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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, 15TH DECEMBER 2009. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 2.00PM AND WELCOMED COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: S Twine Presiding Member
M Harris
WJ Kirkpatrick
K Murphy
C Buttfield
MJ Geurds
E Brown
C Randall
T Hoyer
A Lowry

OFFICERS: Mrs S van Aswegen Acting Chief Executive Officer
Mr A Hart Director Corporate Services
Mr B Gleeson Director Development Services
Mr R Gorbunow Director Engineering
Mr D van der Linde..... Acting Director Strategic Community Planning
Mr S Wilkes Executive Manager Planning
Ms C Mihovilovich Executive Manager Finance Services
Ms B Robertson Co-ordinator Finance Services
Mr C Wansbrough Project Manager
Water Sensitive Urban Design (from 2.04pm)
Mr R Willis Consultant Engineer
Mr M Daymond Senior Planner
Mr C Donnelly Senior Planner
Mr P Varelis Planning Officer (from 2.14pm)
Mrs L Fletcher Minute Secretary

APOLOGIES: Chief Executive Officer (annual leave)

GALLERY: Nil

2. PUBLIC QUESTION TIME:

Nil

3. PUBLIC STATEMENT TIME:

Nil

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

A very successful Shire President's Christmas Lunch was held at the Serpentine Jarrahdale Recreation Centre on Saturday.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Nil

Project Manager, Water Sensitive Urban Design entered the meeting at 2.04pm.

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

7.1 Special Council Meeting – 1 December 2009

Moved Cr Harris, seconded Cr Brown

The *attached (E09/7240)* minutes of the Special Council Meeting held on 1 December 2009 be confirmed.

CARRIED 10/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

COUNCIL DECISION

**Moved Cr Geurds, seconded Cr Hoyer that the order of business be changed to discuss items SCM019/12/09, SCM020/12/09 and then SCM018/12/09.
CARRIED 10/0**

SCM019/12/09 THOMAS ROAD – FUTURE FORM AND FUNCTION (R0200-02)		
Proponent:	Not applicable	In Brief Technical investigations and concept designs have identified the potential to establish a general road reservation width for Thomas Road of 50 metres.
Owner:	Not applicable	
Officer:	Laurence Bresland - Manager Infrastructure and Development	
Senior Officer:	Richard Gorbunow - Director Engineering	
Date of Report	8 December 2009	
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	

Background

Thomas Road is identified as an 'Other Regional Road' under the Metropolitan Region Scheme (MRS), providing a road connection between South Western Highway through to the (current) Southern end of Tonkin Highway and the Kwinana Freeway. The draft Statement of Planning Policy (SPP) – Perth Metropolitan Freight Network identifies Thomas Road as 'primary freight route', with the portion of Thomas Road between Tonkin Highway and South Western Highway designated as being under the jurisdiction of the local government.

For a number of reasons, it is important to progress the planning for Thomas Road. These reasons are:

- To enable the finalisation of the Developer Contribution Arrangement for the Byford Structure Plan Area;
- To assist in the preparation and finalisation of Local Structure Plans (LSP) abutting Thomas Road;
- To assist in determining both interim and ultimate arrangements for intersection treatments;
- To enable infrastructure services to be provided on the ultimate alignment, wherever possible;
- To enable landscaping, drainage and pathways to be constructed; and
- To provide greater certainty and direction for all stakeholders.

The Byford Structure Plan (BSP) has identified Thomas Road as an important component of the road network for the Byford Area, for both the short-term and long-term. The report that accompanied the BSP, upon its adoption in August 2005 stated the following:

"8.2.3.1 Thomas Road

Thomas Road will serve as the collector road on the northern limit of the Study Area as well as a feeder route to Tonkin Highway. Currently Thomas Road while providing an east west linkage between Tonkin Highway and South Western Highway does not provide an arrival point into Byford. The Structure Plan therefore proposes the deviation of Thomas Road to the south east close to the intersection with the unconstructed Malarkey Road to ultimately connect with the Town Centre. “

Clause 4.2.1 of the BSP text has subsequently stated the following:

‘Thomas Road, Abernethy Road and Orton Road to be widened to accommodate stormwater, refer Byford Urban Stormwater Management Strategy. Plan to require the final width of Abernethy Road to be 30 metres unless otherwise determined at the Local Structure Plan stage.

A number of technical investigations have been progressed since 2005 that have provided further guidance on the future of Thomas Road. The investigations include:

- The Byford Townsite Drainage and Water Management Plan (Department of Water, 2008);
- BSP Traffic Modelling (Maunsell, 2006);
- Preliminary road concept drawings (Aurecon, 2009 – draft); and
- Various LSP's including the Byford Town Centre (draft) and the Byford Main Precinct (draft)

This report provides Council with the opportunity to consider the key findings from the abovementioned technical investigations and to progress a modification to the BSP and to establish a general road reservation width for Thomas Road.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No.2
SPP – Perth Metropolitan Freight Network (draft)
Metropolitan Region Scheme
Byford Structure Plan

Policy/Work Procedure Implications:

Nil

Financial Implications:

All costs associated with a modification to the BSP can be achieved with the current operational budget. The future funding arrangements for the upgrading and maintenance of Thomas Road has the potential to have significant financial implications for the Shire and other stakeholders.

Sustainability Statement

Effect on Environment: The future form of Thomas Road needs to be carefully considered in terms of potential environmental impacts. Relevant considerations include the retention of native vegetation, treatment of stormwater and management of regional flows.

Resource Implications: A considerable amount of resources will be required for both the upgrading and on-going maintenance of arterial roads such as Thomas Road. Such matters will need to be carefully considered at the time of detailed design and construction.

Use of Local, renewable or recycled Resources: There will be opportunities to consider the use of local, renewable or recycled resources through the detained design, construction and on-going maintenance of Thomas Road.

Economic Viability: Establishing a clear direction forward for Thomas Road will create greater certainty and ultimately reduce financial risk for a number of stakeholders, including Council and developers. This report to Council is not intended to directly 'lock in' funding arrangements and ultimately roles and responsibilities. A further report to Council will be required in that respect, in the context of the developer contribution arrangement for the BSP area.

Economic Benefits: Thomas Road will provide an important linkage between different land uses, including new/existing residential areas, connections to the proposed Town Centre Distributor Road, in addition to continuing to provide an east-west linkage between South Western Highway and the Tonkin Highway.

Social – Quality of Life: Transport networks have a significant impact on the quality of life for both existing and future residents. Key considerations include potential light and air pollution, accessibility for travel movements, visual impact and noise.

Social and Environmental Responsibility: At the time of detailed design, careful consideration will need to be given to the protection of vegetation. Based on the preliminary concepts, Thomas Road will be able to accommodate key principles including the delivery of a pedestrian and cycle friendly environment, landscaping treatment and water sensitive urban design.

Social Diversity: Having an effective and efficient transport network will ensure access for a diverse range of people, with different travel requirements.

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.
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. Economic

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 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.
3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The BSP was originally advertised for public comment and submissions carefully considered by Council. Each LSP that is abutting Thomas Road has been progressed in accordance with the statutory requirements set out in TPS 2, including formal advertising for public comment.

Landowners should have made their own enquiries in respect of the future planning for their estate and surrounds (including Thomas Road) at the time of purchase, in conjunction with the relevant developer/selling agent. There should be a level of understanding within the community that Thomas Road would need to be upgraded in the future.

Through detailed design, there are significant opportunities for Council to minimise the impact on relevant stakeholders as part of the detailed planning for Thomas Road. Key relevant matters include, but are not limited to:

- Landscaping treatments;
- Pedestrian / cycle movement networks;
- Adjoining trailer;
- Intersection treatments; and
- Noise amelioration.

It is important that Council acknowledge that at the time of detailed design and construction there will be an expectation that all reasonable steps are taken to minimise the impacts associated with the upgrading of Thomas Road.

Comment

There are a number of different matters that Council needs to consider in progressing this proposal and a future modification to the BSP for Thomas Road. In particular, the following matters are particularly relevant:

- The future extension of Tonkin Highway;
- Anticipated future form and function;
- Roles and responsibilities;
- Existing and future LSP's;
- Drainage planning;
- Traffic modelling;
- Intersection treatments;
- Existing infrastructure;
- The retention of existing vegetation;
- Future detailed design and landscaping treatments; and
- The developer contribution arrangement for the BSP area

Future extension of Tonkin Highway

Tonkin Highway currently terminates at Thomas Road. A reservation has been established under the MRS for an extension of Tonkin Highway through to the locality of Mundijong and it is understood that land is being progressively acquired. Based on the information available to the Shire, there is no fixed timeframe for the extension of Tonkin Highway further south and the expenditure is not committed as part of the projected capital works program for the State Government over the next five (5) years.

A range of factors will influence the ultimate timing of Tonkin Highway extension, and include the following:

- The availability of funds at State and/or Federal Government levels;
- The performance of the recently opened Kwinana Freeway extensions and Forrest Highway, linking the Perth Metropolitan Area with Bunbury;
- The rate of lot release and in turn demand for infrastructure in the Byford and Mundijong-Whitby Areas; and
- Future planning for industrial development, port construction and road infrastructure in the Kwinana Area.

It is considered reasonable at this time to assume when Tonkin Highway is extended further south than Thomas Road, then demand for Thomas Road east of Tonkin Highway to perform the function of a 'primary freight route' will reduce. Thomas Road west of Tonkin Highway is already designated as a 'high-wide load route' and this is anticipated to continue into the future.

Future Form and Function

Although demands for freight movements on Thomas Road are anticipated to reduce in the future once Tonkin Highway has been extended, Thomas Road is anticipated to still provide a linkage between South Western Highway and Tonkin Highway for local, commuter, and commercial traffic. Residential and commercial development within the BSP area is anticipated to form a significant part of the traffic generation on Thomas Road.

The BSP was based on a draft version (Edition 3) of Liveable Neighbourhoods. In 2008, the Liveable Neighbourhoods document became operational policy of the Western Australian Planning Commission to guide future urban development in the Perth Metropolitan Area. Element 2 of Liveable Neighbourhoods provides guidance on 'movement networks' and seeks to establish a classification system and hierarchy for different types of roads, with associated land use integration. The two most relevant road typologies to Thomas Road are the 'Integrator B' and the 'Neighbourhood Connector'. The equivalent MRWA functional road hierarchy is 'District Distributor B' and 'Local Distributor' respectively.

The road currently carries a high percentage of commercial vehicles (averaging 16% of the 8000 vehicles per day (current as of 2007)). Commercial vehicles including heavy, wide and oversize loads and light vehicles use this major link road. The current posted speed limit is 90kmh which is considered to be too high for the road environment and its use. Discussions regarding a reduction in speed zoning are being conducted with Main Roads WA. Officers will advise Council of the recommendations and outcomes of those meetings.

The typical road cross-sections from Liveable Neighbourhoods are provided as attachment SCM019.1/12/09.

The explanatory report that supported the 2005 BSP included an indicative movement network plan, designating different elements of the road hierarchy in accordance with the (then draft) Liveable Neighbourhoods document. Thomas Road was identified as serving the function of a 'District Distributor'.

A copy of the indicative movement network from the BSP is with attachments marked SCM019.2/12/09.

Recognising the projected traffic volumes for Thomas Road, the functional requirements for the road network including providing for regional drainage flows and an emergency evacuation route, coupled with expected adjacent land uses, an indicative cross-section for Thomas Road has been prepared.

The cross-section is generally consistent with the 'Integrator A' type road from Liveable Neighbourhoods, with a total reservation width of 50.0 metres. The cross-section is indicative only and has been prepared to provide an indication of the possible future configuration of Thomas Road as a basis for more detailed planning and stakeholder engagement.

Relationship to Town Centre Distributor Road

The BSP indicatively depicts a new road providing a linkage between Thomas Road, in the vicinity of Masters Road, through areas identified for future residential subdivision and linking into the planned expansion of the Byford Town Centre to the west of the existing Town Centre. In parallel with the planning for Thomas Road, investigations are being progressed in respect of the Town Centre Distributor Road, including possible alignments, intersection treatments, drainage planning and potential funding arrangements. While not finalised at this point in time, it is considered reasonable to expect that the Town Centre Distributor Road will be an important component of the overall road network.

Roles and responsibilities

Thomas Road between Tonkin Highway and South Western Highway is currently the responsibility of the Shire, in contrast to the section of Thomas Road to the west of Tonkin Highway that has become the responsibility of Main Roads. There are a number of different matters that need to be considered when looking at future roles and responsibilities, including:

- the financial implications associated with maintenance;

- the financial implications associated with road upgrading; and
- the ultimate responsibility (and in turn control/level of influence) on road planning matters;

Should Thomas Road ultimately remain as a primary freight route once Tonkin Highway has been extended, there would potentially be a strong argument for the Shire to seek to transfer the responsibilities associated with Thomas Road across to Main Roads. As Thomas Road is not anticipated to ultimately perform the function of a primary freight route, the matter requires further consideration.

Existing and Future LSP

There are a number of different LSPs that about the southern side of Thomas Road, including:

- Byford Central (adopted);
- Lots 59, 60, 61 and 62 Briggs Road (currently with WAPC for approval);
- Lot 7 Thomas Road (future); and
- Lot 9015 Thomas Road (future)

The LSPs for Byford Central and Lots 59-62 Briggs Road both reflect the need for future road widening, in accordance with the requirements of the MRS. Lot 7 and Lot 9015 LSP have not been formally lodged with Council for consideration at this time and as such have not 'locked in' a particular outcome. The progression of planning for Thomas Road is not anticipated to compromise the finalisation or implementation of any of the abovementioned LSPs. Starting to provide a greater degree of direction and certainty in respect of Thomas Road will, in fact, assist both subdividers and relevant government agencies.

Drainage Planning

The Byford Urban Stormwater Management Strategy (BUSMS) was progressed in parallel with the BSP. The BUSMS identified portions of Thomas Road as a feature in the ultimate stormwater network for the Byford Area, with sections of the Thomas Road reserve intended to provide a 'flood-conveyance' function in larger storm events.

The BUSMS document has since been superceded by the Byford Townsite Drainage and Water Management Plan (DWMP). The history and relationship between the two documents was outlined to Council in a report in May 2009 and the integration of the DWMP into the statutory planning framework is currently being progressed.

Regional flows from the Darling Scarp flows in a north-westerly direction under South Western Highway where it flows through St Thomas Estate towards the intersection of the railway line and Thomas Road. To keep Thomas Road dry in a 100 Year ARI event it will be necessary to upgrade the existing 2 x 600mm culverts under Thomas Road. The addition of culverts under the railway is also desirable but could be avoided given some storage provision to the north of Thomas Road. GHD consultants recommended upgrading Thomas Road culverts to 4 x 1200mm box culverts and provide 8000m³ on-line storage to the north of Thomas Road. This will overcome the requirement for culverts under the railway and reduce the area of land required for flood conveyance along Thomas Road.

Designs for Thomas Road will include a drainage function, incorporating water sensitive urban design features and extensive landscaping.

Traffic Modelling

Traffic modelling is useful to project future traffic volumes on a road network, having regard to different scenarios and different time horizons. In 2006, the Shire commission consultants Maunsell AECOM to undertake traffic modelling for the BSP area. The traffic modelling

primarily examined two different scenarios, one being a full intersection treatment of Abernethy Road and future Tonkin Highway and the second being no intersection treatment, with access to/from Tonkin Highway instead being achieved only by Orton Road and Thomas Road.

In respect of Thomas Road, the following is a relevant extract from the consultants report:

“Traffic volumes on Thomas Road are expected to range between approximately 8,000vpd and 12,000vpd (even higher near the intersection at South Western Highway). This indicates that in 2011, 2 trafficable lanes (1 lane in each direction) is likely to be suitable for the majority of road length fronting the structure plan. Two or three full movement intersections should be provided to access the structure plan (with full channelisation to provide for appropriate levels of operation and safety), supplemented by a number of left in/out only intersections. Final intersection provisions will also be dependant on access provisions to the area on the northern side of Thomas Road. The modelled alternative options where Thomas Road is the priority road along its length is preferred, as it appears to better satisfy desired traffic routes. On Thomas Road in the vicinity of Tonkin Highway, traffic modelling indicates that volumes are expected to be highest in the scenarios where Abernethy Road is not connected to Tonkin Highway.”

The traffic modelling for the broader Byford Area will need to be updated periodically, to ensure that traffic projections take into consideration actual traffic volumes, possible changes to the road network and current/future urban development. In addition, it is a standard requirement that transport modelling be completed at the local structure plan stage and as such further information will become available to stakeholders through the progressive preparation and assessment of LSP's in the Byford area.

Intersection Treatments

There are a number of existing intersections on Thomas Road that will need to be upgraded as traffic demands increase as a result of residential subdivision activity in the Byford Area. In addition, a number of new intersections will need to be established along Thomas Road. It is reasonable to suggest that there is a high level of stakeholder expectation that intersection treatments, at least interim, be progressed at the earliest opportunity.

The Shire engaged consultants Aurecon (formerly Connell Wagner) to prepare preliminary design concepts for intersection treatments along a number of roads, including Thomas Road.

The preliminary concept plans for intersection treatments along Thomas Road are provided with attachments marked SCM019.3/12/09 (IN09/12722).

While it is not recommended that Council formally endorse the preliminary concept plans prepared by Aurecon, it is important to note the work that has been completed to date. The intersection treatments were based on Thomas Road continuing to perform the function of a primary freight route. It is reasonable to suggest that Thomas Road is unlikely to perform the function of a primary freight route once Tonkin Highway has been extended through to the Mundijong-Whitby Area.

In order to move forward with a reasonable level of confidence, it is necessary for Council to provide some early direction in respect of ultimate intersection treatments. The following are recommended:

- That the intersection of Kardan Boulevard and Thomas Road be ultimately in the form of a roundabout;
- That the intersection of Masters Road and Thomas Road be ultimately in the form of a roundabout; and

- That the intersection of the future Town Centre Distributor Road and Thomas Road be further investigated, with a view to exploring the merits of linking up the distributor road with the proposed intersection of Masters Road and Thomas Road.

There is a need to resolve a number of interim arrangements for intersections into a number of residential subdivisions. The following is recommended:

- That the responsibility for designing interim intersection treatments rests with the relevant developer; and
- That any designs will need to meet the specifications of both the Shire and Main Roads WA.

Electricity related infrastructure

There is electricity related infrastructure (high voltage power line) located to the south of the existing carriageway of Thomas Road. In part, this infrastructure has recently been upgraded. A survey 'pick-up' has been completed in recent times to determine the exact location of the existing power-poles, to assist with the preparation of the preliminary concept plans for Thomas Road.

Landscaping treatments

Landscaping treatment will be an important element of the planning for Thomas Road, to ensure that the character of the Byford Area is preserved and enhanced and to minimise the impacts of Thomas Road traffic on local residents. There has been strong desire from a number of stakeholders to see landscaping treatment implemented along Thomas Road, particularly abutting the Byford Central Estate and the Sunrays Estate. This desire has been reflected in Council's decision to move forward with the 'Byford Beautification Project'.

There has historically been uncertainty associated with the road and drainage planning for Thomas Roads and abutting areas. Uncertainty associated with regional drainage requirements has been progressed through the finalisation and implementation of the Byford Townsite DWMP and subsequent technical investigations into local and regional drainage options.

Rail-Crossing

There is an existing rail-crossing, where the Perth-Bunbury Railway intersects with Thomas Road. The existing rail-crossing is only designed to accommodate the existing single carriageway of Thomas Road. This rail-crossing will need to be upgraded at a future stage and will be the responsibility of the State Government.

Pedestrian and Cycle Movements

The indicative cross-section for Thomas Road incorporates an off-road dual use path. This level of infrastructure provision is appropriate, having regard to the following:

- The different land uses planned to abut Thomas Road;
- The recommendations provided in Liveable Neighbourhoods; and
- The need to provide effective linkages into the Byford Town Centre.

Careful consideration will need to be given to the design and exact land use integration at the time of detailed design. The cross-section at this time is indicative, however it demonstrates an effective pedestrian and cycle movement network can be achieved along Thomas Road within a 50 metre reservation.

Funding/Developer Contribution Arrangement

There is the potential for the future upgrading of Thomas Road to be considered as part of the developer contribution arrangement for the BSP area. It is not possible to state with absolute certainty that any particularly infrastructure item will be included in a final and operational contribution arrangement until due statutory process has been completed. This includes advertising for public comment and a final determination by the Minister for Planning. Nothing within this report should be construed as endorsement or a guarantee to any stakeholder that Thomas Road, either in part or whole, will be included in the final and operational contribution arrangement for the BSP area.

There are a wide range of different matters that will need to be considered as part of the contribution arrangement including preliminary designs, cost estimates, timing, priorities and the responsibilities of different stakeholders. This report provides Council with the opportunity to provide a direction forward for Thomas Road and allow stakeholders to make informed decisions in due course.

Relationship to Statutory processes

As the planning for Thomas Road progresses, there may be the need to update the BSP, individual LSP's, the MRS and in turn TPS 2. Any such modifications/amendments to the aforementioned planning instruments would need to be progressed through relevant statutory processes. There are both time and resource implications associated with the relevant statutory and public consultation.

With a view to progressing forward in the most expedient manner, it is recommended that the Shire progress the planning for Thomas Road, based on preliminary concepts for road cross-sections and intersection treatments. As a greater degree of certainty is achieved in the planning for Thomas Road, consideration can then be given to updating the relevant planning instruments. It must, however, be acknowledged that in the instance of a dispute between relevant stakeholders, the existing statutory planning instruments shall prevail.

Conclusion

Thomas Road is identified as an important arterial road within the BSP Area. A number of LSPs, detailed subdivisions and the developer contribution arrangement for the BSP area are all influenced by, and potentially dependent upon, the future form and function of Thomas Road. It is important that Council establish a direction forward so that all stakeholders can progress their decision-making from an informed position. There is a need to resolve a number of interim arrangements for intersections into a number of residential subdivisions. The following is recommended:

- That the responsibility for designing interim intersection treatments to Thomas Road rests with the relevant developer; and
- That any designs will need to meet the specifications of both the Shire and Main Roads WA.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council:

1. Establish a minimum Thomas Road reservation width of 50 metres.
2. Note that Thomas Road, between Tonkin Highway and South Western Highway, is designated as a 'Primary Freight Route' under the Statement of Planning Policy: Metropolitan freight network (Draft).
3. Note that there remains uncertainty about the future form and function of Thomas Road and associated roles and responsibilities, however recognise that it is important that some preliminary direction be established.

4. Acknowledge that local residents will expect, at the detailed design stage for Thomas Road, that all reasonable efforts will need to be made by responsible authorities to minimise the impacts of future road and that careful attention will need to be given to landscaping treatment, intersection treatments and noise amelioration.
5. Provide in-principle support for the proposed typical road cross-section, as provided at *Attachment SCM019.1/12/09* as a basis for the following:
 - (i) Seeking preliminary comment from Main Roads;
 - (ii) Working with relevant developers in respect of interim intersection treatments;
 - (iii) Progressing the Byford Developer Contribution Arrangement.
6. Acknowledge that the responsibility for designing interim intersection treatments rests with the relevant developer and that any designs will need to meet the specifications of both the Shire and Main Roads WA.
7. Require a further report to be presented to Council in due course once preliminary investigations in respect of Thomas Road have been finalised and ahead of detailed design and construction and public consultation.

Director Corporate Services left the meeting at 2.09pm and returned at 2.12pm.

Planning Officer entered the meeting at 2.14pm.

New Motion:

Moved Cr Murphy, seconded Cr Hoyer

A. Consideration of this item is deferred to a future Ordinary Council Meeting or a Special Council Meeting to enable Shire staff to prepare for Council approval a cross section drawing that includes the following features:

1. Road reservation width of 50 metres.
2. Traffic lanes.
3. A central landscaped area of swale form that includes native trees, shrubs and ground covers.
4. Any and all kerbs are to be flush concrete, so as not to impede any moisture flow from paved areas to vegetative areas.
5. The areas to be vegetated are to be at a lower level than the paved areas they abut.
6. A bitumen dual use path for pedestrians, wheelchairs etc and a separate cycle path along the length of Thomas Road from the railway line to the Tonkin Highway.

B. Council notes that Thomas Road, between Tonkin Highway and South Western Highway, is designated as a 'Primary Freight Route' under the Statement of Planning Policy: Metropolitan Freight Network (Draft).

LOST 0/10

Cr Harris foreshadowed that she would move the Officer Recommended Resolution with a change to the attachment in part 5 being the Byford Structure Plan and not Liveable Neighbourhoods if the motion under debate is defeated.

The Acting Chief Executive Officer left the meeting at 2.34pm and returned at 2.37pm.

Senior Planner (MD) entered the meeting at 2.44pm.

Senior Planner (CD) left the meeting at 2.51pm and returned at 2.52pm.

SCM019/12/09 COUNCIL DECISION:

Moved Cr Harris, seconded Cr Geurds

That Council:

1. Establish a minimum Thomas Road reservation width of 50 metres.

2. Note that Thomas Road, between Tonkin Highway and South Western Highway, is designated as a 'Primary Freight Route' under the Statement of Planning Policy: Metropolitan freight network (Draft).
3. Note that there remains uncertainty about the future form and function of Thomas Road and associated roles and responsibilities, however recognise that it is important that some preliminary direction be established.
4. Acknowledge that local residents will expect, at the detailed design stage for Thomas Road, that all reasonable efforts will need to be made by responsible authorities to minimise the impacts of future road and that careful attention will need to be given to landscaping treatment, intersection treatments and noise amelioration.
5. Provide in-principle support for the proposed typical road cross-section, as provided at *Attachment SCM019.2/12/09* (indicative cross section Thomas Road) as a basis for the following:
 - (i) Seeking preliminary comment from Main Roads;
 - (ii) Working with relevant developers in respect of interim intersection treatments;
 - (iii) Progressing the Byford Developer Contribution Arrangement.
6. Acknowledge that the responsibility for designing interim intersection treatments rests with the relevant developer and that any designs will need to meet the specifications of both the Shire and Main Roads WA.
7. Require a further report to be presented to Council in due course once preliminary investigations in respect of Thomas Road have been finalised and ahead of detailed design and construction and public consultation.

CARRIED 9/1

Cr Randall voted against the motion

Note: The Officer Recommended Resolution was changed by amending the attachment in part 5 from *SCM019.1/12/09* to *SCM019.2/12/09*.

Cr Randall foreshadowed that she would move a new motion consisting of leaving Thomas Road as it is with large verge areas in Byford Central designed to reduce noise if the motion under debate is defeated.

SCM020/12/09 FUTURE TOWN CENTRE DISTRICT DISTRIBUTOR ROAD – FORM AND FUNCTION (A1305/01)		
Proponent:	Not applicable	In Brief To formally approve a District Distributor/Intergrator Road in accordance with Main Roads WA and Liveable Neighbourhood Guidelines as part of the Byford Structure Plan as adopted by Council. The Road will provide an access between Thomas Road and Abernethy Road to the Byford Town Centre and Local amenities
Owner:	Not applicable	
Officer:	Laurence Bresland - Manager Infrastructure and Development & Craig Wansbrough – Project Manager, Water Sensitive Urban Design	
Senior Officer:	Richard Gorbunow - Director Engineering	
Date of Report	8 December 2009	
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

The Byford Structure Plan (BSP) indicatively depicts a new road providing a linkage between Thomas Road, in the vicinity of Malarkey Road, through areas identified for future residential subdivision and linking into the planned expansion of the Byford Town Centre. The proposed road is identified as a District Distributor Road Integrator B in the BSP.

For a number of reasons, it is important to progress the planning for this Distributor Road for the following reasons:

- To enable the finalisation of the Developer Contribution Arrangement (DCA) for the BSP Area;
- To assist in the preparation and finalisation of Local Structure Plans abutting the District Distributor Road;
- To assist in determining both interim and ultimately arrangements for intersection treatments;
- To enable infrastructure services to be provided on the ultimate alignment, wherever possible; and
- To provide greater certainty and direction for all stakeholders.

The BSP has identified the Town Centre District Distributor Road as providing a connection to the Town Centre for local residents from the District and also allowing for movement to other established roads for access outside the local precinct. The report that accompanied the BSP provides rationale for the deviation of Thomas Road to create the Town Centre District Distributor Road. The report, upon its adoption in August 2005, stated the following:

“8.2.3.1 Thomas Road

Thomas Road will serve as the collector road on the northern limit of the Study Area as well as a feeder route to Tonkin Highway.

Currently Thomas Road while providing an east west linkage between Tonkin Highway and South Western Highway does not provide an arrival point into Byford. The Structure Plan therefore proposes the deviation of Thomas Road to the south east close to the intersection with the unconstructed Malarkey Road to ultimately connect with the Town Centre. “

The following provisions are contained within the BSP Operative text in relation to the ultimate location of this road:

“6.1.1 The final location of the intersection with Thomas Road will be determined through detailed planning. The indicative location is shown as number 24 on the Structure Plan map.

6.3 Intersection treatment of new Town Centre District Distributor Integrator ‘B’ Road and Larsen Road is to be reviewed as part of the Local Structure Plan. The indicative location of the District Distributor Road is shown as number 3 on the Structure Plan

6.5.4 The final alignment of the Town Centre Distributor Road through lot 1 will be determined through detailed structure planning. The indicative location of the road is illustrated as number 28 on the Structure Plan.”

This report provides Council with the opportunity to consider the future alignment of the Byford Town Centre District Distributor road as well as intersection treatments, drainage planning and potential funding arrangements

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No.2 (TPS 2)
BSP

Policy/Work Procedure

Implications:

Nil.

Financial Implications:

All costs associated with a modification to the BSP can be achieved with the current operational budget. The future funding arrangements for the construction of the Town Centre District Distributor Road has the potential to have significant financial implications for the Shire and other stakeholders, including Main Roads funding for Thomas Road and adjoining intersections.

Sustainability Statement

Effect on Environment: The future form of the Town Centre District Distributor Road needs to be carefully considered in terms of potential environmental impacts. Relevant considerations include the retention of native vegetation,

Resource Implications: A considerable amount of resources will be required for construction of the Town Centre District Distributor Road; such matters will need to be carefully considered at the time of detailed design and construction.

Use of Local, renewable or recycled Resources: Nil at this time, however there will be opportunities to consider the use of local, renewable or recycled resources through the detailed design, construction and on-going maintenance of the Town Centre District Distributor Road.

Economic Viability: Establishing a clear direction forward for the Town Centre District Distributor Road will create greater certainty and ultimately reduce financial risk for a number of stakeholders, including Council and developers. This report to Council is not intended to directly 'lock in' funding arrangements and ultimately roles and responsibilities; a further report to Council will be required in that respect, in the context of the developer contribution arrangement for the BSP Area.

Economic Benefits: The Town Centre District Distributor Road will provide an important linkage between different land uses, including new/existing residential areas, connection to the Town Centre, in addition to providing a linkage between Thomas Road and Abernethy Road.

Social – Quality of Life: Transport networks have a significant impact on the quality of life for both existing and future residents. Key considerations include potential light and air pollution, accessibility for travel movements, visual impact and noise.

Social and Environmental Responsibility: At the time of detailed design, careful consideration will need to be given to the protection of vegetation.

Social Diversity: Having an effective and efficient transport network will ensure access for a diverse range of people, with different travel requirements.

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.
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:

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.
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. Economic

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 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.
3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The BSP was originally advertised for public comment and submissions carefully considered by Council. Each LSP that has been progressed for land abutting the Town Centre District Distributor Road have been progressed in accordance with the statutory requirements set out in TPS 2, including formal advertising for public comment.

Landowners should have made their own enquiries in respect of the future planning for their estate and surrounds (including the Town Centre District Distributor Road) at the time of purchase, in conjunction with the relevant developer/selling agent.

Through detailed design, there are significant opportunities for Council to minimise the impact on relevant stakeholders as part of the detailed planning for the Town Centre District Distributor Road. Key relevant matters include, but are not limited to:

- Landscaping treatments;
- Pedestrian and cycle movement networks;
- Intersection treatments; and
- Noise amelioration

It is important that Council acknowledge that at the time of detailed design and construction there will be an expectation that all reasonable steps are taken to minimise the impacts associated with the construction of the Town Centre District Distributor Road.

Comment

There are a number of different matters that Council needs to consider to progress the proposed modification to the BSP for the Town Centre District Distributor Road. In particular, the following matters are particularly relevant:

- Anticipated future form and function;
- Roles and responsibilities;
- Existing and future LSP;
- Drainage planning;
- Traffic modelling;
- Intersection treatments;
- Retention of existing vegetation;
- Future detailed design and landscaping treatments; and
- Developer contribution arrangement for the BSP area

Future Form and Function

The BSP, as adopted in 2005, was based on a draft version (Edition 3) of Liveable Neighbourhoods. In 2008, the Liveable Neighbourhoods document became operational policy of the Western Australian Planning Commission (WAPC) to guide future urban development in the Perth Metropolitan Area. Element 2 of Liveable Neighbourhoods provides guidance on 'movement networks' and seeks to establish a classification system and hierarchy for different types of roads, with associated land use integration. The two most relevant road typologies to the Town Centre District Distributor Road are the 'Integrator B' and the 'Neighbourhood Connector'.

The typical road cross-sections from Liveable Neighbourhoods are provided as attachment SCM020.1/12/09.

The explanatory report that supported the BSP included an indicative movement network plan, designating different elements of the road hierarchy in accordance with the (then draft) Liveable Neighbourhoods document. The Town Centre District Distributor Road was identified as serving the function of a 'District Distributor Integrator B' road.

A copy of the indicative movement network from the BSP is with attachments marked SCM020.2/12/09.

The cross-sections are generally consistent with the 'Integrator B' type roads from Liveable Neighbourhoods, with a total reservation width of 25.0 metres where the road abuts open space and 30.0 metres where the road abuts residential only and where greater traffic volumes are expected. The cross-sections are indicative only and have been prepared to provide an indication of the possible future configuration of the Town Centre District Distributor Road as a basis for more detailed planning and stakeholder engagement.

Alignment – general

The general alignment of the Town Centre District Distributor Road is depicted on the BSP. The exact alignment will be determined through detailed investigations which include but are not limited to remnant vegetation, hydrogeology, drainage and traffic modelling. LSP's will also refine the general alignment for the Town Centre Distributor Road.

Roles and responsibilities

The Town Centre District Distributor Road is the responsibility of the Shire and there are a number of different matters that need to be considered when looking at future roles and responsibilities, including:

- the financial implications associated with land acquisition;
- the financial implications associated with maintenance; and
- the ultimate responsibility (and in turn control/level of influence) on road planning matters;

Existing and future LSP's

There are a number of different LSP's that abut the northern side of the Town Centre District Distributor Road, including:

- L1 Alexander Road, L2 and L63 Larsen Road, Byford - Byford Central (adopted);
- Lots 59, 60, 61 and 62 Briggs Road (currently with WAPC for approval); and
- Lot 3 Thatcher Road and Lot 3 Alexander Road, Byford

The LSP for Byford Central was adopted in 2006 and depicts the Town Centre District Distributor Road running across the south western boundary of Byford Central with an adjacent Multiple Use Corridor (MUC) on the opposite side of the road reserve.

The LSP for Lots 59 & 60 Briggs Road and Lot 61 and 62 Thomas Road, Byford is currently with the WAPC for approval. This LSP assumes the Town Centre District Distributor Road runs east-west along the southern boundary of the MUC which is outside of their LSP area.

The LSP for Larsen Road Estate is being finalised. The LSP depicts the Town Centre District Distributor Road running in a north-south direction adjacent to the MUC and is a refinement to what is shown in the BSP. Lot 3 Thatcher Road and Lot 3 Alexander Road provide for a 30m road reserve to accommodate for the Town Centre District Distributor Road.

The progression of planning for the Town Centre District Distributor Road is not anticipated to compromise the finalisation or implementation of any of the above-mentioned LSPs. Starting to provide a greater degree of direction and certainty in respect of the Town Centre District Distributor Road will, in fact, assist both subdividers and relevant government agencies.

Impact on other landowners

The LSP for Lot 7 Thomas Road has not yet formally progressed. There is alignment flexibility with this site. However, it is likely the proponents for L7 Thomas Road will adhere to the general alignment depicted in the BSP.

The Town Centre District Distributor Road is proposed to pass through Lot 57 and 58 Briggs Road, Byford. The northern face of the dwelling located on Lot 58 Briggs Road is currently located on the southern edge of the 100 Year ARI floodway identified in the Byford Townsite DWMP. If the Town Centre District Distributor Road is to run adjacent to the southern side of the floodway then the entire dwelling will fall within the proposed road reserve.

Drainage Planning

The Byford Urban Stormwater Management Strategy (BUSMS) was progressed in parallel with the BSP. The BUSMS document has since been superceded by the Byford Townsite Drainage and Water Management Plan (DWMP). The history and relationship between the two documents was outlined to Council in a report in May 2009 and the integration of the DWMP into the statutory planning framework is currently being progressed.

The Byford Townsite DWMP depicts a 100 Year ARI floodway running adjacent to the majority of the proposed Town Centre District Distributor Road. The floodway will be incorporated into a MUC and provide opportunity for passive recreation. The floodway modelling undertaken by GHD for the Byford Townsite DWMP identifies a requirement for an indicative 70m wide floodway from Larsen Road to Malarkey Road. A floodway of similar width and location was also identified in the BUSMS.

Further modelling has been undertaken by GHD to look at flood levels within the MUC and the level of flood protection provided to surrounding developments through adequate freeboard. GHD are currently investigating the culvert size requirements for the section of Byford Town Centre District Distributor Road which crosses the MUC near the south western corner of Byford Central. The culvert size will influence the level of backwater and associated freeboard between the 100 Year ARI Top Water Level and surrounding houses, particularly in Byford Central Stage 7B.

Traffic Modelling

The traffic modelling for the Byford Area will need to be updated periodically, to ensure that traffic projections take into consideration actual traffic volumes, possible changes to the road network and current/future/Rural and Urban development. In addition, it is a standard requirement that transport modelling be completed at the local structure plan stage. Council officers are currently undertaking Traffic counting and modelling on Thomas Road to determine traffic volumes, traffic routes and crash statistics to further determine the hierarchy and preferred traffic distribution based on road hierarchy. Specific road hierarchy data is being obtained and will assist Council in determining how the roads function will occur. The future Tonkin Highway timeframe is unknown, therefore Council should expect that until Main Roads WA through State Government funding advises the Shire of its commitment to reducing heavy vehicle movements through Byford, and a commitment to upgrade Thomas Road to a safe and acceptable standard, accommodating, commercial and light vehicle traffic and to restrict speed through intersection treatments. Roundabouts have been seen to reduce the severity of crash related incidences and a reduction in local speed limits.

In regard to Thomas Road and its primary intersections, Traffic modelling will assist Council on its future directive, however Thomas Road being a heavy haulage route, requires MRWA to commit to an upgrading program. This does not affect the Towns District Distributor Road but does affect other adjoining roads. All heavy traffic however will need to be through Thomas Road and South Western Highway until the Tonkin Highway is extended.

Intersection Treatments

There are a number of intersections that will be required as part of the construction of the Town Centre District Distributor Road.

The BSP currently identifies an intersection with Thomas Road in the vicinity of Malarkey Road. It is proposed to slightly relocate this intersection eastwards to align with the current Masters Road intersection. Malarkey Road would then be shortened to form a T-junction with the Town Centre District Distributor Road. This would discourage traffic from entering the Byford Trotting Complex Area.

The BSP identifies an intersection between the Town Centre Distributor Road and Larsen Road. Closing Larsen Road at this intersection is an option Council may wish to pursue in the future. The impact of this closure on traffic volumes and accessibility would need to be further assessed.

The intersection with Abernethy Road will be determined through the progression of the Byford Town Centre LSP. The LSP is currently being advertised and may be subject to changes as a result of comments received during the advertising period.

Landscaping treatments

Landscaping treatment will be an important element of the planning for the Town Centre District Distributor Road, to ensure that the character of the Byford Area is preserved and enhanced and to minimise the impacts of traffic on local residents. Suitable landscaping would include the use of local native plants, water efficient design and enhance the habitat and biodiversity within Byford. Landscaping treatment would compliment water sensitive urban design and drainage features for the Town Centre Distributor Road.

Pedestrian and Cycle Movements

A 3 metre dual use cycle and pedestrian path can be included in the 30 metre road reserve. Where the road reserve is adjacent to the MUC the road reserve width can be reduced to 25 metres. In this instance the 3 metre dual use path would be within the MUC.

A copy of the indicative cross-sections for the 25 metre and 30 metre Town Centre District Distributor Road are shown with attachments marked SCM020.3/12/09 & SCM020.4/12/09.

Funding/Developer Contribution Arrangement

The construction of the Town Centre District Distributor Road is considered to be part of the developer contribution arrangement for the BSP Area. It is not possible to state with absolute certainty that any particularly infrastructure item will be included in a final and operational contribution arrangement until due statutory processes have been completed, including Council endorsement, advertising for public comment and a final determination by the Minister for Planning. Nothing within this report should be construed as endorsement or a guarantee to any stakeholder that the Town Centre District Distributor Road, either in part or whole, will be included in the final and operational contribution arrangement for the BDSPP area unless endorsed by Council. It is however considered that this road is of significant to the area.

Currently Thomas Road is classified as District Distributor “A”. Statistics (2007) show that over 16% of traffic is classified as Heavy Commercial, the speed limit is currently 90kmh with a high mix of light/passenger vehicles. The road is under Council control and receives funding from MRWA for maintenance and upgrading works.

With the high number of commercial traffic and local traffic it is considered that this road retain its hierarchy structure however the upgrading in accordance with the scheme including reduction in speed zoning and the implementation of traffic calming devices, essentially roundabouts and appropriate lane widths with commercial and light vehicles capacity must be implemented. There are a wide range of different matters that will need to be considered as part of the contribution arrangement including preliminary designs, cost estimates, timing, priorities and the responsibilities of different stakeholders. This report provides Council with the opportunity to provide a direction forward for the Town Centre District Distributor Road and allow stakeholders to make informed decisions in due course.

Relationship to Statutory processes

As the planning for the Town Centre District Distributor Road progresses, there may be the need to update the BSP, individual LSP's and in turn TPS 2. Any such modifications/amendments to the aforementioned planning instruments would need to be progressed through relevant statutory processes. There are both time and resource implications associated with the relevant statutory processes.

With a view to progressing forward in the most expedient manner, it is recommended that the Shire progress the planning for the Town Centre District Distributor Road. As a greater degree of certainty is achieved in the planning for the Town Centre District Distributor Road, consideration can then be given to the updating the relevant planning instruments. It must, however, be acknowledged that in the instance of a dispute between relevant stakeholders, the existing statutory planning instruments shall prevail.

Options

At this point in time, Council is not required to make formal statutory decisions but rather establish some key principles and provide some direction for further investigation and consultation with relevant stakeholders. The options available to Council at this point in time are:

Cross section

- (1) Provide in-principle support for the generic cross section(s) for the Town Centre Distributor Road, as proposed.
- (2) Provide in-principle support for the generic cross section(s) for the Town Centre Distributor Road, with modification
- (3) Not provide in-principle support for the generic cross section(s) for the Town Centre Distributor Road until specific issues have been further investigated

Intersection Treatments

- (1) Provide in-principle support for the proposed indicative intersection treatments, as proposed;
- (2) Provide in-principle support for the proposed indicative intersection treatments. With modification
- (3) Not provide in-principle support for the generic cross section(s) for the Town Centre Distributor Road until specific issues have been further investigated

Conclusion

The Town Centre District Distributor Road is identified as an important arterial road within the BSP Area. A number of LSP's, detailed subdivisions and the developer contribution

arrangements for the BSP area are all influenced by, and potentially dependent upon, the future form and function of the Town Centre District Distributor Road. It is important that Council establish a direction forward so that all stakeholders can progress their decision-making from an informed position.

Voting Requirements: Simple Majority

Planning Officer left the meeting at 2.55pm and returned at 2.57pm.

SCM020/12/09 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Geurds, seconded Cr Harris

That Council:

1. Note that there remains uncertainty about the future form and function of the Town Centre Distributor Road and associated roles and responsibilities, however recognise that it is important that some preliminary direction be established.
2. Acknowledge that local residents will expect, at the detailed design stage for the Town Centre District Distributor Road, that all reasonable efforts will need to be made by responsible authorities to minimise the impacts of the future road and careful attention will need to be given to landscaping treatment, intersection treatments and noise amelioration.
3. Provide in-principle support for the indicative cross-sections, as provided with *Attachments SCM020.3/12/09* and *SCM020.4/12/09* as a basis for the following:
 - (i) Progressing the Byford Developer Contribution Arrangement;
 - (ii) Progressing further investigations into the ultimate alignment of the distributor road; and
 - (iii) Progressing further investigations into intersection treatments;
4. Establish a minimum Town Centre District Distributor Road reservation width of:
 - (i) 30 metres in commercial areas within the town centre and Thomas Road intersection; and
 - (ii) 25 metres in non built up areas adjacent to Public Open Space.
5. Provide in-principle support for a four way intersection at Thomas Road, Masters Road and Town Centre District Distributor Road, and a T-intersection at Malarkey Road and the Town Centre District Distributor Road as a basis for the following:
 - (i) Progressing the Byford Developer Contribution Arrangement;
 - (ii) Progressing further investigations into the ultimate alignment of the distributor road; and
 - (iii) Progressing further investigations into intersection treatments;
6. Further investigates the impact of closing Larsen Road at the intersection with the Town Centre District Distributor Road.
7. Require a further report to be presented to Council in due course once preliminary investigations in respect of the Town Centre District Distributor Road have been finalised and ahead of detailed design and construction.

CARRIED 10/0

Note: The Officer Recommended Resolution was changed with the addition of attachment *SCM020.3/12/09* to part 3. The Presiding Officer deemed this to be a minor amendment which did not change the intent of the recommendation.

SCM018/12/09 BYFORD DEVELOPER CONTRIBUTION ARRANGEMENT (A1661)	
Proponent:	Not applicable
Owner:	Not applicable
Officer:	Simon Wilkes – Executive Manager Planning
Senior Officer:	Brad Gleeson – Director Development Services
Date of Report	10 October 2009
Previously	OCM035/04/06
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

In Brief
The Byford Developer Contribution Arrangement needs to be finalised to provide certainty for all stakeholders. In order to finalise the Contribution Arrangement through statutory processes, it is necessary to establish the key principles. Endorsement of a number of key principles is recommended.

Background

Council for some time has been seeking to finalise a Developer Contribution Arrangement (DCA) for the Byford area. The finalisation of the Developer Contribution Arrangement is a desirable goal, to provide certainty for all stakeholders involved.

Amendment 113 was progressed in parallel with the finalisation of the Byford Structure Plan (BSP). Amendment 113, following consultation, subsequent modifications and ultimate consideration by the Minister for Planning, was ultimately gazetted. Amendment 113 did not formally establish the exact provisions relevant to the Byford Area, nor was a formal development contribution plan (DCP) progressed through statutory processes.

Amendment 150 was initiated by Council in April 2006, in an effort to progress the detailed provisions for the contribution arrangement.

Since April 2006, the following have taken place:

- A review of the Byford Structure Plan (BSP);
- A considerable amount of subdivision and development;
- The progression of a number of Local Structure Plans (LSP's);
- The preparation and finalisation of the Byford Townsite Drainage and Water Management Plan;
- A number of individual modifications to the Byford Structure Plan; and
- Investigations into the design principles, cost estimates and options available for infrastructure items that could potentially form part of a contribution arrangement.

In parallel with the above processes, the State Government has been progressing and finalising State Planning Policy SPP3.6, to provide a broader framework for Developer Contribution Arrangements (DCAs). SPP 3.6 was gazetted in November 2009.

In order to move forward and in the context of the information currently available, it is important that Council establishes the key principles that it wishes to incorporate into the DCA. This report provides Council with the opportunity to consider key principles ahead of progressing through formal statutory processes.

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 landownership. 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.

When designing, costing and deciding whether to include infrastructure in a DCA, the potential impact on the environment (and measures required to mitigate impacts) are relevant considerations that need to be properly considered by relevant stakeholders.

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 natural, human and financial resources to be efficiently and effectively used.

Use of Local, renewable or recycled Resources: A DCA does not have a direct impact on the use of resources, however indirectly a DCA can have significant impacts; that is through the design and construction of infrastructure. There are significant opportunities for Council and other stakeholders to consider the use of local, renewable or recycled resources at the time of infrastructure design and construction.

Economic Viability: DCAs have the potential to have a very significant impact on the financial position of a wide range of stakeholders, 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 contribution arrangement. The financial impacts of DCAs on all stakeholders should not be underestimated. Further information on this matter is provided later in this report.

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 person will be able to be satisfied. Roads, paths, public open space are some of the key considerations.

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.

The financial risks associated with establishing and implemented 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.

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
Town Planning Scheme No. 2
SPP 3.6
BSP

**Policy/Work Procedure
Implications:**

A number of local planning policies and work procedures will need to be developed and implemented to support the finalisation of the developer contribution plan.

Financial Implications:

There are significant financial implications associated with DCAs. The implications are discussed in detail later in this report.

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.
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.

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. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
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: 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

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
3. Regularly update information services and IT capacity to support programs and projects.
4. Balance resource allocation to support sustainable outcomes.

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.
3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategies:

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

Comment:

This report provides Council with the opportunity to confirm the key principles that are to be incorporated into the DCA for the Byford Area, ahead of progressing further through formal statutory processes and stakeholder engagement. A presentation was provided to Council on 8 December 2009, which outlined a number of options available to Council.

There are a number of key over-arching principles that need to be explored, as follows:

- Consistency with State Policy;
- Consistent with other Local Government Areas;
- Relationship to 'community infrastructure'
- The importance of finalising the DCP in a timely manner;
- The importance of minimising financial risks to Council (and other stakeholders);
- The importance of ease of use/simplicity.

Each of these matters is explored below in the subsequent sections.

Consistency with State Policy

Planning Bulletin 18 was released by the State Government in 1997, in an effort to achieve a consistent approach to the formulation of DCAs across a number of local government areas. The bulletin established the broad scope of infrastructure/costs that were considered reasonable and acceptable to include in contribution arrangements

When Amendment 113 was formally considered by the Western Australian Planning Commission (WAPC) and Minister, concerns were raised about a number of items proposed

to be included in the Byford DCA that was not specifically allowed for under Planning Bulletin 18.

A copy of Planning Bulletin 18 is with attachments marked SCM018.1/12/09.

Over the past few years, the State Government has been seeking to finalise SPP 3.6 as an over-arching position of the WAPC. SPP 3.6 was ultimately gazetted in November 2009 and now forms part of the WAPC policy framework.

A copy of State Planning Policy 3.6 is with attachments marked SCM018.2/12/09.

SPP 3.6 contains a number of key recommended principles for DCAs, as follows:

“1. Need and the nexus

The need for the infrastructure included in the development contribution plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

2. Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

3. Equity

Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.

4. Certainty

All development contributions should be clearly identified and methods of accounting for escalation agreed upon at the commencement of a development.

5. Efficiency

Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

6. Consistency

Development contributions should be applied uniformly across a Development Contribution Area and the methodology for applying contributions should be consistent.

7. Right of consultation and arbitration

Land owners and developers have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe that the calculation of the contributions is not reasonable in accordance with the procedures set out in the draft Model Scheme Text in appendix 2.

8. Accountable

There must be accountability”

While considered to be generally sound principles, it is recommended that an additional principle be incorporated into Byford DCA, as follows:

- Minimising the financial risk to Council and landowners to the maximum extent practicable, through minimising the number of items included.

Consistency across Local Government Areas

There is no legal obligation on Local Governments (LGs) to establish DCAs. In the past, a number of LGs have established DCAs, in a variety of different forms, scales and contexts. Examples have included 'guided development schemes', 'resumptive schemes' and structure plan-based DCAs. The Byford DCA is the first formal arrangement for Council. A lot of lessons can be learnt from the experiences of other LGs, which can be broadly be summarised in the following points:

- The importance of allocating sufficient resources to both the formulation and implementation of DCAs;
- The importance of working closely with all stakeholders in a cooperative yet arms-length manner;
- The importance of minimising the financial risk to Council (and other stakeholders)
- The importance of keeping DCAs simple and easy to use;
- Only establishing contribution arrangements where the benefits outweigh the costs;
- DCAs are not an appropriate tool to address historical or present lack of investment in the maintenance of existing infrastructure; and
- Carefully considering any decision to include any infrastructure/costs, over and above that provided for under State Policy.

A number of Metropolitan LGs are currently administering contribution arrangements, including Gosnells, Cockburn, Wanneroo and Armadale. Whether justified or otherwise, comparisons are made by stakeholders such as land developers and state government agencies, about the manner in which LGs establish and administer DCAs. A common theme that is emerging from consultation with LGs is the overall importance of keeping DCAs simple and to infrastructure/costs to a minimum.

Relationship to Community Infrastructure

The investigations and formal efforts to date for the Byford DCA have been limited to the provision of 'standard' infrastructure, necessary to meeting the basic needs of a community such as transport networks, drainage infrastructure and public open space. Such traditional infrastructure is in some circumstances referred to as 'physical' or 'hard' infrastructure. SPP3.6 (Appendix 1) seeks to formalise the scope of infrastructure/costs associated under standard DCAs.

SPP3.6, now gazetted, provides a 'head of power' for the establishment of contribution arrangements for 'community infrastructure'. A definition for community infrastructure has been provided in SPP3.6, as follows:

"...the structures and facilities which help communities and neighbourhoods to function effectively, including

- *sporting and recreational facilities*
- *community centres*
- *child care and after school centres*
- *libraries and cultural facilities; and*
- *such other services and facilities for which development contributions may reasonably be requested, having regard to the objectives, scope and provisions of this policy."*

A considerable amount of work has been progressed by the Shire in respect of the provision of future community infrastructure, that may form the basis of future contribution arrangements. It is strongly recommended that Council keep the formulation of contribution arrangements for traditional infrastructure separate to the formulation of contribution arrangements for community infrastructure. The reasons for this include:

- The existence of legal agreements with a number of subdividers in the Byford Area, for the provision of infrastructure under an arrangement to be established under Amendment 150;
- Minimising potential delays in finalising contribution arrangements for traditional infrastructure;

- Minimising financial risks to Council and other stakeholders; and
- Transparency, accountability and ease of administration.

At this point in time, there is nothing preventing the establishment of multiple contribution arrangements that over-lap in part or whole. For example, a subdivision in the future may trigger the need for a landowner to make a contribution towards a precinct-based 'traditional infrastructure' arrangement at the same time as a contribution towards a district-level 'community infrastructure' arrangement.

The importance of finalising the DCP in a timely manner

The Byford DCA has been in preparation for some time, with various efforts made by Council to formally establish the arrangement. The Byford DCA has the potential to have significant financial implications for Council, developers and existing landowners. A concerted effort is being made by Officers to progress the DCA as quickly as possible, recognising the need to clear documentation, transparency and the number of stakeholders involved. The finalisation of the Byford DCA will continue to require a level of resources to be invested, consistent with that allocated in the 2009/2010 budget.

As noted earlier in this report, should Council seek to include infrastructure/costs that is beyond that provided for under SPP3.6, there are potential timeframe/financial risks involved and resourcing implications.

Minimising financial costs and risks

There are some relatively simple matters that sometimes get over-looked by stakeholders in the preparation and assessment in the formulation of DCAs, including:

- The more infrastructure/costs that is included in the arrangement, the higher the cost per lot (or per dwelling/hectare etc) will be at the time of subdivision or development;
- The more infrastructure/costs that is included the more difficult it is to formulate and ultimately implement;
- The more infrastructure/costs that is included, the greater the level of financial risk that Council takes on, in effectively under-writing the arrangement;
- It is reasonable and acceptable (and in some instances most effective) for some infrastructure to be provided through subdivision and development processes;
- It is not realistic to expect that the expectations of every single stakeholder in a DCA will be satisfied;
- There is generally no legal obligation for a local government to establish a DCA or to include a particular infrastructure type/cost in a DCA;
- Land development occurs in a competitive environment and developers are generally not supportive of having to pay a contribution that would result in a financial benefit to a competing company;
- Subdividers generally like to be able to attract as much 'credit' for infrastructure developed/costs incurred against a contribution arrangement; and
- Subdividers generally like to pay the least contribution possible.

It should be noted that it the two last dot points can represent a fundamental conflict; a balanced approach is generally required.

In deciding what infrastructure/costs should be included in a DCA, financial risk to stakeholders (Council and others) should be a primary consideration. Land, as an example, is one of the most difficult items to include in a DCA for the purpose of public open space, drainage or similar, for the following reasons:

- Financial valuations are based on sales evidence only and effectively only an opinion of the valuer;
- Land parcels vary in size;

- Land parcels vary in location;
- Land parcels have various levels of improvements (dwellings etc)
- Land values can fluctuate considerably over time, particularly during periods of high economic growth.

In addition to the above, finalising a DCA for Byford incorporating land is particularly difficult, as some subdivision activity has already been completed, some land has been ceded for various public purposes, subdivision approval has been granted for a significant number of lots and the amount of public open space varies between each subdivision, for a number of reasons including drainage.

It may be justified, however, in the future and in particular circumstances and/or precincts, such as the Town Centre or the 'Doley Road Precinct' to look at including public open space in a DCA. In parallel with the progression of the Byford Town Centre LSP through statutory processes, investigations are being progressed into future infrastructure requirements and potential funding arrangements to achieve a coordinated between infrastructure and land use planning. For the Doley Road precinct, a LSP will be required in the future to provide a framework for future subdivision and development. There are a number of different ways that an LSP could be developed (including landowner funded) and at this stage, Council has not allocated any resources. In parallel with an LSP, arrangements investigations should be progressed into the provision of POS could be best achieved.

Ease and simplicity

A key principle that has been incorporated in SPP3.6 is simplicity and ease of interpretation. Although it is not possible to factor in every conceivable scenario, a consistent and understanding approach, based on sound principles is critical. It is recommended that in finalising the Byford DCA, that ease and simplicity be factored, wherever possible.

Interim Arrangements

It is unfortunate, although necessary, for LGs to sometimes establish interim arrangements for the payment of DCAs. Swan and Gosnells are but two examples of other LGs that are currently managing similar arrangements to Byford. Subdividers do need to accept that if they do choose to proceed with subdivision/development ahead of the finalisation of a DCP that they are taking a financial risk and that an adjustment may be required upon the finalisation of the DCP.

Based on legal advice and accepted practice in Western Australia, interim arrangements generally consist of the following:

- The establishment of a legal agreement, at the cost of a subdivider;
- The payment of an initial estimate of funds, not less than the current estimate;
- The establishment of sufficient security, to ensure that the financial risk to the Shire (and in turn the community) is minimised, typically in the form of a caveat over land
- A final adjustment (payment/refund) upon the finalisation/gazettal and implementation of a DCA through statutory processes.

Officers of the Shire are currently exploring all options and obtaining legal advice for interim arrangements, particularly for areas in highly fragmented landownership and with existing development. A further report will be presented to Council at the earliest opportunity in this respect, outlining the options available to Council.

Community Consultation

Key principle that is incorporated in draft SPP3.6 include transparency, simplicity and accountability. Stakeholder engagement will be a critical component of finalising the Byford DCA. Amendment 113 was advertised for public comment. An industry briefing session was

convened in November 2008, providing a general update on the path forwards. The need to finalise the DCA at the earliest opportunity was identified as a key objective for stakeholders. Similarly, the need to consider subdivision and development that had already taken place, with associated infrastructure provision, was a critical manner.

Following the determination of key principles by Council to be incorporated into the DCA, the following are envisaged:

- Consultation with key developers in the Byford Area, regarding anticipating timing of subdivision activity and critical infrastructure design and costings;
- Consultation with relevant government agencies;
- A series of information sessions for landowners in the Byford Area, outlining the key principles of the DCA and the opportunities for help shape the process;
- Semi-regular information notes, media releases and the like to ensure that all stakeholders are kept suitably informed.

In addition to the above, stakeholders will be provided the opportunity to provide comment during the formal advertising of Amendment 150 and the DCP documentation. Extensive stakeholder engagement for a DCA, in an area of fragmented landownership, requires considerable resources. In addition, it is not realistic to expect that the aspirations of every single stakeholder will be able to be satisfied. It is recommended that the DCA be progressed on the basis of sound principles, through due process and in a timely manner.

Cost estimates identified to date

A critical component of any DCA is the formulation of initial estimates for infrastructure and other costs. Considerable investigations have been completed in respect of infrastructure costs for the Byford Area.

Preliminary estimates for infrastructure and other costs are with attachments marked:

SCM018.3/12/09

SCM018.4/12/09

SCM018.5/12/09

SCM018.6/12/09

SCM018.7/12/09

SCM018.8/12/09

SCM018.9/12/09

SCM018.10/12/09

SCM018.11/12/09

It should be noted that two different cost estimates have been provided for Thomas Road – one being the full cost of upgrading and the second being the anticipated costs that should be apportioned through the DCA, recognising that the construction costs associated with the second carriageway are normally State and/or local government responsibility.

As is accepted practice with all DCAs, cost estimates should be continually refined to ensure that:

- Decisions are being made on the best information available at that particular point in time;
- Unforeseen circumstances/risk are identified at the earliest opportunity; and
- Cost estimates reflect as much as possible actual costs of infrastructure delivery.

The preliminary estimates prepared for the Byford Area are not perfect are currently being refined. A number of assumptions have had to be made, such as the future form and function of Thomas Road and the Town Centre Distributor Road. Similarly, projected traffic volumes have had to be assumed. The estimates are however the best information available at this point in time and are considered sufficient for the purposes of considering the key principles (and associated opportunities and risks) associated with the Byford DCA.

As part of moving forward with the Byford DCA, technical investigations will be continuing, and significant input/review will be sought from the development industry and other stakeholders to ensure that estimates are based on the best possible information. While the cost estimates have been prepared to be as realistic as possible, it is hoped through further refinement that cost estimates may be able to be reduced.

Apportionment of costs on a precinct-basis

It is common for DCAs to be established on a precinct-basis, recognising the different levels of fragmentation of landownership and infrastructure demands. A number of precincts were established for the Byford Area, through Amendment 113.

The existing Byford DCA precincts are shown with attachments marked SCM018.12/12/09.

Although there are a number of options available to Council with respect to DCA precincts, including modifying boundaries, it is recommended that the current precincts being retained and used as a basis for finalising and ultimately implementing the DCA.

It is important that Council establishes which infrastructure/costs will be apportioned to each precinct. The following table provides the recommended apportionment.

TABLE 1 – COST APPORTIONMENT PER PRECINCT

	A	B	C	D
Thomas Road	X	X	X	X
Abernethy Road	X	X	X	X
Orton Road	X	X	X	X
Town Centre Distributor Road	X			
Other distributor roads (Warrington/Kardan Blvd)	X			
Public Open Space	X	X		X
Water monitoring	X	X	X	X
Bridle trails	X			
Administration	X	X	X	X

A= West of Railway B= Stanley Road/Sunrays Estate C= Existing Byford Townsite/Old Quarter D= Lot 2 Nettleton Road, Byford.

It is not realistic to expect that precinct boundaries will meet the expectations of every single stakeholder involved. Precinct boundaries and the apportionment of costs need to be based on sound-principles and be reasonable in nature.

It is recommended that costs be apportioned on a per lot basis, across the different precincts to ensure there is a clear nexus between development (and associated demands) and infrastructure provision. The recommended precincts and apportionment of costs represents a sound approach for the following reasons:

- Precincts that have more lots/dwellings, contribute more to the contribution arrangement; and
- Properties that achieve more lots/dwellings, contribute more to the contribution arrangement. Equally, less development requires less contributions.

There will likely be the need to establish further precincts in the future as part of the DCA implementation, to facilitate specific planning objectives. For example, Council may give consideration in the future to establish DCA precincts specifically for the Doley Road Area,

the existing Byford Townsite, the expansion of the Byford Town Centre and the Stanley Road Area. In parallel with more detailed planning and investigation, each precinct could potentially have its own precinct for the purposes of establishing specific infrastructure and an associated method of apportioning costs. At this point in time, it is considered likely that costs would ultimately be payable towards both the district-level arrangement and also a precinct-level arrangement.

Path forward

As outlined in various sections of this report, there is still a considerable amount of work involved in finalising and ultimately implementing the Byford DCA. Tasks that are currently scheduled include:

- Consultation with the development industry;
- Consultation with other landowners;
- Consultation with relevant government agencies;
- Completing an evaluation (and obtaining legal advice) for the different options available to Council in respect of interim arrangements.
- Further technical investigations into infrastructure/costs.
- Formally progressing Amendment 150 through relevant statutory processes.

Officers will be making every effort to progress matters in a timely manner, recognising the importance of finalising the DCA at the earliest opportunity.

Conclusion

There are some inherent challenges with establishing and administering DCAs, these include:

- The fact that those subdividing and developing land will generally want to pay as little as possible towards the provision of infrastructure;
- The fact that those subdividing and developing land will generally want to have as much assistance as possible with the provision of infrastructure and be able to claim as 'credit' as much as possible;
- The need to achieve a balanced approach; and
- Considerable resources are required to establish and administer DCAs.
- The fact that it is not possible to meet the expectations of every single stakeholder.

In this context, it is important that a balanced approach be taken. Confirming the key principles for the Byford DCA is an important step in moving forward through formal processes, in an efficient, effective and transparent manner. This report provides Council with the opportunity to confirm key principles for incorporating into the Byford DCA through statutory processes, including stakeholder engagement.

Voting Requirements: **ABSOLUTE MAJORITY**

Executive Manager Finance Services left the meeting at 3.12pm and returned at 3.13pm.

SCM018/12/09 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Geurds, seconded Cr Harris

That Council:

- A. Notes the potential merits of finalising the Byford Development Contribution Arrangement, on the over-arching principles outlined in Statement of Planning Policy 3.6 and a simple, clear approach that minimises the financial risk to the Shire and in turn other stakeholders;**

- B. Endorses the general principles for the progression of further investigation, stakeholder engagement and statutory processes for Byford Development Contribution Arrangement, as follows:**

RECOMMENDED PRINCIPLES FOR PROGRESSING THE BYFORD DEVELOPMENT CONTRIBUTION ARRANGEMENT

1. That the period of operation for the contribution arrangement be in the order of fifteen (15) years.
2. That the contribution arrangement be reviewed not less than annually, allowing for more frequent reviews to be completed on as-required basis.
3. That the contribution arrangement be limited to ‘traditional infrastructure’.
4. That the precincts currently established in Town Planning Scheme No. 2 be retained.
5. That infrastructure/ costs be apportioned in accordance with Table 1 below:

TABLE 1 - COST APPORTIONMENT PER PRECINCT

	A	B	C	D
Thomas Road	X	X	X	X
Abernethy Road	X	X	X	X
Orton Road	X	X	X	X
Other Distributor Roads	X			
Public Open Space	X	X		X
Water monitoring	X	X	X	X
Bridle trails	X			
Administration	X	X	X	X

A= West of Railway B= Stanley Road/Sunrays C= Existing Byford Townsite/Old Quarter, D= Lot 2 Nettleton Road, Byford.

6. That contributions for residential development be determined on the number of additional dwellings/lots being created at that point in time.
7. That contributions for non-residential development be determined on the number of dwellings/lots that could have been developed at an R20 density (assumed 500m² per dwelling/lot, no deductions for roads etc), or the actual number of dwellings/lots created, whichever is the greater.
8. That land identified as having conservation value, for example conservation category wetlands, be excluded from the contribution arrangement.
9. That contributions for residential development be permitted on a staged basis, based on the actual number of lots/dwellings created at each transaction.
10. That the methodology for determining land values suggested in State Planning Policy 3.6, titled ‘Statutory Static Feasibility Assessment Model’ not be used as it is contrary to the key principles of simplicity, transparency and certainty.
11. That for the purposes of determining land values, for public open space, road widening and similar, that an englobo land value be established and reviewed on a regular basis.
12. That open space be determined on a precinct-basis, which in some instances may be over and above 10%.

13. That the costs associated with public open space development be specifically excluded from the contribution arrangement and instead achieved through subdivision.
14. That where land is identified as being a component of road widening/construction for Other Distributor Roads, that only that portion of land over and above a 20 metre-width, shall be included in the contribution arrangement.
15. That where interim intersection treatments are established from subdivisions onto the distributor road network that all costs associated with the interim arrangements be the responsibility of the subdivider and not recoverable through the contribution arrangement.
16. That rather than locking in exact priorities at this point in time for infrastructure provision, that the following key principles be established:
 - Minimising financial risk to the Shire.
 - Constant turnover of funds.
 - Prioritising the purchase of land identified for public purposes which encompasses all of, or a substantial portion of one landholding.
 - Constructing infrastructure on an “as needs” basis.
 - Undertaking works and land acquisition in areas of fragmented owners.
 - Identify infrastructure work and land acquisition priorities through a development contribution plan for Byford, and through subsequent reviews of the plan.
 - To be reviewed on an annual basis, in parallel with forward financial plan and annual budget process

IMPORTANT NOTE FOR STAKEHOLDERS:

Nothing within this schedule should be construed as a commitment or support (or otherwise) for a particular infrastructure item/cost being included a final development contribution plan for Byford – final infrastructure/costs can only be determined upon the completion of statutory processes including the gazettal of a scheme amendment.

- C. Notes that the cost estimates in the various attachments to this report are preliminary only, do not include Goods and Services Tax and are subject to further refinement, through technical investigation and stakeholder engagement.
- D. Notes that a further report will be presented to Council to formally consider Amendment 150 and a formal Developer Contribution Plan for the Byford Area at the earliest opportunity.
- E. Notes that a further report will be presented to Council to outline the different options available to Council in respect of interim arrangements for those persons wishing to progress with subdivision/development ahead of the finalisation and implementation of the Byford Development Contribution Arrangement.
- F. Notes that specific precincts may be potentially established in the future to address the specific planning/infrastructure needs of area, with specific examples including the provision of lane-ways and public open space within the existing residential areas of Byford and the provision of infrastructure to facilitate the implementation of the (currently draft) Byford Town Centre Local Structure Plan.

CARRIED 10/0

9. URGENT BUSINESS:

Nil

10. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

11. CLOSURE:

There being no further business, the meeting closed at 3.16pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 21 December 2009.

.....
Presiding Member

.....
Date