



SPECIAL COUNCIL MEETING MINUTES

TUESDAY, 7 SEPTEMBER 2010

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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.

MINUTES OF THE SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON TUESDAY, 7TH SEPTEMBER 2010. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 5.00PM AND WELCOMED COUNCILLORS AND STAFF.

1. ATTENDANCES & APOLOGIES (including Leave of Absence):

IN ATTENDANCE:

COUNCILLORS: S TwinePresiding Member
C Buttfield
MJ Geurds
C Randall
T Hoyer
A Lowry
E Brown
A Ellis
K Petersen

OFFICERS: Ms J AbbissChief Executive Officer
Mr A Hart Director Corporate Services
Mr B Gleeson Director Development Services
Mr U StriepeExecutive Manager Engineering
Mr P Varelis Project Officer -
Development Contribution Arrangements
Mr C Wansbrough Project Manager, Water Sensitive Urban Design
(from 5.03pm)
Mr R Willis Consultant Engineer (from 5.03pm)
Mrs L FletcherMinute Secretary

APOLOGIES: Cr M Harris
Director Strategic Community Planning
Director Engineering

GALLERY: 0

2. PUBLIC QUESTION TIME:

Nil

3. PUBLIC STATEMENT TIME:

Nil

4. PETITIONS & DEPUTATIONS:

Nil

Project Manager, Water Sensitive Urban Design and Consultant Engineer entered the meeting at 5.03pm.

5. PRESIDENT'S REPORT:

St Aiden's Community Centre

I would like to congratulate Cr Beth Brown on the excellent job she has done as project officer in co-ordinating the team for the newly opened St Aiden's Community Centre in Byford. A job which has taken four years – well done Cr Brown.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Nil

7. RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:

Nil

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:

SCM004/09/10 PROPOSED AMENDMENT NO. 168 TO THE SHIRE OF SERPENTINE JARRAHDAL TOWN PLANNING SCHEME NO. 2 – BYFORD DEVELOPMENT CONTRIBUTION ARRANGEMENT AND BYFORD DEVELOPMENT CONTRIBUTION PLAN (A1862)		
Author:	Peter Varelis – Project Officer: Development Contribution Arrangements	In Brief Council is requested to consider initiation of Amendment No. 168 to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 to establish a development contribution arrangement for Byford. Council is also requested to concurrently adopt a Development Contribution Plan report, setting out the details of the development contribution arrangement.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	16 August 2010	
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	

Purpose

The purpose of this report is for Council to consider initiation of an Amendment to the Shire's Town Planning Scheme No. 2 (TPS 2) to establish a development contribution arrangement (DCA) for Byford and to concurrently adopt a development contribution plan report (DCP), setting out the details of the DCA.

Background

The Shire has been seeking to finalise a DCA for Byford for a number of years. The following sections provide a brief history of progress on this project.

Amendment No. 113

In parallel with preparing and progressing the Byford District Structure Plan (DSP), the Shire in 2000 initiated Amendment No. 113 to TPS 2. The purpose of Amendment No. 113 was to establish a DCA for the Byford DSP area, as well as to rezone most of the Byford DSP area to Urban Development and insert appropriate provisions into the Scheme for a Byford Development Area.

Amendment No. 113 was adopted for final approval by Council in April 2001, and subsequently forwarded to the Western Australian Planning Commission (WAPC) and Minister for Planning for consideration. Final approval of Amendment No. 113 was deferred by the WAPC in September 2001, pending modifications to and finalisation of the Byford DSP.

After final approval of the Byford DSP was granted in March 2005, Council made changes to Amendment No. 113 and forwarded it to the WAPC and Minister. The Amendment was considered and the Shire was advised that the Minister had decided not to approve the Amendment until several modifications were made, which essentially saw the removal of DCA components of the Amendment.

The Shire was advised by the Minister that it should proceed with a separate Amendment to insert a development contribution area and DCP into TPS 2. More general advice was also provided in terms of the DCA including:

- The type of infrastructure and costs which could be included;

- The need to establish a nexus between the infrastructure and costs included and development proposed;
- The provision of appropriate levels of detail to allow for costing to be undertaken;
- The exclusion of certain infrastructure and cost items proposed under Amendment No. 113;
- The need for cost apportionment to accord with the overall method for determining costs and the costs and items identified for specific precincts; and
- The need to establish a clear nexus in the instance of developers in one precinct being required to contribute towards costs and/or infrastructure in another precinct.

Previous Development Contribution Plans for Byford

In 2004, the Shire commissioned consultants Worley Parsons to prepare a DCP for the Byford DSP area, including costs for the provision of infrastructure. The DCP was endorsed by Council and forwarded to the WAPC for review.

In conjunction with Amendment No. 113, a number of concerns were raised including that:

- The DCP identified additional infrastructure costs which were not included in Amendment No. 113 as advertised by the Shire in 2001;
- The DCP was not included in the Amendment and was therefore not advertised and has not been considered by the Department of Planning or WAPC;
- Additional clarification was required in terms of the inclusion of certain infrastructure items and the inclusion of the existing Byford Townsite within the arrangement, given its limited potential for redevelopment;
- There were discrepancies evident in terms of the definition of some infrastructure items and costs, the inclusion or absence of certain infrastructure in certain precincts and departure from the principles of cost allocation set out in the WAPCs Planning Bulletin No. 18 – Developer Contributions for Infrastructure. Note: Planning Bulletin No. 18 has since been replaced by State Planning Policy 3.6 – Development Contributions for Infrastructure (SPP 3.6);
- Certain parts of the arrangement were not considered fair and equitable and that in certain parts, the nexus between cost contributions from individual landowners and the common infrastructure to which the contributions are to be applied was not demonstrated; and
- The collection of contributions for the Shire to reimburse itself for administration costs was outside of the definition of infrastructure as contained within TPS 2.

Amendment No. 150

In response to the various feedback received from the Department of Planning, WAPC and Minister for Planning, the Shire prepared Amendment No. 150 to TPS 2 to establish a DCA for the Byford DSP area.

Amendment No. 150 was initiated by Council in April 2006, but was not progressed due to the subsequent detailed review of the Byford DSP. As the proposals of the DSP are fundamental in determining the infrastructure and costs required, it was considered prudent to defer progression of Amendment No. 150 and the DCA more generally. A separate report will be presented to Council soon in order to revoke Amendment No. 150.

During the review of the Byford DSP, the WAPC prepared and advertised SPP 3.6, and the Policy has since been finalised and adopted by the WAPC. SPP 3.6 sets out the State Government's position in relation to DCAs and provides a set of model provisions for insertion into Local Government planning schemes addressing development contributions. The objectives of SPP 3.6 are:

- To promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development;
- To ensure that development contributions are necessary and relevant to the development to be permitted and charged equitably among those benefitting from the infrastructure and facilities to be provided; and
- To ensure consistency and transparency in the system for apportioning, collecting and spending development contributions.

The Policy sets out eight key principles underlying development contributions, including need and the nexus, transparency, equity, certainty, efficiency, consistency, right of consultation and review and accountability.

Special Council Meeting 15 December 2009

Council, at a Special Meeting held on 15 December 2009 formally considered infrastructure, estimated development contribution rates and underlying principles of the DCA for Byford. The DCA for Byford was compiled generally in accordance with the Officer Recommended Resolution of this meeting.

A copy of the Council Minutes of this meeting is with attachments marked SCM004.1/09/10.

Variance to this resolution has occurred in the following areas:

Addition of Doley Road as a Cost Item

Doley Road plays an important district role by funnelling vehicle traffic into the proposed local centre, which will cater for a wide population catchment within the DSP for Byford. Given the further investigations undertaken by the Shire's officers and the district function Doley Road plays within the DSP for Byford, the construction and land resumption of Doley Road has been proposed to be included within the DCA in accordance with SPP3.6.

Additional principle of 'Risk Minimisation'

The financial risks associated with establishing and implementing DCAs needs to be carefully considered by Council. For this reason and on this basis officers considered it prudent that this principle be encapsulated as a guiding principle for all DCAs Shire wide and specifically for Byford.

Amendment 167

Given the progression of the State's policy position, Council at its Ordinary Meeting held on 26 July 2010 initiated Amendment No. 167 to TPS 2 which proposes to update the existing TPS 2 provisions relating to development contributions generally in accordance with the model provisions of SPP 3.6. Broadly, Amendment No. 167:

- Deleted the existing provisions under Part 5.19 of TPS 2 relating to development contribution arrangements (DCAs) and inserted new provisions based on the model provisions contained in SPP 3.6.
- Deleted the existing textual content of Appendix 16 of TPS 2 and replace it with a new format based on SPP3.6.
- Made several related minor administrative changes to TPS 2.

Sustainability Statement

Effect on Environment: DCAs are generally established to provide a framework for the timely and equitable provision of infrastructure and associated costs, in areas of fragmented land ownership. Directly, DCAs have no impact on the environment, as they are principally

'administrative' and 'financial' arrangements. Indirectly, however, DCAs can assist in the timely delivery of infrastructure, land and associated technical investigations that can provide significant benefits to the natural environment. Equally, the infrastructure that may be funded from a DCA may have a significant impact on the environment; for example the construction of drainage infrastructure, the upgrading of regional road networks and the provision of public open space/drainage.

Resource Implications: DCAs can provide a suitable framework for the timely, efficient and coordinated delivery of infrastructure for new urban areas. Compared to ad-hoc delivery, a coordinated approach may enable the Shire's natural, human and financial resources to be efficiently and effectively used.

Economic Viability: DCAs have the potential to have a very significant impact on the financial position of a wide range of stakeholders and the viability of development projects. Interim and ultimate financial contributions to DCAs have a significant impact on cash-flows for developers and ultimately on the pricing structures for residential development. The financial implications (and risks) for Council are very significant. Local Governments are required to effectively 'underwrite' contribution arrangements and from time to time, make good short-falls that have resulted from the operation of a DCA.

Economic Benefits: DCAs, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes; as such, a DCP does not offer any direct economic benefits to an area. DCAs can, however, assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

Social – Quality of Life: The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits and recognising that the expectations of not every single landowner will be able to be satisfied.

Social and Environmental Responsibility: It is important that DCAs are easily understandable by all stakeholders in terms of what they are and what they are not. Infrastructure needs to be carefully designed, costed and ultimately delivered to ensure that social and environmental impacts are minimised and that benefits are maximised.

Social Diversity: A timely and coordinated approach to the delivery of infrastructure can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment: Planning and Development Act 2005
Local Government Act 1995
Town Planning Scheme No.2
State Planning Policy No.3.6
Byford District Structure Plan

Policy/Work Procedure Implications: A number of policies and work procedures will need to be developed and implemented to support the finalisation of the DCP.

Financial Implications: There are significant financial implications associated with DCAs. The financial impacts of DCAs on all stakeholders should not be underestimated. The financial risks associated with establishing and implementing DCAs needs to be carefully considered. Should Council have to invest significant funds into a DCA (for example, to pre-fund infrastructure or to make good a loss), its ability to meet other social and environmental obligations

may be compromised. The implications are discussed in detail later in this report.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Infrastructure			
		37		Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
OUR COUNCIL AT WORK	Strategy and Planning			
		27	Strategic Direction	Prepare effectively for future development.
		28		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
		30		Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
		31	The Planning Process	Develop comprehensive governance policies and strategies.
		32		Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.
		33		Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.

Comment

Path Forward

It is now considered appropriate to progress with the Byford DCA for the following reasons:

The review of the Byford DSP has now been completed, with the revised DSP being approved by the WAPC in August 2009;

Draft or approved Local Structure Plans (LSPs) have been prepared for a significant proportion of the Byford DSP area, providing a high level of certainty with regard to development outcomes and hence, infrastructure requirements;

Discussions have been had with Department of Planning staff who have advised of changes required to ensure the orderly progression of the Byford DCA;

The release of SPP 3.6 which provides much needed clarity and certainty in preparing a DCA for Byford. In addition, SPP 3.6 contains model scheme text provisions for dealing with development contributions which contain many process improvements that would benefit the Shire and landowners which have been initiated through Amendment No. 167;

The continued use of interim development contribution agreements is placing a resourcing burden on the Shire, which will only increase as more interim agreements are entered into.

Significant amounts of work have been undertaken to date with regard to progressing a DCA for Byford. Given that the revised Byford DSP is now in operation, that various pieces of advice which have been received from the State with regard to the proposed Byford DCA and that updated direction from the State on development contributions has been forthcoming in SPP 3.6, it is considered timely and appropriate for Council to progress the DCA for Byford.

Byford DCA

DCAs and the documentation required to bring about a DCA is complex by its nature. As such, the following brief summary of Amendment No. 168 and the DCP report is provided for the benefit of Council:

Amendment No. 168:

Amendment No. 168 is a textual amendment to TPS 2. The Amendment establishes a DCA for Byford and generally sets out the infrastructure, cost and other items included, the contribution methodology and various other operational matters. It is not intended to explain the detail of the DCA but rather provide a broad outline of what the DCA is to consist of. The Scheme Amendment establishes the legal head of power to collect development contributions in Byford.

Development Contribution Plan Report for Byford

A DCP report has been prepared to accompany Amendment No. 168, but will not form part of the Scheme. This report sets out in detail the calculation of the cost contributions for landowners in the DCA. Calculation is based upon the methodology and items identified within Amendment No. 168.

The DCP report will be updated and reviewed on an annual basis. Having the DCP report sit outside of the Scheme is beneficial as the DCP can be updated or amended in a timelier manner than if it was embedded within the Scheme. If this report was to form a part of the Scheme it would be a very costly and difficult to enable adjustment and would require amending TPS 2. This approach is considered the most appropriate given the fluctuations of infrastructure and land value costs and is consistent with the approach required by SPP 3.6.

A copy of Amendment No. 168 documentation is with attachments marked SCM004.2/09/10.

A copy of the Development Contribution Plan Report for Byford is with attachments marked SCM004.3/09/10.

A copy of the Development Contribution Plan Appendices for Byford is with attachments marked SCM004.4/09/10.

Purpose of DCA's

Local Governments are facing increased pressures on the services which they provide; these pressures arise from population, development and economic growth. Coupled with this growth is the community expectation of new and upgraded infrastructure. Given the financial limitations of local governments to provide the additional infrastructure and facilities necessary to accommodate future growth, DCAs are created to establish a statutory mechanism by which local governments can collect contributions from developers. Importantly, DCAs ensure that the burden of providing district level infrastructure does not fall upon ratepayers at large and that it is shared amongst those necessitating the demand on that infrastructure.

Byford DCA

This section of the report identifies:

- The infrastructure, land and other items proposed to be included in the DCA;
- The precincts / methodology through which development contributions will be collected; and
- Various other operational matters of the DCA.

Infrastructure, Land and Other Cost Items

This section of the report identifies the infrastructure, land and other items for which development contributions will be collected. Specifically these items include:

Certain roads playing a district function;

Land for public open space and drainage;

Selected multiple use / bridle trails;

Water monitoring costs; and

Administration costs.

The further particulars and costing details of each of the above DCP cost items are outlined within the DCP documentation itself. Each item has been compiled in accordance with SPP3.6 and Scheme Amendment No. 167.

A 15% rate of contingency has been applied to the estimated quantitative costings of the road. Given that no detailed engineering design has taken place it is very difficult to allocate an accurate quantity at this current point in time. However, it is not considered appropriate to wait until such time as engineering design takes place as it requires the collection of development contributions to initiate the design. For this reason and on this basis a 15% rate of contingency has been applied and is considered appropriate by Shire officers. Landowners and the broader community will have an opportunity to review this amongst other items during the formal advertising period and Council will have an opportunity to consider those submissions and make a judgement based on their merits.

Arterial Roads

There are several arterial roads within the Byford DSP area, including Thomas Road, Abernethy Road, Orton Road and various district distributor roads. Pursuant to SPP 3.6, these roads can be considered for inclusion in a DCA for Byford. This section of the report outlines which roads will be upgraded through the DCP.

The upgrading, construction and land acquisition of the following roads is included within the DCA for Byford:

- Thomas Road;
- Abernethy Road;
- Orton Road;
- Kardan Boulevard;
- San Simeon Boulevard;
- Doley Road; and
- Warrington Road.

The further particulars and costing details of each of the above DCP cost items are outlined in detail within the DCP documentation itself. Each item has been compiled in accordance with SPP3.6. Officers have sought cost contributions for the maximum allowed in accordance with SPP3.6.

It is important to note with regard to Thomas Road, given that Thomas Road serves a freight function, in addition to catering for local traffic generated from the urban development, SPP3.6 only permits Council to collect a partial contribution toward the upgrade of this road.

This means that Council can require a contribution toward the full construction of a single carriageway only, however SPP3.6 does allow Council to take a contribution for the earthworks for the second carriageway, i.e. only one carriageway would be built and the earthworks for the second carriageway completed utilising funds from the contribution arrangement. It is envisaged that contributions will also be collected for four intersection

treatments to be constructed to facilitate a dual carriageway configuration given that the urban developments create this need.

The detailed design of Thomas Road has not been completed at this time and will be progressed in the future in conjunction with State agencies.

Bridle Trails

The continuation and extension of the existing bridle trail network in close proximity to the Byford Trotting Complex is proposed pursuant to the Byford DSP. The trails provide an important role in facilitating a safe and accessible movement network for horses and riders in close proximity to the Trotting Complex, where semi-rural development abuts future or existing urban development. The trails also provide an appropriate interface between semi rural and urban development. A breakdown and detailed costing of the proposed bridle trails is under section 2.4 of the DCP for Byford.

Water Monitoring

Water Monitoring Water quality and quantity monitoring within developments and wetlands will be implemented by the Shire. The draft Byford DSP Area Sampling and Analysis Plan prepared by the Shire identifies the sampling and analysis requirements. It is proposed that monitoring be carried out over a 16 year period. There will be 5 monitoring events run over an annual period with monthly sampling. Monitoring will be completed in year 0, 4, 8, 12 and 16. Alternatively, monitoring may be carried out as a percentage of build-out (ie. 0, 25, 50, 75 and 100 percent). No monitoring has been carried out to date by Council.

It is likely that subdivision and development would not be approved within the Byford area without the approval and ongoing implementation of the Byford Townsite DWMP. As such, it is considered reasonable that the all costs of, and associated with, the required water monitoring be funded by developers within Byford.

Administrative Costs

The Shire contributes a significant amount of financial and human resources towards planning, including the preparation of planning and engineering studies. For the most part, financial resources and the cost of human resources are sourced from general municipal funds. As such, all ratepayers within the Shire are contributing towards planning to facilitate the subdivision and development of a certain portion of the Shire, usually in private ownership. It is considered reasonable that the Shire be reimbursed for these expenses (expended and future) through the collection of development contributions.

A detailed breakdown of administrative items is outlined in section 2.6 of the DCP for Byford.

Precinct Based Approach / Cost Appointment Methodology

Precinct Based Approach

A portion of the Byford DCA has already been established in the Shire's TPS 2, this being the identification of the Byford DCA in Appendix 16. This was inserted into the Scheme as part of previous Amendment No. 113. The DCA is split up into four precincts and identifies portions of land which are excluded from the DCA.

Under previous drafts of the Byford DCA, each precinct had a different range of infrastructure and cost items for which development contributions were to be collected. Due to the size of the DSP area and the relative isolation of some of the infrastructure and cost items to specific precincts, this was considered the most appropriate approach. Under this model, the contribution rate would vary from precinct to precinct. Given that developments within specific areas of the Byford DSP would utilize certain items of infrastructure, officers are of the opinion that the precinct allocation as outlined in section 3.1 of the DCP for Byford is most appropriate.

The precinct based approach was supported, in-principle, by the WAPC in their approval of Amendment No. 113, resulting in the insertion of the Byford DCA Map into TPS 2.

Although most of Byford is in consolidated ownership, significant development areas to the east and west of the railway remain highly fragmented. For descriptive purposes, these areas are identified as:

The Doley Road precinct;

The existing Byford Townsite precinct; and

The Stanley Road precinct.

In such fragmented areas, infrastructure provisions are often unevenly distributed between numerous small landowners. Therefore, to ensure the infrastructure is provided and that the landowners burdened by infrastructure items for the benefit of other landowners are compensated, it is considered necessary to include additional site-specific items within a DCA. This approach accords with the equity principle outlined in SPP3.6 and endorsed by Council through Amendment No. 167.

Development/Subdivision Specific Methodology

Given the variety of land use denoted by the DSP for Byford, various types of residential and non-residential subdivision and development will occur. Section 3.4 of the DCP for Byford outlines in detail the methodology applied to the various forms of development.

It may be noted that the proposed calculation methodology is based upon the additional number of lots / dwellings created. This method of calculation is based upon the notion that each original lot/dwelling would therefore have sufficient existing infrastructure to support its creation. This approach in practise may not seem feasible for large scale developments, however, when applied to subdivisions within the Byford existing quarter it provides for a fair and equitable contribution outcome, which coincide with the principles of SPP3.6.

It is also important to note that land within the Byford area may be developed at a density lower than that envisaged by the Byford DSP or relevant LSP. As such the development outcome achieved may also provide for future subdivision or development. The methodology proposed equates contributions for development or subdivision at the time the additional lots / dwellings are created and thus accounts for any future subdivision or development as contributions will be paid at the time maximum potential is reached.

Various Operational Matters

Interim Development Contribution Arrangements

As subdivision and development has already occurred in Byford, the Shire has been entering into legal agreements with individual landowners as a means of sourcing interim contributions. The Shire has prepared a series of Local Planning Policies addressing the matter of interim development contributions for Byford. This approach will be discontinued when the DCA is finalised, with additional contributions being sought or refunds provided to subdividers as required and pursuant to the provisions of the respective legal agreements.

Land Value

It is important to note that the DCP for Byford as presented to Council does not contain a formal land valuation. Officers consider it appropriate to defer the formal appointment of a land valuer at this stage as the methodology for land valuation and appointment may change during advertising and by the time of gazettal. On this basis and for the purpose of calculating land for public open space, drainage and infrastructure the rate applied as of August 2010 is \$550,000 per hectare. This is based on the best available information at this time.

Land values will be reviewed at least annually. For the purposes of TPS 2, the Scheme DCP for Byford and the Byford DCP report, one englobo land value will apply to the entire Byford development contribution area, irrespective of precinct or structure plan classification or similar. This approach is considered to be the most simple, effective and equitable method

of addressing land valuation. Other methods are available however, in keeping in line with the principles and approach adopted by Council at a Special Council Meeting held 15 December 2009 and Amendment No. 167, this method is considered most appropriate.

Timing of Infrastructure

At a Special Council Meeting held 15 December 2009, the Shire's Council adopted key principles to guide the identification of priorities for the provision of infrastructure and land acquisition, including:

- Minimising financial risk to the Shire – This can be achieved through the early acquisition of land required for public purposes (public open space, roads etc.).
- Ensuring a constant turnover of funds – By ensuring the continuous spending of development contributions collected, the Shire minimises the negative consequences of inflation.
- Prioritising the purchase of land identified for public purposes which encompasses all of, or a substantial portion of one landholding – Many of these landholdings are essentially “quarantined” from subdivision and/or development and would be difficult to sell to a private buyer.
- Constructing infrastructure on an “as needs” basis – This is especially apparent in the context of road upgrades.
- Undertaking works and land acquisition in areas of fragmented ownership – This assists in the successful and coordinated development of these areas. In areas of consolidated ownership, most infrastructure and land is provided by the developer in lieu of providing cost contributions.
- The identification of priorities will be undertaken on an annual basis as a minimum, in parallel with forward financial planning and annual budgeting processes.

Period of Operation and Review

It is proposed that the DCP for Byford operate for a period of 15 years from date of gazettal of Amendment No. 168. The DCP will be reviewed at least annually, allowing for further reviews to be undertaken on an as needs basis. This allows the Shire to have regard to cost increases and fluctuations in economic growth and rate of subsequent development in the Byford DSP area.

Estimated costs will be reviewed at least annually to reflect changes in land values, revenue sources such as external grants and indexed based on the Building Cost Index or other appropriate index as approved by the qualified person/s undertaking the cost review pursuant to clause 10.3.11.3 of Amendment No. 167.

Statutory Process and Consultation

Should Council resolve to initiate Amendment No. 168 and determine the draft Byford DCP report satisfactory for advertising, Shire staff will forward the Amendment to the Environmental Protection Authority and WAPC in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967. If the Amendment is granted consent to advertise by the WAPC and EPA, the Shire will then advertise Amendment No. 168 and the draft DCP report concurrently.

Officers are proposing a comprehensive public consultation process with landowners, developers and the community.

On completion of the advertising period, Council will be required to consider the submissions received on both the Amendment and DCP report and resolve to adopt, with or without modifications, or refuse to adopt the Amendment and DCP report.

Once this decision has been made, the Amendment and DCP report will be referred to the WAPC and Minister for Planning for a determination.

Department of Planning Consultation

Prior to initiation officers saw merit in seeking comments from senior staff at the WAPC. The WAPC staff provided in-principle support for the format and content of Amendment No. 168, advising Shire staff to progress to advertising and deal with any submissions received in a report to Council (as per the process described above).

Options

There are three options that are available to Council in considering the Amendment, they are as follows:

- 1) resolve to initiate the Amendment, without modification;
- 2) resolve to initiate the Amendment, with modification/s; and
- 3) resolve not to initiate the Amendment.

There is no formal statutory process established for the advertising of a DCP report. However, given the vital importance of the document in setting out the costings and methods of the DCA, it is considered that the DCP report should be advertised concurrently. To this extent Shire staff have recommended that Council adopt the draft Byford DCP report for the purposes of advertising.

It is strongly recommended that Council resolve to initiate the Amendment and determine the DCP report satisfactory for advertising concurrently. This approach will allow for a coordinated advertising period, and prevent the need for two advertising periods addressing different documents on the same matter.

Conclusion

The proposed Scheme Amendment and DCP report will facilitate the provision of certain items of common infrastructure within the Byford development contribution area and an appropriate sharing of the costs of such infrastructure, as well as land and other administrative costs. The finalisation of a DCA for Byford will formalise a contribution arrangement which has been operating on the basis of individual interim agreements for an extended period of time. This has taken up a significant amount of officer time and prolonged the process for finalising the ultimate DCA for Byford.

On this basis, it is requested that Council resolve to initiate the Amendment and deem the DCP report satisfactory for advertising.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That:

1. The Council of the Shire of Serpentine Jarrahdale, under Section 75 and by virtue of the power conferred upon it in that behalf by the Planning and Development Act 2005 (as amended), hereby amends Town Planning Scheme No. 2 by:
 - (a) Adding the following text into Appendix 16 of the Scheme:

‘Appendix 16A – Byford Development Contribution Area – Scheme Development Contribution Plan

<i>Development contribution area name</i>	<i>Byford</i>
<i>Reference number on Scheme Map(s)</i>	<i>DCA 1</i>
<i>Boundary of development contribution area</i>	<i>Refer Scheme Map(s)</i>
<i>Items</i>	<p><i>Thomas Road:</i></p> <ul style="list-style-type: none"> ▪ <i>Land required to achieve the proposed 50m road reserve;</i> ▪ <i>Earthworks for the whole road reserve;</i> ▪ <i>The construction and upgrade of one carriageway;</i> ▪ <i>Associated drainage works including water sensitive measures;</i> ▪ <i>Traffic control devices including one set of traffic lights and four intersection treatments incorporating slip lanes and associated works;</i> ▪ <i>Shared paths;</i> ▪ <i>Utility removal, relocation and insertion; and</i> ▪ <i>Associated costs including design, administration, management.</i>
	<p><i>Abernethy Road:</i></p> <ul style="list-style-type: none"> ▪ <i>Land required to achieve the proposed 30m road reserve;</i> ▪ <i>Earthworks for the whole road reserve;</i> ▪ <i>Complete road construction based on a single lane split carriageway with central median.</i> ▪ <i>Associated drainage works including water sensitive measures;</i> ▪ <i>Traffic control devices including two sets of traffic lights and four roundabouts;</i> ▪ <i>Shared paths;</i> ▪ <i>Utility removal, relocation and insertion; and</i> ▪ <i>Associated costs including design, administration, management.</i>
	<p><i>Orton Road:</i></p> <ul style="list-style-type: none"> ▪ <i>Land required to achieve the proposed 30m road reserve;</i> ▪ <i>Earthworks for the whole road reserve;</i> ▪ <i>Complete road construction based on a single lane split carriageway with central median.</i> ▪ <i>Associated drainage works including water sensitive measures;</i> ▪ <i>Traffic control devices including three roundabouts;</i> ▪ <i>Shared paths;</i> ▪ <i>Utility removal, relocation and insertion; and</i> ▪ <i>Associated costs including design, administration, management.</i>
	<p><i>Kardan Boulevard:</i></p> <ul style="list-style-type: none"> ▪ <i>Land required over and above a standard 20m road reserve to achieve the required road width of 25 metres from Abernethy Road to Fawcett Road and 30 metres from Fawcett Road to Thomas Road;</i> ▪ <i>Earthworks for the whole road reserve;</i> ▪ <i>Complete road construction based on a single lane split carriageway with central median.</i> ▪ <i>Associated drainage works including water sensitive measures;</i>

	<ul style="list-style-type: none"> ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	<p><i>San Simeon Boulevard:</i></p> <ul style="list-style-type: none"> ▪ Land required over and above a standard 20m road reserve width to achieve the required road width of 25 metres from Thomas Road to Larsen Road and 30 metres from Larsen Road to Abernethy Road; ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on a single lane split carriageway with central median. ▪ Associated drainage works including water sensitive measures; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	<p><i>Doley Road:</i></p> <ul style="list-style-type: none"> ▪ Land required over and above a standard 20m road reserve width to achieve the required 30m road reserve; ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on a single lane split carriageway with central median. ▪ Associated drainage works including water sensitive measures; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	<p><i>Warrington Road:</i></p> <ul style="list-style-type: none"> ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on an undivided single carriageway; ▪ Associated drainage works including water sensitive measures; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management. <p><i>Note: No land is required over and above a standard 20m road reserve for Warrington Road</i></p>
	<p><i>Land for public open space and drainage:</i> All land required for public open space and/or drainage purposes.</p>
	<p><i>Bridle Trails:</i> Land, construction and associated costs for new bridle trails.</p>
	<p><i>Water Monitoring:</i> All expended and estimated future costs associated with the water monitoring programme required by the Byford Townsite Drainage and Water Management Plan.</p>
	<p><i>Administrative:</i> All expended and estimated future costs associated with administration planning and development in Byford, including:</p> <ul style="list-style-type: none"> ▪ Planning studies; ▪ Traffic studies;

	<ul style="list-style-type: none"> ▪ <i>Drainage studies;</i> ▪ <i>Road design costs;</i> ▪ <i>Borrowing costs (including loan repayments); and</i> ▪ <i>Scheme Management Costs (including administration and management of the DCA).</i>
<i>Contribution methodology</i>	<ul style="list-style-type: none"> ▪ <i>Standard residential subdivision or development – the number of additional dwellings/lots being created at the time of subdivision/development multiplied by the applicable development contribution rate.</i> ▪ <i>Non-standard residential subdivision or development – the number of additional dwellings, residential units or similar created at the time of subdivision/development multiplied by the applicable development contribution rate.</i> ▪ <i>Non-residential subdivision or development – the R20 subdivision/development potential of the site (minus the equivalent of one lot or dwelling) multiplied by the applicable development contribution rate.</i> ▪ <i>Mixed-use development – the R20 subdivision/development potential of the site, or the actual number of lots/dwellings being created at the time of subdivision/development, which ever is the greater (minus the equivalent of one lot or dwelling), multiplied by the applicable development contribution rate.</i>
<i>Period of operation</i>	15 years
<i>Priority and timing of infrastructure provision</i>	Refer development contribution plan report'

- (b) Amending the Scheme Map(s) by including Byford within the DCA 1 development contribution area special control area, as indicated on the Scheme Amendment map.
2. That Council endorse the Byford Development Contribution Plan report satisfactory for advertising concurrently with Amendment No.168.
 3. That the Council of the Shire of Serpentine Jarrahdale forward Amendment No. 168 to Town Planning Scheme No. 2 to the Environmental Protection Authority for comment, pursuant to Section 81 of the Planning and Development Act (2005) and the Western Australian Planning Commission for information, and subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations (1967) for a period of 42 days to the satisfaction of the Director Development Services.
 4. Subject to 3 above, Council advertise Amendment No. 168 to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and the Byford Development Contribution Plan report concurrently for a period of 42 days.

Cr Geurds left the meeting at 5.22pm and returned at 5.23pm.

SCM004/09/10 COUNCIL DECISION/New Motion:

Moved Cr Randall, seconded Cr Ellis

That:

1. **The Council of the Shire of Serpentine Jarrahdale, under Section 75 and by virtue of the power conferred upon it in that behalf by the Planning and Development Act 2005 (as amended), hereby amends Town Planning Scheme No. 2 by:**

(a) Adding the following text into Appendix 16 of the Scheme:

‘Appendix 16A – Byford Development Contribution Area – Scheme Development Contribution Plan

Development contribution area name	Byford
Reference number on Scheme Map(s)	DCA 1
Boundary of development contribution area	Refer Scheme Map(s)
Items	<p>Thomas Road:</p> <ul style="list-style-type: none"> ▪ Land required to achieve the proposed 50m road reserve; ▪ Earthworks for the whole road reserve; ▪ The construction and upgrade of one carriageway; ▪ Associated drainage works including water sensitive measures; ▪ Traffic control devices including one set of traffic lights and four intersection treatments incorporating slip lanes and associated works; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	<p>Abernethy Road:</p> <ul style="list-style-type: none"> ▪ Land required to achieve the proposed 30m road reserve; ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on a single lane split carriageway with central median. ▪ Associated drainage works including water sensitive measures; ▪ Traffic control devices including two sets of traffic lights and four roundabouts; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	<p>Orton Road New:</p> <ul style="list-style-type: none"> ▪ Land required to achieve the proposed 30m road reserve; ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on a single lane split carriageway with central median. ▪ Associated drainage works including water sensitive measures; ▪ Traffic control devices including three roundabouts; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	<p>Kardan Boulevard:</p> <ul style="list-style-type: none"> ▪ Land required over and above a standard 20m road reserve to achieve the required road width of 25 metres from Abernethy Road to Fawcett Road and 30 metres

	<p><i>from Fawcett Road to Thomas Road;</i></p> <ul style="list-style-type: none"> ▪ <i>Earthworks for the whole road reserve;</i> ▪ <i>Complete road construction based on a single lane split carriageway with central median.</i> ▪ <i>Associated drainage works including water sensitive measures;</i> ▪ <i>Shared paths;</i> ▪ <i>Utility removal, relocation and insertion; and</i> ▪ <i>Associated costs including design, administration, management.</i>
	<p>San Simeon Boulevard:</p> <ul style="list-style-type: none"> ▪ <i>Land required over and above a standard 20m road reserve width to achieve the required road width of 25 metres from Thomas Road to Larsen Road and 30 metres from Larsen Road to Abernethy Road;</i> ▪ <i>Earthworks for the whole road reserve;</i> ▪ <i>Complete road construction based on a single lane split carriageway with central median.</i> ▪ <i>Associated drainage works including water sensitive measures;</i> ▪ <i>Shared paths;</i> ▪ <i>Utility removal, relocation and insertion; and</i> ▪ <i>Associated costs including design, administration, management.</i>
	<p>Doley Road:</p> <ul style="list-style-type: none"> ▪ <i>Land required over and above a standard 20m road reserve width to achieve the required 30m road reserve;</i> ▪ <i>Earthworks for the whole road reserve;</i> ▪ <i>Complete road construction based on a single lane split carriageway with central median.</i> ▪ <i>Associated drainage works including water sensitive measures;</i> ▪ <i>Shared paths;</i> ▪ <i>Utility removal, relocation and insertion; and</i> ▪ <i>Associated costs including design, administration, management.</i>
	<p>Warrington Road:</p> <ul style="list-style-type: none"> ▪ <i>Earthworks for the whole road reserve;</i> ▪ <i>Complete road construction based on an undivided single carriageway;</i> ▪ <i>Associated drainage works including water sensitive measures;</i> ▪ <i>Shared paths;</i> ▪ <i>Utility removal, relocation and insertion; and</i> ▪ <i>Associated costs including design, administration, management.</i> <p><i>Note: No land is required over and above a standard 20m road reserve for Warrington Road</i></p>
	<p>Bridle Trails:</p> <p><i>Land, construction and associated costs for new bridle trails.</i></p>
	<p>Water Monitoring:</p> <p><i>All expended and estimated future costs associated with the water monitoring programme required by the Byford Townsite Drainage and Water Management Plan.</i></p>
	<p>Administrative:</p> <p><i>All expended and estimated future costs associated with</i></p>

	<p><i>administration planning and development in Byford, including:</i></p> <ul style="list-style-type: none"> ▪ <i>Planning studies;</i> ▪ <i>Traffic studies;</i> ▪ <i>Drainage studies;</i> ▪ <i>Road design costs;</i> ▪ <i>Borrowing costs (including loan repayments); and</i> ▪ <i>Scheme Management Costs (including administration and management of the DCA).</i>
Contribution methodology	<ul style="list-style-type: none"> ▪ <i>Standard residential subdivision or development – the number of additional dwellings/lots being created at the time of subdivision/development multiplied by the applicable development contribution rate.</i> ▪ <i>Non-standard residential subdivision or development – the number of additional dwellings, residential units or similar created at the time of subdivision/development multiplied by the applicable development contribution rate.</i> ▪ <i>Non-residential subdivision or development – the R20 subdivision/development potential of the site (minus the equivalent of one lot or dwelling) multiplied by the applicable development contribution rate.</i> ▪ <i>Mixed-use development – the R20 subdivision/development potential of the site, or the actual number of lots/dwellings being created at the time of subdivision/development, which ever is the greater (minus the equivalent of one lot or dwelling), multiplied by the applicable development contribution rate.</i>
Period of operation	15 years
Priority and timing of infrastructure provision	Refer development contribution plan report'

(b) Amending the Scheme Map(s) by including Byford within the DCA 1 development contribution area special control area, as indicated on the Scheme Amendment map.

2. The documentation and appendices for Amendment No. 168 be modified to refer Orton Road as Orton Road New.
3. The documentation and appendices for the Development Contributions Plan be modified to refer Orton Road as Orton Road New.
4. That subject to 2 and 3 above being undertaken to the satisfaction of the Director Development Services, Council endorse the Byford Development Contribution Plan report satisfactory for advertising concurrently with Amendment No.168.
5. That the Council of the Shire of Serpentine Jarrahdale forward Amendment No. 168 to Town Planning Scheme No. 2 to the Environmental Protection Authority for comment, pursuant to Section 81 of the Planning and Development Act (2005) and the Western Australian Planning Commission for information, and subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations (1967) for a period of 42 days to the satisfaction of the Director Development Services.
6. Subject to 5 above, Council advertise Amendment No. 168 to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and the Byford Development Contribution Plan report concurrently for a period of 42 days.

CARRIED 9/0

Council Note: The Officer Recommended Resolution was changed with the addition of parts 2 and 3 to provide clarification that it relates to the new alignment of Orton Road and not the current road reserve of Orton Road.

During debate Cr Geurds foreshadowed that he would move the New Motion with the addition of a part 7 recommending that the further particulars and options relating to the construction and upgrading of George Street is subject to further investigations and a subsequent report to Council, should the motion under debate be defeated.

9. URGENT BUSINESS:

SCM005/09/10	REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR ASHLEY ELLIS (A0024)	
Proponent	Councillor Ashley Ellis	In Brief Councillor Ashley Ellis has requested a Leave of Absence from the Ordinary Council Meeting to be held on 28 September 2010.
Officer	Joanne Abbiss – Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Not applicable	
Date of Report	7 September 2010	
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 1995	
Delegation	Council	

SCM005/09/10 COUNCIL DECISION:

Moved Cr Hoyer, seconded Cr Geurds
Council approves Leave of Absence for Councillor Ashley Ellis from the Ordinary Council Meeting to be held on Tuesday, 28 September 2010.
CARRIED 9/0

10. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

11. CLOSURE:

There being no further business, the meeting closed at 5.25pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 28 September 2010.

.....
Presiding Member

.....
Date