



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

PUBLIC MINUTES

**Clem Thompson Sports Pavilion,
Stadium Road, Tom Price
23 April 2019
9.45 am**

PUBLIC MINUTES - PILBARA REGIONAL WASTE MANAGEMENT FACILITY COMMITTEE
23 APRIL 2019

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.

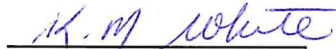
CEO:



Date: 23.04.2019

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 23.04.2019.

Presiding Member:



Date:

16-07-2019

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 9.50 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 future.

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. R Paull Mr. I Hamilton Mrs S Johnson Mr M Castarella Mrs J Fell Ms. J Smith Mrs. M Lewis | Chief Executive Officer Director Infrastructure Services Acting Director Community Services Contract Manager Finance & Administration Manager Land & Asset Compliance Executive Coordinator Council Support Officer |
| Guests: | Cr L Thomas Cr L Rumble | Tablelands Ward Paraburdoo 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.

2.3 APPROVED LEAVE OF ABSENCE

There were no Councillors on approved leave of absence.

3. ANNOUNCEMENT OF VISITORS

There were no public visitors in attendance at this meeting.

4. DECLARATION BY MEMBERS

4.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

Councillors are requested to give due consideration to all matters contained in the Agenda presently before the meeting.

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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 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

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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 were no Declarations of Interest provided | | |

**5. PILBARA REGIONAL WASTE MANAGEMENT FACILITY
COMMITTEE MEETING HELD ON 12 MARCH 2019**

Committee 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 12 March 2019, be confirmed as a true and accurate record.

CARRIED 3/0

Councillors Lynch, White and Diver voted for the motion

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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;
- 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.

7. AGENDA ITEMS

There are no Agenda Items.

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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Committee Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That Council close the meeting to the public at 9.52 am pursuant to sub section 5.23 (2) (a) and (b) of the *Local Government Act 1995*.

**CARRIED 3/0
Councillors Lynch, White and Diver voted for the motion**

**8.1 CONFIDENTIAL ITEM - PILBARA REGIONAL CLASS IV WASTE
MANAGEMENT FACILITY, ONSLOW – KEY PROJECT RISKS**

MINUTE: 541/2019

FILE REFERENCE: WM07

**AUTHOR'S NAME AND
POSITION:** Andy Grant
Financial Support Officer

**AUTHORISING OFFICER AND
POSITION:** Ian Hamilton
Director Infrastructure Services

**NAME OF APPLICANT/
RESPONDENT:** Not Applicable

DATE REPORT WRITTEN: 3 April 2019

**DISCLOSURE OF FINANCIAL
INTEREST:** The author and the authorising officer have no financial,
proximity or impartiality interests in this report

**PREVIOUS MEETING
REFERENCE:** Not Applicable

REASON FOR CONFIDENTIALITY

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

(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.

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Officers Recommendation and Committee Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That with respect to the Pilbara Regional Class IV Waste Management Facility (Facility), Onslow – Key Project Risks referred to in this report that Committee recommend Council note:

- 1. The identified potential key project risks for the Facility project; and**
- 2. That as a result of the risks identified, the actual consultancy costs associate with approvals and development of the facility are likely to exceed the estimated project costs submitted by Talis Consultancy for RFQ 69.17.**

**CARRIED 3/0
Councillors Lynch, White and Diver voted for the motion**

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**8.2 PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY,
ONSLow – DEED OF VARIATION TO COMMONWEALTH GRANT
AGREEMENT (BBRF56446)**

MINUTE: 542/2019

FILE REFERENCE: WM07

AUTHOR'S NAME AND POSITION: Andy Grant
Financial Support Officer

AUTHORISING OFFICER AND POSITION: Ian Hamilton
Director Infrastructure Services

**NAME OF APPLICANT/
RESPONDENT:** Not Applicable

DATE REPORT WRITTEN: 16 April 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Not Applicable

REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act 1995* because it deals with matters affecting s5.23 (2):

- (b) the personal affairs of any person; and*
- (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; and*
- (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.*

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Officers Recommendation

That with respect to the Pilbara Regional Class IV Waste Management Facility, Onslow – Variation to Better Building Regions Fund, the Committee recommend Council:

1. Note the Commonwealth Standard Grant Agreement as executed on 27 September 2017 (CONFIDENTIAL ATTACHMENT 8.2A);
2. Accepts the Deed of Variation: Building Better Regions Fund Agreement (BBRF56446) to remove Milestones 4 and add Milestone 11 (CONFIDENTIAL ATTACHMENT 8.2B); and
3. Authorise the Chief Executive Officer to execute the Deed of Variation: Building Better Regions Funds Agreement (BBRF56446).

Committee Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That with respect to the Pilbara Regional Class IV Waste Management Facility, Onslow – Variation to Better Building Regions Fund, the Committee recommend Council:

- 1. Note the Commonwealth Standard Grant Agreement as executed on 27 September 2017 (CONFIDENTIAL ATTACHMENT 8.2A);**
- 2. Accepts the Deed of Variation: Building Better Regions Fund Agreement (BBRF56446) to amend Milestone 4 and 11 (CONFIDENTIAL ATTACHMENT 8.2B); and**
- 3. Authorise the Chief Executive Officer to execute the Deed of Variation: Building Better Regions Funds Agreement (BBRF56446).**

CARRIED 3/0

Councillors Lynch, White and Diver voted for the motion

Reason for change:

The Chief Executive Officer noted minor modifications to the wording of Part 2 of the Recommendation.

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Committee Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That Council re-open the meeting to the public at 10.14 am pursuant to sub section 5.23 (2) (a) and (b) of the *Local Government Act 1995*.

CARRIED 3/0

Councillors Lynch, White and Diver voted for the motion

9. NEXT MEETING

The next Pilbara Regional Waste Management Facility (PRWMF) Committee meeting will be held at a date and time to be advised.

10. CLOSURE OF MEETING

The Presiding Member closed the meeting at 10.15 am.