



CONFIRMED

MINUTES

SPECIAL

COUNCIL MEETING

Held

16 September 2020

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive – EATON

This document is available in alternative formats such as:

- ~ Large Print
- ~ Electronic Format [disk or emailed]
Upon request.

VISION STATEMENT

“Provide effective leadership in encouraging balanced growth and development of the Shire while recognizing the diverse needs of our communities.”

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COUNCIL ROLE

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency.
Executive/Strategic	The substantial direction setting and oversight role of the Council e.g. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town planning schemes and policies.
Review	When Council reviews decisions made by Officers.
Quasi-Judicial	<p>When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.</p> <p>Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g.: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</p>

DISCLAIMER

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

RISK ASSESSMENT

Inherent Risk	The level of risk in place in order to achieve the objectives of the Council and before actions are taken to alter the risk's impact or likelihood.
Residual Risk	The remaining level of risk following the development and implementation of Council's response.
Strategic Context	These risks are associated with achieving Council's long term objectives.
Operational Context	These risks are associated with the day-to-day activities of the Council.
Project Context	<p>Project risk has two main components:</p> <ul style="list-style-type: none"> • Direct refers to the risks that may arise as a result of project, which may prevent the Council from meeting its objectives. • Indirect refers to the risks which threaten the delivery of project outcomes.

SHIRE OF DARDANUP

MINUTES OF THE SHIRE OF DARDANUP SPECIAL COUNCIL MEETING HELD ON WEDNESDAY, 16 SEPTEMBER 2020, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 4.00PM

1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding Member, Cr. M T Bennett declared the meeting open at 4.00pm, welcomed those in attendance and referred to the Disclaimer, Acknowledgement of Country, Emergency Procedure and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Acknowledgement of Country

The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region and pay our respects to their elders, past, present and emerging.

Emergency Procedure

In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the Assembly Area points located to the western side of the front office car park near the skate park and gazebo where we will meet (and complete a roll call).

Affirmation of Civic Duty and Responsibility

Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Cr. Michael Bennett	-	Shire President
Cr. Peter Robinson	-	Deputy Shire President
Cr. Tyrrell Gardiner	-	Elected Member
Cr. Mark Hutchinson	-	Elected Member
Cr. Carmel Boyce	-	Elected Member
Cr. Luke Davies	-	Elected Member
Cr. Stacey Gillespie	-	Elected Member
Mr André Schönfeldt	-	Chief Executive Officer
Mr Phil Anastasakis	-	Deputy Chief Executive Officer
Ms Susan Oosthuizen	-	Director Sustainable Development
Mr Luke Botica	-	Director Infrastructure
Mrs Ella Rafferty	-	Executive Support Officer
Ms Maddie Darch	-	Executive Assistant – CEO

2.2 Apologies

Cr. Janice Dow	-	Elected Member
Cr. Patricia Perks	-	Elected Member

2.3 Leave of Absence

None.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

4 PUBLIC QUESTION TIME

None.

5 APPLICATIONS FOR LEAVE OF ABSENCE

None.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

None.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary Meeting Held 26 August 2020

Note: The Minutes of the Ordinary Council Meeting held on Wednesday, 26 August 2020 will be confirmed at the next Ordinary Council Meeting on Wednesday, 30 September 2020.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

None.

9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

None.

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

None.

11 DECLARATION OF INTEREST

"Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences."

Key Management Personnel (which includes Elected Members, CEO and Directors) are reminded of their requirement to disclose biannually transactions between Council and related parties in accordance with Council Policy CP039.

Discussion:

Shire President, M T Bennett read aloud the following Declarations of Interest provided to the Chief Executive Officer prior to the commencement of the meeting:

- *Cr. L Davies declared a Financial Interest in 12.2 "Tender F0171511 - Appoint Project Manager Administration and Library Project" as he is an employee of Coles Pty Ltd who are a tenant of Citygate Pty Ltd.*

Shire President, M T Bennett asked Councillors and staff if there were any further Declarations of Interest to be made. There were no further Declarations of Interest.

12 REPORTS OF OFFICERS AND COMMITTEES**12.1 Title: Application for Planning Approval for the Bunbury Outer Ring Road Project**

<i>Reporting Department:</i>	<i>Sustainable Development</i>
<i>Reporting Officer:</i>	<i>Mrs Cecilia Muller – Principal Planning Officer</i>
<i>Legislation:</i>	<i>Planning and Development Act 1995</i>

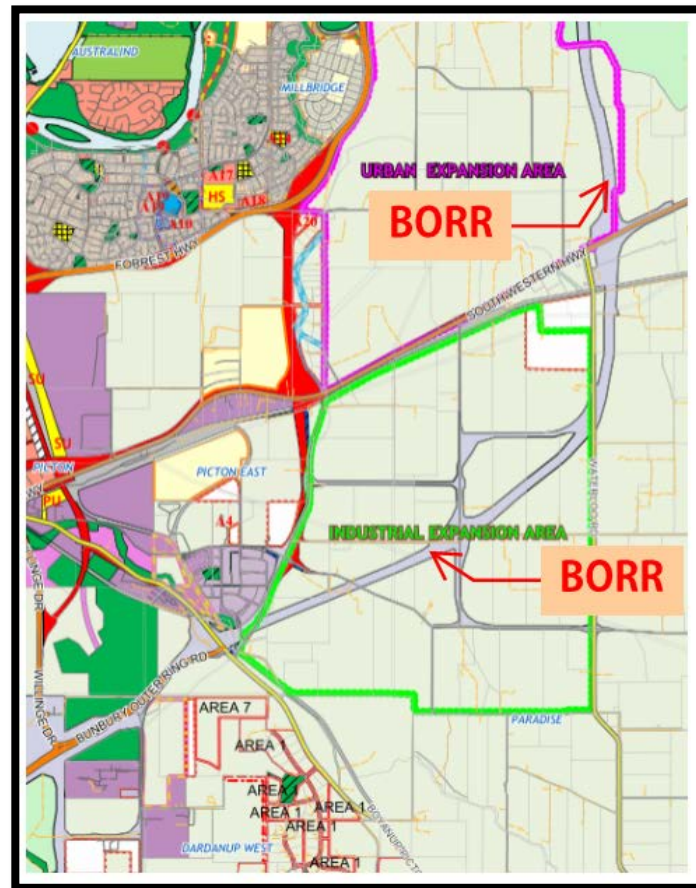
Overview

The Shire has received an application for planning approval for the north and central section of the Bunbury Outer Ring Road Project. The Shire is to consider the proposal and make a recommendation under the Planning and Development Act 2005 as the development is located in a Planning Control Area (PCA), where after the applications will be determined by the Western Australian Planning Commission (WAPC). Staff do not have delegated authority to consider this application and the matter is hereby brought to Council for a formal resolution.

Officers are recommending that Council advises the WAPC that it supports the development subject to conditions.

Location Plan

The Bunbury Outer Ring Road (BORR) is 27km long and connects the Forrest Highway to Bussell Highway. It consists of three sections (northern, central and southern) that pass through the Shires of Harvey and Dardanup, the City of Bunbury and the Shire of Capel. This application deals specifically with the northern and central sections and within our Shire area there are 60 lots that are impacted by the project.



Background

The BORR has been on the infrastructure agenda for State and Federal Governments for many years. In the Shire of Dardanup the new road will pass around the outside of the planned urban expansion area of Wanjup and through the planned Waterloo Industrial Park.

The BORR will be placed under the control of the Commissioner of Main Roads and several Shire roads will be upgraded and widened as part of the project. This also includes several new sections of roads that are required as part of the project and which will become Shire controlled.

Council granted approval at its meeting on 25 March 2020 [resolution 50-20] for the following activities necessary for the BORR project:

- the excision and dedication of land from various reserves required for road purposes;
- the dedication of various roads and road widening in accordance with the requirements of the *Land Administration Act 1997*; and
- Main Roads WA and its contractors to enter onto land in the Shire's control or management to carry out any works in association with the BORR project.

Following this the Shire has received an application for planning approval for the north and central section to the BORR Project. The Shire is requested to consider the proposal under the *Planning and Development Act 2005* as the development is located in a Planning Control Area (PCA). The proposal report including the original development plans consists of 253 pages in total, and can be viewed on the Shire's website at <https://www.dardanup.wa.gov.au/council/council-meetings/agendas-appendices/agendas-minutes-2020/> and can be accessed by Councillors on the Councillor Portal (Appendix SCM: 12.1A). The development plans which have been marked up to reflect the officer comments are contained in (Appendix SCM: 12.1B).

Main Roads WA has indicated that the project is estimated to cost \$852M and is jointly funded by State and Commonwealth Governments, and will provide the following benefits:

- Reduce travel times between the north and south of Bunbury by up to 15 minutes
- Enable traffic travelling between Forrest Highway and Bussell Highway to avoid 13 sets of traffic lights and one rail level crossing
- Improve safety for local residents by removing a significant number of trucks from local roads each day
- Enhance access for tourists to Bunbury Geopraphe, the world renowned Margaret River region and the wider South West
- Create free flowing traffic movements for the freight transport industry
- Improve access to Bunbury Port and strengthen Greater Bunbury's position as a regional industrial hub for the South West Region

Specifically, the Project, which is 27 kilometres long, will include the following:

- 6 interchanges
- 5 bridges over rivers
- 2 bridges over freight railway
- 30 kilometres of Principal Shared Path, and
- 127km of road safety barrier.

Legal Implications

Under Section 112 of the *Planning and Development Act 2005*, a PCA was declared, which is a standard statutory planning process commonly used to protect strategic land from inappropriate development and can include acquisition by the Western Australian Planning Commission (WAPC) where required. A PCA remains in place for up to five years, to allow a region scheme amendment to be put in place. The PCA was specifically put in place to protect the future primary region road reservation for the BORR Project. Applications for development approval in the Planning Control Area are to be determined by the WAPC. In practical terms, this means that Town Planning Scheme No.3 and the Greater Bunbury Region Scheme no longer apply within the declared PCA. Any proposal for development on land within the PCA is to be submitted to the Shire and we must then refer the application with its recommendation to the WAPC for decision. The Shire has no power to approve development within the Planning Control Area.

The Act calls for the local government to submit the application with its recommendation, to the Commission for determination within 30 days from the application being received. The application was received on 17 August 2020 and the deadline for compliance with the statutory timeframe requirement under the Act is 17 September 2020.

The WAPC after receiving an application and recommendation under section 115(3), may:

- consult with any authority that in the circumstances it thinks appropriate; and
- having regard to —
 - any relevant State planning policy; and
 - the purposes for which the land to which that application relates is zoned or reserved under any planning scheme; and
 - any special considerations relating to the nature of the planning control area concerned and of the development to which that application relates; and
 - the orderly and proper planning, and the preservation of the amenity, of the locality in which the land to which that application relates is situated,
- approve, subject to such conditions as it thinks fit, or refuse to approve, that application.

Following its determination of the application, the WAPC is to give written notice to the applicant of its decision on the application.

Strategic Community Plan

- Strategy 2.2.2 - Provide Sustainable Transport Infrastructure. (Service Priority: Moderate)
- Strategy 2.3.1 - Delivery of a high level of Development & Regulatory Services that considers the environmental, social and land use planning requirements which meets the diverse community needs. (Service Priority: Flagship)
- Strategy 4.3.3 - Plan and facilitate adequate transport, infrastructure and utility services to meet industry requirements. (Service Priority: Very High)
- Strategy 5.1.1 - Provide an efficient road network for the efficient movement of people and goods by road. (Service Priority: Very High)
- Strategy 5.1.2 - Advocate for transport choices by increasing the availability of safe, affordable and viable transport options. (Service Priority: High)
- Strategy 5.1.3 - Provide a safe road transport network where crashes resulting in death or serious injury are minimised. (Service Priority: Very High)
- Strategy 5.1.4 - Build resilience of our transport network infrastructure from future threats and constraints. (Service Priority: Very High)
- Strategy 5.1.5 - Provide a series of interconnected walkways, pathways and cycle ways that meets community needs and expectations. (Service Priority: High)

Environment

Main Roads WA referred the northern and central sections of the project to the Department of Agriculture Water and Environment (DAWE) for a decision on the need for assessment under the EPBC Act and DAWE determined that it needs to be formally assessed. The outcome of the assessment is not available yet.

Main Roads WA also referred the northern and central sections of the project to the Environmental Protection Authority for assessment under Part IV of the Environmental Protection Act. The EPA determined that it needs to be formally assessed. Main Roads is working with the WA Appeals Convenor to address the issues raised through the appeals.

Main Roads WA anticipate that Federal and State approvals will be received in December 2020 and expect that it is likely that the environmental approvals would require further management plans to be prepared to address potential impacts.

The WAPC decided to let the planning approval application be progressed prior to the receipt of the required environmental approvals and will make a decision once they are received.

Precedents

Council granted approval at its meeting on 25 March 2020 [resolution 50-20] for the following activities necessary for the Bunbury Outer Ring Road (BORR) project:

- the excision and dedication of land from various reserves required for road purposes;
- the dedication of various roads and road widening in accordance with the requirements of the Land Administration Act 1997; and
- Main Roads WA and its contractors to enter onto land in the Shire's control or management to carry out any works in association with the BORR project.

Budget Implications

Main Roads WA would need to indemnify the Shire against any costs and claims associated with the BORR project. This is recommended to be conditioned.

Budget – Whole of Life Cost

The road dedications that become Shire controlled will become the responsibility of the Shire. This includes the land and road infrastructure that is created or upgraded through the BORR project. The additional land and infrastructure will need to be included in the Shire's asset management program and will incur additional costs to the Shire. However, there will be some infrastructure assets that will be downgraded as part of the overall project and will assist reducing some costs.

It should be noted that the Shire Infrastructure Directorate staff have been working with the BORR team to determine infrastructure requirements and standards for local roads. This has been focussed on achieving the best value outcome for the Shire that will meet the Shire's current and future needs as best as possible.

State Government and Council Policy Compliance

Acts & Regulations

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

Schemes

- *Town Planning Scheme No. 3*
- *Greater Bunbury Region Scheme*

Structure Plan

- Wanju District Structure Plan.
- Waterloo Industrial Park District Structure Plan.

Council Policy

- CP050 – Crossovers in Townsites and Rural Areas
- CP093 – Sustainability
- CP120 – Environment
- CP090-Community Consultation – Please note that the DA has not been advertised to the broader community because of the short timeframe to provide comments back to the WAPC, the officer recommend that a condition be placed on the DA for the WAPC to consult with the Shire of Dardanup community by publically advertising the DA for public comment.

State planning policies

- SPP 2.4 Strategic Minerals and Basic Raw Materials Resource Policy
- SPP 3.7 Planning in Bushfire Prone Areas
- SPP 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix SCM: 12.1C) for full assessment document.

Tier 2 – 'Low' or 'Moderate' Inherent Risk.	
Risk Event	Support from Council not provided for the BORR project based on concerns that there may be some costs and claims associated with the BORR project.
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
Risk Action Plan (treatment or controls proposed)	Main Roads WA would need to indemnify the Shire against any costs and claims associated with the BORR project. This is a recommended condition.	
Residual Risk Rating (after treatment or controls)	Low (1 - 4)	
Risk Category Assessed Against	Legal and Compliance	No risk event identified for this category as the WAPC is the approving authority.
	Reputational	No risk event identified for this category as the WAPC is the approving authority.
	Environment	No risk event identified for this category as the proposal is being assessed under the EPA and EPBC Act.
	Health	No risk event identified for this category as Main Roads WA indicated that an Environmental Management Plan will be developed for this project.
	Financial	There may be some costs and claims associated with the BORR project. However, Main Roads WA would need to indemnify the Shire against any costs and claims associated with the BORR project. This is a recommended condition.

Officer Comment

The BORR Project will be addressed on a topic-based assessment for consideration by Council.

➤ *Planning Framework*

• *Greater Bunbury Region Scheme (GBRS)*

Pursuant to the GBRS the proposal does involve development adjoining land reserved for Primary Regional Roads purposes, and land affected by the Strategic Minerals and Basic Raw Materials Policy.

A clay deposit in the vicinity of Waterloo Road is impacted by the project. The intent of the policy is to enable the responsible extraction of BRM, while ensuring the protection of people and the environment. Ensuring broad compatibility between land uses is essential to delivering this outcome. The project is not a sensitive use and therefore compatible with the extraction of the resource. It is however not clear from the proposal whether it is the intent that the clay deposit will be extracted prior to the construction of the road. Ideally extraction of the resource would occur. Main Roads WA has indicated that it is currently seeking advice from the relevant advice agency which is the Department of Mines, Industry Regulation and Safety.

The Department of Planning Lands and Heritage has indicated that as part of the department's referral, the proposal will also need to be provided to the Department of Mines, Industry Regulation and Safety for advice regarding impact on resources prior to the determination of the proposal by the WAPC.

- *Shire of Dardanup Local Planning Strategy (LPS)*

The LPS was adopted in May 2015 and does not identify the BORR in its new location. In the Shire of Dardanup area the BORR alignment was reviewed by Main Roads WA and new alignment was proposed to pass around the outside of the planned urban expansion area of Wanju and through the planned Waterloo Industrial Park. Upon reviewing the proposed revised alignment during the consideration of these two district structure plans, the Shire officers considered that there are a range of benefits to the new proposed alignment when compared to the previous one and the district structure plans was supported by the Council and approved by the WAPC demonstrating the new BORR alignment.

- *Shire of Dardanup Town Planning Scheme No. 3 (TPS3)*

The development table contained in Appendix II states development standards for each zone. Retained development on "General Farming" zoned land and acoustic treatments consisting of noise walls may not achieve the required 20m setbacks from lot boundaries.

- Consideration of Development Plans

Shire Officers have considered the development plans and provide the following:

No.	Recommended Condition	Reason
1.	<p>Access – Regional. Refer to (Appendix SCM: 12.1D)</p> <p>An at-grade exit ramp shall be provided from the BORR connecting directly to the existing Waterloo Road to the south of the BORR, and shall provide for the following:</p> <ul style="list-style-type: none"> • One way continuous traffic flow from the BORR via a deceleration lane from the BORR into Waterloo Road; • Tourist traffic ranging from cars to tourist buses; • A public stop bay of appropriate size for tourism signage, information and region promotion purposes. • All signage necessary to identified the exit, the route and the region. <p>An at-grade on ramp shall be provided from the local road network in the vicinity of Wireless Road and Waterloo Road that will connect directly to the BORR northbound, and shall provide for the following:</p> <ul style="list-style-type: none"> • One way continuous traffic flow onto the BORR via an acceleration lane from the local road network; • All signage necessary to identify the exit, the route and the region. 	<p>Waterloo Road is currently a major tourist link to the Ferguson Valley from the South Western Highway. The construction of the BORR will severe this route. The DA as submitted proposes to retain this link via several new roads. Under the project case for the BORR, travellers on the BORR will need to follow a much more complex route to reach the Ferguson Valley, as follows:</p> <ul style="list-style-type: none"> • Exit the BORR onto South Western Highway; • Head west on South Western Highway; • Turn left into Waterloo Road; • Follow Waterloo Road southwards until it bends west into a new section of road; • The new section of road bends left into Wireless Road; • Head southwards on Wireless Road, pass over the BORR via a grade separated flyover; • Wireless Road then bends east into Harris Road; • Follow Harris Road eastwards until it reaches a roundabout at Waterloo Road (southern section); • Take the second exit of the

No.	Recommended Condition	Reason
		<p>roundabout to head southwards on Waterloo Road to the Ferguson Valley.</p> <p>The off-ramp from the BORR will provide direct connection to the southern section of Waterloo Road without the need to access any of the other roads mentioned above.</p> <p>Similarly, a direct connection back to the RAMP will negate the need to undertake a right turn onto South Western Highway to head to the BORR interchange on South Western Highway.</p> <p>The off-ramp will provide a dedicated tourist link via Waterloo Road and will separate tourist traffic from heavy vehicle traffic, improving safety for visitors to the tourism region. The proposed additional roads and link via Wireless Road and Harris Road can remain as a heavy vehicle route, which can be further enhanced for safety through the development of Dowdells Line as a heavy vehicle route to the nearby waste precinct.</p> <p>The diagrams contained in (Appendix SCM: 12.1D) demonstrates the existing route, the route as proposed in the DA submission and the recommended access arrangements.</p>
2.	<p>Access – Local. Refer to (Appendix SCM: 12.1B)</p> <p>Development Plans contained in (Appendix SCM: 12.1B) to be amended to demonstrate:</p> <ol style="list-style-type: none"> 1. That Lot 158 west of the BORR and south of the Collie River will have access to a constructed road (sheet 2 of 13) on the western side of the BORR or a link is to be provided under the Collie River bridge to the part of the lot east of the BORR. 2. The location of the new crossover to Lot 432 which is divided by an existing drain into a southern and northern section (sheet 4 of 13). Alternatively a culver crossing is to be constructed over the exiting drain by Main Roads WA to allow access to the 	<p>Where a lot is severed by the BORR, all land parcels would require local road access. Landowners would need access to fragmented land to maintain the land under the Shire of Dardanup Bushfire Prevention Order. Development Plans are to be amended to demonstrate local road access to all of the land parcels adjoining the BORR.</p>

No.	Recommended Condition	Reason
	<p>southern part of Lot 432.</p> <ol style="list-style-type: none"> 3. The location of the new crossover to the northern part of Lot 19 north of the BORR (sheet 6 of 13). 4. A cull de sac head at the western end of St Helena Road (sheet 7 of 13). 5. The location of a new crossover to Lot 500, or proof of amalgamation of this lot with the adjoining Lot 110 (sheet 9 of 13). 6. The location of a new crossover to Lot 1, south east of the new roundabout (sheet 9 of 13). 7. The location of the new crossover to the northern part of Lot 402 north of the BORR (sheet 10 of 13). 8. The location of the new crossover to Lot 1 northwest of the BORR (sheet 11 of 13). 9. The location of the link road that is to link Wallroot Road with Willinge Drive (sheet 12 of 13). 10. The location of all new local street lights. 11. The location of all buildings and structures that are to be demolished. 12. The relocation of the stopping bay, after giving further consideration to the location of the "entrance" to the Ferguson Valley and it needs to be sufficient in size to accommodate an information kiosk, ablutions and a convenience store. <p><u>Advice note:</u> Where a lot is severed by the BORR, the WAPC should consider proposals for boundary realignments favourably and support the amalgamation of adjoining lots where landowners no longer have direct access to some parts of their farm land located on the other side of the BORR.</p>	
3.	<p>Intersection upgrades</p> <p>Main Roads WA is to upgrade to the intersection of Buser Road and Moore Road refer (sheet 13 of 13).</p> <p>Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings and specifications, <u>to ensure that the intersection of Buser Road and Moore Road is upgraded as part of the BORR project</u> construction by Main Roads WA to the satisfaction of the Shire of Dardanup.</p>	<p>This intersection require to be upgraded due to the vehicle movements being impacted by the BORR construction. Post BORR construction, vehicles will be turning south instead of north when it exit Buser Road.</p>

No.	Recommended Condition	Reason
4.	<p>Construction of local roads and shared paths</p> <p>Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings and specifications, <u>to ensure that local roads and shared paths identified as part of the BORR project</u> are constructed, upgraded and drained by Main Roads WA to the satisfaction of the Shire of Dardanup.</p>	<p>The Shire of Dardanup would need to approve the design and construction of local roads and paths where these are to be handed over to the Shire for management and maintenance.</p>
5.	<p>Crossovers</p> <p>All new crossovers shall be constructed by Main Roads WA in accordance with the Shire's specifications (Policy CP050 – Crossovers in Townsites and Rural Areas).</p> <p>Existing crossovers that are not required as part of the development as indicated on the development plans shall be removed and the verge reinstated by Main Roads.</p>	<p>The Shire of Dardanup has a policy (CP050) for the construction of crossovers in rural areas to ensure that any constructed crossovers are built to Council standards. Main Roads WA will need to construct all new crossovers to Shire's specifications (Policy CP050 – Crossovers in Townsites and Rural Areas).</p>
6.	<p>Fragmented sections of road and new local roads require renaming and new street numbers</p> <p>The proponent shall supply and install new road name signs on new roads, fragmented roads and any roads altered through the project, to the standards specified by, and to the satisfaction of the Shire of Dardanup.</p> <p>The proponent shall supply and install new rural street numbering on new roads, fragmented roads and any roads and properties altered through the project, to clearly identify property locations, to the standards specified by, and to the satisfaction of the Shire of Dardanup.</p>	<p>The BORR construction will sever a number of local roads. Where roads are unconnected it becomes difficult to navigate. This will create fragmented roads where new road names would need to be considered prior to new street numbers being allocated.</p> <p>The Shire of Dardanup has a street numbering procedure and may assist with the allocation of street numbers. All new street name would need to be considered and approved by Council.</p> <p>The cost for the allocation of new street names and street numbers should not be passed onto the landowners affected and should be borne by Main Roads WA instead.</p>
7.	<p>Drainage - Regional</p> <p>Prior to commencement of works, a drainage strategy is to be submitted to the Shire of Dardanup for consideration and adoption by Council.</p> <p>The drainage strategy where it refers to local roads should be in accordance with the Shire of Dardanup drainage standards and guidelines.</p> <p>Drainage – Local Roads</p>	<p>The report on Page 12 of 22 states:</p> <p><i>The drainage strategy for the northern section of the project is to adopt an unkerbed profile and to allow the runoff to sheet off the highway, through the vegetated embankment to the adjacent verge. Where the highway and associated interchanges require kerbing for delineation / to meet road design standards or for the control of scour, the outlet of the drainage networks shall either be</i></p>

No.	Recommended Condition	Reason
	<p>Prior to the commencement of works, a detailed engineering design plan of the stormwater disposal system shall be developed in accordance with the adopted drainage strategy.</p> <p>Prior to the commencement of works, a detailed engineering design plan of the stormwater disposal system shall be submitted for approval by Shire of Dardanup and thereafter implemented by Main Roads WA.</p> <p>As constructed plans of the stormwater disposal system shall be submitted with the Shire of Dardanup for record purposes and thereafter the system is to be maintained by Main Roads WA in accordance with the engineering design plans.</p> <p>Any easements necessary to facilitate maintenance access to drainage installations shall be provided at Main Roads WA cost.</p>	<p><i>directed to retention/detention basins sized for the small frequent rainfall event or to the adjacent vegetated verge areas to spread out and infiltrate or to flow into the local drainage systems. Basins should be provided upstream of sensitive receptors or where large networks and/or those featuring steeper grades are being discharged.</i></p> <p><i>The drainage strategy for local roads is to adopt a generally unkerbed profile, reflective of the existing local road network. Where kerbing is required, e.g. at intersections/roundabouts, these should be drained by kerb openings or small pit and pipe networks to the adjacent verge/local drains. The adopted drainage strategy for local roads should also be in accordance with the local authority drainage standards and guidelines.</i></p> <p>Officers support the proposal that the drainage and waterways design must ensure that approval from Water Corporation, Harvey Water and any affected land owners is to be obtained in writing prior to the issue of the final drainage design drawings.</p>
8.	<p>Install and maintain landscaping</p> <p>A detailed landscape plan in accordance with Shire specifications CP120 – Environment and CP093 – Sustainability, shall be submitted for approval by the Shire of Dardanup and thereafter the landscaped area as indicated on the approved landscape plan shall be installed to the satisfaction of the Shire and maintained by Main Road WA in perpetuity.</p> <p>The detail landscape plan must address the following:</p> <ul style="list-style-type: none"> Exact species, location and number of proposed plants to be planted. Species are to be water wise plants and endemic to the locality. A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover. 	<p>With regard to the landscape master plan, Main Roads WA would need to consider the Shire of Dardanup policies CP120 – Environment and CP093 – Sustainability in the preparation of the detailed landscape plan.</p>

No.	Recommended Condition	Reason
	<ul style="list-style-type: none"> • Mulching or similar treatments of garden beds including edges. • Details of reticulation of landscaped areas including the source of the water supply. • Treatment of parking and pedestrian. • Fencing material, height and treatment. • Relocation of the stopping bay. 	
9.	<p>Fencing</p> <p>Uniform rural style fencing is to be constructed along the boundaries of all of the farming lots abutting the BORR.</p> <p>A detail fencing plan that provide information regarding fencing material, height and treatment along the BORR is to be submitted for approval by the Shire of Dardanup prior to the construction of any fence.</p> <p><u>Advice note:</u> A building permit application may be required for the works relating to the construction of a masonry fence.</p>	<p>Many of the farming lots abutting the BORR alignment are used for pasture. Main Roads WA would need to ensure that stock are prevented from wandering onto the BORR. Fencing would need to be of a rural style and uniform.</p> <p>It is noted that the landscape masterplan provide some reference to:</p> <ul style="list-style-type: none"> • Fencing along the railway reserve which presumably would need to meet the PTA's requirements; and • Fencing for noise attenuation purposes. <p>Further details of the proposed fencing would need to be submitted to the Shire for consideration and approval.</p>
10.	<p>Street Lights</p> <p>Where exiting street light poles are to be removed during the construction of the road these are to be returned to the Shire of Dardanup.</p> <p>The location of any new light poles are to be carefully considered. Intrusion of over-bright or poorly-directed lights creating light spill onto dwellings already impacted by the BORR are not supported.</p> <p>The use of photovoltaics to power any new light poles is required in accordance with Council Policy CP093 - Sustainability.</p> <p>The design, standard and fixtures of new lights are to be finalised in consultation with the Shire of Dardanup prior to the installation of the lights.</p> <p>Infrastructure associated with power generation shall be screened to the satisfaction of the Shire of Dardanup.</p>	<p>The exiting street lights at the intersection of Harris Road and Martin Pelusey Road were installed by the Shire of Dardanup and if removed the Shire would need these back to install at another location.</p> <p>Main Roads WA will need to construct all new lights to the Shire's specifications (Policy CP093 – Sustainability).</p>

No.	Recommended Condition	Reason
11.	<p>Noise impacts</p> <p>Details of each property within the Shire of Dardanup impacted by the BORR where specific architectural treatment is required, the final design (of noise walls or acoustic treatments) is to be finalised in consultation with the Shire of Dardanup before construction and final drawings is to be provided to the Shire.</p> <p>A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of each property within the Shire of Dardanup impacted by the BORR including but not limited to those lots where specific architectural treatment is required. The notification is to state as follows:</p> <p>‘The lot is situated in the vicinity of a transport corridor and is currently affected, or may in future be affected by transport noise.</p> <p>A schedule of works and materials for any existing dwelling that require specific architectural treatment is to be submitted to the Shire of Dardanup.</p> <p><u>Advice note:</u> A building permit application may be required for the works relating to specific architectural treatment.</p>	<p>SPP 5.4 Road and Rail Transport noise and Freight Considerations in Land use Planning</p> <p>Properties highlighted in figure 4.8 and 4.9 have been identified as potentially exposed to traffic related noise above the relevant SPP 5.4 outdoor noise target.</p> <p>The traffic noise assessment report on page 30 states that where residences are sparsely located then architectural treatment packages provide a practical solution, consisting of, upgraded glazing and mechanical ventilation (to allow windows to be kept closed).</p> <p>The report states that specific architectural treatment packages are determined for each individual sensitive receptor following completion of an architectural treatment inspection; and mitigation treatment will occur on a one-on-one basis with impacted landowners.</p> <p>Although the report states that Figure 4.8 and 4.9 identify the properties in red dots that will require specific architectural treatment there are no red dots on 4.8 and 4.9 and it appears that the properties may have been identified with blue dots instead.</p> <p>Officers consider that details of each property where specific architectural treatment is required to meet specified noise levels should be provided to the Shire. A Section 70A notice is to be placed on the certificate of title of each property within the Shire of Dardanup impacted by the BORR including but not limited to lots where specific architectural treatment is required. This will ensure that future landowners are informed accordingly.</p>

No.	Recommended Condition	Reason
12.	<p>Location of buildings and effluent disposal systems</p> <p>The existing dwellings and buildings being retained are to be assessed to ensure that water collection and wastewater disposal systems have the necessary clearance from the new boundaries. A list of all of the affected properties and site plans showing the position of the retained buildings, water sources, wastewater systems and setbacks for the new property boundary will be required. If water collection or wastewater disposal is affected, then alternative water or wastewater systems must be installed.</p> <p><u>Advice Note:</u> Approval is required to amend or replace any wastewater system.</p> <p>Demolition permits are required for all commercial, residential and farming property buildings and structures that are planned to be demolished as part of the proposed BORR prior to demolition.</p> <p>Suitably qualified asbestos removal demolition contractors are required in many instances.</p> <p>Building Permits are required for all commercial, residential and farming property buildings and structures prior to any are replaced or rebuilt as a result of those demolished as part of the proposed BORR.</p> <p>Development Approval applications are to be submitted for replacement dwellings, and planning approval under the GBRS and/or TPS3 may be required if an application is triggered under the GBRS and/or TPS3.</p>	<p>Buildings close to the BORR which are not being demolished must be assessed to check if water collection or wastewater disposal systems will be affected by the acquisition of land for the BORR. A list of affected properties and site plans showing the position of the retained buildings, water sources, wastewater systems and the proposed property boundary will be required. If water collection or wastewater disposal will be affected by the acquisition of land, then alternative water or wastewater systems must be installed. Approval is required to amend or replace any wastewater system.</p>
13.	<p>Bridges</p> <p>All new bridges that forms part of the BORR project as identified on the development plans are to be constructed by Main Roads WA and thereafter maintained by Main Roads WA in perpetuity.</p>	<p>There may be a considerable costs associated with the maintenance of brigdes once the BORR is constructed. A considtion has been included to ensure that Main Roads WA would need to indemnify the Shire against any costs and claims associated with the BORR project. This is a recommended condition.</p>
14.	<p>Public art</p> <p>Main Roads WA is to ringfence 1% of the construction costs for the section of road within the Shire of Dardanup for public art budget and expenditure of this monies are to be within the Shire of Dardanup and is to be in consultation with the Shire of Dardanup to incorporate public art to promote the South West region and recognise the identity of the local community of the Shire of Dardanup and the history and local culture of the Ferguson Valley.</p>	<p>With regard to Public Art, <i>Main Roads WA website states that it has commissioned public art and urban design on a number of transport infrastructure projects. These artworks contribute to Western Australia's unique culture and environment, improve way finding and enhance the travel experience for all road users. From colourful murals along noise walls</i></p>

No.	Recommended Condition	Reason
		<p><i>to large-scale sculptures and bridge designs, there is plenty to enjoy during your drive.</i></p> <p>Officers consider the BORR project to be an important gateway to the South West region and with the incorporation of public art it could also promote and recognise the identity of the local community of the Shire of Dardanup and the history and local culture of the Ferguson Valley.</p>
15.	<p>Stopping bay</p> <p>The stopping bay is to be located at the “entrance” to the Ferguson Valley, adjacent to and accessed from the off-ramp (see condition 1) from the BORR into southern portion of Waterloo Road and needs to be sufficient in size to accommodate an information kiosk, ablutions and a convenience store. The location and design of the stopping bay development shall be to the satisfaction of the Shire of Dardanup.</p>	<p>Shire preference is for the stopping bay to be located closer to the “entrance” to the Ferguson Valley, refer condition 1. Consideration needs to be given to the size of the stopping bay to ensure that it is sufficient in size to accommodate an information kiosk, ablutions and a convenience store.</p>
16.	<p>The Shire of Dardanup is to be consulted in the preparation of any plans that support the BORR project, as listed below but not limited to the following:</p> <ul style="list-style-type: none"> • Asset Commissioning and Handover Plan, • Construction management plan, • Environmental management plan, • Sustainability plan, • Traffic management plan, • Dust management plan. <p>The Shire of Dardanup is to be provided with copies of the approved plans for the Shire’s record purposes.</p>	<p>The report on Page 18 of 22 provides a list of plans that will be prepared and implemented by the delivery team.</p> <p>This include reference to a number of management plans. The Shire of Dardanup needs to be consulted in the preparation of these plans and copies of these plans once finalised are to be submitted for the Shire’s record purposes.</p>
17.	<p>Main Roads WA to indemnify the Shire of Dardanup against any costs and claims associated with the BORR project.</p>	<p>The road dedications that become Shire controlled will become the responsibility of the Shire. This includes the land and road infrastructure that is created or upgraded through the BORR project.</p>
18.	<p>Public Consultation</p> <p>Main Roads WA is to undertake public consultation to ensure the objectives of Council Policy CP090 is considered, and advertise the BORR project to the community of the Shire of Dardanup and in particular the affected adjoining landowners and any relevant external agencies that may have services impacted upon.</p>	<p>The Shire of Dardanup has a policy (CP090) for community engagement which seeks to build a two-way communication process between the Shire of Dardanup and the community. The objective of the policy is to ensure effective public participation is offered to appropriate stakeholders on Shire of Dardanup projects and</p>

No.	Recommended Condition	Reason
		programs. A similar approach is expected from the WAPC with regard to engaging with the community of the Shire of Dardanup to obtain the best possible outcome for the BORR project.

- Conclusion

Population growth in the south west has resulted in growth in commercial and commuter traffic that produces north and south, east and west movements, through the port and to Kwinana and the metropolitan area generally. Increased traffic has resulted in over a dozen traffic control lights being installed on all of the major transport routes around the Port of Bunbury. The mix of commercial vehicles, commuters and travellers has increased exponentially over the last 20 years.

The Shire of Dardanup district is in the central corridor for access from the north and west of the City of Bunbury. The Bunbury Outer Ring Road is a vital infrastructure investment that will vastly improve the movement of heavy freight vehicles away from commuter and visitor traffic, resulting in a safer and more efficient transport network for all users. Dardanup is also home to the famous Ferguson Valley wine region and the international icon Gnomesville. The BORR will enhance the safer flow of traffic to and from these special features of our Shire.

The application has been considered having regard to all relevant planning legislation and provisions. Officers consider that there is sufficient information to support the proposal, and are recommending that the Shire advises the WAPC that it support the application.

Should the Council not support the Officer's Recommendation, the Council could instead resolve to recommend refusal and provide reasons for its refusal to the WAPC.

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

FURTHER INFORMATION

Note: The following information was provided via email prior to the Special Council Meeting on the 16 September 2020 to Elected Members. Cr. M T Bennett requested that an addition was made to the Officer Recommended Resolution for Item 12.1 (addition to resolution shown in red).

ALTERNATE ADDITIONAL ELECTED MEMBER RECOMMENDED RESOLUTION

THAT Council

1. Pursuant to Section 115(3) of the Planning and Development Act 2005, recommends to the Western Australian Planning Commission that the application for planning approval for the Bunbury Outer Ring Road Project be supported subject to the following conditions:

No.	RECOMMENDED CONDITION	REASON
19.	Main Roads WA is requested to consider naming the South West Highway flyover and/or major road for the BORR Project after May Holman. It should be known as the Holman Flyover. It meets the terms of a commemorative name applied to a locality which shall only use the surname of a person posthumously. The nomination is based on a demonstrated record of achievement and she had a direct and long-term association with the location and made a significant contribution to the area of the Shire of Dardanup.	May Holman was Australia's first female Labor politician, elected to the state seat of Forrest when she was just 31. Her father, John Barkell Holman, was the secretary of the Timber Workers Union and singled out his eldest daughter for a career in politics from an early age. When she left school, although she had been a brilliant scholar at school, she went into Trades Hall to sit beside her father to learn all about industrial advocacy. He died in 1925, but for the 10 years preceding his death May had been his right hand. When Mr Holman died he was the state MP for Forrest, a south-west electorate centred around the timber town of Dwellingup. Ms Holman stood for the seat and won, creating a sensation on her first day in parliament. But Ms Holman was more than a novelty — she was deeply committed to the people in her electorate. One of the very important things that she did was introduce the Timber Workers Bill, which provided for changes in the industrial health and wellbeing of those workers and this was one of the first health and safety bills that had been seen anywhere in the world; it was actually copied by other countries. Ms Holman won election after election, remaining as the member for Forrest until 1939. Then, on the eve of being re-elected for the fifth time, tragedy struck. It was Friday March 17, 1939, and Ms Holman was driving down to Dwellingup and she unfortunately died not far away from Dowdells line in a car accident. It would be appropriate to celebrate her life achievements by naming a significant road and/or flyover on this strategic BORR project by the State and Federal Government.

2. In accordance with Section 115 (3) of the Planning and Development Act 2005 (the Act), forwards the application, supporting documents and Council's recommendation to the Western Australian Planning Commission for determination.
3. Request the Chief Executive Officer to write to the Commissioner of Main Roads WA requesting the South Western Highway flyover and/or major road for the BORR Project be named after May Holman.

Note: Principal Planning Officer, Cecilia Muller entered the room [4.03pm].

Note: After discussing the resolution at length, Council made amendments to the table in Part 1 – No's 1, 10, 13, 19 and 20 and also the addition of Part 3.

Change to Officer Recommendation

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

Part 1 Table item No. 1 – Waterloo Road is currently a major tourist link to the Ferguson Valley from the South Western Highway. The construction of the BORR will sever this route.

Part 1 Table item No. 10 – Street Lights required at various intersections to ensure safety and reduce risks for the community

Part 1 Table item No. 13 – Bridges over the South Western Railway Line (Picton to Brunswick Junction) are to provide for the duplication of the railway line and double stacking of containers on rail carriages to future proof the growth of the towns situated in close proximity and Waterloo Intermodal facility to the Bunbury Outerharbor to ensure regional economic growth

Part 1 Table item No. 19 – The nomination for May Holman is based on a demonstrated record of achievement as she had a direct and long-term association with the location and made a significant contribution to the area of the Shire of Dardanup and she was the first female Labor politician.

Part 1 Table item No. 20 – The BORR is a significant State Government Assets and is fully funded by the Federal and State Governments

Part 3 - The nomination for May Holman is based on a demonstrated record of achievement as she had a direct and long-term association with the location and made a significant contribution to the area of the Shire of Dardanup and she was the first female Labor politician.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

248-20 MOVED - Cr. M T Bennett SECONDED – Cr. P S Robinson

THAT Council

1. Pursuant to Section 115(3) of the Planning and Development Act 2005, recommends to the Western Australian Planning Commission that the application for planning approval for the Bunbury Outer Ring Road Project be supported subject to the following conditions:

No.	RECOMMENDED CONDITION	REASON
1.	<p>Access – Regional. Refer to (Appendix SCM: 12.1D)</p> <p>That the interchange planned for Wireless Road with the BORR be constructed as part of this Project and Development Application, as per the original plan and the original ultimate design as previously supported by Council.</p> <p>An at-grade exit ramp shall be provided from the BORR connecting directly to the existing Waterloo Road to the south of the BORR, and shall provide for the following:</p> <ul style="list-style-type: none"> • One way continuous traffic flow from the BORR via a deceleration lane from the BORR into Waterloo Road; • Tourist traffic ranging from cars to tourist buses; • A public stop bay of appropriate size for tourism signage, information and region promotion purposes. • All signage necessary to identified the exit, the route and the region. <p>If the full interchange at Wireless Road is not constructed in the first instance then, an at-grade on ramp shall be provided from the local road network in the vicinity of Wireless Road and Waterloo Road that will connect directly to the BORR northbound, and shall provide for the following:</p> <ul style="list-style-type: none"> • One way continuous traffic flow onto the BORR via an acceleration lane from the local road network; • All signage necessary to identify the exit, the route and the region. <p>These road modifications are to be constructed at the cost of Main Roads.</p>	<p>Waterloo Road is currently a major tourist link to the Ferguson Valley from the South Western Highway. The construction of the BORR will severe this route. The DA as submitted proposes to retain this link via several new roads. Under the project case for the BORR, travellers on the BORR will need to follow a much more complex route to reach the Ferguson Valley, as follows:</p> <ul style="list-style-type: none"> • Exit the BORR onto South Western Highway; • Head west on South Western Highway; • Turn left into Waterloo Road; • Follow Waterloo Road southwards until it bends west into a new section of road; • The new section of road bends left into Wireless Road; • Head southwards on Wireless Road, pass over the BORR via a grade separated flyover; • Wireless Road then bends east into Harris Road; • Follow Harris Road eastwards until it reaches a roundabout at Waterloo Road (southern section); • Take the second exit of the roundabout to head southwards on Waterloo Road to the Ferguson Valley. <p>The off-ramp from the BORR will provide direct connection to the southern section of Waterloo Road without the need to access any of the other roads mentioned above.</p> <p>Similarly, a direct connection back to the RAMP will negate the need to undertake a right turn onto South Western Highway to head to the BORR interchange on South Western Highway.</p> <p>The off-ramp will provide a dedicated tourist link via Waterloo Road and will separate tourist traffic from heavy vehicle traffic,</p>

No.	RECOMMENDED CONDITION	REASON
		<p>improving safety for visitors to the tourism region. The proposed additional roads and link via Wireless Road and Harris Road can remain as a heavy vehicle route, which can be further enhanced for safety through the development of Dowdells Line as a heavy vehicle route to the nearby waste precinct.</p> <p>The diagrams contained in (Appendix SCM: 12.1D) demonstrates the existing route, the route as proposed in the DA submission and the recommended access arrangements.</p>
2.	<p>Access – Local. Refer to (Appendix SCM: 12.1B)</p> <p>Development Plans contained in (Appendix SCM: 12.1B) to be amended to demonstrate:</p> <p>13. That Lot 158 west of the BORR and south of the Collie River will have access to a constructed road (sheet 2 of 13) on the western side of the BORR or a link is to be provided under the Collie River Bridge to the part of the lot east of the BORR.</p> <p>14. The location of the new crossover to Lot 432 which is divided by an existing drain into a southern and northern section (sheet 4 of 13). Alternatively a culver crossing is to be constructed over the exiting drain by Main Roads WA to allow access to the southern part of Lot 432.</p> <p>15. The location of the new crossover to the northern part of Lot 19 north of the BORR (sheet 6 of 13).</p> <p>16. A cull de sac head at the western end of St Helena Road (sheet 7 of 13).</p> <p>17. The location of a new crossover to Lot 500, or proof of amalgamation of this lot with the adjoining Lot 110 (sheet 9 of 13).</p> <p>18. The location of a new crossover to Lot 1, south east of the new roundabout (sheet 9 of 13).</p> <p>19. The location of the new crossover to the northern part of Lot 402 north of the BORR (sheet 10 of 13).</p> <p>20. The location of the new crossover to Lot 1 northwest of the BORR (sheet 11 of 13).</p>	<p>Where a lot is severed by the BORR, all land parcels would require local road access. Landowners would need access to fragmented land to maintain the land under the Shire of Dardanup Bushfire Prevention Order. Development Plans are to be amended to demonstrate local road access to all of the land parcels adjoining the BORR.</p>

No.	RECOMMENDED CONDITION	REASON
	<p>21. The location of the link road that is to link Wallrodt Road with Willinge Drive (sheet 12 of 13).</p> <p>22. The location of all new local street lights.</p> <p>23. The location of all buildings and structures that are to be demolished.</p> <p>24. The relocation of the stopping bay, after giving further consideration to the location of the “entrance” to the Ferguson Valley and it needs to be sufficient in size to accommodate an information kiosk, ablutions and a convenience store.</p> <p><u>Advice note:</u> Where a lot is severed by the BORR, the WAPC should consider proposals for boundary realignments favourably and support the amalgamation of adjoining lots where landowners no longer have direct access to some parts of their farm land located on the other side of the BORR.</p>	
3.	<p>Intersection upgrades</p> <p>Main Roads WA is to upgrade to the intersection of Busher Road and Moore Road refer (sheet 13 of 13).</p> <p>Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings and specifications, <u>to ensure that the intersection of Busher Road and Moore Road is upgraded as part of the BORR project</u> construction by Main Roads WA to the satisfaction of the Shire of Dardanup.</p>	<p>This intersection require to be upgraded due to the vehicle movements being impacted by the BORR construction. Post BORR construction, vehicles will be turning south instead of north when it exit Busher Road.</p>
4.	<p>Construction of local roads and shared paths</p> <p>Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings and specifications, <u>to ensure that local roads and shared paths identified as part of the BORR project</u> are constructed, upgraded and drained by Main Roads WA to the satisfaction of the Shire of Dardanup.</p>	<p>The Shire of Dardanup would need to approve the design and construction of local roads and paths where these are to be handed over to the Shire for management and maintenance.</p>
5.	<p>Crossovers</p> <p>All new crossovers shall be constructed by Main Roads WA in accordance with the Shire’s specifications (Policy CP050 – Crossovers in Townsites and Rural Areas).</p> <p>Existing crossovers that are not required as part of the development as indicated on the development plans shall be removed and the verge reinstated by Main Roads.</p>	<p>The Shire of Dardanup has a policy (CP050) for the construction of crossovers in rural areas to ensure that any constructed crossovers are built to Council standards. Main Roads WA will need to construct all new crossovers to Shire’s specifications (Policy CP050 – Crossovers in Townsites and Rural Areas).</p>

NO.	RECOMMENDED CONDITION	REASON
6.	<p>Fragmented sections of road and new local roads require renaming and new street numbers</p> <p>The proponent shall supply and install new road name signs on new roads, fragmented roads and any roads altered through the project, to the standards specified by, and to the satisfaction of the Shire of Dardanup.</p> <p>The proponent shall supply and install new rural street numbering on new roads, fragmented roads and any roads and properties altered through the project, to clearly identify property locations, to the standards specified by, and to the satisfaction of the Shire of Dardanup.</p>	<p>The BORR construction will sever a number of local roads. Where roads are unconnected it becomes difficult to navigate. This will create fragmented roads where new road names would need to be considered prior to new street numbers being allocated.</p> <p>The Shire of Dardanup has a street numbering procedure and may assist with the allocation of street numbers. All new street name would need to be considered and approved by Council.</p> <p>The cost for the allocation of new street names and street numbers should not be passed onto the landowners affected and should be borne by Main Roads WA instead.</p>
7.	<p>Drainage - Regional</p> <p>Prior to commencement of works, a drainage strategy is to be submitted to the Shire of Dardanup for consideration and adoption by Council.</p> <p>The drainage strategy where it refers to local roads should be in accordance with the Shire of Dardanup drainage standards and guidelines.</p> <p>Drainage – Local Roads</p> <p>Prior to the commencement of works, a detailed engineering design plan of the stormwater disposal system shall be developed in accordance with the adopted drainage strategy.</p> <p>Prior to the commencement of works, a detailed engineering design plan of the stormwater disposal system shall be submitted for approval by Shire of Dardanup and thereafter implemented by Main Roads WA.</p> <p>As constructed plans of the stormwater disposal system shall be submitted with the Shire of Dardanup for record purposes and thereafter the system is to be maintained by Main Roads WA in accordance with the engineering design plans.</p> <p>Any easements necessary to facilitate maintenance access to drainage installations shall be provided at Main Roads WA cost.</p>	<p>The report on Page 12 of 22 states:</p> <p><i>The drainage strategy for the northern section of the project is to adopt an unkerbed profile and to allow the runoff to sheet off the highway, through the vegetated embankment to the adjacent verge. Where the highway and associated interchanges require kerbing for delineation / to meet road design standards or for the control of scour, the outlet of the drainage networks shall either be directed to retention/detention basins sized for the small frequent rainfall event or to the adjacent vegetated verge areas to spread out and infiltrate or to flow into the local drainage systems. Basins should be provided upstream of sensitive receptors or where large networks and/or those featuring steeper grades are being discharged.</i></p> <p><i>The drainage strategy for local roads is to adopt a generally unkerbed profile, reflective of the existing local road network. Where kerbing is required, e.g. at intersections/roundabouts, these should be drained by kerb</i></p>

No.	RECOMMENDED CONDITION	REASON
		<p><i>openings or small pit and pipe networks to the adjacent verge/local drains. The adopted drainage strategy for local roads should also be in accordance with the local authority drainage standards and guidelines.</i></p> <p>Officers support the proposal that the drainage and waterways design must ensure that approval from Water Corporation, Harvey Water and any affected land owners is to be obtained in writing prior to the issue of the final drainage design drawings.</p>
8.	<p>Install and maintain landscaping</p> <p>A detailed landscape plan in accordance with Shire specifications CP120 – Environment and CP093 – Sustainability, shall be submitted for approval by the Shire of Dardanup and thereafter the landscaped area as indicated on the approved landscape plan shall be installed to the satisfaction of the Shire and maintained by Main Road WA in perpetuity.</p> <p>The detail landscape plan must address the following:</p> <ul style="list-style-type: none"> • Exact species, location and number of proposed plants to be planted. Species are to be water wise plants and endemic to the locality. • A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover. • Mulching or similar treatments of garden beds including edges. • Details of reticulation of landscaped areas including the source of the water supply. • Treatment of parking and pedestrian. • Fencing material, height and treatment. • Relocation of the stopping bay. 	<p>With regard to the landscape master plan, Main Roads WA would need to consider the Shire of Dardanup policies CP120 – Environment and CP093 – Sustainability in the preparation of the detailed landscape plan.</p>
9.	<p>Fencing</p> <p>Uniform rural style fencing is to be constructed along the boundaries of all of the farming lots abutting the BORR.</p> <p>A detail fencing plan that provide information regarding fencing material, height and treatment along the BORR is to be submitted for approval by the Shire of Dardanup prior to the construction of any fence.</p>	<p>Many of the farming lots abutting the BORR alignment are used for pasture. Main Roads WA would need to ensure that stock are prevented from wandering onto the BORR. Fencing would need to be of a rural style and uniform.</p>

No.	RECOMMENDED CONDITION	REASON
	<p>Advice note: A building permit application may be required for the works relating to the construction of a masonry fence.</p>	<p>It is noted that the landscape masterplan provide some reference to:</p> <ul style="list-style-type: none"> • Fencing along the railway reserve which presumably would need to meet the PTA's requirements; and • Fencing for noise attenuation purposes. <p>Further details of the proposed fencing would need to be submitted to the Shire for consideration and approval.</p>
10.	<p>Street Lights</p> <p>Lighting at intersections are to be designed and installed to ensure safety and reduce risks to the satisfaction of the Shire of Dardanup.</p> <p>Where exiting street light poles are to be removed during the construction of the road these are to be returned to the Shire of Dardanup.</p> <p>The location of any new light poles are to be carefully considered. Intrusion of over-bright or poorly-directed lights creating light spill onto dwellings already impacted by the BORR are not supported.</p> <p>The use of photovoltaics to power any new light poles is required in accordance with Council Policy CP093 - Sustainability.</p> <p>The design, standard and fixtures of new lights are to be finalised in consultation with the Shire of Dardanup prior to the installation of the lights.</p> <p>Infrastructure associated with power generation shall be screened to the satisfaction of the Shire of Dardanup.</p>	<p>The exiting street lights at the intersection of Harris Road and Martin Pelusey Road were installed by the Shire of Dardanup and if removed the Shire would need these back to install at another location.</p> <p>Main Roads WA will need to construct all new lights to the Shire's specifications (Policy CP093 – Sustainability).</p>
11.	<p>Noise impacts</p> <p>Details of each property within the Shire of Dardanup impacted by the BORR where specific architectural treatment is required, the final design (of noise walls or acoustic treatments) is to be finalised in consultation with the Shire of Dardanup before construction and final drawings is to be provided to the Shire.</p> <p>A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of each property within the Shire of Dardanup impacted by the BORR including but not limited to those lots where</p>	<p>SPP 5.4 Road and Rail Transport noise and Freight Considerations in Land use Planning</p> <p>Properties highlighted in figure 4.8 and 4.9 have been identified as potentially exposed to traffic related noise above the relevant SPP 5.4 outdoor noise target.</p> <p>The traffic noise assessment report on page 30 states that where residences are sparsely located then architectural treatment</p>

No.	RECOMMENDED CONDITION	REASON
	<p>specific architectural treatment is required. The notification is to state as follows:</p> <p>‘The lot is situated in the vicinity of a transport corridor and is currently affected, or may in future be affected by transport noise.</p> <p>A schedule of works and materials for any existing dwelling that require specific architectural treatment is to be submitted to the Shire of Dardanup.</p> <p><u>Advice note:</u> A building permit application may be required for the works relating to specific architectural treatment.</p>	<p>packages provide a practical solution, consisting of, upgraded glazing and mechanical ventilation (to allow windows to be kept closed).</p> <p>The report states that specific architectural treatment packages are determined for each individual sensitive receptor following completion of an architectural treatment inspection; and mitigation treatment will occur on a one-on-one basis with impacted landowners.</p> <p>Although the report states that Figure 4.8 and 4.9 identify the properties in red dots that will require specific architectural treatment there are no red dots on 4.8 and 4.9 and it appears that the properties may have been identified with blue dots instead.</p> <p>Officers consider that details of each property where specific architectural treatment is required to meet specified noise levels should be provided to the Shire. A Section 70A notice is to be placed on the certificate of title of each property within the Shire of Dardanup impacted by the BORR including but not limited to lots where specific architectural treatment is required. This will ensure that future landowners are informed accordingly.</p>
12.	<p>Location of buildings and effluent disposal systems</p> <p>The existing dwellings and buildings being retained are to be assessed to ensure that water collection and wastewater disposal systems have the necessary clearance from the new boundaries. A list of all of the affected properties and site plans showing the position of the retained buildings, water sources, wastewater systems and setbacks for the new property boundary will be required. If water collection or wastewater disposal is affected, then alternative water or wastewater systems must be installed.</p> <p><u>Advice Note:</u></p>	<p>Buildings close to the BORR which are not being demolished must be assessed to check if water collection or wastewater disposal systems will be affected by the acquisition of land for the BORR. A list of affected properties and site plans showing the position of the retained buildings, water sources, wastewater systems and the proposed property boundary will be required. If water collection or wastewater disposal will be affected by the acquisition of land,</p>

No.	RECOMMENDED CONDITION	REASON
	<p>Approval is required to amend or replace any wastewater system.</p> <p>Demolition permits are required for all commercial, residential and farming property buildings and structures that are planned to be demolished as part of the proposed BORR prior to demolition.</p> <p>Suitably qualified asbestos removal demolition contractors are required in many instances.</p> <p>Building Permits are required for all commercial, residential and farming property buildings and structures prior to any are replaced or rebuilt as a result of those demolished as part of the proposed BORR.</p> <p>Development Approval applications are to be submitted for replacement dwellings, and planning approval under the GBRS and/or TPS3 may be required if an application is triggered under the GBRS and/or TPS3.</p>	<p>then alternative water or wastewater systems must be installed. Approval is required to amend or replace any wastewater system.</p>
13.	<p>Bridges</p> <p>All new bridges that forms part of the BORR project as identified on the development plans are to be constructed by Main Roads WA and thereafter maintained by Main Roads WA in perpetuity.</p> <p>Bridges over the South Western Railway Line (Picton to Brunswick Junction) are to provide for the duplication of the railway line and double stacking of containers on rail carriages.</p>	<p>There may be a considerable costs associated with the maintenance of bridges once the BORR is constructed. A condition has been included to ensure that Main Roads WA would need to indemnify the Shire against any costs and claims associated with the BORR project. This is a recommended condition.</p>
14.	<p>Public art</p> <p>Main Roads WA is to ringfence 1% of the construction costs for the section of road within the Shire of Dardanup for public art budget and expenditure of this monies are to be within the Shire of Dardanup and is to be in consultation with the Shire of Dardanup to incorporate public art to promote the South West region and recognise the identity of the local community of the Shire of Dardanup and the history and local culture of the Ferguson Valley.</p>	<p>With regard to Public Art, <i>Main Roads WA website states that it has commissioned public art and urban design on a number of transport infrastructure projects. These artworks contribute to Western Australia's unique culture and environment, improve way finding and enhance the travel experience for all road users. From colourful murals along noise walls to large-scale sculptures and bridge designs, there is plenty to enjoy during your drive.</i></p> <p>Officers consider the BORR project to be an important gateway to the South West region and with the incorporation of public art it could also promote and recognise the identity of the local community of the Shire of Dardanup and the</p>

No.	RECOMMENDED CONDITION	REASON
		history and local culture of the Ferguson Valley.
15.	<p>Stopping bay</p> <p>The stopping bay is to be located at the “entrance” to the Ferguson Valley, adjacent to and accessed from the off-ramp (see condition 1) from the BORR into southern portion of Waterloo Road and needs to be sufficient in size to accommodate an information kiosk, ablutions and a convenience store. The location and design of the stopping bay development shall be to the satisfaction of the Shire of Dardanup.</p>	Shire preference is for the stopping bay to be located closer to the “entrance” to the Ferguson Valley, refer condition 1. Consideration needs to be given to the size of the stopping bay to ensure that it is sufficient in size to accommodate an information kiosk, ablutions and a convenience store.
16.	<p>The Shire of Dardanup is to be consulted in the preparation of any plans that support the BORR project, as listed below but not limited to the following:</p> <ul style="list-style-type: none"> • Asset Commissioning and Handover Plan, • Construction management plan, • Environmental management plan, • Sustainability plan, • Traffic management plan, • Dust management plan. <p>The Shire of Dardanup is to be provided with copies of the approved plans for the Shire’s record purposes.</p>	<p>The report on Page 18 of 22 provides a list of plans that will be prepared and implemented by the delivery team.</p> <p>This include reference to a number of management plans. The Shire of Dardanup needs to be consulted in the preparation of these plans and copies of these plans once finalised are to be submitted for the Shire’s record purposes.</p>
17.	Main Roads WA to indemnify the Shire of Dardanup against any costs and claims associated with the BORR project.	The road dedications that become Shire controlled will become the responsibility of the Shire. This includes the land and road infrastructure that is created or upgraded through the BORR project.
18.	<p>Public Consultation</p> <p>Main Roads WA is to undertake public consultation to ensure the objectives of Council Policy CP090 is considered, and advertise the BORR project to the community of the Shire of Dardanup and in particular the affected adjoining landowners and any relevant external agencies that may have services impacted upon.</p>	The Shire of Dardanup has a policy (CP090) for community engagement which seeks to build a two-way communication process between the Shire of Dardanup and the community. The objective of the policy is to ensure effective public participation is offered to appropriate stakeholders on Shire of Dardanup projects and programs. A similar approach is expected from the WAPC with regard to engaging with the community of the Shire of Dardanup to obtain the best possible outcome for the BORR project.
19.	Main Roads WA is requested to consider naming the South West Highway flyover and/or major road for the BORR Project after May Holman. It should be known as the Holman Flyover. It meets the terms of a commemorative	May Holman was Australia’s first female Labor politician, elected to the state seat of Forrest when she was just 31. Her father, John

No.	RECOMMENDED CONDITION	REASON
	<p>name applied to a locality which shall only use the surname of a person posthumously. The nomination is based on a demonstrated record of achievement and she had a direct and long-term association with the location and made a significant contribution to the area of the Shire of Dardanup.</p>	<p>Barkell Holman, was the secretary of the Timber Workers Union and singled out his eldest daughter for a career in politics from an early age. When she left school, although she had been a brilliant scholar at school, she went into Trades Hall to sit beside her father to learn all about industrial advocacy. He died in 1925, but for the 10 years preceding his death May had been his right hand. When Mr Holman died he was the state MP for Forrest, a south-west electorate centred around the timber town of Dwellingup. Ms Holman stood for the seat and won, creating a sensation on her first day in parliament. But Ms Holman was more than a novelty — she was deeply committed to the people in her electorate. One of the very important things that she did was introduce the Timber Workers Bill, which provided for changes in the industrial health and wellbeing of those workers and this was one of the first health and safety bills that had been seen anywhere in the world; it was actually copied by other countries. Ms Holman won election after election, remaining as the member for Forrest until 1939. Then, on the eve of being re-elected for the fifth time, tragedy struck. It was Friday March 17, 1939, and Ms Holman was driving down to Dwellingup and she unfortunately died not far away from Dowdells line in a car accident. It would be appropriate to celebrate her life achievements by naming a significant road and/or flyover on this strategic BORR project by the State and Federal Government.</p>
20.	<p>All works required as a result of these conditions are to be at the cost of Main Roads.</p>	

2. In accordance with Section 115 (3) of the Planning and Development Act 2005 (the Act), forwards the application, supporting documents and Council's recommendation to the Western Australian Planning Commission for determination.
3. Request the Chief Executive Officer to write to the Commissioner of Main Roads WA requesting the South Western Highway flyover and/or major road for the BORR Project be named after May Holman.

CARRIED
7/0

Note: Principal Planning Officer, Cecilia Muller left the meeting [4.29pm].

12.2 Title: Tender F0171511 - Appoint Project Manager Administration and Library Project

Reporting Department: Infrastructure Directorate
 Reporting Officer: Mr James Reilly - Project Development Engineer
 Legislation: Local Government Act 1995

DECLARATION OF INTEREST

Cr. L Davies declared a Financial Interest in this item as he is an employee of Coles Pty Ltd who is a tenant of Citygate Pty Ltd.

Cr. L Davies left the room [4.29pm].

Overview

A Request for Tender (RFT) process was undertaken to source a suitable Project Manager to assist the Shire in the delivery of the Shire Administration and Library Project.

This report outlines the outcomes of the RFT and recommends that Council appoints the preferred tenderer to undertake the works.

Background

At the Ordinary Meeting of Council held on 26 August 2020, Council made the following resolution [244-20] in regards to the proposal to build a new Shire administration and library building within the Eaton Town Centre:

THAT Council:

1. *In accordance with Local Government (Functions and General) Regulations 1996, regulation 23(3) considers that the following submitters may be capable of satisfactorily delivering on the Design and Construction Tender for the new Council Administration and Library building:*
 - a) *Badge Constructions (WA) Pty Ltd;*
 - b) *Perkins (WA) Pty Ltd;*
 - c) *Pindan Contracting Pty Ltd.*
2. *Considers all other submitters to not be capable of satisfactorily delivering on the Design and Construction Tender for the new Council Administration and Library building based on the Expressions of Interest submissions received.*
3. *Requests the Chief Executive Officer to inform the submitters of the above resolution.*
4. *Requests that the Chief Executive Officer bring to the 28 October 2020 Ordinary Council Meeting the draft Design and Construct Request for Tender documentation for endorsement by Council prior to calling the restricted tenders.*

To ensure item four of the resolution can be realised, an RFT was issued seeking a Project Manager with experience in D&C contract management and tender documentation preparation. The RFT has now

closed, all submissions have been assessed and tender assessment has made a recommendation on the preferred tenderer for Council consideration.

Legal Implications

Division 2 — Tenders for providing goods or services (s. 3.57)

11. When tenders have to be publicly invited

(1A) In this regulation —

state of emergency declaration has the meaning given in the Emergency Management Act 2005 section 3.

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or

(aa) the supply of the goods or services is associated with a state of emergency; or

(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or

[(ba) deleted]

(c) within the last 6 months —

(i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or

(ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;

or

(d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or

(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or

(ea) the goods or services are to be supplied —

(i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and

(ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;

or

(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or

(g) the goods to be supplied under the contract are —

(i) petrol or oil; or

(ii) any other liquid, or any gas, used for internal combustion engines;

or

(h) *the following apply —*

(i) *the goods or services are to be supplied by —*

(I) *a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or*

(II) *a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;*

and

(ii) *the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and*

(iii) *the local government is satisfied that the contract represents value for money;*

or

(i) *the goods or services are to be supplied by an Australian Disability Enterprise; or*

(j) *the contract is a renewal or extension of the term of a contract (the **original contract**) where —*

(i) *the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and*

(ii) *the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and*

(iii) *the original contract contains an option to renew or extend its term; and*

(iv) *the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;*

or

(ja) *the contract is a renewal or extension of the term of a contract (the **original contract**) where —*

(i) *the original contract is to expire within 3 months; and*

(ii) *the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and*

(iii) *the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;*

or

(k) *the goods or services are to be supplied by a pre-qualified supplier under Division 3.*

(3) *For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if —*

(a) *the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; and*

(b) *the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.*

[Regulation 11 amended: Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6; 18 Sep 2015 p. 3804-6; SL 2020/35 r. 8; SL 2020/55 r. 5.]

18. Rejecting and accepting tenders

- (1) *A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.*
- (2) *A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.*
- (3) *If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.*
- (4) *Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.*
- (4a) *To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.*
- (5) *The local government may decline to accept any tender.*
- (6) *If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.*
- (7) *If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.*

[Regulation 18 amended: Gazette 29 Jun 2001 p. 3131-2; 18 Sep 2015 p. 3807.]

Strategic Community Plan

Strategy 1.1.1 - Ensure equitable, inclusive and transparent decision-making. (Service Priority: High)

Strategy 1.1.4 - Maintain best practice governance systems and practices. (Service Priority: Moderate)

Strategy 1.3.1 - Implement the Integrated Planning and Reporting Framework including the Long Term Financial Plan, Workforce Plan, Asset Management Plans and Corporate Business Plan. (Service Priority: High)

Environment - None.

Precedents

Council recently appointed a project manager for the design and construction contract of the Eaton Bowling Club redevelopment project.

Budget Implications

\$500,000 is allocated in the 2020/21 budget for detailed design and preliminary works associated with the new Council administration and library building.

Budget – Whole of Life Cost

Although the Project Manager adds to the overall cost of the project, it is standard practice to appoint a project manager to a project of this size and complexity. The cost of the Project Manager is normally factored into the QS estimates of projects and is therefore factored into the allocated budget for the project. The Shire does not have the available personnel resources to undertake this role in-house due to the many other project commitments through the Shire's budget. Therefore, the Shire is unable to absorb the cost of project managing this project into its normal operations.

The Project Manager will manage the delivery of the project and all contracted requirements on behalf of the Shire. This will ensure that the Shire receives all that is required under the contract, in a timely and cost effective manner. Without a competent and committed Project Manager, it would be reasonable to expect that the Shire could incur additional costs and/or not obtain value for money.

Council Policy Compliance

Shire of Dardanup CP034 – Procurement Policy.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix SCM: 12.2) for full assessment document.

Tier 3 – 'High' or 'Extreme' Inherent Risk.		
Risk Event	Shire Administration and Library Project- Design and Construct – Appoint Project Manager	
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)	
Risk Action Plan (treatment or controls proposed)	Careful management of the detailed design process and construction works by the appointed project manager.	
Residual Risk Rating (after treatment or controls)	Moderate (5 - 11)	
Risk Category Assessed Against	Financial	There is a risk that the project exceeds the allocated budget allowance.
	Reputational	Risk to the Shires reputation if the construction runs over time and budget.

Officer Comment

The Shire received submissions on the RFT from the following companies (in alphabetical order):

- 1 Bateup Consulting Pty Ltd
- 2 Donald Cant Watts Corke WA Pty Ltd
- 3 GHD Pty Ltd
- 4 Johnstaff Projects (WA) Pty Ltd
- 5 Kent Lyon Architect Pty Ltd
- 6 NS Projects Pty Ltd
- 7 OP Properties Pty Ltd
- 8 Project Directors Australia Pty Ltd
- 9 Rapallo Pty Ltd
- 10 Successful Projects

The Evaluation Panel met on 7 September 2020 to discuss the outcomes of the scoring undertaken by individual officers against each submission based on the Selection Criteria set out in the RFT and the relevant scoring matrix.

The Evaluation Panel comprised of the Procurement Officer (chair), who completed the Compliance Criteria only, and the Chief Executive Officer, Director Infrastructure, Project Development Engineer and Manager of Infrastructure Planning & Design to participated as voting Panel Members on the Qualitative Criteria.

The average scores from the individual officers were collated resulting in the overall score for each submission. At this meeting Officers noted that the following issues were identified in relation to the Compliance Criteria included in the Expression of Interest Documentation:

- GHD
 - Currently engaged in several litigation actions (Noted as “No” in compliance form)
- Kent Lyon Architect
 - Mr James Reilly-Project Development Engineer is listed as a referee due to Kent Lyon being the current project manager on the Bowling Club Project. There is no other connection. Verbal advice from Mr. James McGovern from WALGA is that this should not disqualify Mr. James Reilly from the Evaluation Panel.

Officers considered that the above issues did not require the relevant submissions to be rejected under Local Government (Functions and General) Regulations 1996, regulations 23 (1) and (2). As such all submission received were evaluated.

All submissions received were assessed and scored in accordance with the following criteria:

ASSESSMENT CRITERIA	SCORE	WEIGHTING %	WEIGHTED SCORE
Price	0-10	30	0 – 3
Relevant Experience	0-10	40	0 – 4
Demonstrated Understanding and Resources	0-10	30	0 - 3
TOTAL		100	0 -10

The following final table presents the overall average and weighted score for each submitter against the relevant Selection Criteria as scored by the Assessment Panel:

SUBMITTER	Price	Relevant Experience	Demonstrated Understanding and Resources	TOTAL
Bateup Consulting Pty Ltd	2.34	2.50	1.35	6.19
Donald Cant Watts Corke WA Pty Ltd	2.49	2.90	2.03	7.42
GHD Pty Ltd	2.22	2.40	2.03	6.65
Johnstaff Projects (WA) Pty Ltd	2.40	2.70	2.03	7.13
Kent Lyon Architect Pty Ltd	1.68	1.80	1.28	4.76
NS Projects Pty Ltd	2.16	2.80	1.80	6.76
OP Properties Pty Ltd	2.04	2.20	1.43	5.67
Project Directors Australia Pty Ltd	2.37	2.40	1.65	6.42
Rapallo Pty Ltd	1.89	1.70	1.35	4.94
Successful Projects	3.0	2.80	2.03	7.83

All submissions complied with the tender requirements and the submission from Successful Projects achieved the highest score.

Below is a breakdown of the team members and hours that Successful Projects have assigned to the project.

PERSON	ROLE	TENDER DOCUMENTATION STAGE	PROJECT MANAGEMENT AND CONTRACT ADMINISTRATION STAGE
Shane Criddle	Lead Project Manager	130	680
Trevor Tivey	Senior Project Manager	80	220
Sandra Rothmaier	Project Manager	40	120
Divya Moothoosamy	Contract Admin/ Project Support	200	960
Brett Anderson	Director/Strategic Advisor	As Required	As Required
Total Hours		450	1980

The Project Manager's duties include, but are not limited, to the following:

Tender Documentation:

- Preparation of specification and Scope of Works to be included in the Tender documentation for the Design and Construct of the Eaton Administration and Library project.
- Responding to tender queries issued by the Procurement Officer to ensure a high consistency between all builders regarding accessibility to information.
- Prepare AS 4902:2000 Design & Construct Contract. The contract to be made available to tenderers when tender submissions are invited.
- Review of tender submissions and preparation of a technical report to be provided to the Tender Review Panel

Contract administration including project management:

- Administration of the contract including on-going discussions with representatives of the Shire regarding any alterations.
- Initial site meeting with the Shire and the successful Contractor.
- Regular site visits.
- Site meetings (fortnightly) involving the Shire representative and the Contractor.
- Coordinate, review and verify all work to ensure compliance with the designs, Shires brief, budget, standards and codes.
- Liaise with Shire engaged Quantity Surveyor during design and construction to ensure that contractor claims, bill of quantities and project estimations are accurate, fair and reasonable, and represent value for money for the Shire.
- Ensure that best practice in timber design and construction is implemented by the contractor, its designer/architect, fabricator, subcontractors and timber suppliers.
- Respond to technical queries from site and also respond to any unforeseen issues arising from Construction site works.
- Keep a register of Contract Variation Requests and assess them against the contract.
- Processing contractor's variations following consultation with the Shire.
- Undertake Practical Completion Inspection.
- Oversee issue of Certifications.
- Review and approve 'As-Constructed' drawings and O&M manuals from contractor.
- Ensure all As-Constructed service drawings and user manuals are collated by the builder and forwarded to the Shire.
- Certificate of Construction Compliance along with the closeout and final completion reports.

- Official handover to the Shire of Dardanup.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

change to Officer Recommendation - No Change.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

249-20 MOVED - Cr. P S Robinson SECONDED - Cr. M T Bennett

THAT Council:

1. Acknowledges receipt of the ten submissions for the Shire Administration and Library Project- Design and Construct –Project Manager Request for Tender;
2. Accepts the most advantageous tender for the provision of a Project Manager for the Shire Administration and Library Project, being Successful Projects in accordance with Tender FO171511, up to a total of \$213,840 excluding GST;
3. Requests the Chief Executive Officer to inform the submitters of the above resolution; and
4. Accepts that, should a Contract not be formed with Successful Projects then the next most advantageous Tenderer, being Donald Cant Watts Corke WA Pty Ltd is accepted and a Contract is to be formed, under the terms and conditions noted in Part 2 above, in accordance with Regulation 20(2) of the Local Government (Functions and General) Regulations 1996.

CARRIED
6/0

Note: Cr. L Davies returned to the room [4.36pm].

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None.

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

None.

15 PUBLIC QUESTION TIME

None.

16 MATTERS BEHIND CLOSED DOORS

None.

17 CLOSURE OF MEETING

The Presiding Officer advised that the date of the next Ordinary Meeting of Council will be Wednesday 30 September 2020, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer declared the meeting closed [4.36pm].



CONFIRMATION OF MINUTES

"As the person presiding at the meeting at which these minutes were confirmed on 30 September 2020, I certify that these minutes have been confirmed as a true and accurate record of proceedings".

Signature: 

Email: michael.bennett@dardanup.wa.gov.au