGEMENT
FACILITY (PRWMF) COMMITTEE**

**PUBLIC MINUTES
Clem Thompson Sports Pavilion,
Stadium Road
Tom Price**

20 April 2021

10.30 am

**PUBLIC MINUTES - PILBARA REGIONAL WASTE MANAGEMENT
FACILITY COMMITTEE 20 APRIL 2021**

SHIRE OF ASHBURTON

PILBARA REGIONAL WASTE MANAGEMENT FACILITY (PRWMF) COMMITTEE

The Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Meeting of Council.



CEO: _____
Mr K Donohoe

Date: 20 April 2021

These minutes were confirmed by Council as a true and correct record of proceedings of the Pilbara Regional Waste Management Facility (PRWMF) Committee Meeting on the 20 April 2021.

Presiding Member: _____

Date: _____

DISCLAIMER

The resolutions contained in the Minutes are subject to confirmation by Council. The Shire of Ashburton warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ashburton for any act, omission or statement or intimation occurring during a Council meeting.

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting opened at 10.38 am.

1.1 ACKNOWLEDGEMENT OF COUNTRY

As representatives of the Shire of Ashburton Council, we respectfully acknowledge the local Indigenous people, the traditional custodians of this land where we are meeting upon today and pay our respects to them and all their elders both past, present and emerging.

2. ATTENDANCE

2.1 PRESENT

Members:	Cr K White Cr D Diver Cr M Lynch	Onslow Ward (Presiding Member) Tom Price Ward Tom Price Ward
Staff:	Mr K Donohoe Mr M Khosravi Mrs C McGurk Mr. N Cain Mr A Majid Mrs A Lennon Mrs. M Lewis Mrs J Fell Mrs D Hurstfield Mrs D Walkington Mrs H Pickering	Chief Executive Officer Director Infrastructure Services Director Projects and Procurement Director Corporate Services Director People and Places Manager Media and Communications Council Liaison Officer Manager Land and Asset Compliance Manager Governance Customer Service Officer – Records Manager Waste Services
Guests:	Cr M Gallanagh Cr D Dias Cr J Richardson	Pannawonica Ward Paraburdoo Ward Tablelands Ward
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were no members of the media in attendance at the commencement of the meeting.	

2.2 APOLOGIES

There were no apologies for this meeting.

2.3 APPROVED LEAVE OF ABSENCE

No Approved Leave of Absence has been received for this meeting.

3. ANNOUNCEMENT OF VISITORS

There were no visitors for this meeting.

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4. DECLARATION BY MEMBERS

4.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

Councillors White, Lynch and Diver are requested to acknowledge during the meeting that they have given due consideration to all matters contained in the Agenda.

4.2 DECLARATIONS OF INTEREST

Councillors to Note

A member who has an Impartiality, Proximity or Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the member must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting
Or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (a) Preside at the part of the Meeting, relating to the matter or;
- (b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have an interest in a matter.

These notes are included in each agenda for the time being so that Councillors may refresh their memory:

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given

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when the matter arises in the Agenda, and immediately before the matter is discussed.

6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*, or
 - 6.2 Where the Minister allows the Councillor to participate under s5.69 (3) of the *Local Government Act*, with or without conditions.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
There are no Declarations of Interest for this meeting.		

5. PILBARA REGIONAL WASTE MANAGEMENT FACILITY COMMITTEE MEETING HELD ON 13 OCTOBER 2020

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That the Unconfirmed Minutes of the Pilbara Regional Waste Management Facility Committee (PRWMF) Meeting (ATTACHMENT 5.1) held on 13 October 2020 be confirmed as a true and accurate record.

CARRIED 3/0

6. TERMS OF REFERENCE

Members: Crs Diver, Lynch and White.

Deputies: All other Councillors.

Secretariat: Director Infrastructure Services or nominee.

Membership: 3 Councillors.

Quorum: 2 Councillors.

Purpose: The Committee is to undertake the task of overseeing the PRWMF construction project and to make recommendations to Council as per the following Roles and Responsibilities:

- Progress against the project timeline;
- Income / Expenditure, Actual versus Budget;
- Milestone reports to funding bodies;
- Any designs and reports regarding estimated cost, risk, and deliverables;
- Major variations (over \$150,000 in cost, or exceed total budget, or change in scope that affects functionality or purpose of the facility) for recommendation to Council;
- Performance requirements as required under funding agreements;

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- Proposed variations to the terms of the funding agreements;
- Final documented designs before presentation to Council for endorsement; and
- Project progress reports and major variation requests during construction.

Meeting cycle: As required.

UNCONFIRMED MINUTES

7. AGENDA ITEMS

There are no public agenda items for this meeting.

8. CONFIDENTIAL MATTERS

Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:

1. *If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*
 - (a) a matter affecting an employee or employees;*
 - (b) the personal affairs of any person;*
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) a matter that if disclosed, would reveal:*
 - (I) a trade secret;*
 - (II) information that has a commercial value to a person; or*
 - (III) information about the business, professional, commercial or financial affairs of a person, Where the trade secret or information is held by, or is about, a person other than the local government.*
 - (f) a matter that if disclosed, could be reasonably expected to:*
 - (I) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (II) Endanger the security of the local government's property; or*
 - (III) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;*
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
 - (h) such other matters as may be prescribed.*

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Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That Council move behind closed doors at 10.40 am to consider the following Confidential Items.

Pursuant to sub section 5.23 (2) (c) of the *Local Government Act 1995* which provides:

8.1 CONFIDENTIAL ITEM- PILBARA REGIONAL WASTE MANAGEMENT FACILITY – STATUS REPORT

- (e) a matter that if disclosed, would reveal:
- (III) information about the business, professional, commercial or financial affairs of a person, Where the trade secret or information is held by, or is about, a person other than the local government.

CARRIED 3/0

8.1 CONFIDENTIAL ITEM- PILBARA REGIONAL WASTE MANAGEMENT FACILITY – STATUS REPORT

FILE REFERENCE:	WM07
AUTHOR'S NAME AND POSITION:	Helen Pickering Manager Waste Services
AUTHORISING OFFICER AND POSITION:	Maz Khosravi Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 April 2021
DISCLOSURE OF FINANCIAL INTEREST:	The authors and the authorising officer have no financial proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 7.1 (Minute No. 131/2020) Ordinary Meeting of Council 8 September 2020

REASON FOR CONFIDENTIALITY

The Director Infrastructure Services Report is confidential in accordance with s5.23 (2) *the Local Government Act 1995* because it deals with matters affecting s5.23 (2):

- (e) a matter that if disclosed, would reveal:

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- (III) *information about the business, professional, commercial or financial affairs of a person, Where the trade secret or information is held by, or is about, a person other than the local government.*

Committee Recommendation

MINUTE: 41/2021

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That with respect to the Confidential Item - Pilbara Regional Waste Management Facility – Commercial Licensing Opportunities, the PRWMF Committee;

- 1. Receive this status report: and**
- 2. Authorise the Chief Executive Officer to commence appropriate procedures to facilitate the change of licensing requirements for the Pilbara Regional Waste Management Facility from Class IV to a Class V facility in accordance with requirements of the Commonwealth and State regulatory bodies.**

CARRIED 3/0

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Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That Council re-open the meeting to the public at 10.43 am.

CARRIED 3/0

9. NEXT MEETING

The Pilbara Regional Waste Management Facility Committee (PRWMFC) requested the Chief Executive Officer prepare an item to Council to disband this committee due to completion of this project.

10. CLOSURE OF MEETING

The Presiding Member closed the meeting at 10.44 am.

UNCONFIRMED MINUTES