

MINUTES OF THE SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 8th SEPTEMBER 2008. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 5.02PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
JE Price
MJ Geurds
M Harris
WJ Kirkpatrick
EE Brown
C Randall
S Twine
K Murphy
C Butfield

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr A Hart Director Corporate Services
Mrs S van Aswegen Director Strategic Community Planning
Mr B Gleeson Director Development Services
Mrs A Nolan Manager Executive Services
Ms M Kenny Co-ordinator Planning Services
Ms K Richardson Communications Officer (until 5.29pm)
Mr S Wilkes Executive Manager Planning Services (until 5.35pm)
Mr D Gossage Manager Emergency Services (from 5.20pm)
Mrs L Fletcher Minute Secretary

APOLOGIES: Nil

GALLERY: 7

2. PUBLIC QUESTION TIME:

Public Question Time commenced at 5.03pm.

SCM003/09/08 - Kem, Tracy and Emma Mladenovic (Lot 18 Karnup Road, Serpentine)

1. How does the Council propose to manage a dual zoning for a current land/lot holder with respect to:
 - 1a) Rates Payable Annually - which land zone or rate calculation will be used?
- A. The Director Corporate Services advised that he would take this question on notice and provide a response in writing.
 - 1b) Building applications or approved use for the land eg One land owner of current "Rural Land" will their livestock be allowed to graze on the "Proposed Residential Zone" within the same property boundary?
- A. The Director Development Services advised that he would take this question on notice and provide a response in writing.

The Director Development Services also advised that the land is currently zoned Rural and with the proposed Scheme Amendment would become a dual zoning. The current land use rights will continue irrespective of a zoning change if they are

currently legal under Council's Town Planning Scheme No. 2. However, if the zoning does change, this may impact future land use.

2. Has the Council physically viewed the proposed land that is to change from "Rural" to "Residential":
 - 2a) With respect to Lot 18 Karnup Road, over 80% of the proposed "Residential Land" is under the annual flood plain level?
 - 2b) Further to Lot 18 Karnup Road, the proposed "Residential Land" has a large winter creek running through the centre of it with native flora either side of it, how are residential home sites planned to establish on a natural creek?
 - 2c) Home sites (condensed grouping) so close to a direct inlet (winter creek) into the Serpentine River would surely pose effluent risks?
- A. The Chief Executive Officer advised that it is important to note that the Urban Development zone is not a Residential zone. It is a temporary zoning which is put in place prior to structure planning occurring. It essentially means that no further subdivision is entertained in the area to enable appropriate structure planning and also prevents ad hoc planning.

As part of the structure planning, Council will consider development along the Serpentine River (flood plain and flood way) and also native flora and how this can be incorporated and protected in the structure plan. Large or inappropriate developments or subdivision that may affect future planning could be refused under the Urban Development Zone as this may prejudice the outcome of the structure plan.

3. The land in this area was bought for its "Rural Zoning" and country lifestyle. The proposed rezoning would have to encompass the "Whole Property lot" or "None" of it (no part zoning), as a "Rural Zone" coinciding with a "Residential Zone" will not work:
 - 3a) It would not be long before the "Residential Zone" would start to complain of "Rural Zoned" activities and then you end up with unhappy neighbours eg farm machinery, noisy livestock, pest control and working noises beyond "Residential Zoned" noise permitted hours.
 - 3b) A dual zoned property also creates problems with respect to current infrastructure that has been established within the "Residential Zone" that may be of Council acceptance in the "Rural Zone", will this infrastructure have to be removed eg large farm sheds and buildings?
- A. The Chief Executive Officer advised that the implementation of the Urban Development Zone is to bring Council's Town Planning Scheme into alignment with the Metropolitan Region Scheme. The structure planning area may be larger than the area currently zoned Urban however this does not necessarily imply that Residential development will occur. The current Metropolitan Region Scheme does create an Urban and Rural distinction through the property at Lot 18 Karnup Road, Serpentine.

The issue of land use conflict will be considered by Council in the structure planning process as it was considered in Byford (ie larger buffer lots surrounding the Byford Trotting Complex)

4. Reference to Lot 15 Karnup Road, should this actually be Lot 15 Giblett Street?
- A. The Chief Executive Officer advised that a title search conducted today has revealed that Lot 15 Karnup Road should be stated as Lot 15 Giblett Street.

2.1 Response To Previous Public Questions Taken On Notice

Nil

Public Question Time concluded at 5.12pm

3. PUBLIC STATEMENT TIME:

Nil

4. PETITIONS & DEPUTATIONS:

SCM002/09/08 – Jordan Ennis (Greg Rowe & Associates)

Our office acts on behalf of Seaport Pty Ltd the landowners of Lot 5 (no. 34) Abernethy Road, Byford.

Our Client has engaged our office to lodge a Development Application for a Shopping Centre in recognition of the increased need for essential services within the Byford locality.

At this juncture our Client has secured a key anchor tenant for the Supermarket which comprises the bulk of the development. Ancillary to the supermarket, ten speciality tenancies are also proposed.

We note that at Council's Special Council meeting dated 13 February 2007, Council resolved to:

"Immediately commence the Local Structure Planning for the Byford Town Centre, with the Council taking the leading role and working in collaboration and partnership with affected landowners."

Nineteen months onwards it is our understanding there is yet to be a decision to how the process will be project managed.

Clause 17 denoted on the BSP maps requires the preparation of a Local Structure Plan, Design Guidelines and a DAP.

Notwithstanding, from the time a consultancy or internal staff are engaged to undertake these tasks our forecast for the completion of these requirements dependent on the number of persons dedicated to the project to be between 3 to 5 years.

Please note the BSP has taken in excess of 8 years to be endorsed by the WAPC.

Although our Client has secured a prominent tenant, the timeframe is limited within reason.

Shire of Serpentine Jarrahdale Activities Centres Policy

Byford is designated as a District Level Shopping Centre under State Planning Policy 4.2 Metropolitan Centres Policy Statement for the Perth Metropolitan Region". The WAPC have not adopted a Local Planning Strategy or Centres Plan for Byford.

The Activities Centre Plan is still in Draft format.

Byford Structure Plan

The Byford Structure Plan report is not consistent with the Byford Structure Plan Map. The Map reflects changes consequent of the Special Council Meeting held on February 2007 and subsequent changes imposed by the WAPC.

Car Parking

The Report acknowledges the parking provisions prescribed under TPS 2 are much higher than required under Liveable Neighbourhoods. It should also be noted Liveable Neighbourhoods encourages higher density housing within an 800m radius of commercial areas, which will further reduce the need for parking bays.

The 97 small car bays can be reconfigured to standard car bay dimension with the loss of approximately 3 car bays.

Power to Approve Development Application

Council has the authority to approve the proposed Development Application under Clause 5.18.7.3 of TPS 2.

Provision of Urban Water Management

Condition 18 on the current BSP Map reads:

“The existing water way will be subject to water sensitive urban design principles at the detailed engineering design stage. The specific width of the waterway will be determined at the local structure plan stage.”

Condition 18 does not prescribe that buildings cannot be constructed over the waterway. In addition a series of roads are proposed to be constructed over the waterway.

The Western Australian Planning Commission has adopted State Planning Policy 2.9 ('SPP 2.9') "Water Resources" which provides guidance and control measures for water resources within Western Australia. Schedule 2 "Guidelines for the Determination of Appropriate Buffering of Waterways and Estuaries" under SPP 2.9 reads:

“The varied and unique nature of water resources in Western Australia requires that a flexible approach be used in planning and development where waterways and estuaries are present.

Existing mechanisms for identifying foreshore management and protection areas are generally based on a 'foreshore reserve' width of 30m for waterways (WAPC Development Control Policy 2.3) and a 'development setback' of 50m for estuaries. Both policies allow the opportunity for flexibility and it is recommended that this approach be used, especially where significant ecological, social or economic values are present.”

Byford Progress Association

The Byford Progress Association is a recognised Committee whom supports the proposed development.

5. PRESIDENT'S REPORT:

Nil

Manager Emergency Services entered the meeting at 5.20pm.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Buttfield declared an interest in common in item SCM003/09/08 as she resides in Serpentine and advised that this will not affect the way in which she votes on this matter.

Cr Kirkpatrick declared an interest of impartiality in item SCM004/09/08 as his step son is a member of the proposed company who will conduct the structure planning. Cr Kirkpatrick advised that he would leave the room when this item is discussed.

7. RECEIPT OF MINUTES OR REPORTS AND CONSIDERATION OF ADOPTION OF RECOMMENDATIONS FROM COMMITTEE MEETINGS HELD SINCE THE PREVIOUS COUNCIL MEETINGS:

Nil

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- NOTE:**
- a) The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.
 - b) Declaration of Councillors and Officers Interest is made at the time the item is discussed.

SCM002/09/08		PROPOSED SHOPPING CENTRE - LOT 5 (34) ABERNETHY ROAD, BYFORD (P01686/02)
Proponent:	Greg Rowe & Associates Town Planners	In Brief Proposed shopping centre comprising supermarket and ten retail tenancies. It is recommended that the application be refused.
Owner:	Seaport Pty Ltd	
Author:	Co-ordinator Planning Services	
Senior Officer:	Director Development Services	
Date of Report	14 August 2008	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 10 July 2008
 Advertised: No
 Lot Area: 1.8157 hectares
 TPS Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Town Centre and Residential
 Use Classification: Shopping Centre – “P” (permitted)

Background

The subject site is located on the northern side of Abernethy Road, west of the railway line. Beenyup Brook traverses the centre of the site from east to west. There is minimal vegetation on site, with vegetation located mainly along the edge of the brook. A house, tennis court, shed and swimming pool exist on the property. These will all be demolished.

An aerial photograph of the site is with the attachments marked SCM002.1/09/08.

Proposal

The proposed development comprises a supermarket premises (3729m²) and ten retail tenancies (1805m² combined), totalling a Gross Leasable Area (GLA) of 5534m².

A full schedule of colours and materials has not been provided with the application. However, the application details that the main street elevation (Abernethy Road) will include Donnybrook Stone, face brickwork/tile, painted steel awnings, zincalume metal deck sheeting and a steel and glass structure to the two entries.

The main external focus of the shopping centre will be the southern 'main street' (Abernethy Road) elevation. The elevation is articulated to replicate the individual facades found in a traditional 'main street' development.

The shopping centre will have two main entrances being the main street (Abernethy Road) and the entrance off the side car park. The entrances are connected by a mall.

Other design elements include:

- Public Toilets and a Parenting / Unisex Disabled facility;
- A continuous awning linking the mall entry to the northern end of the car park;
- Provision of disabled, parenting, and senior citizen car bays allocated adjacent to the side mall entrance;
- Shade trees throughout the car park;

- Pram ramps for trolley access;
- Public bike stands; and
- Trolley corrals distributed around the car park.

A copy of the site and floor plan, elevations and landscaping plan and an artist's conceptual drawing of the development are with the attachments marked SCM002.2/09/08.

A traffic impact assessment was provided as an appendix to the application.

Sustainability Statement

Effect on Environment:

Environmentally Sensitive Design (ESD)

The application includes an architecture and design statement outlining a set of ESD Initiatives which are proposed to be incorporated into the design of the proposed development. The applicant advises that the development is intended to achieve 4 Green Stars under the Green Building Council of Australia's 'Green Star' rating tool. The ESD elements to be incorporated include:

- Energy efficient design with an emphasis on passive design (natural ventilation to the malls, shading, natural light, material selections and similar items) and energy efficient fixtures and fittings
- Managing water use through use of water efficient fixtures
- Providing a pleasant internal environment by maximising the use of natural light
- Providing high ventilation rates
- Minimising use of materials with volatile organic compounds or formaldehyde content
- Conserving resources by selecting appropriate materials and managing waste during the construction process.

Vegetation and Landscaping

The development will result in the removal of all existing vegetation on the site.

The use of locally indigenous species throughout the development should be required (if approved), with careful selection of species considering the appropriateness of certain types of vegetation for the type of development. This includes suitability of certain trees based on the type and amount of leaf and other litter they drop, low water usage plants, plants able to withstand the harsh environment of a car park, heat and reflectivity generated by building facades and car park surface and shading ability.

Landscaping layout and design will also need to be considered against Designing Out Crime guidelines.

In relation to landscaping, there are not any requirements for the Town Centre Zone in the Shire's Town Planning Scheme (TPS 2) and the detailed structure planning and design guidelines required for the Town Centre have not been prepared yet. Accordingly, it is considered appropriate for the landscaping to be assessed against the requirements for Shopping Centres in the Commercial zone contained in TPS 2.

Water Management

The development proposes the existing natural creek line traversing the lot be replaced with an underground piped drain. This is contrary to the intention of the Byford Structure Plan (BSP), which shows this creek as public open space and the natural waterway retained in a parkland setting.

The Shire's Engineering Services advise that the use of piped drainage in this area would be relatively difficult to install due to the need for very large pipe sizes. Such pipes would need to be installed to carry the water volumes specified in the Byford Townsite Drainage and Water Management Plan (BTDWMP) that was recently released by the Department of Water (DoW). This means that without significant (and prohibitively expensive) soil modifications beneath the existing Town Centre to modify the soil profiles and re-direct groundwater, the pipes would always be about half full of water. This effectively reduces their ability to carry the volume they are designed for.

The DoW's BTDWMP study recommends this level of detail to be only available after preparation of a Local Water Management Plan as part of the Local Structure Plan (LSP).

The Shire's Engineering Consultant provided the following comments with regard to the development and stormwater management:

There is little information presented on stormwater management beyond a letter from consultant hydrologists JDA which states "JDA considers the development of the Study Area as a Shopping Centre to be achievable consistent with regional stormwater requirements and criteria specified in the draft BDWMP and general requirements of the Department of Water with regards to urban stormwater management."

The BDWMP has now been published on the DOW (Department of Water) website and is entitled "Byford town site drainage and water management plan – September 2008."

The Shire should require compliance with the BDWMP as a condition of the development application. However there may be elements of the BDWMP that do not apply given that the planning process is now at the UWMP (Urban Water Management Plan) stage.

The shopping development proposed will completely cover the site and will practically be close to 100% impermeable. In addition a proposed regional piped storm water main (2 No 1200 diameter pipes) will traverse the site running east to west. These present considerable challenges that will have to be dealt with at the UWMP stage. Given some of the issues, close liaison with the developer's consultant will be needed to make sure the requirements of BDWMP can indeed be met. Some of these will include:

- 1. Retention of the one year recurrence interval storms on site*
- 2. Provision of storage for 100 year flood to attenuate flows to pre development levels*
- 3. Construction of regional piped drains through the site arrangements down stream and upstream of these pipes*
- 4. Flood routing in the event of pipe blockages*
- 5. Access to shopping centre to take account of future regional swale location (TBD) in Abernethy Road*
- 6. Water quality improvement measures on site and ongoing monitoring*
- 7. Groundwater management*
- 8. Arrangements for funding and contributions to regional drainage*

Landscaping

There is little space available for landscaping on the site. The proposed trees between the parking bays are the best feature. If maintained this will provide shade (in time) and some softening in the car parking area.

The other landscaped areas are small and will be difficult to maintain in the shopping centre car park environment. It is stated at Clause 4.6.6 that the proposed landscaping will incorporate WSUD principles. Whilst this is appropriate given the size of the landscape areas these may not be able to absorb the entire on site run off available. Consequently this may add to the challenge of water quality management referred to above.

Resource Implications: The proposed development being a hybrid Main Street/Mall development could minimise resource use compared to traditional development approaches (ie big box retail) because there will be less internal mall space that will require artificial lighting as most of the small retail tenancies will open directly onto the street. In addition the design incorporates measures to allow natural lighting within the mall (ie skylights).

The applicant states that a waste minimization plan will be adopted during the construction phase.

Use of Local, Renewable or Recycled Resources: There isn't any information in the application that suggests that local building materials will be used. However, there is local availability of some of the materials required including sand, blue metal, bricks and gravel.

Economic Benefits: The proposed development will provide economic benefits to the community through employment creation and the provision of additional local shopping resources which are currently undersupplied in the locality. All of the existing retail shops in Byford are occupied at present and this is preventing new businesses from establishing in the town.

Social – Quality of Life: The proposed development will improve the quality of life for the community by providing more choice in facilities provided and reduce the need for residents to travel outside the Shire for their shopping needs.

Social Diversity: Provision of disabled and parent facilities (special parking bays, toilets, baby change room) and alternative transport facilities (bike parking) is proposed within the centre.

Statutory Environment:

Planning and Development Act 2005
Byford Structure Plan (BSP)
Serpentine Jarrahdale Shire Town Planning Scheme No. 2 (TPS2) Clauses 5.18.6.2 and 5.18.6.3(a) as follows:

5.18.6.2 Subject to clause 5.18.6.5, if a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Planning Codes then:

- (a) the provisions of the Structure Plan apply to the land within the area as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
- (b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Development Area.

5.18.6.3 Without limiting the generality of clause 5.18.6.2, under a Structure Plan:

- (a) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under

the Scheme having the same designation.

Policy/Work Procedure Implications:

Western Australian Planning Commission:

- State Planning Policy SPP 4.2 Metropolitan Centres Policy Statement for the Perth Metropolitan Region
- Operational Policy – Liveable Neighbourhoods
- Designing Out Crime Guidelines

Serpentine Jarrahdale Shire

- Local Planning Policy LPP19 Byford Structure Plan Area Development Requirements

Financial Implications:

If the application is refused the applicant may lodge an application for review (appeal) with the State Administrative Tribunal. This would result in costs associated with the Shire retaining legal representation and various expert witnesses. Estimated costs are unknown but would be very high and would be the subject of a further report to Council in relation to funding an appeal.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.

Objective 2: Well developed and maintained infrastructure to support economic growth

Strategies:

2. Consider specific sites appropriate for industry /commercial development.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

The application was referred to abutting landowners for comment. Two submissions have been received and the issues raised are summarised below. If any further submissions are received, they will be tabled at the Special Council meeting.

Property	Summary of Submission	Comment on issues raised
Byford Progress Assoc.	<p>Matters raised at Byford Progress Association meetings and agreed upon by members.</p> <p>We understand that some matters will not be dealt with until after the Development application stage but we would like to make mention of them here so that everyone is clear about what we would like to see in our Town Centre.</p> <ul style="list-style-type: none"> • The main street concept of the plan for Woolworths and associated shops is supported • Feature panels peaked to eliminate the flat roof appearance • Verandahs joined up to provide continuous cover (must be wide enough for free movement) • Ample parking for parents and the disabled and tandem bays to cater for cars with horse floats • Alfresco dining was supported and also permanent tables and chairs on footpaths and verandahs • Shade trees were identified as vitally important • The feasibility of converting landscaped areas of the carpark to landscaped swales to provide water sensitive urban design should be explored (a good example is Fraser's car park just off the causeway). 	<p>The development does address some of the issues raised in the submission. The issues that are not addressed in the application include:</p> <ul style="list-style-type: none"> • Verandahs are joined up on only two sides. The other two sides of the building have no verandahs • No tandem car parking bays are provided for cars with horse floats or trailers • Inadequate provision of shade trees in the development • Insufficient information to assess if drainage swales are provided
LWP – owner of abutting property within Town Centre	<p>LWP strongly opposes approval of the proposed development at this time as the BSP requirement for a Local Structure Plan (LSP), Detailed Area Plan (DAP) and Design Guidelines to be prepared and adopted prior to any development being carried out in the Town Centre. This is of</p>	<p>The comments and issues raised by the submitter are consistent with the conclusions formed by the assessing officers and serve to reinforce the recommendation that the application be refused.</p>

Property	Summary of Submission	Comment on issues raised
	<p>critical importance given the multitude of issues relating to the Town Centre that still require resolution. These issues include, flood conveyance, retail floorspace distribution, relationship with existing Town Centre, relationship with transit facilities, relationship to the movement and access network and the fact that the new Town Centre area is in fragmented ownership.</p> <p>The Shire has now engaged consultants to commence preparation of the required LSP, DAP and Design Guidelines. Accordingly it would be premature to approve this application and would potentially undermine the ability for a vibrant and functional Town Centre to be developed.</p> <p>The proposal raises a number of detailed design concerns as follows:</p> <ul style="list-style-type: none"> • The design will result in minimal to no activation of street frontages • The 6-7 metre setback to Abernethy Road will not serve to activate the pedestrian space. • The design configuration does not take into consideration the design of the rest of the Town Centre. • The development appears to be single-use (retail) in nature only. This is not appropriate given the proximity of the site to the future rail station and other public transit facilities. The site is also on the edge of the Town Centre where mixed uses and the incorporation of medium to high density residential development would be more appropriate. • The façade treatment to Abernethy Road should predominate over the façade treatment to the internal car park to ensure that appropriate importance is given to the street frontage as per Main Street design principles. • The development layout does not address the road widening requirements for Abernethy Road. • The proposal makes assumptions about how adjoining properties will be developed without any basis for these assumptions. • The proposal does not provide any context between the site layout and the development of adjoining lots (particularly to the west and north) which are likely to be developed for 	

Property	Summary of Submission	Comment on issues raised
	residential purposes and as such would possibly be affected by noise from the service areas and car parking areas. <ul style="list-style-type: none"> • There is a lack of variation in the vertical height of the building, building materials and awning styles. 	

Comment:

State Planning Policy SPP 4.2 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region

The principal purpose of the policy is to provide a broad regional planning framework to coordinate the location and development of retail and commercial activities in the metropolitan region. It is mainly concerned with the location, distribution and broad design criteria for the development of commercial activities at the regional and district level. Under this policy, Byford is designated as a District Level Shopping Area. The objective of the policy with regard to District centres is that they need to meet the weekly shopping and service needs of the community including the provision of offices and community facilities. This policy is currently under review by the Western Australian Planning Commission (WAPC).

The proposal complies with this requirement.

Byford Structure Plan (BSP)

An extract from the current BSP is with the attachments marked SCM002.3/09/08.

The BSP proposes the development of a large Town Centre west of the railway along Abernethy Road. This would be an expansion of the existing Byford Town Centre east of the railway line. The Town Centre is intended to provide a mixture of services and facilities for daily, weekly and monthly needs.

The envisaged form of the westward Town Centre expansion is predicated on urban form principles as described in the Liveable Neighbourhoods Community Design Codes. Its key land use attributes include:

1. A major retail centre;
2. Extensive office and other commercial uses;
3. Major civic and community facilities (ie, library, town hall, recreation facilities, branch/central municipal offices);
4. A town square;
5. A major public transport node and associated parking;
6. A district high school; and
7. A strong "frame" of medium density residential/mixed use developments.

The above land use principles were visually presented in Figure 11.4 of the BSP report.

The adopted BSP shows that the concept envisaged for Lot 5, included retail shops fronting Abernethy Road in the portion of the site south of the brook, the retention of the brook in a natural/parklands setting, medium density housing on the northern side of the brook and street frontages abutting the side boundaries of Lot 5.

The proposed development clearly contradicts the BSP as it shows the brook being filled in, the whole site being developed for retail uses and non active frontages to the side boundaries.

Figure 11.4 of the BSP Report: Indicative Concept for Town Centre Expansion – Land Use Principles, is with the attachments marked SCM002.4/09/08.

Figure 11.5 of the BSP report - Indicative Concept for Town Centre Expansion – Urban Form Principles is with the attachments marked SCM002.5/09/08.

The built form principles recommended in the BSP for the Town Centre expansion include the following attributes:

1. The development of street based commercial, mixed use and civic buildings (i.e., generally nil setback to the street) to maximise opportunities for pedestrian access;
2. The clustering of buildings which front the pedestrian footpath environment, promotes an active and permeable interface (ie "shop front style developments" door openings, etc);
3. Encouragement of fine grained architectural forms to pedestrian footpaths to maximise stimulation at a pedestrian level (ie, not expansive blank walls);
4. The maximisation of glazing/window openings to the public footpath and other public spaces to facilitate passive surveillance and pedestrian safety;
5. The provision of weather protection along public footpaths;
6. The creation of a legible precinct, by encouraging the formation of landmark nodes which assist the process of mental mapping;
7. Promoting architecture which is articulated and has a vertical emphasis to build a sense of urbanism (i.e. "town like" character);
8. Promoting architecture which helps to define and enclose special civic spaces (i.e., creating square and forecourts); and
9. Careful management of materials, colour and signage.

Further Detailed Planning

The BSP Report (August 2005) reiterated the need for detailed local structure planning and the preparation of design guidelines for the Town Centre.

Without the additional detailed structure planning required for the Town Centre zone being completed, it is not possible for this current development proposal to be designed to fit the potential future layout. There is a risk if this development is approved, that the outcome would result in future streets ending up with blank, non-active facades, large car parking areas fronting future streets and inappropriate interaction between retail/business uses and residential development.

The Council adopted a number of modifications to the BSP on 13 February 2007. These modifications included the addition of the following notes on the BSP relating to the Town Centre zone:

- 17. Town Centre Zone requires the preparation and completion of a Local Structure Plan, complete with Detailed Area Plans and Design Guidelines. The Local Structure Plan to include an investigation into increased residential densities within the 800 metre walkable catchment and its relationship with transit oriented urban design; the location, nature, role, relationship and distribution of different activities within the Town Centre including the 800 metre walkable catchment area. Any change to residential densities or uses within the 800m walkable catchment of the Town Centre will be subject to a separate modification to the BSP 2005 and community consultation.*
- 18. The existing waterway will be subject to water sensitive design principles at the detailed engineering design phase. The specific width of the waterway will be determined at the local structure plan stage.*

“General Note” on adopted Byford Structure Plan states:

“Local Structure Plans to be prepared, approved and adopted for the entire Development Area.”

These modifications were endorsed by the WAPC in 2007 and are included on the plan.

The proposed development application is clearly contrary to the BSP adopted on 13 February 2007 and as such approval of the development would be premature and prejudicial to the detailed local structure planning to be carried out for the Town Centre.

Traffic Impact Assessment

The BSP includes a future road running parallel to the northern boundary of the site and another future road running north-south through the eastern portion of the site. It may be the case that detailed structure planning slightly amends the location of these roads but without this structure planning it is not currently possible to determine this. The submitted development plan is contrary to the road alignment of the eastern road shown on the BSP as it does not acknowledge it at all and instead shows car parking in this area of the site.

The Shire's Engineering Consultant provided the following comments on the Traffic Impact Assessment submitted by the applicant:

The calculations in the traffic assessment report prepared by Transcore Pty Ltd can be accepted as accurate only if all the assumptions in the report were to be accepted. Qualifying comments on those assumptions not fully supported in the view of the writer are dealt with immediately below and indicate that more information is required.

Assumptions

Peak hour trip generation is 10% of daily flow.

Peak hour will have a relationship with the number of hours the shopping centre operates but this is not indicated in the report. The figure of 10% does seem to be on the low side and perhaps should be a little higher. However this is unlikely to have a major impact on the operation of the access to the shopping centre or the signalised intersection of Abernethy/South Western Highway but would impact on the parking assessment

Trip Distribution of 60% from the east and 40% from the west

No information is presented to justify this assumption. It is accepted that distribution is difficult to assess but because of the impact on the Abernethy/South Western Highway of a higher distribution from the east further consideration of any available evidence is warranted.

The in/out split for peak hour shopping centre traffic is 50/50

This does not seem unreasonable but if there is information available from other similar shopping centres it should be provided.

Thursday PM peak hour average parking hour duration is one hour with a trip rate of 2.

The rationale and supporting information for these assumptions is not presented. Given that the car parking requirements using these assumptions is well below the car parking requirements as calculated under Clause 7.7 of TPS2 and the reliance on assumption 1 above further information should be required before agreeing to the lower numbers.

Further Comment

In addition to the above the following comments on the report are offered

- 1. Figure 3 in the report is looking north not west.*
- 2. Impacts at Abernethy/Soldiers Road intersection are not discussed*
- 3. Future traffic growth on the adjacent road network is not discussed. In particular the future realignment of Thomas Road connecting to Abernethy Road shown in the Byford Structure Plan is not discussed and there may be proximity issues (ie the future intersection will be very close to the crossover).*

Report Conclusions

Abernethy/South Western Intersection proposed MRWA signalisation supported

Accepted but with the rider that the signalisation must occur prior to the shopping centre being open for business

Reduce 70Km/hour speed limit on Abernethy Road to 60Km/hour

Accepted and strongly supported

Install pedestrian path on north side of Abernethy Road in front of shopping centre.

Accepted but at cost of developer. The path needs to tie into existing network if there is one. If the developer's submission on parking were to be accepted then this path should link to the main shopping area with a controlled pedestrian crossing of the railway at the developer's expense.

Peak parking demand of 321 should be adequate

This issue is discussed under the main heading Carparking

Town Planning Scheme No. 2 (TPS2)

The proposed development fits within the interpretation for a Shopping Centre contained in TPS 2 as follows:

Shopping Centre - means a group of shops, service offices and general offices and related activities, the group being in excess of 5000 square metres gross leasable area, developed as an integrated unit together with the required onsite parking facilities.

The subject land is currently zoned Urban Development and under the BSP is within the Town Centre zone. Clause 5.18.6.2 and 5.18.6.3 provides the power to determine development applications on land zoned Urban Development, but designated a Town Centre zone in the BSP. This zone is not mentioned in TPS 2 (along with several of the zones contained in the BSP), Council has adopted a Local Planning Policy (LPP19 Byford Structure Plan Area Development Requirements) to provide a Zoning/Land Use table for the BSP area. Under this Zoning/Land Use Table a Shopping Centre is a "P" (permitted) use in the Town Centre zone. The Council has also initiated an amendment to TPS2 to incorporate the provisions from LPP19 into the Scheme.

TPS 2 does not contain any development requirements specific to the Town Centre zone. Accordingly, the proposed centre has been assessed against the development requirements for the Town Centre zone which apply to land on the eastern side of the railway under the Byford Townsite Detailed Area Plan (DAP). The DAP reflects the Council's objectives for the Town Centre zone.

The following specific objectives are contained in the DAP for the Town Centre Commercial Precinct:

- C1 To support development that creates an identifiable character relevant to Byford's heritage.*
- C2 Responding to the features of the site and surrounding areas.*
- C3 Contributing positively to improved vehicular access efficiency and safety within the locality.*
- C4 Contributing positively to pedestrian amenity and safety.*
- C5 Adding new dimensions to the critical mass of town centre development.*
- C6 To create a landmark entrance to the Byford commercial area.*

The Abernethy Road frontage of the proposed development does have a character relevant to Byford's heritage with the use of stonework features and wide verandahs. However, the other boundaries of the site will have blank facades, service areas and a large car parking area. As detailed previously in this report, the side boundaries may be located near future streets depending on the outcome of the detailed local structure planning to be carried out for the Town Centre. The lack of detail on the western side, the service area facing the northern boundary and the large car parking area on the eastern side of the site will not positively contribute to the streetscape. Without the detailed local structure plan for the

Town Centre being in place it is also not possible to assess how the centre will accommodate the future pedestrian network within the Town Centre.

Development requirements for Town Centre Zone - Byford Townsite DAP

Setbacks Required

Street: 2 metres plus verandah over setback area
Side: Nil, however, allowance may be made for pedestrian connections at the side of new buildings between the street and any rear parking area.
Rear: Nil

A set back of approximately 8 metres is shown between the front wall of the shop tenancies and the Abernethy Road frontage. Verandahs then extend to within 2 metres of the boundary and the main entrance portico extends to boundary. However, there is a requirement for the northern side of Abernethy Road to be widened by a minimum of 5 metres in accordance with previous road widening that has occurred along this side of Abernethy Road when other earlier developments took place. For example this has occurred at the front of the Trotting Complex Area lots that front Abernethy Road and when Lot 4 (abutting subject site) was subdivided. Accordingly, the proposed development impinges on land required for road widening. It is noted that this road widening may be wider upon detailed assessment of the drainage requirements in the BTDWMP by the DoW.

The setback to the northern boundary is in excess of 30 metres and the intervening space contains only car parking. This is the frontage to the future northern road depicted on the BSP and as such the proposed setback and lack of an active frontage to the rear (service area) of the building will not provide an appropriate streetscape for a Town Centre intended to be developed along “Main Street” principles. The same issues apply on the eastern and western boundaries of the site, particularly the eastern side of the site which is proposed (under the BSP) to accommodate a new north-south road.

Verandahs

Verandahs are required to provide continuous weather protection for pedestrians along all street frontages.

The above requirement is not achieved. It will be important to achieve uniformity in the alignment of verandahs to all commercial buildings built in the Town Centre in order to achieve the desired outcome. The subject development has an 8 metre setback to the building. In the absence of Local Structure Plan or Design Guidelines for the Town Centre it is not possible to assess whether the proposed setback of the building will end up being out of step with future buildings on adjoining lots as the setbacks have not yet been determined. Premature approval of this development could result in this development being out of step with future commercial development.

In addition the building is set so far back from the two other future streets shown on the BSP that it does not address the street frontages at all and there isn't any scope for street front weather protection.

Building Frontages

Must: be active, address street, be visually permeable, have large glazed areas facing street, have high level of detailing. Corner sites – prominent design.

The design of the Abernethy Road frontage is adequately active and detailed. However, it is set back further from the street front than is normally considered appropriate in “Main Street” development principles. No attempt has been made for the design of the development to address the future northern and eastern road that will abut and/or run through part of the

site. No attempt has been made to provide for prominent design elements on the future street corners of the lot.

Building Design

May be contemporary in its form and style, it shall also be cognisant of the semi-rural character that prevails within the town. Tilt-up concrete only allowed where significant detailing provided to façade.

The design is contemporary but the two active frontages do attempt to address the character of the area through the use of verandahs and the use of a combination of materials such as stonework features and custom orb sheet metal roofing to porticos.

Roof Form

Roof forms shall be broken up to add interest to the skyline. Reflective roofing materials are not permitted (unless the roof is flat and located behind a pediment). While roofing profiles and formats will be considered in their overall street context, they should contribute visually to the context of the immediate vicinity. Flat roofs behind a simple pediment, or steeply pitched roofs (approx. 25 degrees) are most appropriate.

Complies: Most of the roof form is flat and would be hidden behind pediments. There are gabled porticos over the entrances to the centre.

Built Form

Long, horizontal strips of retail development shall be broken into a vertical rhythm by the compartmentation of shops and fenestration to the individual shops.

Complies: The Abernethy Road façade provides adequate compartmentation and fenestration of shop fronts rather than a flat façade.

Materials

Permitted: Brick / masonry walls, with Colorbond (non-reflective) roofing. The use of some weatherboard or Zinalume custom orb steel sheet cladding as a small detail feature should also be considered, in combination with the brick / masonry. Tilt-up concrete only allowed where significant detailing provided to façade. Colours that take inspiration from the local soils and vegetation would be most appropriate.

Full details of the materials and colours to be used have not been provided but the elevations and conceptual drawings show the use of a combination of masonry, stonework detailing, custom or sheet metal roofing and some concrete panels with decorative detailing. The colours shown are earthy. A condition relating to colours and materials would be required if the application were to be approved.

Screening of Plant, Equipment and Service Areas

Service areas shall be located out of sight of public roads and footpaths.

Air conditioning equipment, satellite dishes and other roof structures shall be located so as not to extend above the roof line.

Mechanical equipment may be permitted on building facades where it is adequately visually screened and noise insulated in a manner that is in keeping with the development.

The drawings provided do not detail plant and equipment so if the application were to be approved a condition would be required in this regard.

The loading area and bin storage areas are screened but the bin storage area does not appear large enough for the bulk bins normally used in shopping centre developments. This would require modification.

Environmentally Sensitive Design

The DAP contains the following criteria for environmental sensitive design of buildings in the Town Centre zone:

1. *Maximising solar access and natural ventilation;*
2. *Minimising the need for energy consumption, by reducing reliance on artificial temperature control and lighting;*
3. *Reducing or eliminating unsustainable consumption of resources;*
4. *Giving preference to building materials based on thermal insulating properties, low-energy production, and renewable or recyclable resources;*
5. *Minimising adverse emissions to air, soil and water; and*
6. *Aiming to achieve high energy and water efficiency ratings in an accredited system for energy efficient building design and maintenance (e.g., the Green Building Council of Australia's 'Green Star' environmental rating system.*

Complies: Detailed in Sustainability Statement.

Landscaping

On site landscaping not required except for shade trees in car parking areas at rate of 1 tree per 6 parking bays. Water wise, locally indigenous species are required to be used.

The list of plant species recommended by the DAP are as follows:

Eucalyptus lanepolei
Corymbia haematoxylon
Corymbia calophylla rosea
Eucalyptus todtiana
Eucalyptus wandoo
Melaleuca preisiani
Eucalyptus ficifolia
Eucalyptus marginata sp. elegantella
Allocasuarina fraseriana
Eucalyptus rudis
Callistemon sp. (as used on the South-Western Highway)

Some plants may be used for accent and features where appropriate. Such plants that may be considered would be the strap leaved plants (eg Kangaroo Paws) and the dramatic Xanthorrhoea (Grass Tree) and Macrozamia (Zamia Palms).

A landscaping plan is provided however contains limited details. The tree species proposed to be used is *Melaleuca Leucadendra* (Paper Bark) and some screen shrubs and low shrubs are also proposed to be used. Paper Bark trees and the other shrub species proposed to be used are not on the list recommended for the Town Centre in the DAP but are classified as water wise. The Paper Bark trees are unlikely to provide significant shade and are inappropriate in a harsh carpark environment.

Carparking

TPS - 1 space to 12.5m² Gross Leasable Area (GLA): 5534m² GLA = 442.72 car bays required.

321 car bays are shown on site. Some parallel parking bays are shown in the Abernethy Road reserve. Almost one third of bays shown on the plans (97 bays) are depicted as "small

car bays.” This is not considered to be appropriate and all car parking bays must meet the required and relevant standards (width and depth).

With regard to parking bay numbers, Liveable Neighbourhoods recommends a much lower number of bays for Town Centres than most town planning schemes currently require. In addition Liveable Neighbourhoods encourages the use of on-street car parking on most streets as opposed to large on-site car parks. Where on-site car parking is provided it should be partially or wholly screened behind and between buildings.

The proposed development presents a streetscape of a large car park on both the future northern and eastern roads shown on the BSP. On-street car parking is not provided for on either of the future roads. Whilst it may not be appropriate on Abernethy Road there should be some consideration of it on the new roads abutting the northern and eastern boundaries as per the BSP. Until the structure planning has been done for the Town Centre the Council’s preferred car parking ratios and design of car parking areas remains an unknown quantity and it is not possible to assess whether the development has an under supply or over supply of parking.

Shire Engineering Consultant’s comments

Parking requirements are addressed principally at Clause 4.61 of the development application and in the Traffic Assessment Report. It is proposed to provide 321 bays which are 122 bays short of the requirement calculated under Clause 7.7 of TPS2. It is noted that 97 of the 321 bays proposed are small car bays which will limit function to some extent.

It is proposed by the developer that the shortfall of 122 bays is acceptable as it is a realistic expectation that some patrons of the shopping centre would park and walk from the Town Centre. It is suggested this expectation is problematically at best. An examination of a recent aerial photograph indicates parking is limited in the Town Centre and in addition the distance to the proposed shopping centre is of the order of 400 metres which may discourage many from walking.

However to provide a further 122 bays on site would mean either reducing the retail floor area considerably or providing upper level parking. A further option is to provide some off site parking. These options would impact on commercial viability of the development and perhaps to the extent it does not proceed. In addition the second option may create poor aesthetics.

It is considered the provision of further information by the developer is required to allow the parking position to be properly considered and to allow some discussion and or negotiation to occur.

Signage

Signage Strategy required. Certain types of signs prohibited in Town Centre zone.

No details of signage provided. If approval was granted this would be dealt with by conditions.

Conclusion

Approval of the Shopping Centre at this time is premature and likely to prejudice the orderly and proper planning of the area as a Local Structure Plan has not been prepared for the Town Centre as is required in accordance with Note 17 of the BSP.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

The application for approval to commence development of a Shopping Centre on Lot 5 (34) Abernethy Road, Byford be refused for the following reasons:

1. Preparation of a Local Structure Plan, Detailed Area Plan and Urban Design Guidelines for the Town Centre zone west of the railway have not been prepared and adopted in accordance with Note 17 on the Byford Structure Plan as follows:

17. Town Centre Zone requires the preparation and completion of a Local Structure Plan, complete with Detailed Area Plans and Design Guidelines. The Local Structure Plan to include an investigation into increased residential densities within the 800 metre walkable catchment and its relationship with transit oriented urban design; the location, nature, role, relationship and distribution of different activities within the Town Centre including the 800 metre walkable catchment area. Any change to residential densities or uses within the 800m walkable catchment of the Town Centre will be subject to a separate modification to the BSP 2005 and community consultation.

In the absence of the above, approval of the Shopping Centre at this time is premature and likely to prejudice the orderly and proper planning of the area.

2. Detailed structure planning has not been carried out for properties directly abutting the subject site. It is not possible to assess how this development will fit into the future road hierarchy (including addressing “Main Street” and other streetscape principles, blend with future development on abutting land, provide appropriate interaction between the shopping centre on Lot 5 and possible residential and commercial developments on adjoining lots. “General Note” on adopted Byford Structure Plan states:

“Local Structure Plans to be prepared, approved and adopted for the entire Development Area.”

3. The layout of the proposed development is contradictory to the Byford Structure Plan which shows a new road being constructed on the northern boundary of the property and another road running through the eastern portion of the site from north to south.
4. The layout of the proposed development is contradictory to the intention of the Byford Structure Plan with regard to the retention of the natural waterway (Beenyup Brook) and the development of a linear park along the alignment of the brook. This will prejudice the implementation of Note 18 of the Byford Structure Plan as follows:

18. The existing waterway will be subject to water sensitive design principles at the detailed engineering design phase. The specific width of the waterway will be determined at the local structure plan stage.

5. In the absence of a Detailed Local Structure Plan being in place for the Town Centre, it is not possible to assess how the proposed development will accommodate the future pedestrian network within the Town Centre.
6. In the absence of a Detailed Local Structure Plan being in place for the Town Centre, it is not possible to accurately assess the traffic impact of the proposed development. The application only assesses how the development will impact on traffic volumes on Abernethy Road. No consideration has been given in that report to the proposed roads abutting the northern boundary of the site, running north-south through the eastern portion of the site and the proposed road to the west of the site.
7. The extent of road widening required on the northern side of Abernethy Road has not been determined and as such it cannot be determined whether the shopping centre will have to be set further back from the road.
8. The level of information provided with regard to water management is inadequate and it is not possible to fully assess whether this development will comply with the requirements of the Department of Water’s Byford Townsite Drainage and Water

- Management Plan and Byford Urban Stormwater Management Strategy. Accordingly, it is also not possible to fully assess the implications of the required stormwater management on the development (ie fill levels etc).
9. The proposed design and layout of the centre does not adequately address proposed street frontages identified in the Byford Structure Plan and does not provide a prominent design on future street corners. The proposed northern road will only have a view of a large car park and service areas and the proposed eastern road will be fronted by a large car parking area. This is inappropriate for the following reasons:
 - a) this will provide a low level of amenity and have an adverse impact on the aesthetics of the streetscape of these future roads;
 - b) this layout will not provide for a vital and active Town Centre; and
 - c) this layout will not provide for passive surveillance of streets and parking areas.
 10. Almost one-third of the car parking bays shown on the site plan are identified as “small car” bays. This ratio is not appropriate for a District Shopping Centre and is not acceptable in a largely Rural and equestrian oriented Shire where large vehicles (including vehicles towing horse floats) are prevalent.
 11. The proposed development will adversely impact the existing amenity of the existing dwelling on Lot 4 (30) Abernethy Road by virtue of noise from vehicle movements, external shop-front and car park lighting, possible overshadowing of a residential dwelling due to the necessity to significantly raise the ground level of Lot 5 to accommodate the development.

Communications Officer left the meeting at 5.29pm.

SCM002/09/08 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Price

The application for approval to commence development of a Shopping Centre on Lot 5 (34) Abernethy Road, Byford be refused for the following reasons:

1. Preparation of a Local Structure Plan, Detailed Area Plan and Urban Design Guidelines for the Town Centre zone west of the railway have not been prepared and adopted in accordance with Note 17 on the Byford Structure Plan as follows:

17. Town Centre Zone requires the preparation and completion of a Local Structure Plan, complete with Detailed Area Plans and Design Guidelines. The Local Structure Plan to include an investigation into increased residential densities within the 800 metre walkable catchment and its relationship with transit oriented urban design; the location, nature, role, relationship and distribution of different activities within the Town Centre including the 800 metre walkable catchment area. Any change to residential densities or uses within the 800m walkable catchment of the Town Centre will be subject to a separate modification to the BSP 2005 and community consultation.

In the absence of the above, approval of the Shopping Centre at this time is premature and likely to prejudice the orderly and proper planning of the area.

2. Detailed structure planning has not been carried out for properties directly abutting the subject site. It is not possible to assess how this development will fit into the future road hierarchy (including addressing “Main Street” and other streetscape principles, blend with future development on abutting land, provide appropriate interaction between the shopping centre on Lot 5 and

possible residential and commercial developments on adjoining lots. “General Note” on adopted Byford Structure Plan states:

“Local Structure Plans to be prepared, approved and adopted for the entire Development Area.”

3. The layout of the proposed development is contradictory to the Byford Structure Plan which shows a new road being constructed on the northern boundary of the property and another road running through the eastern portion of the site from north to south.

4. The layout of the proposed development is contradictory to the intention of the Byford Structure Plan with regard to the retention of the natural waterway (Beenyup Brook) and the development of a linear park along the alignment of the brook. This will prejudice the implementation of Note 18 of the Byford Structure Plan as follows:

18. The existing waterway will be subject to water sensitive design principles at the detailed engineering design phase. The specific width of the waterway will be determined at the local structure plan stage.

5. In the absence of a Detailed Local Structure Plan being in place for the Town Centre, it is not possible to assess how the proposed development will accommodate the future pedestrian network within the Town Centre.

6. In the absence of a Detailed Local Structure Plan being in place for the Town Centre, it is not possible to accurately assess the traffic impact of the proposed development. The application only assesses how the development will impact on traffic volumes on Abernethy Road. No consideration has been given in that report to the proposed roads abutting the northern boundary of the site, running north-south through the eastern portion of the site and the proposed road to the west of the site.

7. The extent of road widening required on the northern side of Abernethy Road has not been determined and as such it cannot be determined whether the shopping centre will have to be set further back from the road.

8. The level of information provided with regard to water management is inadequate and it is not possible to fully assess whether this development will comply with the requirements of the Department of Water’s Byford Townsite Drainage and Water Management Plan and Byford Urban Stormwater Management Strategy. Accordingly, it is also not possible to fully assess the implications of the required stormwater management on the development (ie fill levels etc).

9. The proposed design and layout of the centre does not adequately address proposed street frontages identified in the Byford Structure Plan and does not provide a prominent design on future street corners. The proposed northern road will only have a view of a large car park and service areas and the proposed eastern road will be fronted by a large car parking area. This is inappropriate for the following reasons:

- a) this will provide a low level of amenity and have an adverse impact on the aesthetics of the streetscape of these future roads;
- b) this layout will not provide for a vital and active Town Centre; and
- c) this layout will not provide for passive surveillance of streets and parking areas.

10. Almost one third of the car parking bays shown on the design plan are identified as small car bays. This ratio is not appropriate for a District Shopping Centre and is not acceptable in a largely rural and equestrian oriented Shire where there is a prevalence of larger vehicles (four wheel drives) which are used for towing horse floats as well as for shopping.

11. The proposed development will adversely impact the existing amenity of the existing dwelling on Lot 4 (30) Abernethy Road by virtue of noise from vehicle movements, external shop-front and car park lighting, possible overshadowing

of a residential dwelling due to the necessity to significantly raise the ground level of Lot 5 to accommodate the development.

CARRIED 9/1

Council note: The Officer Recommended Resolution was changed by adding the following words to condition 10,equestrian oriented Shire where “there is a prevalence of larger vehicles (four wheel drives) which are used for towing horse floats as well as for shopping.”

During debate Cr Geurds foreshadowed that he would move to defer this item if the motion under debate was defeated.

SCM003/09/08		PROPOSED TOWN PLANNING SCHEME AMENDMENT 162 – SERPENTINE (A0858/06)
Proponent:	Serpentine Jarrahdale Shire	In Brief Council to initiate Amendment 162 under the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
Owner:	Not applicable	
Officer:	Senior Strategic Planner	
Signatures Author:		
Senior Officer:	Director Strategic Community Planning	
Date of Report	28 August 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The purpose of this report is for Council to initiate an amendment to Town Planning Scheme No. 2 (TPS 2) within the Serpentine development cell, in order to align TPS 2 with the Metropolitan Region Scheme (MRS).

An MRS map highlighting the landholdings to be rezoned and a Town Planning Scheme No. 2 existing zoning map is with the attachments marked SCM003.1/09/08.

Comments:

This Report contains a number of significant proposals relating to the following issues:

1. Proposed Scheme Amendment No. 162; and
2. Request for consent to advertise proposed Scheme Amendments.

Proposed Scheme Amendment No. 162

The details of each proposal are outlined below:

- a) Lots 1, 82 and 84 Richardson Street, Serpentine – This land is zoned ‘Urban’ under the MRS and ‘Residential R10’ under TPS 2.

Amendment No. 162 proposes to rezone Lots 1, 82 and 84 Richardson Street, Serpentine from ‘Residential R10’ to ‘Urban Development’.

- b) Part of Lots 10, 12, 13 and 14 Richardson Street, Serpentine – This land is zoned ‘Urban’ under the MRS and ‘Rural’ under TPS 2

Amendment No. 162 proposes to rezone part of Lots 10, 12, 13 and 14 Richardson Street, Serpentine from 'Rural' to 'Urban Development'.

- c) Lots 111 and 113 Wellard Street and Lot 121 Turner Street, Serpentine – This land is zoned 'Urban' under the MRS and 'Residential R10' under TPS 2.

Amendment No. 162 proposes to rezone Lots 111 and 113 Wellard Street and Lot 121 Turner Street, Serpentine from 'Local Roads' and 'Residential R10' to 'Urban Development'.

- d) Part of Lots 17 and 18 Karnup Road, Serpentine – This land is zoned 'Urban' under the MRS and 'Rural' under TPS 2.

Amendment No. 162 proposes to rezone Part of Lots 17 and 18 Karnup Road, Serpentine from 'Rural' to 'Urban Development'.

- e) Part of Lot 15 Karnup Road, Serpentine – This land is zoned 'Urban' under the MRS and 'Residential R10' under TPS 2

Amendment No. 162 proposes to rezone Part of Lot 15 Karnup Road, Serpentine from 'Residential R10' to 'Urban Development'.

- f) Lots 1, 123, 124 and 125 Leslie Street, Serpentine – This land is zoned 'Urban' under the MRS and 'Residential R5' under TPS 2.

Amendment No. 162 proposes to rezone Lots 1, 123, 124 and 125 Leslie Street, Serpentine from 'Residential R5' to 'Urban Development'.

- g) Lots 94, 95, 96, 97, 109 and 110 Lefroy Street, Serpentine – This land is zoned 'Urban' under the MRS and 'Residential R5' under TPS 2.

Amendment No. 162 proposes to rezone Lots 94, 95, 96, 97, 109 and 110 Lefroy Street, Serpentine from 'Residential R5' to 'Urban Development'.

- h) Lots 98, 99, 100 and 101 Rudall Street, Serpentine – This land is zoned 'Urban' under the MRS and 'Residential R5' under TPS 2.

Amendment No. 162 proposes to rezone Lots 98, 99, 100 and 101 Rudall Street, Serpentine from 'Residential R5' to 'Urban Development'.

- i) Lot 93 Rudall Street, Serpentine – This land is zoned 'Urban' under the MRS and 'Residential R10' under TPS 2.

Amendment No. 162 proposes to rezone Lots 93 Rudall Street, Serpentine from 'Residential R10' to 'Urban Development'.

- j) Lots 102, 103, 104, 105 and 106 Rudall Street, Serpentine – This land is zoned 'Urban' under the MRS and 'Rural' under TPS 2.

Amendment No. 162 proposes to rezone Lots 102, 103, 104, 105 and 106 Rudall Street, Serpentine from 'Rural' to 'Urban Development'.

Note: Where it is mentioned above as Part Lot, this refers to a portion of an individual parcel of land that is to be rezoned to Urban Development consistent with the part of the lot that is zoned Urban in the MRS.

Proposed Scheme Amendment No. 162 will introduce the 'Urban Development' zone to various parcels of land in the cell that are not currently zoned 'Urban Development'. This will ensure the protection of the future of the cell and bring TPS 2 in line with the MRS.

It is not intended to include the developed portions of the Serpentine townsite in the proposed Urban Development zone. These areas are currently zoned in TPS 2 for a variety of purposes including Residential R5 and R10, Commercial, Public and Community Purpose and Public Open Space.

The subdivision potential of land in the developed area of the town is very limited due to the small sizes of the existing lots and the need to comply with the Government's Sewerage Policy, which establishes a minimum lot size to 2 000m² where reticulated sewerage is not available. Although, the Government Sewerage Policy does allow for some exemptions for infill subdivision and density development, it is considered that there is a very low risk of this occurring. In addition, Council has adopted a Local Planning Policy (Wellard and Richardson Street, Serpentine – Design Guidelines) which would adequately control development around the commercial area of the townsite.

Request for Consent to Advertise Scheme Amendments

The Western Australian Planning Commission (WAPC) Planning Bulletin No. 29 outlines when local governments may advertise scheme amendments for public inspection without seeking the Commission's consent. Although proposed Scheme Amendment No. 162 does not contravene Planning Bulletin No. 29, given the complexity of the amendment, it is considered appropriate to request that the WAPC grant consent to advertise Scheme Amendment No. 162.

Statutory Environment:

Planning and Development Act 2005

Town Planning Regulations 1967

Rural Strategy

Serpentine Jarrahdale Shire Town Planning Scheme No. 2 (TPS2) Clauses 5.17 and 5.18.7 as follows:

5.17 URBAN DEVELOPMENT ZONE

The purpose of the Urban Development zone is to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances. The zone will allow for the following:

- (a) Development of functional communities consistent with orderly and proper planning and the establishment and maintenance of an appropriate level of amenity;
- (b) Variety in the range of lot sizes and dwelling types within communities, consistent with a cohesive and attractively built environment;
- (c) Provision of retail, commercial, industrial and mixed use facilities to service the needs of residents within the communities, and integration of these facilities with social and recreational services, so as to maximise convenience;
- (d) Provision of retail, commercial, business park and industrial facilities to provide local employment opportunities;
- (e) Provision of open space and recreation networks, appropriate community services, school sites and other recreational facilities;
- (f) Establishment of multiple use corridors for drainage, nutrient control and recreational purposes, in association with the development of communities based on the principles of water sensitive urban design;
- (g) Optimisation of convenience in respect of rail, road, cycleway and other transportation means, to and within the communities;

The above components will be facilitated by means of:

- (a) Establishment of Structure Plans to ensure that development takes place in conformity with those Plans;
- (b) Establishment of a mechanism to coordinate the provision of infrastructure for subdivision and development to and within the communities;
- (c) Establishment of an equitable method for the distribution, between owners within area, of the costs of nominated infrastructure components required for subdivision and development of the areas into communities; and
- (d) Provision of administrative procedures to ensure the expedient and successful execution of the above matters.

5.18.7 No Development Before Structure Plan

5.18.7.1 Except as provided in sub-clauses 5.18.7.2 and 5.18.7.3 hereof, no new development or use of land shall be commenced or carried out within the Urban Development zone until a Structure Plan has been approved for the relevant part of the zone.

5.18.7.2 Development of a single house on a lot within the “Urban Development” zone prior to the approval of a Structure Plan is permitted subject to the Council being satisfied that such development will not have an adverse effect on:-

- a) the preparation of a Structure Plan for; or
- b) the orderly and proper planning of

the area intended for the preparation of a Structure Plan.

5.18.7.3 Council may approve the development or use for other than a single house within the Urban Development zone subject to Council being satisfied that the nature or scale of such development or use will not have an adverse effect on:

- a) the preparation of a Structure Plan for, or
- b) the orderly and proper planning of, or
- c) the health, amenity, safety or convenience of the future occupants of,

the area intended for the preparation of a Structure Plan, and subject to the proposed development or use being advertised for public inspection in accordance with Clause 6.3.

Policy/Work Procedure

Implications:

Local Planning Policy 14 – Wellard and Richardson Street, Serpentine – Design Guidelines.

Financial Implications:

Advertising costs for the scheme amendment.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

- 1. Provide recreational opportunities.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
2. Encourage protection and rehabilitation of natural resources.
3. Value, protect and develop biodiversity.

Objective 2: Strive for sustainable use and management of natural resources

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
2. Identify value-adding opportunities for primary production.
3. Develop tourism potential.
4. Promote info-technology and telecommuting opportunities.

Objective 2: Well developed and maintained infrastructure to support economic growth

Strategies:

1. Improved freight, private and public transport networks.
2. Consider specific sites appropriate for industry /commercial development.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.
2. Represent the interests of the Shire in State and Regional planning processes.
3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
2. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation

If the proposed Scheme Amendment is initiated, it will require advertising for a period of not less than 42 days in accordance with the Planning and Development Act 2005 (as amended) and the Town Planning Regulations 1967 (as amended). All landowners within the development cell will be notified in writing of the proposed Scheme Amendment and advertisements placed in the local newspapers.

Conclusion

This report proposes to initiate a scheme amendment within the Serpentine development cell. These proposals will see the ongoing orderly and proper planning of the cell continue with the introduction of the 'Urban Development' zone.

Voting Requirements: Simple Majority

Executive Manager Planning Services left the meeting at 5.35pm.

Officer Recommended Resolution

That:

- A. Council, pursuant to Section 72 of the Planning and Development Act 2005 amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:
1. Rezoning Lots 1, 82 and 84 Richardson Street, Serpentine from 'Residential R10' to 'Urban Development'.
 2. Rezoning Part of Lots 10, 12, 13 and 14 Richardson Street, Serpentine from 'Rural' to 'Urban Development'.
 3. Rezoning Lots 111 and 113 Wellard Street and Lot 121 Turner Street, Serpentine from 'Local Roads' and 'Residential R10' to 'Urban Development'.
 4. Rezoning Part of Lot 17 and 18 Karnup Road, Serpentine from 'Rural' to 'Urban Development'.
 5. Rezoning Part of Lot 15 Karnup Road, Serpentine from 'Residential R10' to 'Urban Development'.
 6. Rezoning Lots 1, 123, 124 and 125 Leslie Street, Serpentine from 'Residential R5' to 'Urban Development'.
 7. Rezoning Lot 94, 95, 96, 97, 109 and 110 Lefroy Street, Serpentine from 'Residential R5' to 'Urban Development'.
 8. Rezoning Lots 98, 99, 100 and 101 Rudall Street, Serpentine from 'Residential R5' to 'Urban Development'.
 9. Rezoning Lot 93 Rudall Street, Serpentine from 'Residential R10' to 'Urban Development'.
 10. Rezoning Lots 102, 103, 104, 105 and 106 Rudall Street, Serpentine from 'Rural' to 'Urban Development'.
 11. Amending the Scheme Map accordingly.
- B. The amendment be referred to the Environmental Protection Authority as required by section 81 of the Act.
- C. Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act that the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for a period of 42 days.

SCM003/09/08 COUNCIL DECISION

Moved Cr Price, seconded Cr Kirkpatrick (proforma)

That:

A. Council, pursuant to Section 72 of the Planning and Development Act 2005 amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:

- 1. Rezoning Lots 1, 82 and 84 Richardson Street, Serpentine from 'Residential R10' to 'Urban Development'.**
- 2. Rezoning Part of Lots 10, 12, 13 and 14 Richardson Street, Serpentine from 'Rural' to 'Urban Development'.**
- 3. Rezoning Lots 111 and 113 Wellard Street and Lot 121 Turner Street, Serpentine from 'Local Roads' and 'Residential R10' to 'Urban Development'.**
- 4. Rezoning Part of Lot 17 and 18 Karnup Road, Serpentine from 'Rural' to 'Urban Development'.**
- 5. Rezoning Part of Lot 15 Giblett Road, Serpentine from 'Residential R10' to 'Urban Development'.**
- 6. Rezoning Lots 1, 123, 124 and 125 Leslie Street, Serpentine from 'Residential R5' to 'Urban Development'.**
- 7. Rezoning Lot 94, 95, 96, 97, 109 and 110 Lefroy Street, Serpentine from 'Residential R5' to 'Urban Development'.**
- 8. Rezoning Lots 98, 99, 100 and 101 Rudall Street, Serpentine from 'Residential R5' to 'Urban Development'.**
- 9. Rezoning Lot 93 Rudall Street, Serpentine from 'Residential R10' to 'Urban Development'.**
- 10. Rezoning Lots 102, 103, 104, 105 and 106 Rudall Street, Serpentine from 'Rural' to 'Urban Development'.**
- 11. Amending the Scheme Map accordingly.**

B. The amendment be referred to the Environmental Protection Authority as required by section 81 of the Act.

C. Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act that the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for a period of 42 days.

CARRIED 10/0

Council note: The Officer Recommended Resolution was amended by correcting number 5 from Lot 15 Karnup Road to Lot 15 Giblett Road.

Cr Kirkpatrick declared an interest in item SCM004/09/08 and left the meeting at 5.45pm.

SCM004/09/08		BUDGET ADJUSTMENT - LOCAL STRUCTURE PLAN, DETAILED AREA PLAN AND URBAN DESIGN GUIDELINES FOR BYFORD TOWN CENTRE (A1431)
Proponent:	Serpentine Jarrahdale Shire	In Brief Council to amend the 2008 / 2009 Budget to fund a Local Structure Plan, Detailed Area Plan and Urban Design Guidelines for Byford to enable the coordinated development of a new Town Centre.
Owner:	Not applicable	
Officer:	Director Corporate Services / Director Strategic Community Planning	
Signatures Author:		
Senior Officer:		
Date of Report	28 August 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Council, at its Special Council meeting held on 13 February 2007, considered minor amendments to the Byford Structure Plan 2005 and resolved, inter alia, the following:

“Council immediately commences the Local Structure Planning for the Byford Town Centre, with the Council taking the leading role and working in collaboration and partnership with the affected landowners.”

The detailed planning process commenced in May 2007 when a “vision” workshop was held and attended by landholders, developers, Councillors, Serpentine Jarrahdale Shire (Shire) officers and representatives of the community. The rationale behind the workshop was to bring together all the stakeholders to revisit and review the existing vision for Byford Town Centre [as per Byford Structure Plan 2005 text] and also to engage in a partnership arrangement with the aim to prepare one single comprehensive Local Structure Plan (LSP), Detailed Area Plan (DAP) and Urban Design Guidelines (DG).

The purpose of this report is to facilitate the preparation of the LSP, DAP and DG by amending the 2008/09 budget to increase the amount of funding that is required to undertake the works.

Sustainability Statement

Economic Benefits: The preparation of one comprehensive LSP, DAP and DG will define the Byford Town Centre and will lead to a cost efficient coordinated approach. This high degree of certainty, in terms of expectations and outcomes, will enable higher quality development applications by landowners to be submitted to Council resulting in reduced compliance cost. The construction of the Byford Town Centre will provide employment opportunities for local trades people. Once completed, the retail stores and other commercial enterprises will also provide employment opportunities for local residents. An attractive, well planned Town Centre will also become a “third place” where people will want to relax and socialise, thereby increasing local expenditure.

Statutory Environment:

Local Government Act 1995
Town Planning Scheme No. 2
Byford Townsite Detailed Area Plan

Policy/Work Procedure

Implications:

There are no work procedures/policy implications directly related to this application/issue.

Financial Implications:

The total cost of this work is estimated to be \$440,000 (including contingency of \$50,000 and project management costs of \$40,000). \$140,000 is provided for in the 2008/09 budget, to be funded by a loan. It is recommended that these borrowings be increased to fund the true cost of this project. The intent is that these works will be funded from the Byford developer contribution scheme once it has been finalised and gazetted. All costs associated with the loan will be accumulated and repaid under the developer contribution scheme. The financing of these plans should not affect the Shire's financial position in the 2008 / 2009 financial year as it is envisaged that the first payment will occur early in the 2009 / 2010 financial year.

It is proposed that an interest only loan be raised at an interest rate of 6.60% with annual repayments of \$29 040. The initial term of the loan would be for two years at which time the loan can either be renegotiated or the principal repaid if the developer contribution scheme is adopted and sufficient funds are available.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.
6. Ensure a safe and secure community.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

Objective 3: High level of social commitment

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

Objective 2: Strive for sustainable use and management of natural resources

Strategies:

1. Implement known best practice sustainable natural resource management.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
2. Identify value-adding opportunities for primary production.
3. Develop tourism potential.
4. Promote info-technology and telecommuting opportunities.

Objective 2: Well developed and maintained infrastructure to support economic growth

Strategies:

1. Improved freight, private and public transport networks.
2. Consider specific sites appropriate for industry /commercial development.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.
3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Strategies:

3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

The Local Government Act requires the Shire to give one month's public notice of its intention to borrow if the decision to borrow is not made as part of the preparation of the Annual Budget. Notice will be provided in the local media and on the Shire noticeboard.

Comment:

In April 2008, Council tendered for these works. No tenders were received. As no tenders were received, Council can directly appoint consultants if it does so within six months of the call for tenders. This time will expire shortly. As this is a critical issue for the Shire, in that developers are planning to construct commercial buildings in the area that has been identified as the future Byford Town Centre, it is pressing that Council proceed with this project urgently. It should also be noted that a development application has already been

submitted. Two other non-related but vital technical studies to inform the preparation of this LSP have also been completed recently. No further delays are anticipated.

In analysing the alternatives to progress this project, the following options were considered:

Option	Advantages	Disadvantages	Risk
<p>1. The Shire to prepare the entire LSP, DAP and DG.</p>	<ul style="list-style-type: none"> • The Shire retains control of outcome. • Clarity in terms of roles and responsibilities. • Safer, less complex option. • Potential to claim back, through the development contribution plan, the money borrowed to enable the project. 	<ul style="list-style-type: none"> • May not necessarily get buy in from developers and/or community in terms of outcome. • Limited resources – insufficient staffing capacity (cross functional) to prepare the plan in-house. • The project will have to be outsourced, which forces the need to borrow money, thereby reducing Council’s borrowing capacity for other projects. • Potential for negative perception - may not be perceived as being a collaborative approach. • Potentially time consuming. 	<p>Medium - High</p>
<p>2a. Developers to individually prepare their own LSP, DAP and DG.</p> <p>2b. Developers to prepare a collective LSP, DAP and DG.</p>	<p>2a.</p> <ul style="list-style-type: none"> • Most time efficient option. • May be perceived as least cost burden option for Council in monetary terms. • Sense of ownership for developers. <p>2b.</p> <ul style="list-style-type: none"> • Potentially a time efficient option. • May be perceived as least cost burden option for Council in monetary terms. • Sense of ownership for developers. • Collaborative approach. 	<p>2a.</p> <ul style="list-style-type: none"> • Ad hoc, piecemeal development. • Lack of integration of cross boundary issues such as drainage, traffic, transport, roads, character, ‘mainstreet’ and place making principles. • Not outcomes based. • Not collaborative. • Not necessarily planned for greater good of community with potential to become a dysfunctional centre ie social cost. • Increased compliance cost to Council, as numerous individual plans will be submitted for assessment. <p>2b.</p> <ul style="list-style-type: none"> • One comprehensive plan. • Potential for conflicting needs and perceptions amongst developers that may cause significant delays in the process if consensus cannot be reached. • Potential to be driven by shareholder expectations and not necessarily planned for greater good of community. • Potential for local community 	<p>High</p>

<p>3. Joint venture between the Shire and the developers.</p>	<ul style="list-style-type: none"> • Outcomes based; win-win scenario. • Collaborative approach. • Innovative and enterprising. • Positive relationships. • Least cost option for Council. 	<p>consultation to be done at minimum standard only.</p> <ul style="list-style-type: none"> • Not common Local Government practice. • Potential for role conflict during the process ie Council preparing the plan in conjunction with the developers and also approving the plan. • Time consuming. 	<p>High</p>
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Based on the above analysis, the joint venture between the Shire and developers was originally considered the best option to achieve the outcome, in particular for its 'least cost to Council' opportunity and its modern, outcomes based potential.

However, further investigations into the most effective Governance model to give effect to this joint venture, officers were strongly advised against perusing this option, due to the high associated and perceived risk.

Following evaluation of the above choices and after taking into account the risks to Council, Option 1 is considered the only viable alternative to prepare a LSP, DAP and DG for the Byford Town Centre.

In assessing the best method of financing this project and because it is to be funded from the developer contributions scheme, it is appropriate and consistent with past practice, that the funds be loan funded and all payments are be funded from the scheme once it has been finalised.

Therefore, it is recommended that Council proceed to amend the 2008 / 2009 budget to enable these works.

The Local Government Act 1995 gives Council the power to borrow funds. If the borrowings are proposed outside of the normal budget process, there is a requirement that Council advertise its intention to borrow for a period of 30 days.

Voting Requirements: ABSOLUTE MAJORITY

SCM004/09/08 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Price

- 1. Council amends the 2008 / 2009 Annual Budget by increasing expenditure by \$300,000 for the purpose of preparing the Local Structure Plan, Detailed Area Plan and Urban Design Guidelines for the Byford Town Centre.**
- 2. Council funds this budget adjustment by way of increasing the amount of borrowings for this project (Loan 99) to a maximum of \$440,000 on an interest only loan for a term of two years at an interest rate of 6.60%.**

CARRIED 9/0
Cr Kirkpatrick was not present and did not vote.

Cr Kirkpatrick returned to the meeting at 5.47pm.

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

9. CHIEF EXECUTIVE OFFICER’S REPORT

Nil

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business, the meeting closed at 5.47pm.

I certify that these minutes were confirmed at the
Ordinary Council meeting held on 22 September 2008.

.....
Presiding Member

.....
Date