



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

**PUBLIC AGENDA AND ATTACHMENTS
Clem Thompson Sports Pavilion,
Stadium Road
Tom Price**

20 April 2021

10.30 am

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

SHIRE OF ASHBURTON

PILBARA REGIONAL WASTE MANAGEMENT FACILITY (PRWMF) COMMITTEE MEETING

Notice is hereby given that a Pilbara Regional Waste Management Facility (PRWMF) Committee Meeting for the Shire of Ashburton will be held on 20 April 2021 at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price commencing at 10.30 am.

The business to be transacted is shown in the Agenda.



Kenn Donohoe
CHIEF EXECUTIVE OFFICER

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by the Committee and/or endorsement by the 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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FACILITY COMMITTEE 20 APRIL 2021**

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

1. DECLARATION OF OPENING

The Presiding Member declared the meeting opened at _____ 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 Ms T O'Neill	Chief Executive Officer Director Infrastructure Services Director Projects and Procurement Director Corporate Services Director People and Place Manager Media and Communications Council Liaison Officer Customer Service Officer
Guests:		
Members of Public:	There were _____ members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were _____ members of the media in attendance at the commencement of the meeting.	

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

3. ANNOUNCEMENT OF VISITORS

4. DECLARATION BY MEMBERS

4.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

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

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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FACILITY COMMITTEE 20 APRIL 2021**

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**

Officers Recommendation

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.

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.

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

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.*

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

**8.1 CONFIDENTIAL - 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:*

(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.*

Officers Recommendation

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.

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

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 ____am.

**PUBLIC MINUTES - PILBARA REGIONAL WASTE MANAGEMENT
FACILITY COMMITTEE 13 OCTOBER 2020**



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

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

**13 October 2020
9.00 am**

**PUBLIC MINUTES - PILBARA REGIONAL WASTE MANAGEMENT
FACILITY COMMITTEE 13 OCTOBER 2020**

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: 19.10.2020

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 13 October 2020.

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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FACILITY COMMITTEE 13 OCTOBER 2020**

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**PUBLIC MINUTES - PILBARA REGIONAL WASTE MANAGEMENT
FACILITY COMMITTEE 13 OCTOBER 2020**

1. DECLARATION OF OPENING

The Presiding Member declared the meeting opened at 9.00 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 A Sheridan Mrs C McGurk Mr. J Bingham Mrs K Bartley Mr A Majid Mrs. M Lewis Ms T O'Neil Mrs A Lennon	Chief Executive Officer Acting Director Infrastructure Services Acting Director Projects and Procurement Director Corporate Services Director Community Services Director Development Services Council Liaison Officer Customer Service Officer Media and Communications Manager
Guests:	Mr R Barnes Ms J Spark Cr Gallanagh Cr Rumble Cr Foster	Moore Australia Elected Members
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

There were no Approved Leave of Absence for this meeting.

3. ANNOUNCEMENT OF VISITORS

There were no visitors in attendance at this meeting.

**PUBLIC MINUTES - PILBARA REGIONAL WASTE MANAGEMENT
FACILITY COMMITTEE 13 OCTOBER 2020**

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

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NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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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.

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FACILITY COMMITTEE 13 OCTOBER 2020**

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
 - 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 8 SEPTEMBER 2020**

<p>Committee Decision</p> <p>MOVED: Cr M Lynch SECONDED: Cr D Diver</p> <p>That the Unconfirmed Minutes of the Pilbara Regional Waste Management Facility Committee (PRWMF) Meeting (ATTACHMENT 5.1) held on 8 September 2020 be confirmed as a true and accurate record.</p> <p align="right">CARRIED 3/0</p>
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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,

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FACILITY COMMITTEE 13 OCTOBER 2020**

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

7.1 PILBARA REGIONAL WASTE MANAGEMENT FACILITY – STATUS REPORT

FILE REFERENCE: WM07

AUTHOR'S NAME AND POSITION: Helen Pickering
Manager Waste Services

AUTHORISING OFFICER AND POSITION: Alan Sheridan
Acting Director Infrastructure Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 25 September 2020

DISCLOSURE OF FINANCIAL INTEREST: The author 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

Summary

The propose of this report is to update the Pilbara Waste Management Facility Committee (PRWMFC) on the progress of the construction phase of the Pilbara Regional Waste Management Facility, in accordance with the Terms of Reference.

This report also provides:

- (i) An explanation of the characteristics of the Hybrid Alliance Model Contract and why it is preferred as the basis on which to engage the Waste Facility operators; and
- (ii) An overview of the Total Waste Management Services concept and why it will maximise the Shire's financial return for capital invested into the facility.

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FACILITY COMMITTEE 13 OCTOBER 2020**

Background

The Terms of Reference for the Pilbara Regional Waste Management Facility (PRWMF) Committee provides for the Committee to undertake the task of overseeing the PRWMF construction project and to make recommendations to Council regarding project timeline, financials, milestones, design matters, variations etc. The full list of Roles and Responsibilities are detailed in the Committee Terms of Reference. That list has been used as the basis for preparing this report.

Construction of the facility has been undertaken utilising two contract packages;

1. Contract RFT 04.19 Onslow Class IV Landfill Project Early Works, awarded to NTC Contracting for the contract sum of \$1,343,353.55 ex GST (Practical completion was achieved on 18 February 2020).
2. Contract RFT 07.19 Onslow Class IV Landfill Project – Main Works, award to Raubex Construction Pty Ltd for contract sum of \$12,818,284.31 ex GST (Tender accepted 22 October 2019 Ordinary Meeting of Council and was executed on 4 June 2020).

Status Update

1. Main Works construction progress summary:

Construction is progressing in accordance with the construction timeline. The date of practical completion is 4 January 2021, with the current timeline indicating completion on 15 December 2020. There have been no delays at this point in time. At this stage, it is expected that the project will be completed on time and on budget. Specific information regarding the progress of works is as follows:

- Vegetation Clearance – Works on levee / southern bushfire track almost complete. Solar area to be prepared and cleared.
- Formation to the Northern batter of cell 1 is now complete. Trimming will start before liner installation.
- Embankment fill to turkey's nest, leachate pond completed.
- Works progressing on southern levee banks and main access road embankments.
- Cell 1 foundation and attenuation layer completed.
- Earthworks on truck decoupling area completed.
- Subgrade on main road completed, subbase imported, but not yet handed over or accepted.
- Formation and Attenuation layer to cell 1 wall - The contractor has placed a 250mm attenuation layer to the North wall and compaction tests were done. Required compaction has been achieved.
- Sullage ponds – Contractor has requested a design change as they are not confident of constructing the walls at a 1:1 batter using the on-site material. Matter reverted back to Talis for design variation.
- Engineering layer of cell wall and cell floor completed.
- Subgrade for main access road completed.

2. Actual current Expenditure

The Project Variation Register update as per 17 September 2020 is included as **CONFIDENTIAL ATTACHMENT 7.1A.**

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3. Main Works – current expenditure as approved by the Superintendent

Project Progress Claim to date:	
June 2020	\$1,967,448.43
July 2020	\$1,023,363.56
August 2020	\$1,346,790.55
September 2020	\$1,642,654.84
Total Claimed to Date; \$5,980,257.30	
Forecast Project Progress Claims:	
October 2020	\$1,023,363.56
November 2020	\$1,346,790.55
December 2020	\$653,063.50

Project Final Estimate \$10,997,675.96 (Ex GST)

4. Milestone reports to funding bodies

Reports as required by the Building Better Regions Funds (BBRF) have been completed and submitted.

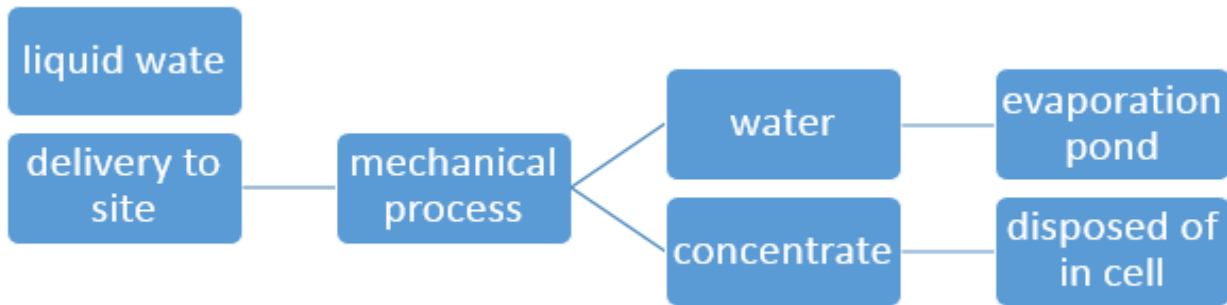
Report as required by Department of Jobs, Tourism, Science and Innovation to be submitted by 16 October 2020 (relates to funding contribution provided by Chevron)

5. Any designs and reports regarding estimated cost, risk and deliverables

The Shire has been approached by Chevron regarding the disposal of up to 600,000 litres of Class 3 liquid waste per month at the new facility. While the current design acknowledges that there is a requirement to process liquid waste, the operator would implement their own processes/systems to manage such waste. However, now that the Shire has a confirmed client and known quantity of Class 3 liquid waste we will need to consider, in further detail, whether the proposed infrastructure is capable of handling that waste.

Accordingly, Council's design consultant has been engaged to obtain further information from Chevron regarding the nature and type of liquid waste and to assess what additional infrastructure may be necessary to deal with that waste. Preliminary investigations indicate that the existing ponds (with the possible addition of the Turkey Nest Dam currently being used for construction water) may be capable of dealing with the waste and that an additional evaporation pond may not be necessary. However, we may need to look at installing conduits under the road for future connection to one of the ponds and perhaps other supporting infrastructure. In particular it will be necessary to assess how the process of mechanical separation could be managed and any infrastructure which may be necessary to support that. The following diagram explains:

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FACILITY COMMITTEE 13 OCTOBER 2020**



It would obviously be preferable for any physical works to be dealt with by the existing contractor, while they are on site and it may be possible to address this with only minor variations to the existing contract. At the time of writing this report however, that assessment had only just commenced. As a result, a verbal update will be provided at the meeting.

6. Major Variations

Not Applicable

7. Performance requirements as required under the funding agreement

As per point 4 – reports as required by BBRF have been completed and submitted.

8. Proposed variations to the terms of the funding agreement

Not Applicable

9. Project progress reports and major variation requests

1. Program update as per 23.9.2020 included as **CONFIDENTIAL ATTACHMENT 7.1B.**
2. No Major Variation Requests

Hybrid Alliance Model Contract

At the 8 September 2020 Ordinary Council Meeting (OCM) it was resolved to:

1. Endorse the Hybrid Alliance Model as the preferred contract model for the Pilbara Regional Waste Management Facility IV ('the Facility');
2. Investigate a Hybrid Alliance Model style of contract which will allow Council to determine the exact services to be included in the contract through the use of mandatory and discretionary services; and
3. Investigate the Hybrid Model and costing regime be presented to the Pilbara Regional Waste Management Facility Committee before any contracts are entered into including a definition of Total Waste Services Management.

Comment

The Hybrid Alliance Model Contract ('*Hybrid Agreement*') takes the best qualities of both a traditional services contract and alliance agreement to form a 'hybrid agreement'.

Traditionally a services contract is used when engaging a waste facility operator. These service contracts have clear performance obligations and roles. Limited flexibility applies too with service requirements laid out at the outset and strict processes in place for amendments. Liabilities and

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FACILITY COMMITTEE 13 OCTOBER 2020**

implications for breach are also clear with dispute resolution mechanisms (i.e. arbitration and courts) in place.

However feedback from key industry participants in 2017 from a Market Sounding process indicated potential operators of the Facility would prefer to be engaged under an alliance agreement model. The alliance agreement is less adversarial to the traditional services contract with risk allocation and collective obligation to deliver services being shared i.e. parties tend not to sue.

Also the alliance agreement is managed by a central board (Alliance Board) which makes strategic decisions and ensures obligations are fulfilled. In terms of performance the alliance agreement has a commercial model and KPIs incentivise exceptional performance (i.e. attracting additional tonnage to the facility) whilst discouraging poor performance through a pain share / gain share model.

Neither the traditional services contract nor the alliance agreement alone adequately reflect the Shire's preferred commercial structure for its unique waste operations. The best outcome therefore is the traditional services contract being used as a baseline into which is imported the desirable parts of an alliance agreement – a Hybrid Agreement.

In this light the Hybrid Agreement allows the payment model from an alliance agreement to be used while utilising the framework of a services contract as the basis for the obligations and remedies between the Shire and the operator.

As of writing this report a draft Hybrid Agreement is being prepared for the Request for Tender (RFT) documentation. The financial model as well as fees and charges and costing for the contract is set to factor in:

- Acceptable rate of return on investment;
- Asset renewal and upgrade program including future capital investment (landfill infrastructure for cells and capping) plus possible future unknown investment such as potential waste pre-treatment facilities etc.;
- Shire operational costs including staff support and regulatory compliance;
- Contractor operational costs based on tendered rates that form the operational budget approved by the alliance board;
- Annual maintenance provision;
- Waste reserve fund for future capital investment, post closure monitoring, long term maintenance etc.; and
- Fees and charges to be set based on inputs above (contractors pay full fees).

Total Waste Management Services

The Total Waste Management Services approach includes the possible collection and waste infrastructure management across the whole Shire as opposed to the facility alone. This concept will maximise the Shire's financial return by obtaining the necessary knowledge and experience to operate the Facility as well as putting out as many services to the market at the same time.

The contract structure will include services to be provided and separated into mandatory and discretionary services:

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1. Mandatory services will be included in the Contract(s) which may result from this RFT and performed following an agreed schedule.
2. Discretionary services may or may not be included in the final Contract(s) and are exercisable at the absolute discretion of the Principal.

Service Description	Service Type	
	Mandatory	Discretionary
Kerbside Collection Services		
Kerbside refuse collection and disposal	✓	
Commercial kerbside refuse collection and disposal	✓	
Public place bin collection and disposal	✓	
Commercial front lift bin supply and collection		✓
Special events bin supply and collection		✓
Disaster waste collection services		✓
Bin repair and maintenance	✓	
Bin supply and delivery	✓	
Customer services	✓	
Records and reporting	✓	
Education services		✓
Kerbside Recycling Collection and Processing Services		✓
Kerbside Organics Collection and Processing Services		✓
Waste Infrastructure Management		
PRWMF Landfill Management	✓	
Haulage Waste Materials to PRWMF	✓	
Haulage Waste Materials to Tom Price		✓
Onslow Transfer Station Management	✓	

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Service Description	Service Type	
	Mandatory	Discretionary
Tom Price Landfill Management	✓	
Paraburdoo Landfill Management	✓	

Consultation

Executive Leadership Team
Talis Consultants
Chevron

Statutory Environment

There are no known statutory impediments for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

Risk has been assessed on the basis of the Officers Recommendation.

The following Risk Matrix has been applied.

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be high. The high level of risk is due to the high financial value of this project. As a high risk matter, the Chief Executive Officer and the Acting Director Infrastructure Services are monitoring progress.

Policy Implications

ELM10 Financial Sustainability Policy
ENG09 Asset Management Policy

Voting Requirement

Simple Majority Required

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Committee Recommendation

That with respect to the Confidential Item – Pilbara Regional Waste Management Facility- Status Report, the Pilbara Waste Management Committee;

1. Receive the report regarding the construction phase of the Pilbara Regional Waste Management Facility project, noting that it has been compiled in accordance with the Pilbara Regional Waste Management Facility Committee Terms of Reference; and
2. Receive the Hybrid Alliance Model Contract and Total Waste Management Services report for the Pilbara Regional Waste Management Facility.

Committee Decision

MINUTE: 156/2020

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That with respect to the Pilbara Regional Waste Management Facility- Status Report, the Pilbara Waste Management Committee;

1. Receive the report regarding the construction phase of the Pilbara Regional Waste Management Facility project, noting that it has been compiled in accordance with the Pilbara Regional Waste Management Facility Committee Terms of Reference;
2. Receive the Hybrid Alliance Model Contract and Total Waste Management Services report for the Pilbara Regional Waste Management Facility; and
3. Request the Chief Executive Officer investigate an appropriate Public Art Statement and report to the next Pilbara Regional Waste Management Committee.

CARRIED 3/0

Reason for change – To identify a Public Art Statement relevant to the importance of the site.

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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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9. NEXT MEETING

The next Pilbara Regional Waste Management Facility (PRWMF) Committee Meeting will be held on 15 December 2020 at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow at a time to be advised.

10. CLOSURE OF MEETING

The Presiding Member closed the meeting at 9.07 am.

UNCONFIRMED MINUTES