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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 8th JUNE 2010. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 3.02PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: S TwinePresiding Member
M Harris
C Buttfeld
MJ Geurds
C Randall
T Hoyer
E Brown
A Lowry
A Ellis

OFFICERS: Mrs S van Aswegen Acting Chief Executive Officer
Mr A HartDirector Corporate Services
Mr R Gorbunow Director Engineering
Mr B Gleeson Director Development Services
Ms P KursarMinute Secretary
Mr S Wilkes Executive Manager Planning
Mr D van der Linde..... Executive Manager Strategic Planning
Ms C MihovilovichExecutive Manager Finance Services
Mr C WansbroughProject Manager –
..... Water Sensitive Urban Design

OBSERVERS: Ms K Cornish PA to
..... Director Strategic Community Planning

APOLOGIES: Nil

GALLERY: 11

2. PUBLIC QUESTION TIME:

SCM041/06/10 - Colleen Rankin (33 South Crescent, Byford)

It is pleasing to see the Byford Town Centre LSP coming to fruition. It is however disappointing to read that an internal review, carried out after the draft plan was completed, identified so many 'key issues' that were contrary to Councils, developers and the community's known position, which resulted in a delay to the plans completion and substantial additional cost. These key issues include density along the interface with the Trotting Complex, connecting a street through the complex to the Town Centre, diverting Soldiers Road at an awkward angle so that the development potential of the land was compromised and precluding right turn access to George Street from Abernethy Road. The plan also wiped out most of the parking bays for the shops located on George Street.

Q1 Why was the project not monitored by staff so that 'key issues' could be identified before they appeared in the draft that was advertised to the public? The resulting \$145,000 debt, which is to be recouped from developer contributions, will result in the loss of some amenity those contributions would have provided for the town.

I am very surprised and somewhat dismayed at information provided in the report under Item 11. Advice from the retail consultant states that the Council's desire for a Main Street retail configuration potentially precludes a discount department store.

Q2 Why does a main Street configuration potentially preclude a discount department store? It is disappointing that the consultant made such a negative statement instead of doing the research and stating how well it can and has been done in many parts of the world. Wagga Wagga in NSW has Main Street shopping with K Mart, Big W and Target, all right on the street front. I have provided photos for the consultant, Council staff and Councillors.

Q3 Will Council documents now state that Main Street retail configuration will be achieved and can include a discount department store?

With regard to the actual content of the Town Centre plan I do have a concern that it proposed a parking ratio of 1 bay for every 20m² of gross leasable area which is a lower standard than that usually required by TPS2. Much of Byford's population is located quite some distance from the Town Centre and there are also people who cannot walk even a relatively short distance to shops or carry home shopping. With no public transport from almost all areas of Byford to the Town Centre, parking must be generous at least in the short to medium term.

Q4 If that ratio is accepted as part of the Plan will the proposed Parking Strategy be able to ensure adequate parking?

The Presiding Member advised that the questions would be taken on notice. Responses will be provided in writing.

SCM041/06/10 - Paul Gangemi (219 Midland Rd, Hazelmere)

Q1 Why was there no notice issued to advise that this item was being discussed at this meeting?

A1 The Acting Chief Executive Officer advised that letters were sent to submitters on Wednesday 2nd June 2010. A letter was forwarded to Gray & Lewis who are the planning consultants acting on behalf of Mr Gangemi.

Q2 Why has the process changed? In 2005/06 we submitted a concept plan for Lot 15 Abernethy Rd for a shopping centre. Our site was included in the Town Centre on the Byford Structure Plan. Everything has been moved north to Abernethy Road. Why shift the area?

A2 The Shire President advised that any changes made to the draft LSP were to obtain the best planning outcome. The Byford Structure Plan is a high level plan that is flexible to some degree in order to obtain sound planning outcomes. The Byford Structure Plan is not a Zoning Plan whereas the LSP is.

Q3 Lot 15 Abernethy Road is paying Town Centre rates. The Government sent a bill for \$16,000 and the Shire issued a bill for \$7,000. Why are we being hit with such high tax?

A3 The Director of Corporate Services advised that the valuation is set by the Valuer General. Acting Chief Executive Officer also advised that Mr Gangemi's land at Lot 15 Abernethy Rd was still located within the town centre however its zoning was not proposed to be retail.

Gary Wilson (62 Rowe Road, Serpentine)

- Q1 What is Council's intent with regards to precinct planning within the Shire as a means of defending the rural wedge?
- Q2 Has Council considered the option of prioritising policy areas that need urgent review?
- Q3 Has Council considered that by reviewing small sections of its Rural Strategy within more manageable timeframes and budgets and doing so with in-house expertise, that these reviews are ultimately able to be combined to formulate the new Local Planning Strategy?
- Q4 Can Council work with proponents where there is a shared agreed vision to complete a review and achieve an amicable result?

The Presiding Member advised that the questions would be taken on notice. Responses will be provided in writing.

3. PUBLIC STATEMENT TIME:

SCM040/06/10 – Serpentine Jarrahdale Ratepayers Association

The Ratepayers Association has worked closely with Council to attempt to minimise any rate rise and to look for areas where money can be saved. We do realise that is a difficult task because of our small rate base and the extended area of the Shire with huge development overtaking us. The cost of planning for that urban development is more than we can be extended to pay so we are very pleased to read that Council intends to ask the Federal Government for financial assistance.

The Ratepayers Association is also lobbying the State Government for a grant to help with the development of Mundijong. We are concerned, that as happened in Byford, the various studies needed for Mundijong will end up being repeated at great cost to the residents if the development doesn't immediately follow the planning. It is hard to understand why the planning is being done at this time without any assurance that the State Government will immediately budget for the required infrastructure. We don't want to go down the same track as what happened in Byford. Huge sums of money have been spent planning Byford over the last 15 years with several studies being duplicated. Our rates will be paying for the cost of further planning in Byford with even more to be spent in Mundijong which means current residents are bearing the brunt of the benefits future residents will reap. Surely Council should borrow as much as necessary to alleviate the burden on current ratepayers.

We understand the difficulty of balancing a budget with utility costs rising substantially and roads and facilities to maintain, so schemes that only benefit a very small number of ratepayers cannot be undertaken in such difficult financial times. Money should only be spent on absolute essentials that benefit large sections of the community.

The Ratepayers Association appreciates the fact that the Council has always kept user costs for facilities to a minimum and that philosophy should be maintained as far as is possible. With the Council espousing the importance of community, joining local groups, supporting our youth and the elderly, it is most important that these charges not escalate beyond what many parents and pensioners can afford. While the difficulty of maintaining community facilities is understood, Councillors must realise that more than lip service is required to keep groups and individuals participating in sports and other activities vital for the health of the community. The amount raised by increasing user fees will have a serious impact on many individuals without raising substantial funds.

With regard to the Locality Funding Program we acknowledge its benefit to each area but can it be substantiated in the current financial climate? In conclusion we must continue to urge the Councillors to look at any avenue where savings can be made to increase borrowings to the limit.

SCM041/06/10 - Sepehr Vahdat – Keyline Nominees (PO Box 503, Serpentine)

I am writing in relation to the proposal to remove our property, Lot 102 Beenyup Road Byford, from the Byford Town Centre LSP. I submit that for the following reasons, the subject property has unique circumstances and should not be removed from the LSP;

1. The main rationale for removing the proposed area from the LSP subject to further investigation is a significant drainage issue associated with some parts of the proposed area. The subject property lies to the south of Beenyup Road. It is 1189sqm in area. The subject property has no drainage issue.
2. It is an established planning principle, that land uses opposite each other on the same road should be similar in form and function. The subject lot has a primary frontage to Beenyup Road and a secondary (longer) frontage to a future road reservation which is to extend to the south. This road is likely to carry a considerable amount of traffic in the future. Directly opposite the subject land, on the western side of this road reservation, is Lot 101 Beenyup Road (cnr. South Western Highway) which is zoned 'Commercial' and is included in the draft LSP. A development proposal for Lot 101 is currently being progressed with the Shire for a Hungry Jack's outlet and a commercial development. Therefore, the subject lot enjoys frontages to both residential zoned land (on Beenyup Road) and commercial zoned land (on the future road reservation). In accordance with this Planning principle for land uses to be the same on both sides of the road, there is considered to be sufficient planning justification for this property to be retained within the draft LPS for the Byford Town Centre and identified as suitable for development at the higher density code of Residential R60, in accordance with the Residential Design Codes of WA. In addition and given its secondary frontage and direct relationship to commercial land within the Byford Town Centre, as well as being adjacent to the medium density development to the south (Aspen development) it is considered that there is more than sufficient planning justification for this lot to be identified in the current draft LSP as a site well suited for a mixed use development with commercial type uses on the ground floor and residential uses on the second floor.
3. Directions 2031 – Draft Spatial Framework for Perth and Peel (WAPC, 2009) encourages a range of different uses incorporating higher density residential and commercial in and around activity centres and activity corridors. This principle applies to the subject land.
4. Draft State Planning Policy, Activity Centres for Perth and Peel (WAPC, June 2009) Section 5.2 States that 'retail, commercial, health, education, entertainment, cultural, recreational and community facilities and higher-density residential development should be concentrated in activity centres.' This principle applies to the subject land.
5. Liveable Neighbourhoods (WAPC, 2007) Element 7, under section titled 'Planning for employment and business' states: 'Locally available employment is vital to creating relatively self contained and vibrant communities with diverse employment choices. It also helps limit car travel, and reduces pressures to expand major roads to distant employment nodes. It also improves equity, especially for those needing low income part-time jobs, and helps support inward or destination custom on public transport.'

In accordance with the above planning principles I request that Lot 102 Beenyup Road not be removed from the Byford Town Centre LSP. Your consideration of this request is much appreciated.

Clayton Oud (301 Lightbody Road, Mundijong)

In April 2009 Council resolved to rescind the motion on closing Lightbody Road due to pressure from absentee landholders and the broader community.

The decision to leave Lightbody Road open to through traffic has made life more unbearable to the residents living on the road.

The prevailing attitude within Council that the sealing of Lightbody Road is of low priority constitutes a complete back flip on Council obligations to the residents and indicates a certain amount of deceitfulness in the process in forming the resolution to leave Lightbody Road as a through road.

Gary Wilson (62 Rowe Road, Serpentine)

Councillors, I understand that Council will be considering a budget item relating to a review of Council's Local Rural Strategy. Has the Council considered the option of prioritising policy areas that need urgent review [such as the Rural Subdivision Policy] and having such review undertaken in house by its own professional planning staff, as opposed to spending hundreds of thousands of dollars on consultants and waiting for years before a task of such magnitude can be afforded or in fact completed. Has Council considered that by reviewing small sections of its Rural Strategy within more manageable timeframes and budgets and doing so with in-house expertise, that these reviews are ultimately able to be combined to formulate the new Local Planning Strategy? Councillors, I ask your attention for these questions because the Rural Subdivision Policies of the current Rural Strategy are more than 15 years old and are now well overdue for review, and should not be delayed for another 3-4 years whilst Council awaits the time, money and expertise to complete the much larger planning study. A review of the Rural Policy Area is urgent and can be done within a 6 month timeframe using existing available in-house resources. As your planners and some old time Councillors are aware this has been going on for 14 yrs and after meeting all of the Shire's conditions planting more than 4000 trees in salt affected areas and water courses etc I don't want to get thrown out with the bath water again. I humbly request Council's support and ask the question can Council work with proponents where there is an agreed shared vision. Thank you for your time Councillors and staff.

SCM041/06/10 - Trevor Finlayson (Peet Limited)

Introduction

The consideration before you in relation to the Draft Byford Town Centre Local Structure Plan is extremely important and will have very significant impacts on current and future generations in this community.

We urge you to use the power and responsibly you hold to stop this Structure Plan from going any further – until serious technical and other issues, which will have a severe impact on land use, affordability and infrastructure development in your community, are properly addressed.

Peet Limited

As you're aware, Peet Limited and hundreds of Western Australians who are members of the Peet Byford Syndicate are very significant land holders in this area. In fact Peet and Saracen Properties – who hold the same concerns and views as Peet in relation to this matter – account for about half the Town Centre Precinct. Both are very experience land developers.

In fact Peet is Australia's largest specialist residential land developer and we've been a part of the Western Australian community for more than 115 years. We know what we're talking about when it comes to the sustainable development of land and building communities. And I take this opportunity to mention that recently, the Town of Kwinana recognised that by presenting The Village at Wellard with its "Looking Forward" award in recognition of the outstanding contribution we have made there over almost a decade.

The Proposed Byford LSP

Let me get down to business – because your decision this afternoon is too important to get wrong.

There has been a lot said and written about this, and earlier versions, of the proposed Local Structure Plan before you. So I will make a few simple but critical points in the time available. The detail of what I'm saying to you today – including the technical evidence – is included in our full submission made in response to the Byford Town Centre Local Structure Plan, and copies of which were provided to the Shire offices with a request that they be distributed to all Councillors.

In short, the proposed Byford Town Centre Local Structure before you:

- Is not safe for your community;
- Has extraordinary hidden cost implications – it's a plan that will cost your community enormous amounts of money in the years ahead;
- Does not make good use of the land, so it fails again on the sustainability test;
- Is not consistent with other good planning work endorsed by your Council – the Byford District Structure Plan (and the Byford Water Management Plan); and
- Does not reflect fair, open and transparent consultation with landowners in the area.

Safety risks

First: The Local Structure Plan before you has very significant technical risks. And by that – first and foremost – I mean safety risks for your community. We – and the very experienced engineers working with us – believe there are still serious drainage issues which need addressing in this plan. In simple terms, the rate at which water could flow in the open drainage proposed in this plan is many times the limit recommended for safe public drainage – not by Peet, but by the Australian Rainfall and Runoff guidelines. The biggest risk that poses to your community, and particularly to children, is the ultimate risk – their own safety. Under this plan, you could have a dangerous flow of water at high speed down an open drainage system.

Financial risks

The second risk – not as important as public safety but still very significant – is financial cost. If you go ahead with this plan, the issues with the drainage system will need fixing. When it rains hard, the swales will be scoured and need ongoing maintenance. Fixing the issue retrospectively will be very expensive – extensive and costly engineering structures. We are talking hundreds of thousands of dollars and perhaps much more.

Amenity – aesthetic risk

Those kinds of expensive engineering solutions require fencing – they're not usually used in residential areas. So fencing the whole open drainage system which would not only cost a fortune, but look terrible and create another "challenge" for young, adventurous members of our community, who would still be risking their safety if they were to get inside the fence. Nor would you resolve the scouring every time it rained hard and the swales filled with fast-flowing water. It's not the Byford of the future we believe you intended or intent to create.

Sustainability risk

We believe Council wants a sustainable future for Byford – socially, economically and environmentally. That's what Peet is working for. But it is not what this proposed LSP delivers. I've already touched on just some of the large community and financial risks. Let me now turn to good use of land in this community. Land is a very precious resource and

the plan before you makes poor use of it. We all know the tremendous increase in population predicted for Perth and for this region in particular and we know Byford needs to be ready for it if those new members of the community are to be housed in a sustainable, affordable way. This plan before you will basically “sterilise” more than half the Byford Town Centre north of Abernathy Road for a number of years, while the drainage issues are resolved. Because this plan calls for such a large amount of land from a single, large land holder in the area for a drainage system that has big problems, the development costs increase exponentially and the number of new community members for whom we can provide home sites decreases enormously. In short, development becomes unviable.

Infrastructure risk

It would be simple to dismiss that as Peet’s problem, but it would pose a risk to future members of your community looking for affordable housing. And it would pose a risk to the timing of infrastructure to serve your community. The Thomas Road deviation would not be built in a timely manner which would, in turn, impact on the Byford Town Centre.

The fairness test

The Byford Town Centre Local Structure Plan before you fails a basic fairness test and we don’t believe Council intended that. There is a seriously inequitable and unfair distribution of land uses, public open space and drainage. Something is wrong when the important responsibility to allow for these critical elements in a new residential community fall to so few of the landholders. It should be a shared responsibility and the plan before you does not achieve that.

Inadequate consultation

As the local Council, you probably know better than anyone that there can be different views and different stakes in a room but, with genuine consultation and collaboration, you can reach a good outcome. It might not be an outcome that thrills everyone from a personal perspective, but it’s a fair outcome that serves the greater good – the wider community. The proposed Local Structure Plan before you is not that kind of outcome. We do not believe there has been genuine consultation with landowners. And we do not hold that view alone. The consultation that has occurred has been “too little, too late” and tokenistic at best.

A number of the landowners in your community are very experienced and have very significant expertise in their consultant’s teams – all of which can be a great advantage to a local authority willing to tap into that expertise. In this case, there was a workshop with landowners after the local structure plan was initially advertised – when surely holding it during the development of the draft LSP would have been more useful, and signalled more genuine consultation. There has been no follow up consultation and we do not believe the very significant issues raised by major landowners at that one workshop have been adequately addressed and we don’t believe that is the outcome Council would have intended.

Conclusion

We urge Council to take this opportunity to call a halt to series of unintended and undesirable outcomes for you and your community....our community. There are good solutions to the issues in this plan and Peet and other major landowners would welcome the opportunity to work more collaboratively with Council to see those incorporated and presented to you. Those good solutions would save this community:

- Significant safety hazards.
- Huge financial burdens.
- A high price in terms of sustainability.
- Delays in infrastructure and in the Thomas Road deviation in particular.

In your own words, “land use planning and town planning, is all about the places in which we live, where we work, the opportunities we have to recreate, the transport networks we use and how much we impact on the environment.” The plan before you does not achieve the best results in any of those elements – but the next plan you are asked to endorse could achieve outstanding results for people who live, work and recreate in this community.

Your vote this afternoon is a legacy for the local community and we urge you to vote against this plan proceeding. It would mean a short term delay in return for improvements that would last for lifetimes to come. As I mentioned earlier, the detail and evidence for all I’ve said this afternoon is in Peet Limited’s full submission and I am happy to provide a copy of this submission if for some reason you have not previously received it.

I would be more than pleased to provide further information and a more detailed presentation personally, if that would assist in the future. Once again, thank you for this opportunity and we look forward to working with you to achieve the best results for Byford.

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT’S REPORT:

A Councillor Community Meeting was held on Tuesday 1st June, in the new sporting facility, previously known as the Mundijong Change Rooms. Over 70 residents attended and were taken on tours of the new building. Community groups had put up displays and our officers had provided Councillors with briefing notes on diverse subjects which assisted with questions from the floor. Each Councillor gave a short introduction and Cr Ashley Ellis made his maiden speech. David Bradbury was our able MC for the evening. Thank you to Lisa Fletcher and Ron Bettesworth for their organisation and carting of furniture which made the event a success.

World Environment Day on Friday 4th June, was held at SJ Grammar School. Displays and presentations were enjoyed by students throughout the day and by adults in the evening. Thanks to Eliza-Jane Jacques and others from the Environmental team for organising the event.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Nil

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

Nil

COUNCIL DECISION

**Moved Cr Brown, seconded Cr Randall that item SCM041/06/10 be discussed out of order whilst members of the gallery are present to hear the item.
CARRIED 9/0**

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:

SCM041/06/10	BYFORD TOWN CENTRE LOCAL STRUCTURE PLAN (A1613)	
Proponent:	Serpentine Jarrahdale Shire	<p>In Brief</p> <p>A draft Local Structure Plan (LSP) was prepared for the Byford Town Centre. Council considered the draft LSP and determined that it was satisfactory for advertising. The draft LSP was advertised and numerous submissions were received.</p> <p>Council considered the submissions received and resolved to adopt a process to finalise the draft LSP, including the undertaking of additional investigations and a series of workshops.</p> <p>Based on the initial submissions, additional investigations and workshop outcomes, a number of modifications were made to the draft LSP.</p> <p>A modified version of the draft LSP was then advertised.</p> <p>This report provides Council with the opportunity to consider the submissions received and a recommendation to adopt the draft LSP, subject to modifications, and forward the draft LSP to the Western Australian Planning Commission (WAPC) for consideration.</p>
Owner:	N/A	
Author:	Executive Manager Strategic Planning	
Senior Officer:	Director Strategic Community Planning	
Date of Report	3 June 2010	
Previously	OCM027/02/10	
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

At its meeting of 13 February 2007, Council initiated the Byford Town Centre LSP process, resolving that:

‘Council immediately commences the Local Structure Planning for Byford Town Centre, with the Council taking the lead role and working in collaboration and partnership with the affected landowners.’

The detailed planning process commenced in May 2007 when a vision workshop was held and attended by landholders, developers, Councillors, Shire officers and members of the community. The rationale behind the workshop was to bring together all stakeholders to revisit and review the existing vision for Byford Town Centre and to engage in a partnership arrangement. Various principles resulted from this engagement and these principles guided the drafting of the Byford Town Centre LSP.

In April 2008, a tender was issued to appoint a consultant to assist with the preparation of a LSP, detailed area plan (DAP) and design guidelines for the Byford Town Centre. This ultimately resulted in APP being appointed as the project manager in September 2008, with Urbis as the main town planning and urban design consultants, and GHD appointed as the engineering consultants on the project.

Council, at its special meeting of 12 October 2009, resolved that the draft LSP was satisfactory for advertising subject to modifications. The requisite modifications were made and the draft LSP was subsequently advertised for a period of 42 days, concluding on 18 December 2009.

Numerous submissions were received during the advertising period and these were presented to Council at its Ordinary Meeting of 22 February 2010. Council considered the submission received, as well as the outcomes of an internal review of the draft LSP, and resolved to adopt a process to bring about finalisation of the LSP. This process included undertaking additional investigations and a series of workshops with landowners, consultants and the community.

Based on the submissions from the first advertising period and the additional investigations and the workshop outcomes, a series of modifications were made to the draft LSP. A modified version of the draft LSP was then advertised for comment.

This report provides Council with the opportunity to consider the submissions received and a recommendation to adopt the draft LSP, subject to modifications, and forward the draft LSP to the Western Australian Planning Commission (WAPC) for consideration.

This report is structured in the following manner:

1. A detailed discussion is provided in terms of how issues raised in the 22 February 2010 Ordinary Council Meeting report have been subsequently addressed through the structure planning process.
2. The changes made to the initially advertised LSP, for the purposes of the second advertising period, are identified.
3. A detailed discussion of key issues raised during the advertising period for the modified LSP is provided. This section also identifies proposed modification to the draft LSP for Council's consideration.

Sustainability Statement

Effect on Environment:

- A. The proposal enhances:
 - the built environment by allowing a “mainstreet” development with active shop frontage, new infrastructure and a good urban design outcome.
 - the natural environment by keeping the natural waterways and enhancing the quality of the natural areas and by using trees that will complement the vegetation in Byford.
 - the community environment by providing for community areas that attempt to draw the community to the public areas to provide the active and vibrant areas that the Byford community desires.
- B. The proposal incorporates best practice in many of the aspects of urban design and has managed to get best outcomes for a number of aspects.

In terms of biodiversity, the LSP was rigorous in terms of protection of indigenous flora and fauna where at all possible and through the enhancement of existing natural features, attempts to create linkages to biodiversity/environmental corridors. The LSP has tried to

minimise site disturbance through cut and fill management but accepts that the overall area may require significant changes to enable it to function as a Town centre.

The LSP attempts to minimise car use by involving as many different transportation types to access the centre as possible and setting guidelines for public transport. It incorporates good passive solar design and protection against the prevailing winds. It also encourages renewable energy technologies and energy efficiency.

Considerable focus was placed on urban water management and water quality. A Local Water Management Strategy (LWMS) was drafted as part of the LSP. The LWMS addresses issues such as stormwater and waterways management, water management in construction, water sensitive urban design, maximum infiltration of water on site, and water saving devices.

The LSP proposes to minimise emissions to the environment including solid, liquid, gas, noise, electromagnetic radiation. Heritage and cultural issues have been addressed.

Resource Implications: The LSP attempts to minimise resource use, eg. energy, land, water and soil, compared to traditional development approaches by utilising best practice in terms of storm water management and solar passive design. Passive solar design is facilitated by eg facing the building north is encouraged and so reduces the impact of the prevailing winds. A water sensitive urban design approach indicates a number of possibilities for stormwater tanks, swales and increased infiltration.

Use of Local, renewable or recycled Resources: The proposal does not specifically mention the use of locally or regionally available or produced resources but the management plans would encourage this.

Economic Viability: The proposal will be economically viable in terms of direct costs and life cycle costs. Where there are risks associated with the overall costs, this is discussed under the comments at the end of the document.

The proposal has placed great emphasis on minimising external costs such as pollution from transport or car dependence, prevention of removal of biodiversity (flora and/or fauna), land and waterway pollution and reduction in quality of life of residents (noise, pollution). The development of town centres usually necessitate increase in resource use eg energy and water consumption but the plan addresses this through the water sensitive urban design principles and passive solar orientation. The Shire has indicated its willingness to ensure a good outcome and has indicated that although there will be costs (both monetary and non monetary) that the community or council will incur as a result of this proposal, these costs are necessary to get the desired outcome.

The maintenance of the extensive drainage swales and public spaces will incur maintenance costs that are currently not required. As such the proposal will not reduce future costs for Council as it does require initial costs to make the proposal work and will also result in continued maintenance of the drainage swales. These costs are however required to ensure that the outcomes are true to the principles that were considered critical to the project.

Economic Benefits: The LSP will provide significant economic benefits to the community which will include employment generation (through the retail and other commercial activities that will be drawn to the area), increase the local resource base (through the business activities that will result) and will help to diversify the Shire's economic base as the Byford town centre will be the district centre for the foreseeable future.

The LSP will be the catalyst for employment creation, may assist with tourism through making the area more enticing to tourism operators and should provide local resources possibilities by being the new active and vibrant district centre for Serpentine Jarrahdale.

Social – Quality of Life: The proposal improves the quality of life for the community through being sensitive to the various community values and principles that are held dear to the community.

Planning/Subdivisions: The LSP provides for the use of unrestricted solar access, public open space that enhances the special qualities that the community desires, has good design for crime prevention, retains as much of the existing vegetation as possible, provides good access to services such as the local shops and public facilities through public transport.

Assets: Provision has been made for quality roads and lighting for safety. Water sensitive urban design is one of the most critical components of the design and special attention has been given to the provision of pedestrian footpaths, trails and cycleways.

Finance: The LSP does not specifically address equitable cost structures to all residents eg rates, Council support of community projects however these will be considered as part of the Developer Contribution Plan.

Council activities: The LSP is focused on place-making and as such seeks to create a vibrant town centre that allows communities to be involved and will attempt to create mechanisms to provide for events and training.

Social and Environmental Responsibility: The LSP seeks to have dwellings orientated to overlook the public open space and streetscape thus increasing passive surveillance and providing a built form that contributes to the urban landscape rather than working against it. Dwellings will be designed and oriented to provide for a high level of passive solar access. There are significant portions of the property being set aside for open space retaining existing vegetation thus positively contributing to a sense of place. The proposed development seeks to incorporate principles of water sensitive urban design through the sound principles of the LWMS.

The proposal is designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation.

The proposal creates opportunities for the community to participate through the open days and attempts to provide opportunities for all sectors of the community to gain access to and participate in the creation of the space but also in the activities that should be created within the town centre.

The proposal will foster partnerships through management plans and engagement with the various developers to get the outcome that will make the town centre the centre of community activity.

Social Diversity: The proposal attempts to advantage all social groups by providing facilities and housing types for all the social groups in the community and provides for diversity in our community through different housing types, housing densities, public facilities and the like.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)
Byford Townsite Detailed Area Plan (DAP)
Byford Structure Plan (BSP)

**Policy/Work Procedure
Implications:**

Western Australian Planning Commission (WAPC)
Operational Policy - Liveable Neighbourhoods

Local Planning Policy (LPP) 22 – Water Sensitive Urban Design
LPP 19 - Byford Structure Plan Area Development Requirements

Financial Implications:

The Byford Town Centre Implementation plan indicates some major tasks that need to be finalised to ensure that the implementation is achieved:

1. A Town Planning Scheme amendment to bring the LSP into the Town Planning Scheme at an estimated cost of \$10 000
2. An amendment of Local Planning Policy (LPP) 19 to ensure that the LSP provisions are not in conflict with the LPP at an estimated cost of \$10 000
3. Finalisation of the Town Square and the public realm at an estimated cost of \$10 000
4. Investigation of the Development Contribution Arrangement options and determination of the Engineering costs involved at an estimated cost of \$20 000
5. Resource implications for assessment of applications and appeals conservatively estimated at \$10 000
6. There is a need to establish a Contribution arrangement (possibly only phase 1) at a cost of \$40 000.
7. There is a need to develop a parking strategy for the Town centre which will cost around \$15 000.

Strategic Implications:

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

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		2		Defend our scarp and forest from inappropriate uses.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		5	Restore	Establish and enhance waterways and bush corridors.
		6		Establish increased levels of natural vegetation in urban and rural environments.
	Integrated Water Cycle Management	18	Quantity	Identify and implement opportunities for detention and storage of stormwater.
		19		Protect and develop natural and man-made water sources.
		20	Quality	Improve and maintain surface and ground water quality.
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				design.
		23		Enforce the adoption of “better urban water management”.
		24	Natural systems	Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.
		25		Facilitate and encourage the preservation, management and restoration of natural water systems.
	Climate Change	29	Mitigation	Ensure that energy and water conservation is addressed at the local level.
		30		Minimise resource use
		33	Adaptation	Develop and implement climate change adaptation strategies.
BUILT ENVIRONMENT				
	Land Use Planning	1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		4		Ensure interesting, safe and well-connected pathways accessible and suitable for all users.
		5		Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.
		6		Subdivision layout will maximise the achievement of sustainable development through the utilisation of solar passive design principles.
		7		Press for the provision of public transport and the density of development needed to give effect to transit orientated design.
		8		Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		13	Buildings	Ensure the Shire’s rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		17		Preserve, enhance and recognise heritage values within the built form.
		18		Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.
		19		Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		21		Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		22		Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		24	Transport	Ensure safe and efficient freight and transport linkages within the Shire and region.
		25		Ensure future public transport needs and infrastructure are incorporated into the land use planning process within the Shire and region.
		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
		27		Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
		28		Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
		29		Plan and develop community gardens.
		30		Collaborate in the development of State planning proposals and lobby for the protection of Serpentine Jarrahdale's unique attributes.
		31		Encourage innovative solutions, technology and design.
	Infrastructure	37	Roads and bridges	Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
		38		Ensure that bridge and road network planning and development considers community safety and emergency management.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		40		Promote, implement and celebrate best practice integrated water cycle management.
		41		Create low maintenance living streams and ephemeral wetlands.
		42		Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
		43		Ensure infrastructure planning and design protects the community from flooding.
		44	Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.
		45		Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
		46		Encourage innovative solutions for the provision of utilities.
		47	Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
		48	Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
		49		Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
		50		Incorporate, in selective locations, deciduous "air conditioning", fruit and ornamental trees in streetscapes and public spaces.
		51		Encourage the innovative incorporation of rain, roof, vertical and hanging gardens in activity

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				centres to increase the level of amenity, educational opportunities and interest.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		53		Proactively and positively negotiate mutually beneficial outcomes with the development industry.
		54		Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
		61		Form strategic alliances for the more effective resolution and achievement of regional land use planning and infrastructure delivery.
		62		Advocate for reduction of regulatory barriers to local government forming innovative and entrepreneurial relationships.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Development	1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		6	Equine	Proactively advance the shire's equine industry including the range of associated support businesses.
	Industry Assistance	20	Strategy	Maintain an awareness of economic trends and forecasts that have the potential to impact on the sustainable economic growth of the Shire.
		21		Ensure strategy, policy development and land use planning provides increased opportunities for economic development, value adding activities and industry clusters.
		22		Protect existing and future businesses from incompatible land uses and activities.
		23		Undertake strategic Shire projects to stimulate local economies.
		24		Enter into partnership and joint venture projects that are mutually beneficial.
		25	Infrastructure	Advance the development of transport, technology and utilities infrastructure.
		26		Facilitate the development of consistent appropriate and informative signage throughout the Shire.
	Wellbeing	2	Healthy	Promote a variety of recreation and leisure activities.
		3		Enable the provision of a range of facilities and services for families and children.
		4		Monitor and respond to the changing needs of our ageing population.
		5	Happy	Promote respect, responsibility and resilience in our community.
		6		Improve access and inclusion for all.
		13	Safe	Achieve a high level of community safety
		14		Develop and implement crime prevention strategies.
		18		Empower
	Relationships	20	Empower	Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		21		Empower people to represent their community of interest.
		22		Achieve a sense of belonging through active networks and community groups.
		23		Build strong relationships that are resilient to the

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				pressures and challenges of growth and “breaking new ground”.
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.
		26	Celebrate	Acknowledge, utilise and celebrate the distinctiveness and diversity of our community.
		27		Actively engage, and value the contribution of all stakeholders in better decision making.
		28		Engage existing and new residents in sharing neighbourly and community values.
	Places	29	Vibrant	Create vibrant urban and rural villages.
		30		Develop well connected neighbourhood hubs and activity centres.
		31		Build the community's capacity to create vibrant places through activities and events.
		32		Ensure community spaces and places are accessible and inviting.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		35		Recognise the significance of prosperous businesses and groups in activating places and contributing to community safety.
		36		Plan and develop safe communities and places.
		37	Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
		39		Enable and develop sustainable, multipurpose facilities where duplication is minimised.
		40		Encourage the use of the arts to express our cultural identity.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
		42		Foster the sense of belonging and pride of place in our community.
		43		Acknowledge and accommodate diversity and multicultural interests in our places.
OUR COUNCIL AT WORK				
	Leadership	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
		2		Our structure, processes, systems and policies are aligned with the Plan for the Future.
		9		All decisions by staff and elected members are evidence based, open and transparent.
		10		The elected members and staff operate from a common understanding of sustainability.
		15		The Shire will set policy direction in the best interests of the community.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		31	The Planning Process	Develop comprehensive governance policies and strategies.
		32		Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.
		33		Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.
	Success and Sustainability	40	Achieving Sustainability	The culture, decision making and work systems need to be readily adaptable to change.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			ity	
		41		The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
		43		Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
	Knowledge and Information	49	Creating value through applying knowledge	Ensure evidence based decision making
		50		Improve service delivery through the application of knowledge.
	Customer and Market Focus	53	Gaining and using knowledge of customers and markets	Improve the communication and sharing of information internally.
		54		Improve the communication and sharing of information externally.

Community Consultation

First Advertising Period

The draft Byford Town Centre LSP was initially advertised for a period of 42 days commencing on 5 November 2009 and concluding on 18 December 2009, with 47 submissions being received. The majority of submissions were in support of the LSP, though many submissions identified a number of issues that needed to be addressed and/or required further investigation.

The submissions were presented to and received by Council at its Ordinary Meeting of 22 February 2010.

A schedule of submissions from the first advertising period is with the attachments marked SCM041.1/06/10 (E10/638).

A copy of the initially advertised draft LSP Map is with the attachments marked SCM041.2/06/10.

The schedule has not been modified since it was presented to Council at its meeting of 22 February 2010.

Workshops

Following the advertising period, it was resolved at the Ordinary Council Meeting held on 22 February 2010 that a number of investigations be undertaken and workshops held to discuss the draft LSP and inform any required modifications.

A collaborative workshop and community workshop were held on 15 March 2010 and 17 March 2010. These workshops involved landowners and the community in the process to voice their concerns, as well as support, for certain elements of the draft LSP and offer up their own solutions to issues. The workshops provided Shire staff with a clear direction as to what the fundamental issues/concerns were, as well as areas of agreement.

A modified version of the draft LSP was prepared in light of the above consultation, as well as the findings of additional investigations into commercial/retail land, drainage, environmental matters, transport and parking.

Second Advertising Period

A second period of advertising was then undertaken to ensure that landowners and other parties had the opportunity to provide comment on the modified version of the draft LSP.

Letters and attachments were sent to the following persons/associations:

- Landowners;
- People who made a submission on the draft LSP during the first advertising period;
- The Byford Progress Association; and
- Byford East landowners proposed to be excluded from the LSP area.

The outcomes of the second advertising period are detailed in subsequent sections of this report.

Discussion

Response to Issues Raised in 22 February 2010 Ordinary Council Meeting Report

In the Council meeting report for the 22 February 2010 Ordinary Meeting, Shire staff identified a number of issues raised during the initial advertising period and from an internal review of the draft LSP. Recommended actions to address each issue were identified for evaluation through technical investigation and workshops with landowners/consultants and the community.

The results of this evaluation meant that several of the recommended approaches were reviewed. In some cases, the actions recommended at the 22 February Council Meeting were deemed inappropriate. Discussion on the revised recommended actions is contained below.

Item 1: Density along interface with the Trotting Complex

A large number of concerns were raised in regard to the density of development and lack of a buffer adjacent to the trotting complex.

Recommended Action at February Ordinary Council Meeting

*Investigate options to determine the best option to address the interface, these may include:
Relocation of drainage to the western boundary of the town centre;
Provision of lower densities along the western boundary of the town centre;
The provision of a landscaped buffer along the western boundary of the town centre; or
A combination of any of the above.*

Action undertaken

A road interface has now been provided with slightly lower densities of development.

Rationale

This matter was discussed at the community workshop. There was concern with regard to lots immediately abutting the Trotting Complex and a separation distance was desired. It was also identified that dwellings fronting the Trotting Complex were preferable over dwellings backing onto the Trotting Complex.

Although drainage or a buffer were considered preferable by some stakeholders, these approaches have the following implications:

Drainage along trotting complex would be costly and require significant change in the natural flow.

A buffer would reduce dwelling yields which would impact on the ability for a train station to be provided in the near future and may impact on the viability of the Town Centre. Furthermore, due to poor passive surveillance, particularly from the Trotting Complex (due to larger lot sizes) a buffer could become a dumping ground or location for anti-social behaviour.

Item 2: Extension of Warburton Road

A large number of concerns were raised in regard to the extension of Warburton Road to form a link to the Town Centre.

Recommended Action at February Ordinary Council Meeting

*Replace the connection with Warburton with a cul de sac with pedestrian access to the Trotting Complex and emergency vehicular access only.
Require that funds be contributed by landowners within the Town Centre towards the connection of the road to Warburton if the Trotting Complex is developed in the future, to allow for a road connection.*

Action undertaken

No vehicular connection is provided at Warburton.

Rationale

This was undertaken in direct response to concern with the connection proposed in the draft LSP.

Item 3: Location of traffic lights at Abernethy and Main Street intersection

Concern was raised in regard to the location of the signalised four-way at the junction of the Main Street and Abernethy Road. The Traffic and Transport Plan (prepared by GHD) assumes a 60 second signal phase for these lights, whereas the minimum signal phase permitted by Main Roads WA is 90 seconds. This longer than anticipated signal phase would result in vehicles stacking back along Abernethy Road, creating a conflict and potential hazard with the level crossing to the east.

Recommended Action at February Ordinary Council Meeting

- Consider a revised intersection treatment that would not require a signalised intersection.
- Have a meeting with relevant Shire staff, government agency representatives and consultants to investigate Abernethy Road and provide recommendations on the treatment of intersections, road connections and provision of traffic signals.

Action undertaken

The intersection has been moved west to allow a greater separation from the traffic signals.

Rationale

This was undertaken in direct response to concerns raised with the proposed intersection location.

Item 4: Soldiers Road diversion through Lot 15 Abernethy Road

Soldiers Road diverts through Lot 15 Abernethy Road at an angle, compromising the development potential of the land.

Recommended Action at February Ordinary Council Meeting

Consider removing or relocating the current proposed diversion of Soldiers Road.

Action undertaken

The proposal to divert Soldiers Road has been removed from the LSP.

Rationale

This was undertaken in response to a landowner's concern with the realignment of Soldiers Road through their property.

Item 5: No right access onto George Street

The current retail centre (IGA) bounded by Abernethy Road, George Street and South Western Highway is reliant on traffic coming from Beenyup Road being able to turn right onto George Street. The movement network proposed to not allow right access onto George Street from Abernethy Road.

Recommended Action at February Ordinary Council Meeting

Consider right access onto George Street from Abernethy Road in consultation with a traffic engineer.

Action undertaken

Right access is provided onto George Street.

Rationale

This was undertaken in response to a proposal raised by George Street business owners that right access should be provided to improve accessibility to parking along George Street.

Item 6: Development of R60 lots

The community expressed concerns with the development of the R60 lots on the eastern side of Southwest Highway as there is little public open space within the area. Development to a density of R60 on the eastern side of the railway line also will have potentially significant drainage issues.

Furthermore, if the LSP was approved with the R60 zoning shown on these lots, an inconsistency would exist between the Local Structure Plan and the approved Byford Townsite DAP. The Byford Townsite DAP states that lots within 400m of the intersection of Beenyup Road and South Western Highway may be permitted to develop to the R30 code.

Recommended Action at February Ordinary Council Meeting

Consider removal of the R60 area from the Structure Plan and require a separate Structure Plan to guide development and ensure appropriate infrastructure provision.

Action undertaken

The R60 area has been removed from the Byford East area and will be subject to future investigations and planning.

Rationale

Drainage is a significant issue in this area that needs to be dealt with carefully prior to allowing for increased density. Future planning and provision of a separate Local Structure Plan may also provide the opportunity for areas to be allocated to provide further public open space.

Item 7: Proposed location for the train station and additional level crossing

The assumption was previously made that Byford would be the end of line of passenger rail, but since then, as part of the Mundijong Whitby District Structure Plan process, sufficient evidence was gathered indicating that the rail will be extended into Mundijong in the future. As Byford will not be the end of the line, an additional level crossing is unlikely to be required or constructed.

Recommended Action at February Ordinary Council Meeting

Undertake another risk assessment with the assumption that the railway line will extend to Mundijong. This assessment should be based on the following principles:

- That the train station be located within the core of the town centre;*
- That good connectivity is provided across the railway line; and*
- That the ability to extend the railway line to Mundijong is not compromised.*

Action undertaken

The train station is proposed to be located central to the town centre.

Rationale

At the community and collaborative workshops there was support for the location of the station central to the town centre. The location of the train station next to the town centre is also advocated strongly by the Shire's retail consultant.

The reason for previously locating the train station further north was to ensure that two level crossings could be provided south of the future station. This was because Byford Station was originally identified as an end of line station. Planning for Mundijong Whitby has since identified the need to allow for passenger rail to extend to Mundijong. Advice from the Shire's traffic consultant is that location of the station closer to Abernethy Road will better enable extension of passenger rail to Mundijong to occur.

Item 8: Insufficient provision of Park and Ride

The previously advertised LSP indicatively identified park and ride areas on the concept plan. To ensure that park and ride areas were provided and appropriately located, an area for park and ride needed to be identified as part of the LSP.

The provision of a substantial park and ride facility located to the west of the railway line was indicated in a submission received by Taylor Burrell Barnett on behalf of LWP. The facilities within LWP's land would provide the required park and ride space in proximity to the train station and could be sleeved by retail and commercial development. The provision of park and ride to the west of the railway line may also allow existing businesses to maintain parking along the railway reserve if possible.

Recommended Action at February Ordinary Council Meeting

- Identify suitable locations for Park and Ride that are of a sufficient size. This is likely to result in an increase to the lot sizes proposed on the Draft LSP.
- Shire to facilitate discussions between LWP and PTA in regards to park and ride provision.
- Consider opportunity for IGA and other businesses to purchase land within the railway reserve and the funding to be put towards providing park and ride facilities in the future.

Action undertaken

Locations for Park and Ride have been indicated within the Local Structure Plan and larger block sizes provided to accommodate for the Park and Ride areas.

Rationale

The indication of park and ride areas on the LSP will assist in ensuring that sufficient area for park and ride is provided.

The proposed locations for the park and ride are based on principles of activation. The sites are located within a walking distance of the train station whilst also being located a sufficient distance to require train passengers to walk through the main street. This ensures that retail floorspace is able to be located adjacent to the station and to ensure an active main street.

Some parking will also be provided adjacent to the train station, particularly for disabled persons.

Item 9: Size of the High School Site

The Department of Education and Training indicated that they would require a larger High School site as there is an increasing demand for fewer but larger High School sites to support High School curriculum. The increase in size of the High School site may also allow for a reduced requirement for High School sites in Mundijong which would otherwise have needed to make up for a shortfall in Byford.

Recommended Action at February Ordinary Council Meeting

- Consider a reduction in the area of the proposed R60 and R80 sites to enable a slight increase to the size of the High School site.
- Obtain written commitment from the DET confirming that by increasing the size of High School sites the number of High School sites within Byford/Mundijong/Whitby would be minimised.

Action undertaken

The size of the High School site has been increased.

Rationale

The increase is in accordance with the Department's request that the size of the high school site be increased.

Item 10: No identification of Community Facilities site

The previously advertised LSP did not specifically identify a site for community facilities as was provided for on the Byford (District) Structure Plan. The provision of a site for community facilities needs to be identified to ensure that sufficient area is provided in an appropriate location.

Recommended Action at February Ordinary Council Meeting

- Identify a suitable location for Community Facilities, preferably adjoining the High School site to allow for shared community facilities between the High School and the community. This should allow for the provision of an 800m² library in accordance with community planning for the area.
- Specify potential uses for the site though clearly note that the ultimate uses will be subject to a feasibility study/strategy.

Action undertaken

A Community Facilities site has been located on the corner of the proposed High School site.

Rationale

The proposed location represents the Shire's desire for community facilities to be shared between the community and the school. It is, however, an indicative location only and a different location may be determined as a result of discussions between the landowner, Shire and Department of Education.

Item 11: Size of town centre and lots within the town centre

Concern was raised in regard to the size of the proposed town centre as well as the size of lots within the town centre.

The provision of smaller lot sizes results in the inability to locate adequately sized supermarkets with their associated parking requirement. Although larger lot sizes can result in greater bulk and scale, particularly in the context of a discount department store, the LSP and associated design guidelines were proposed to ensure that development appropriately addresses the street and does not result in an expanse of blank walls.

Recommended Action at February Ordinary Council Meeting

- Consider the provision of larger lot sizes to accommodate for a department store and parking.
- Engage a retail consultant to prepare a report to inform the size of the centre as well as the most appropriate location of retail uses.

Action undertaken

Larger lot sizes have been provided and a retail analysis report has been undertaken and has informed the revised LSP.

Rationale

The provision of larger lot sizes is in accordance with the submissions and outcomes of the collaborative and community workshop. There was a strong desire to see larger lot sizes and no objections were raised to these being provided. Advice from the retail consultant has stated that the Shire of Serpentine Jarrahdale's articulated desire for a Main Street retail configuration potentially precludes larger format comparison retail activities, in particular a discount department store.

Item 12: Nature and location of drainage

Submissions raised concerns with the safety and viability of locating open drainage within the Town Centre. The Shire has maintained a strong position that all drainage should be open to maintain the natural and rural character of the area.

There was, however, a need to investigate issues that had been raised in submissions with regard to safety and viability and consider the possibility of some piped drainage as a solution. Furthermore, concern has been raised in regard to the location of drainage, in particular the inequitable distribution of drainage between landowners.

Recommended Action at February Ordinary Council Meeting

- *Maintain position that all drainage should be open.*
- *Investigate concerns raised in regard to proposed open drainage and undertaking any modifications necessary to address concerns, which may include the need to provide piped drainage.*
- *Consider the relocation of drainage in consultation with the relevant landowners.*
- *Review the Local Water Management Strategy in consideration of the submissions and potential relocation of drainage.*

Action undertaken

Drainage has been left open and the location has been only slightly modified.

Rationale

- *Open drainage has always been considered preferable.*
- *Consideration was given to the provision of some piped drainage. The location of any piped drainage would need to be located along the Beenyup Brook which the Shire is seeking to maintain.*
- *Safety concerns were investigated and not considered to necessitate provision of piped drainage. Further comment on this is provided later within this report.*

Item 13: Retention of wetlands

A submission was made recommending that the wetland located within Lot 15, currently incorporated within public open space, be zoned Town Centre. The wetland has been reclassified from Conservation Category Wetland to Resource Enhancement Wetland.

Recommended Action at February Ordinary Council Meeting

Review significance of the vegetation and determine a suitable level of protection of wetland/vegetation.

Action undertaken

A reduced wetland area has been provided, though existing vegetation should be retained. As such, public open space is proposed as a buffer to the wetland area. The requirement for a 50m buffer, however, has not been imposed.

Rationale

The Shire has received advice from the Department of Environment and Conservation that supports the retention of the Resource Enhancement Wetland. Vegetation within the wetland site is also worthy of retention.

Item 14: Allowance for densification over time

The previously advertised LSP did not expressly allow for densification over time. The densities proposed, whilst consistent with those expected for a transit oriented Town Centre, are possibly not achievable in the short to medium term. Accordingly, it was proposed that the LSP should provide for interim lower densities that will allow for re-subdivision over time.

Recommended Action at February Ordinary Council Meeting

Provide transitional zonings to allow for lower densities to occur whilst allowing for densification over time.

Action undertaken

Lower densities have been provided in certain locations.

Rationale

Lower densities were provided to allow for a diversity of densities and provision of larger lots that can be developed prior to increased demand for smaller lot product. Lower densities were also located abutting the Trotting Complex.

Item 15: No density coding provided for the Town Centre zone

The previously advertised LSP did not identify residential design coding(s) for the Town Centre zone.

Recommended Action

That the LSP provides for medium densities within the Town Centre zone that will allow for re-subdivision or redevelopment over time.

Action undertaken

The LSP does not impose densities within the Town Centre zone, though medium to high density is encouraged.

Rationale

Development within the Town Centre zone is required to comply with the Design Guidelines and any required DAPs.

Item 16: Main Street – Detail and Delivery

Section 7.5 of the LSP identified the delivery of the Main Street as a priority but there is no indication as to how the Main Street will be delivered, specifically given the land required for the road is in multiple private ownerships.

Recommended Action at February Ordinary Council Meeting

Review location of Main Street and ability for it to be located within one land ownership.

A cross section for Main Street to be provided to landowners of properties whose land is required to construct the Main Street, to review and provide comment.

Action undertaken

*The Main street is now proposed to be relocated within one land ownership.
A cross section will be provided within the Strategy.*

Rationale

These actions were undertaken in response to valid concern raised in submissions.

Item 17: Preparation of a Parking Strategy

The draft LSP promotes the establishment of a commercial area based on traditional town centre principles as opposed to the large format (big box) shop design. This form of development commonly constitutes on-street parking and sleeved rear parking as opposed to extensive parking areas in frontages. The application of transit oriented development principles (given the future transit station) also requires consideration of provision of parking for commuters and the effective management of public and share parking areas.

In addition, the LSP proposes a parking ratio of one bay for every 20m² of gross leasable area, which is a lower standard than that usually required by TPS 2.

Such alternative parking arrangements require careful consideration and planning to ensure that the function of the Town Centre operates efficiently and effectively. In conjunction with parking, access matters must also be considered. A significant amount of commercial and mixed-use development is envisaged to front South Western Highway. South Western Highway is a Primary Regional Road under the Metropolitan Region Scheme and is therefore under the control of Main Roads. It is understood that direct access onto the Highway is not supported by Main Roads policy.

The draft LSP requires that as part of any commercial or mixed use proposal a parking management strategy will need to be prepared, addressing peak parking requirements, sharing arrangement, timing limits and management and accessibility and amenity.

In the absence of overall guidance regarding parking and access in the Town Centre, however, the preparation of individual strategies may have limited effect.

Recommended Action at February Ordinary Council Meeting

Prepare a parking strategy.

Action undertaken

A parking strategy is proposed to be progressed shortly following adoption of the Byford Town Centre LSP.

Rationale

Adoption of the LSP will provide an adequate level of certainty to guide preparation of the LSP.

Item 18: Detailed Area Plans

As part of the original drafting of the Byford Town Centre LSP, a number of DAPs were prepared to guide the subdivision and development of specific sites. These DAPs were not advertised for public comment as this was considered to be prejudicial prior to finalisation of the LSP.

The draft LSP stated that pursuant to Clause 5.18.5 of TPS 2, DAPs had been prepared for specific sites within the LSP area. It was further stated that additional DAPs may be required to be prepared and accompany subdivision applications for land abutting major distributor roads, public open space, reserves, multiple use corridors and arterial roads to ensure the built form reflects the rural character of the area, prior to the Shire providing a recommendation on subdivision or determining development.

Generally, DAPs are prepared following subdivision approval once there is greater certainty as to the ultimate lot layout as well as certainty that the subdivision will be approved. Given design guidelines and a strategy are proposed over the LSP area, the need for DAPs prior to subdivision further investigated.

Recommended Action at February Ordinary Council Meeting

Remove reference to DAPs having been prepared for specific sites in the LSP.

Insert text into the LSP stating that DAPs are likely to be required for all lots as a condition of subdivision approval.

Action undertaken

Reference to DAPs having been prepared for specific sites was removed.

Specific sites have been identified as requiring DAPs and the LSP states that the Shire may require DAPs to be prepared and accompany subdivision and/or development applications prior to the Shire providing a recommendation on subdivision or determining development.

Rationale

This provision provides the ability for the Shire to require a DAP in support of a subdivision application to demonstrate that the sites being created are able to be developed in accordance with the provisions of the LSP, and that integration with surrounding proposals can be determined, if applicable.

Item 19: Fragmented Landownership

The development sites depicted on the draft LSP traversed land ownership and title boundaries. Consequently, the design and implementation of any subsequent buildings may be complicated by fragmented land ownership. This may compromise the timely delivery of development within the Town Centre, particularly where landowners do not share the same development desires or intentions.

Recommended Action at February Ordinary Council Meeting

Review the location of building envelopes and road reserves with consideration of existing land ownership and title boundaries to ensure a timely delivery of development within the Town Centre.

Action undertaken

The LSP has been amended to better locate development sites and road reserves within existing landownership and title boundaries.

Rationale

This has been undertaken in response to submissions and to aid the timely development of the Town Centre.

Item 20: Identification of Lot 4 South Western Highway as a Greenway

Concern was raised in regard to a large portion of Lot 4 South West Highway being identified as open space. The provision of open space on this property was based on drainage requirements as well as creating a rural/bushland entry statement. There may be an opportunity to increase development potential of the site without impacting on drainage, though this would need to be subject to detailed investigations.

Recommended Action at February Ordinary Council Meeting

Investigate opportunity to increase development potential on Lot 4 South Western Highway.

Action undertaken

The ability to increased development potential was investigated, however, it was determined that the area indicated as greenway remain on the LSP.

Rationale

The opportunity to increased development potential on Lot 4 South Western Highway was considered. Advice from the Shire's engineering consultant is that until a survey has been undertaken on drainage east of the railway, drainage areas should not be reduced.

Modified Draft Local Structure Plan

A modified version of the draft LSP was prepared in light of the results of the first consultation period, as well as the findings of additional investigations into commercial/retail land, water management, environmental matters, transport and parking.

A complete copy of the modified draft LSP Map, Statutory Section and Justification Report (as advertised) is with the attachments marked SCM041.3/06/10.

A copy of the schedule of modifications map (as advertised) is with the attachments marked SCM041.4/06/10.

A copy of a document titled "Rationale as to why the various modifications are proposed" (provided for information purposes for the advertising period) is with the attachments marked SCM041.5/06/10.

The attachment described above provides the reasoning for the modifications made to the draft LSP. It is vitally important that Council reads this document in conjunction with the modified draft LSP.

A copy of the draft Byford Town Centre Retail Demand Analysis is with the attachments marked SCM041.6/06/10.

The retail demand analysis was prepared to further inform the LSP in accordance with Council's resolution at the 22 February 2010 meeting.

Advertising of Modified Draft Local Structure Plan

Given the nature of the modifications made to the originally advertised LSP, Shire staff determined that the modified LSP should be advertised for comment.

In light of this, a second period of advertising was undertaken to ensure that landowners and other parties had the opportunity to provide comment on the modified LSP. The advertising occurred for a period of 14 days, concluding on 12 May 2010. A total of 28 submissions were received.

A schedule of submissions from the second advertising period is with the attachments marked SCM041.7/06/10 (E10/2920).

The schedule provides a detailed response to each submission received and identifies any recommended actions which Shire staff believes should be undertaken.

The following sections identify key issues raised during the advertising period, and what action is necessary, if any, to address each issue.

Removal of Proposed R60 Residential Area in Byford East from the Local Structure Plan

A modification to the draft LSP was undertaken to remove the proposed R60 residential area in Byford East from the LSP. This area was included within the originally advertised LSP. Submissions both in support of and opposition to this proposed modification were received during the advertising period. In considering the submissions, Shire staff have determined that the reasons for removing this area from the LSP remain valid.

Development to a density of R60 on the eastern side of the railway line may result in significant drainage issues. Furthermore, if the LSP was approved with the R60 classification shown on these lots, an inconsistency would exist between the Local Structure Plan and the approved Byford Townsite Detailed Area Plan (DAP). The DAP states that lots within 400m of the intersection of Beenyup Road and South Western Highway may be permitted to develop to the R30 code.

This area has therefore been excluded from the LSP and will be subject to further investigation by the Shire. Future planning and provision of a separate LSP for this area would provide the opportunity for additional areas of public open space to be identified, if required. This matter will be further addressed through an implementation plan for the Byford Town Centre.

It should be noted that the area in questions remains subject to the approved Byford Townsite DAP, and may be considered for subdivision and development to the R30 residential density.

Road Connection Between Abernethy Road and the Thomas Road Deviation/Town Centre

Several submitters have raised concern with regard to the road proposed between the trotting complex and the LSP residential area. Under the LSP, this road provides a connection between Abernethy Road and the Thomas Road Deviation/Town Centre area. The submitters concerns relate to the potential for this road to attract significant traffic which will utilise the road as an alternative short-cut or “rat-running” route to the Town Centre area. These concerns are acknowledged by Shire staff.

Shire staff have discussed this matter with its traffic/ transport and planning consultants. While re-designing the road as a cul-de-sac may be possible, this is not supported in the context of a Town Centre where a highly-connected movement network is supported. In addition, the length of the cul-de-sac road would not accord with State Government Policy requirements under Liveable Neighbourhoods.

To address the submitters valid concern that the road may be used for alternative access into the Town Centre, it is recommended that the draft LSP be modified to identify a left-in/left-out turn at the intersection of the subject road with Abernethy Road, in conjunction with traffic calming measures. These measures would assist in discouraging traffic seeking to access the Town Centre from using this road.

Furthermore, the provision of a left-turn slip-lane at the signalised intersection of Abernethy Road and the Thomas Road deviation will encourage traffic to utilise this route in accessing the Town Centre.

Interface Between Residential Development and the Trotting Complex

A number of submissions were received questioning the interface treatment between the trotting complex and proposed residential development to the east.

Shire staff consider the interface treatment of a road and low density residential as appropriate in terms of providing a transition between rural-residential and medium density residential development.

A public open space buffer was considered inappropriate from a safety and passive surveillance point of view. The provision of additional public open space within the Town Centre would reduce the potential catchment population of the Town Centre and it was not considered appropriate to further alter the existing drainage patters in the area by using a multiple-use corridor as a buffer.

It is likely to be a requirement that any future developer of the low density development be required to prepare a DAP to address matters of interface treatment in additional detail. This may include additional landscaping for the road reserve and a requirement for building envelopes.

Furthermore, notifications may need to be placed on the titles of new residential properties advising of potential noise issues from the trotting complex area.

Warburton Court Access

In considering the draft Byford Town Centre LSP at its meeting of 12 October 2009, Council resolved as follows:

‘That Council further investigates the implications of the possible closure and any alternative options for the road connection to Warburton Road (Western Link) in parallel with the advertising of the Local Structure Plan and further consider the matter when the Local Structure Plan is presented back to Council.’

Proposed and future access arrangements between Warburton Court and the LSP area have been queried by several submitters. In response, Shire staff advise that the LSP proposes to limit east-west access from Warburton Court to the LSP area to pedestrian access only.

One submitter has requested a guarantee that Warburton Court would never be opened up for vehicle traffic in the future. This guarantee is not possible to provide as Shire staff and Council cannot pre-empt any future decisions of Council. Furthermore, it is desirable to retain the potential for a vehicular connection into Warburton Court in the future should the trotting complex be subject to intensified development in the future.

Community Facilities Site

The modified LSP proposes a community facilities site at the north-eastern corner of the proposed high school site abutting Abernethy Road. The Department of Education and Training has submitted the following in regard to this proposal:

'The DET has reviewed the proposal and would like to make comment in relation to the community facility identified in the north east corner of the high school site. The DET would not permit a community facility to be developed and operated by the Shire on the land comprising the high school. However the Department is open to proposals for joint shared facilities such as a library or performing arts facility. The Department has no objections to the road realignment within this proposal as it adds additional area to the high school site.'

The future location, design, use and management of a community facility will be subject to further discussion with the Department of Education and Training (DET). Initial discussions have occurred and additional discussions will be forthcoming in the future.

Discount Department Store

As previously discussed, a retail demand analysis has been prepared to inform the Byford Town Centre LSP. A key conclusion of the analysis with regard to the issue of discount department stores (DDSs) is identified below:

'The Shire of Serpentine Jarrahdale's articulated desire for a Main Street retail configuration potentially precludes larger format comparison retail activities, in particular a discount department store'

In light of this advice, the draft modified LSP does not make provision for a large format discount department store.

A submission was received during the advertising period stating that:

- A DDS can be accommodated within the Town Centre on the basis of demand over time.
- That a traditional main street can still be achieved in the context of a DDS.
- That the 15,000m² NLA designation of the Byford Town Centre under State Planning Policy is a guide only and can be increased.
- In the absence of a Shire-wide activity centres strategy, the LSP should provide the flexibility to respond to future requirements.
- The LSP should be flexible to allow for a DDS to be accommodated in the future.
- Street blocks in the northern portion of the Town Centre should be amalgamated to allow for a DDS.

Whilst these comments are noted, the retail demand analysis specifically prepared for the Town Centre LSP states that a DDS may compromise the Shire's desire for a Main Street retail configuration. On the basis of this advice, it is not proposed to modify the LSP to make provision for a DDS.

Any proposal for a DDS or change to the LSP to facilitate the provision of a DDS would need to be based on economic analysis and retail floorspace analysis as well as ensuring that the main street principles of the Town Centre were not compromised. In addition, the proposal would need to demonstrate that the DDS would not compromise major commercial development proposed as part of the Mundijong-Whitby District Structure Plan.

George Street Frontage

A submission has requested that George Street be identified on the Byford Town Centre Concept Plan as a "priority frontage for activated and sleeved development".

In seeking to create a Town Centre environment and in acknowledgement of the transitional arrangements associated with the evolution of the Town Centre, priority frontages for activated and sleeved development have been identified on the Byford Town Centre Concept Plan. The preference is for sleeving of large format retail development and parking areas. Sleeving involves the bordering of land uses such as car parking or larger "box" supermarkets with commercial development to create active street frontages and to enhance visual and pedestrian amenity.

Active frontages include entrances, ground floor shop windows or transparent frontages so that the activity within the building is visible from the street. Ideally, they should also include opportunities for activity to spill out onto pavements through street cafes and shop displays. These active frontages could include ground floor retail spaces, cafes, restaurants and bars, and may also include civic and cultural facilities and include public artwork.

The request of the submitter is supported by Shire staff and it is recommended that the LSP be modified accordingly.

Highway Commercial Sites East of South Western Highway

A submitter has requested that the three blocks on the east side of South Western Highway, proposed for Highway Commercial development, be reclassified as Town Centre (Mixed Use).

A review of the Highway Commercial classification of these sites has been undertaken. It is considered that a Town Centre (Retail Core) classification is more appropriate given the importance of this site in forming part of the "gateway" to the Town Centre and due to its location in close proximity to the proposed railway station. In addition, the Highway Commercial classification may present issues in terms of interface with abutting residential development.

In response to the submitters request for a Town Centre (Mixed Use) classification, it is considered that a retail/commercial element on these lots will benefit the Town Centre. It should also be noted that mixed-use development is promoted within the Town Centre (Retail Core) classification.

The interface treatment between these proposed Town Centre sites and abutting residential zoned land will need to be considered as part of revisions to the draft Byford Town Centre Design Guidelines.

Town Square

A submitter has sought clarity as to the ownership, management and future development of the town square, suggesting that it be placed in public ownership with development costs to be shared between landowners through a contribution arrangement.

It is not proposed that the Town Square be placed in public ownership. It is proposed that the land be retained in private ownership with an easement for public access being implemented. This model has been applied in other localities, including the Claremont Town Centre.

This approach is considered appropriate as the Town Square will become a gathering place for people and activity, hence facilitating additional commercial opportunity, both direct and indirect, on the subject site. In this context, it is also considered appropriate that development of the Town Square be a responsibility of the developer. It is not proposed to include the cost of Town Square development within a development contribution arrangement.

The submitter's comments regarding the dimensions of the Town Square are noted. The statutory text does however state that these minimum dimensions "should" be applied. This provides the necessary level of flexibility to ensure that alternative proposals can be considered. The intent of identifying a minimum dimension is to ensure the provision of a Town Square that can appropriately function. A minor change is required to the LSP Map in this regard to ensure consistency with the Statutory Section. Essentially, reference that the Town Square "will" have a minimum dimension will be changed to the Town Square "should" have a minimum dimension.

Town Square to the East of the Railway Line

A submission has requested the inclusion of a town square to the east of the railway line.

The inclusion of an additional public place to the east of the town square is supported in principle. However, this must be carefully considered in the context of not detracting activity from the town square proposed to the west of the railway. The opportunity for a public place to be integrated with new developments and/or within the proposed public open space area to the north of Pitman Way will need to be further investigated as part of finalisation of the Byford Town Centre Design Guidelines Local Planning Policy and Town Centre Strategy.

Multiple Use Corridors

Submissions have been received questioning the location and form of the multiple-use corridors proposed by the LSP, arguing that they are inequitably distributed and do not accord with the BSP.

The location of the multiple-use corridors and associated public open space has been based upon a combination of drainage and urban design considerations. In preparing the Town Centre LSP, it was considered prudent to maintain existing drainage lines where possible. This needed to be balanced against ensuring a critical mass of development within the Town Centre core area, ensuring a best possible argument for the extension of the urban passenger rail network to Byford. In addition, the multiple-use corridors were sited to ensure continuity of development within the Town Centre core. Wide multiple-use corridors were seen as an impediment to a connected and integrated Town Centre. Finally, the location of the multiple-use corridors is seen to facilitate an appropriate interface with residential development and adjacent retail/commercial development as well as the Thomas Road deviation.

The LWMS in support of the LSP was endorsed by the Department of Water in accordance with the BTDWMP and deemed satisfactory for advertising as part of the LSP. It should be

noted that the LWMS will be revised where required in light of modifications made to the LSP.

Resource Enhancement Wetland South of Abernethy Road

Several submissions have queried the planning and environmental status of the wetland to the south of Abernethy Road.

The land in question is identified by the Department of Environment and Conservation as a resource enhancement wetland. This designation has been reflected on the LSP. It is likely that the Department of Environment and Conservation/ Environmental Protection Authority will make a determination on the extent of the wetland area to be retained as well as the wetland buffer requirements at the time of subdivision and development.

Drainage Land East of Railway Line

The owner of Lot 4 (no. 829) South Western Highway, Byford, has requested that an area of their land to the east of the railway line not be identified as public open space, or that clarification be provided in terms of compensation.

The opportunity for increased development potential on Lot 4 South Western Highway was considered. Advice from the Shire's engineering consultant is that until a survey has been undertaken on drainage east of the railway, drainage areas should not be reduced.

An implementation programme for the Byford Town Centre will consider the progression of required drainage investigations for the Byford East area.

Parking

In considering the draft Byford Town Centre LSP at its meeting of 22 February 2010, Council resolved as follows:

'That Council:

B. Adopt the process forward for the refinement and finalisation of the Local Structure Plan, as detailed hereunder:

5. Prepare a parking strategy.'

Several submissions have been received, raising issues relating to car parking, including:

- The layout and angle of car parking;
- The retention of existing parking areas;
- Park and ride facilities to the east and west of the rail reserve; and.
- Park and ride facilities within the rail reserve

A holistic parking management strategy is required for the Town Centre. The strategy will address these and various other matters. It is intended that the strategy will set the high-level objectives to guide the preparation of detailed parking strategies by developers at the subdivision and development stages.

The Strategy is proposed to be prepared upon finalisation of the LSP. This approach ensures an effective utilisation of municipal funds by ensuring that reiterations of the strategy are minimised.

Park and Ride

A submitter has expressed concern regarding the proposal for park and ride facilities within the Town Centre expansion area to the west. Clarity is sought in terms of location, funding, construction, staging and sharing.

Whilst the submitters concerns and requests for clarity are noted, many of these matters will need to be explored through the preparation of an overarching parking strategy for the Town Centre. The Strategy will need to address various matters, including clarifying the locations and future management and operational regimes of park and ride facilities.

The Strategy will be prepared and finalised in consultation with landowners.

Park and Ride to the East of the Railway Reserve

Several submitters have requested that the LSP identify park and ride facilities to the east of the railway line due to the passing trade and activation benefits which such facilities can offer. These comments have been noted and the LSP will be modified to identify land to the east for potential park and ride facilities. It should however be noted that the final location for such facilities will likely be determined in conjunction with detailed design for the Byford railway station.

George Street and Soldiers Road Intersections with Abernethy Road

Several submissions have been received requesting full vehicle movements at the intersections of George Street and Soldiers Road with Abernethy Road to ensure commercial businesses in the existing Town Centre not disadvantaged by unnecessarily restricting traffic flow.

The submitters concerns are noted and the Shire's traffic consultants have reviewed the intersections in question. As a result it is proposed to modify the LSP to provide for full vehicle movements at the intersections of George Street and Soldiers Road with Abernethy Road.

Specifically in terms of the Soldiers Road and Abernethy Road intersection, the Shire's traffic consultants have advised that a review of vehicle numbers was undertaken and it was determined that vehicle queuing and delays do not appear to be an issue. This conclusion is based on a right-turn pocket being provided for vehicles entering Soldiers Road from Abernethy Road and a vehicle stalling area being provided in the median strip for vehicles turning right into Abernethy Road from Soldiers Road.

Advertising Process

Some submitters have questioned the advertising process conducted for the modified LSP.

Several vision and design workshops were held to inform preparation of the original draft LSP. The draft LSP was advertised widely for public comment, and then subject to specific landowner/consultant and community workshops. A revised version of the LSP was then advertised to major landowners, the Byford Progress Association, landowner within Byford East proposed to no longer be included as part of the LSP area and people who previously made a submission on the draft LSP.

The decision on whether or not to proceed with a second advertising period for the proposed modifications to the draft LSP was delegated by Council to the Shire's Director Strategic Community Planning, and direction was sought from the Western Australian Planning Commission regarding the extent of advertising required.

It should be noted that that the second advertising period was not a statutory requirement of the Shire's Town Planning Scheme No. 2 (TPS 2).

Overall Consultation Process

A major landowner within the LSP area has questioned the overall consultation process, stating that they were not adequately consulted at the start, meaning that their development vision and intentions were not given due regard. The submitter has therefore requested that Council defers adoption of the LSP.

The Shire's TPS does not contemplate that public consultation on a draft LSP will occur before the Shire has resolved to advertise. It is the advertising process that gives the opportunity for submissions to be made, and gives a reasonable level of assurance that there will be equal opportunity for submissions for all stakeholders and interested parties. Notwithstanding this, the LSP has been through an extensive consultation process.

The draft LSP has been prepared having regard to feedback received from an initial community information session, of which the submitter was invited to attend. In addition, several landowner information sessions were held during the initial advertising period.

Based on the submissions received during the initial advertising period, Council resolved to require additional investigations to inform modifications to the LSP. A modified LSP was subsequently advertised (this advertising period) and collaborative workshops were held with landowners, their consultants and the community. The submitter and their representatives attended these workshops. Subsequently, a submission was received from the landowner for this advertising period.

The consultation undertaken in preparing and progressing the LSP has exceeded the standard requirements of TPS 2. To this extent, Shire staff do not recommend that Council defers adoption of the LSP.

Water Management Framework and Local Structure Plan Legitimacy

One submitter has argued that the draft LSP relies upon a Local Water Management Strategy (LWMS) which is not consistent with the Byford Urban Stormwater Management Strategy (BUSMS). Current Town Planning Scheme No. 2 (TPS 2) provisions require detailed planning in the Byford area to be consistent with the provisions of the BUWMS.

The LWMS has been prepared pursuant to the Byford Townsite Drainage and Water Management Plan (BTDWMP), which has superseded the BUSMS. An Amendment to the Shire's TPS 2 is currently being progressed to update the Scheme accordingly. Amendment No. 164 was considered by Council at its meeting of 22 February 2010, and it was resolved to adopt the Amendment and forward it to the WAPC and Minister for Planning for consideration.

The submitter has argued that the LSP cannot and should not proceed until the Amendment is finalised. Shire staff consider the Amendment to be a seriously entertained proposal, and it is considered appropriate that the LSP be progressed in light of the Amendment.

Furthermore, all new local water management strategies and urban water management plans prepared after the finalisation of the BTDWMP have been based on this Plan.

The BTDWMP Plan provides a district-level framework for drainage planning and operates in a similar manner to that of a district structure plan. Drainage and Water Management Plans are intended to be refined to a greater level of detail through Local Water Management Strategies that accompany Local Structure Plans.

Inconsistencies Between the Byford Structure Plan and the Byford Town Centre Local Structure Plan

A submitter has identified that the Byford Town Centre LSP is inconsistent with the Byford Structure Plan (BSP), and therefore, cannot be finalised until modifications have been made to the BSP.

The Byford Structure Plan is a district structure plan. A district structure plan is necessarily prepared at a greater level of generality than a local structure plan, which is in the nature of a detailed structure as contemplated in Appendix 15 of TPS 2. It is anticipated that a LSP will provide the more accurate detail that is not possible in a district structure plan and that is clearly the intent of the relevant provisions in Appendix 15.

Development Contributions

Clarity has been sought from several submitters in terms of development contribution arrangements in Byford. One submitter has requested details as to the inclusion or exclusion of certain items from a contribution arrangement, specifically seeking clarification on public open space and drainage.

A development contribution arrangement is currently being progressed for the Byford area as a whole. Council, at its Special Meeting of 15 December 2009, resolved to adopt a set of principles to guide preparation of the Byford Development Contribution Arrangement. Shire staff are also considering the preparation of a Town Centre specific contribution arrangement.

All landowners will be able to make comment on the proposed contribution arrangements as part of the statutory process.

Other Staff Recommendations

Public Open Space

The Local Water Management Strategy (LWMS) in support of the draft LSP has now been finalised. The LWMS identifies the land required for drainage purposes based upon different storm events such as 1:1, 1:5 and 1:100. The identification of these areas will facilitate the preparation of a detailed public open space schedule for the LSP.

As such, Shire staff recommend that the draft LSP be adopted by Council, subject to a modification to insert a detailed public open space schedule.

Equine Matters

At the 1 June 2010 Council Policy Forum, Councillors expressed a desire for equine matters to be considered in the Town Centre precinct; including the potential for bridle trails and the establishment of an equine theme.

The potential for bridle trails to be included within the Town Centre precinct is a detailed design matter, which would need to be considered in road and multiple-use corridor design. The feasibility, operation and risks associated with providing bridle trails and equine access in the Town Centre can be further investigated as part of an implementation strategy for the Town Centre LSP. The broader establishment of an equine theme within the Town Centre can be considered as part of finalising the Byford Town Centre Design Guidelines and the Town Centre Strategy. Public art and other forms of public and private realm treatment could be considered.

Residential Densities for the Town Centre Classification

The draft modified LSP was workshopped with Council at its Policy Forum of 1 June 2010. In seeking to maximise the potential for a high density of residential development in the Town Centre, and hence establish a strong case for the extension of electrified passenger rail to Byford, Council expressed a desire to have no residential density limit in the Town Centre classification.

The draft LSP does not limit density for the Town Centre classification. It more so identifies that medium to high densities are sought, as detailed in Clause 1.10 of the draft LSP:

‘The LSP proposes residential densities ranging from R15 through to R60 on residential zoned land, and medium to high densities for any residential development contained within the Town Centre classified land.’

To further strengthen the LSP in light of Council’s desire, Shire staff recommend that the draft LSP be modified to explicitly identify that there is no residential density limit (ie. no maximum R-Code) within the Town Centre classifications, and that medium to high densities are sought.

It should be noted that the absence of a density limit does not necessarily mean that there would be no limit on building height or scale. These matters will remain subject to control through the Byford Town Centre Design Guidelines, which are proposed to be reviewed and finalised on completion of the LSP process.

Explanation of Town Centre Classifications

In providing feedback on the modified draft Town Centre LSP at its briefing session of 1 June 2010, Council expressed a desire for the LSP Map to identify the land use and development differences between the Town Centre (Retail Core) and Town Centre (Mixed Use) precincts.

Whilst a description of each of these Town Centre classifications is contained within the LSP Statutory Section, Shire staff note the potential benefit of incorporating these descriptions on the LSP Map, and have recommended that this occurs accordingly.

Structure Planning Precincts

In considering the draft Byford Town Centre LSP at its meeting of 12 October 2009, Council resolved as follows:

‘Resolved to require a Local Structure Plan, pursuant to Appendix 15, sub-section DA3, Clause 2A of Town Planning Scheme No. 2 that a Local Structure Plan shall be required for portions of 6,7,11 and 12, for that area shown in Attachment SCM008.11/10/09.’

The Byford development area is divided into 12 precincts. These precincts were incorporated into TPS 2 under Amendment No. 113 which was gazetted on 30 January 2007.

A copy of Plan 15.1 – Byford Development Area and Precincts is with the attachments marked SCM041.8/06/10.

In relation to these development areas, the scheme states:

‘A detailed Structure Plan is to be prepared in accordance with clause 5.18.2 of the Scheme for a precinct before Council will make recommendations to the Western Australian Planning Commission on subdivision with respect to

land within that precinct. A detailed Structure Plan may be prepared in part, or for the whole of a precinct unless where specifically resolved otherwise by Council.'

The original Town Centre LSP boundaries were determined on the basis of:

- An 800m walking distance from the Town Centre.
- Enabling a large enough area to be considered when drafting the Structure Plan with the complexities involved and the external influences that affect not only the previously designated town site but also the surrounding areas that have to be considered when modelling activity centres and more specifically town site areas.
- Providing sufficient catchment areas to model the complex drainage equations of the area.

In progressing the LSP through the statutory process, changes have been made to its boundary. Specifically, a portion of the Byford East area has been removed from the LSP area and with the expansion of the high school site, the southern boundary of the LSP has been increased.

It is therefore recommended that Council pass a formal resolution, pursuant to Appendix 15, DA3 (2)(a) of TPS 2 that a LSP is required for portions of precincts 6, 7 and 11.

This area is indicated on the map with the attachments marked SCM041.9/06/10 (IN10/8363).

This resolution will not necessitate any further modifications to the LSP, but ensures compliance with TPS 2 requirements for the Byford development area.

Byford Town Centre Design Guidelines Local Planning Policy and Town Centre Strategy

In considering the draft Byford Town Centre LSP at its meeting of 22 February 2010, Council resolved as follows:

'That Council:

B. Adopt the process forward for the refinement and finalisation of the Local Structure Plan, as detailed hereunder:

10. Undertake modifications to the Town Centre Strategy and Design Guidelines to reflect modifications to the Local Structure Plan.

11. Council is to consider the revised Town Centre Strategy and Design Guidelines.'

and,

'E. Resolve that the Strategy and Design Guidelines should be revised following finalisation of the Local Structure Plan.'

Upon WAPC determination of the LSP, Shire staff will update the draft Byford Town Centre Design Guidelines Local Planning Policy and Town Centre Strategy to reflect changes made to the LSP. This process may necessitate additional advertising of both documents depending on the scale and nature of any changes proposed.

Reference to Documentation

The draft modified LSP was workshopped with Council at its Policy Forum of 1 June 2010. Council expressed a desire for the LSP Map to make reference to the Statutory Text and Justification report. This would ensure that any person viewing the LSP Map would understand that the Map needs to be read in conjunction with the remainder of the document.

Shire staff concur with this approach and recommend to Council that a notation be placed on the LSP Map to this effect.

Local Structure Plan Operation Modifications and Consultation Requirements

There is a significant amount of landowner and community interest with regard to the future Byford Town Centre. This is clearly evident from the number and complexity of submissions received on the draft LSP.

In light of this level of interest, Shire staff have been considering the on-going operational aspects of the draft LSP and the manner and scope in which landowners and the community will be informed of proposed changes to the LSP, proposed DAPs and development proposals.

Shire staff envisage that thorough consultation will be required given the level of interest in the Town Centre, the need to achieve coordinated and integrated development outcomes and the nature of fragmented landownership. To this extent, it is proposed, as part of an implementation strategy for the Town Centre LSP, to establish a Policy position on such matters, including:

- To what extent the proposals of the LSP are fixed, indicative or provided for guidance purposes only.
- The establishment of a criteria to assist in determining whether a proposed change to or variation from an LSP is considered major or minor (which would result in the identification of the appropriate assessment process).
- Identifying consultation requirements for various proposals including modifications to or variations from the LSP, DAPs, development and subdivision applications.

Implementation Plan

In considering the draft Byford Town Centre LSP at its meeting of 12 October 2009, Council resolved as follows:

‘Resolve that an Implementation Plan be prepared, comprising at least, a cost sharing mechanism, a policy framework and Detailed Area Plans for adoption concurrently with the final adoption of the Byford Town Centre Local Structure Plan.’

and,

‘Finalise the Implementation Strategy for adoption concurrent with the endorsement of the Byford Town Centre Local Structure Plan.’

Shire staff are progressing work on an implementation programme for the LSP, addressing these and other issues. The programme will be finalised upon WAPC determination of the LSP, as this will provide required certainty and allow for the identification of any outstanding matters to be addressed.

Statutory Process

Pursuant to Clause 5.18.3.7 of TPS 2, Council is required to consider all submissions received and is to either adopt the draft LSP with or without modifications, or refuse to adopt the LSP and give reasons for this to the applicant. It is recommended that the draft LSP be adopted with modifications.

Should Council resolve that the LSP be adopted, it will be necessary to forward the following information to the WAPC for consideration, pursuant to Clause 5.18.3.9:

- A summary of all submissions and comments received and the Shire's decision or comments in relation to these;
- The Shire's recommendation to the WAPC to approve, modify or refuse to approve the LSP; and
- Any other information the Shire considers may be relevant to the WAPCs consideration of the LSP.

Options

Under the provisions of TPS 2, there are two primary options available to Council, as follows:

- To adopt the LSP, with or without modification; and
- To not adopt the LSP and provide reasons

Conclusion

The Byford Town Centre LSP has been prepared to guide and facilitate detailed planning and subdivision and development. The LSP has been designed to operate in conjunction with a set of Design Guidelines, which are proposed to be adopted as a Local Planning Policy once the LSP has been finalised.

The LSP has been progressed in a highly consultative manner, with numerous landowner, consultant and community workshops, as well two advertising periods. Various issues have been raised during these processes and changes have been made where deemed appropriate, whilst having regard to the original vision and principles adopted to guide preparation of the LSP.

On this basis, Shire staff recommend that modifications be made to the draft LSP, and that Council adopt the draft LSP and forward it to the WAPC for consideration.

Officer Recommended Resolution:

That Council:

- A. For the purposes of Clause 5.18.3.9(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, notes the Submissions received on the draft Byford Town Centre Local Structure Plan, as per *Attachment SCM041.1/06/10* and *Attachment SCM041.7/06/10* and endorses the Shire staff responses to these Submissions.
- B. Pursuant to Clause 5.18.3.7(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, adopts the draft Byford Town Centre Local Structure Plan, as per *Attachment SCM041.3/06/10* subject to the modifications outlined in *Attachment SCM041.10/06/10* being made.
- C. Adopts the draft Local Water Management Strategy for the draft Byford Town Centre Local Structure Plan, as provided in *Attachment SCM041.11/06/10 (IN10/7574)*.
- D. Following compliance with part B of Council's resolution, and pursuant to Clause 5.18.3.9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, forward to the Western Australian Planning Commission:

1. A summary of all submissions and comments received by the Shire in respect of the draft Byford Town Centre Local Structure Plan, and Council's decisions or comments in relation to these.
 2. Council's recommendation to the Western Australian Planning Commission to adopt the draft Byford Town Centre Local Structure Plan, with modifications.
 3. Any other information that may be relevant to the Western Australian Planning Commission's consideration of the draft Byford Town Centre Local Structure Plan.
- E. Advises all persons and parties who made a submission on the draft Byford Town Centre Local Structure Plan of its resolution.
- F. That Shire staff continue progress on an implementation strategy for the Byford Town Centre, addressing the following matters:
1. Finalisation of the Local Water Management Strategy.
 2. Preparation of a parking strategy.
 3. Discussions with the Department of Education and Training with regard to the proposed community facility.
 4. The consideration of an additional public place/town square to the east of the railway.
 5. The undertaking of a study into drainage requirements for land within the Byford Old Quarter, leading into the preparation of a LSP for the area.
 6. The preparation of a development contribution arrangement specific to the Byford Town Centre.
 7. Pedestrian movements and infrastructure in proximity to South Western Highway.
 8. Discussions with the PTA regarding the proposed bus station, train station, railway crossings and park and ride facilities.
 9. The potential for bridle trails and other forms of equine access.
 10. Finalisation of the Town Centre Design Guidelines and Town Centre Strategy.
 11. The establishment of a Policy position addressing various operational aspects of the LSP and consultation requirements for changes to the LSP and other proposals. This Policy position is to be based on the principle that a thorough-level of consultation will be required given the level of interest in the Town Centre, the need to achieve coordinated and integrated development outcomes and the nature of fragmented landownership.
 12. Any other matters as required and that a progress report be provided to Council at the time of final adoption of the Byford Town Centre Local Structure Plan.

Alternative Recommended Resolution:

Moved Cr Geurds, seconded Cr Brown (proforma)

Pursuant to Clause 5.18.3.7(b) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, refuse to adopt the draft Byford Town Centre Local Structure Plan, as per *Attachment SCM041.3/06/10* for the following reasons:

- 1. All submissions have not been addressed or issues listened to.**
- 2. Costing needs to be completed to ascertain what Serpentine Jarrahdale Shire is able to afford or have the ability to fund.**
- 3. It is imperative that a method of allowing the Old Quarter to proceed is found.**

LOST 1/8

Officer Note: The Acting Chief Executive Officer advised Councillors of the risks associated with refusing to adopt the Local Structure Plan and subsequently handing this decision to the Western Australian Planning Commission should this motion be carried.

Cr Randall foreshadowed she would move the Officer Recommended Resolution with changes if the motion under debate is defeated.

SCM041/06/10 COUNCIL DECISION/New Motion:

Moved Cr Randall, seconded Cr Harris

That Council:

- A.** For the purposes of Clause 5.18.3.9(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, notes the Submissions received on the draft Byford Town Centre Local Structure Plan, as per *Attachment SCM041.1/06/10* and *Attachment SCM041.7/06/10* and endorses the Shire staff responses to these Submissions.
- B.** Pursuant to Clause 5.18.3.7(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, adopts the draft Byford Town Centre Local Structure Plan, as per *Attachment SCM041.3/06/10* subject to the modifications outlined in *Attachment SCM041.10/06/10* being made and all reference to the future development of the Byford Trotting complex and the Warburton Court access road be removed.
- C.** Adopts the draft Local Water Management Strategy for the draft Byford Town Centre Local Structure Plan, as provided in *Attachment SCM041.11/06/10 (IN10/7574)*.
- D.** Following compliance with part B of Council's resolution, and pursuant to Clause 5.18.3.9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, forward to the Western Australian Planning Commission:
 - 1.** A summary of all submissions and comments received by the Shire in respect of the draft Byford Town Centre Local Structure Plan, and Council's decisions or comments in relation to these.
 - 2.** Council's recommendation to the Western Australian Planning Commission to adopt the draft Byford Town Centre Local Structure Plan, with modifications.
 - 3.** Any other information that may be relevant to the Western Australian Planning Commission's consideration of the draft Byford Town Centre Local Structure Plan.
- E.** Advises all persons and parties who made a submission on the draft Byford Town Centre Local Structure Plan of its resolution.
- F.** That Shire staff continue progress on an implementation strategy for the Byford Town Centre, addressing the following matters:
 - 1.** Finalisation of the Local Water Management Strategy.
 - 2.** Preparation of a parking strategy.
 - 3.** Discussions with the Department of Education and Training with regard to the proposed community facility.
 - 4.** The consideration of an additional public place/town square to the east of the railway.
 - 5.** The undertaking of a study into drainage requirements for land within the Byford Old Quarter, leading into the preparation of a LSP for the area.
 - 6.** The preparation of a development contribution arrangement specific to the Byford Town Centre.
 - 7.** Pedestrian movements and infrastructure in proximity to South Western Highway.
 - 8.** Discussions with the PTA regarding the proposed bus station, train station, railway crossings and park and ride facilities.
 - 9.** The potential for bridle trails and other forms of equine access.
 - 10.** Finalisation of the Town Centre Design Guidelines and Town Centre Strategy.
 - 11.** The establishment of a Policy position addressing various operational aspects of the LSP and consultation requirements for changes to the LSP and other proposals. This Policy position is to be based on the principle that a thorough-level of consultation will be required given the

- level of interest in the Town Centre, the need to achieve coordinated and integrated development outcomes and the nature of fragmented landownership.
12. Any other matters as required and that a progress report be provided to Council at the time of final adoption of the Byford Town Centre Local Structure Plan.

CARRIED 8/1

Cr Geurds voted against the motion.

Council Note: The Officer Recommended Resolution was changed by amending Part B to preclude the possible indication of development of the Byford Trotting Complex which is not a considered position of Council.

The Executive Manager Finance Services left the meeting at 3.54pm and returned at 4.04pm.

SCM039/06/10		NAMING OF PARK – VARIOUS RESERVES IN OAKFORD (A0759)	
Proponent:	Darling Downs Residents Association	In Brief	
Owner:	Crown – Care, Control of Management with the Shire of Serpentine Jarrahdale	A request has been made to name the new link to the existing trails network in the Oakford / Darling Downs locality, as the Kevin Murphy Trail. It is recommended that Council support the name and forward the request to the Geographic Names Committee for approval by the Minister for Lands.	
Author:	Director Development Services		
Senior Officer:	Chief Executive Officer		
Date of Report	19 May 2010		
Previously	Nil		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Date of Receipt: 17 March 2010
 Advertised: Has not formally occurred
 Lot Area: Not known
 L.A Zoning: Public open space and local roads
 MRS Zoning: Rural
 Rural Strategy Policy Area: Rural Living B and Residential and Stable

Background

Council at its meeting held on 22 March 2010 considered the following public statement from Steve Starling – Chairman (Darling Downs Residents Association):

The recent death of Councillor Kevin Murphy is a sad loss to the Darling Downs Resident Association. Kevin was a valuable and long serving member of the Management Committee and a great champion of the Associations' work. In recognition of his contribution to the community, we would like to request the Shire Councillors consider naming the new trail linking the Darling Downs and Oakford trails networks in his memory.

As you know, Kevin worked tirelessly to extend the trail network, to secure funds for community projects, and to ensure development submissions preserved the rural lifestyle we enjoy in the Serpentine Jarrahdale Shire.

Building of the new link trail could not have happened without his untiring efforts to secure a commitment from then Planning Minister Alannah MacTiernan to include an underpass in

construction of Tonkin Highway. Then he worked with you, and the Oakford Trails Association to obtain planning approvals. He formed the SJ Trails Association to co-ordinate trail building around the Shire. When land title issues presented a roadblock to building the link trail, Kevin secured the engagement of the Shire CEO and staff to resolve disputes with the City of Armadale and the Water Corporation.

We believe that without Kevin's perseverance, construction of this important link trail would never have commenced. Kevin was totally committed to the project so it was not a surprise to learn that he was compiling a presentation on the new link trail just before he was taken ill.

I would be grateful if you would raise with your fellow councillors this request to name this new link in the trail network "The Kevin Murphy Trail". I am sure that like the members of the Association, you too would like to see a fitting memorial to Councillor Kevin Murphy.

This report will give Council the opportunity to formally provide recognition to Kevin Murphy by naming a reserve in the Shire.

Sustainability Statement

Social and Environmental Responsibility: There is an extensive public open space/ trails network in the Oakford and Darling Downs. The proposal respects the history of the area and the trails network that has developed by the community and Council. The naming of a reserve will recognize the hard work of Kevin Murphy in the development of these trails.

Statutory Environment:

Responsibility for the naming of roads, features, townsites and places in this state is with the Minister for Lands. The Geographic Names Committee (GNC) provides advice and guidelines to the Minister of nomenclature applications.

The GNC has adopted principles, guidelines and procedures for the naming of parks, which includes:

Priority will be given to the naming of parks and reserves after an adjacent street or feature to maximise the identification of that park or reserve with an area.

Reserve is only to be used part of the name if the whole of the area to be named is reserved under the *Land Administration Act 1997* and therefore has a reserve number.

Proposals to names parks and reserves should include evidence of strong community support for the proposed name. This may be way of advertising in local papers, libraries, erecting signs on the land, advising local residents in the area or advising local progress associations inviting comment,

For personal names, the person being honoured by the naming should have either had a direct long-term association with the area or made a significant contribution to the area of the proposed park/ reserve, or the State.

Association or contribution can include two or more terms of office for a local government or twenty or more years association with a local community group or serve club. Service to the community or organisation must have been voluntary.

Given names may be included as part of the naming proposal and given and surname combinations are acceptable.

Death or former ownership of land are not acceptable reasons for proposing a name, unless previous criteria apply.

Policy/Work Procedure Implications:

Work procedures and a policy exist relating to the trails network.

Financial Implications:

Costs associated with the installation of interpretive signage will be borne by Council. Exact costs for the works are not currently known but are estimated to be around \$10,000. This would be funded from the Trails budget in 2010/11, subject to final budget approval.

There will be maintenance requirements for Council for the interpretative signage and these will need to be budgeted for in the future.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		11		Develop active partnerships with stakeholders.
BUILT ENVIRONMENT	Land Use Planning	20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		21		Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
	Infrastructure	32	Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
		33		Ensure all decisions are consistent with the long term financial Plan for the Future.
		34		Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.
		54		Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
58		Celebrate awards and achievements with partners to promote our vision.		
PEOPLE AND COMMUNITY	Wellbeing	1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		2		Promote a variety of recreation and leisure activities.
	Relationships	15	Encourage	Foster positive working relationships with and between volunteers.
		18		Identify opportunities for people to work together for their mutual benefit.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		19	Empower	Grow and sustain our strong community spirit.
		20		Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		21		Empower people to represent their community of interest.
		22		Achieve a sense of belonging through active networks and community groups.
		23		Build strong relationships that are resilient to the pressures and challenges of growth and “breaking new ground”.
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.
	Places			
		29	Vibrant	Create vibrant urban and rural villages.
		32		Ensure community spaces and places are accessible and inviting.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
		42		Foster the sense of belonging and pride of place in our community.
OUR COUNCIL AT WORK				
	Knowledge and Information			
		45	Generating , collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.
		46		Understand current and future costs of service delivery.
		47		Understand the needs of stakeholders.

Community Consultation:

The GNC guidelines state that proposals to name parks should include evidence of strong community support for the name. There has been no formal community consultation on the proposed name.

It is considered that the proposed name suggested by the Darling Downs Residents Association would meet with the criteria of ensuring that there is evidence of strong community support to the proposed name. However, the final decision will be made by the GNC and/or the Minister.

Comment:

There is an extensive trail network across the Oakford and Darling Downs localities. This includes many separate reserves and some road reserves, that collectively form one long continuous trail. Most of these reserves are under the care, control and management of the Shire of Serpentine – Jarrahdale.

Darling Downs

An extensive trail network exists in Darling Downs that provides access to nearly all properties in the area. This is in the area bounded by Thomas Road, the railway, Rowley Road and Hopkinson Road.

Hopkinson Road / Tonkin Highway

The trail network was recently extended by provision of a trail on a road reserve west of Hopkinson Road through to the Tonkin Highway. West of Hopkinson Road, the new trail was built on a road reserve in the City of Armadale. A memorandum of understanding exists with the City of Armadale for the Shire to maintain this trail on this road reserve. The trail goes under Tonkin Highway and then westwards to Cunningham Drive.

Oakford

Another extensive trail network exists in Oakford in an area bounded by Thomas Road, Nicholson Road, Rowley Road and Tonkin Highway. Oakford is the locality that Kevin Murphy resided in.

Proposal

It is proposed that the extensive trail network in Oakford, linking under the Tonkin Highway to Hopkinson Road be named “Kevin Murphy Trail”.

The naming of all reserves in Oakford and Darling Downs under the one name, may become too confusing. Collectively, all these trails extend many kilometres over two localities.

The reserve network east of Hopkinson Road would remain unnamed at this time and could be named after another prominent resident of the Shire at a future date.

A copy of the plan showing the suggested reserves is with attachments marked SCM039.1/06/10.

Conclusion

Kevin Murphy’s involvement in the trails network is well known. This includes lobbying politicians to achieve good outcomes for the Shire. One of these, was to influence former Minister Alannah MacTiernan to spend a few million dollars on the height separation of the Tonkin Highway over a multiple use trail which is now completed. He was part of the SJ Shire Trails Group and was passionate about multiple use trails.

The final decision on the naming of this reserve is with the Minister for Lands, upon advice from the GNC. It is not known how long this will take and could be a number of months.

The name “Trail” may not be accepted by the GNC/ Minister. If this occurs, then the name would revert to “Kevin Murphy Reserve”

Once the name is approved, it proposed that a small ceremony be held to recognise the hard work and committee of Kevin Murphy as a Councillor and as a passionate member of the SJ Trails Inc.

It is recommended that the name “Kevin Murphy Trail” be approved by the Council.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

1. Council supports the name Kevin Murphy Trail for the various reserves, west of Hopkinson Road in the Oakford locality.
2. The Geographic Names Committee and the Darling Downs Residents Association be advised of Council’s decision.

3. The Director Development Services be authorised to negotiate an alternative name “Kevin Murphy Reserve” with the Geographic Names Committee, if the submitted name is not approved.
4. Upon confirmation of the approval of the name, Shire officers be requested to install appropriate interpretive signage on the reserve and arrange a naming ceremony in conjunction with the Darling Downs Residents Association.

SCM039/06/10 COUNCIL DECISION/New Motion:

Moved Cr Brown, seconded Cr Lowry

1. Council supports the name Kevin Murphy Link for the Trail west of Hopkinson Road to Cunningham Drive in the Oakford locality.
2. The Geographic Names Committee and the Darling Downs Residents Association be advised of Council’s decision.
3. The Director Development Services be authorised to negotiate an alternative name “Kevin Murphy Trail” or “Kevin Murphy Reserve” with the Geographic Names Committee, if the submitted name is not approved.
4. Upon confirmation of the approval of the name, Shire officers be requested to install appropriate interpretive signage on the reserve and arrange a naming ceremony in conjunction with the Darling Downs Residents Association.

CARRIED 9/0

Council Note: The Officer Recommended Resolution was changed by replacing the word ‘Trail’ with the word ‘Link’ in part 1 and by adding ‘Kevin Murphy Trail’ to part 3.

SCM040/06/10		SHIRE OF SERPENTINE JARRAHDAL - DIFFERENTIAL RATING STRATEGY 2010/2011 FINANCIAL YEAR (A0128)
Proponent:	Shire of Serpentine Jarrahdale	In Brief Council to: 1. Support in principle the differential rates in the dollar and minimums proposed for 2010/2011. 2. Advertise the proposed differential rates. 3. Seek the Minister for Local Government’s approval to impose differential general rates more than twice the lowest rate.
Owner:	Not applicable	
Officer:	Casey Mihovilovich – Executive Manager Finance Services	
Signatures Author:		
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	2 June 2010	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Local Government Act 1995 provides for Councils to levy rates to fund the estimated annual budget deficiency for the forthcoming financial year.

Statutory Environment:

Section 6.32 of the Local Government Act 1995, provides Council with the power, by absolute majority, to impose general rates, uniformly or differentially, on rateable land within its district.

Section 6.33 provides for local governments to impose differential rates according to any, or a combination, of the following characteristics;

- a) The purpose for which the land is zoned under the town planning scheme,
- b) The predominant use for which the land is determined to be used, and
- c) Whether or not land is vacant.

In imposing a differential rate a local government is not to, without the approval of the Minister, impose a differential rate which is more than twice the lowest differential general rate imposed by it.

Section 6.35 requires that where a local government imposes differential rating it is to ensure that not more than 50% of the numbers of separately rated properties are rated on the minimum without the approval of the Minister.

Section 6.36 of the Act provides that before a local government can impose a differential rate it must give local public notice of its intention to do so.

**Policy/Work Procedure
Implications:**

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

Financial Implications:

The Shires principle source of income is through rates. It is an essential part of the budget process that the Council consider the level of rates that need to be raised in the context of funding the annual budget. It must also be noted that as other income, such as fees and charges are fixed by external legislation, there is very little scope for the Shire to increase this revenue source to keep up with the rising costs of service provision, therefore, these increasing costs must be borne by increases in rates.

Another consideration is the increasing costs of borrowings that need to be funded each year. As the Shire borrows funds in each budget, the flow on effect in the following year's budget is the cost of these borrowings. This increased cost is generally funded through increases in rates.

The Shire has until the 31st August each year to adopt the Annual Budget, as the shire is a rapidly growing organisation and as such we are heavily reliant on receiving rates income to fund our operations, including salaries. With this in mind, setting the level of rates for advertising and allowing the adoption of the annual budget in July after the close of the advertising period is a very high priority to enable rates notices to be issued. The Shire prepares its cash flow based on starting to receive rate payments in late August, early September each year.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	Action Number & Description
OUR COUNCIL AT WORK	Leadership	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.	1.4 Elected members and staff will not publicly reflect adversely on council decisions or each other.
		4		We are realistic about our capacity to deliver.	4.1 Prior to decisions being made, or opportunities pursued, the impact on service, capacity to deliver and alignment with the Plan for the Future is to be considered. 4.3 Ensure we are recovering our costs?
		8		Elected members provide a clear and consistent strategic direction.	8.4 Elected members will determine and fund the level of service provided to the community.
		15		The Shire will set policy direction in the best interests of the community.	15.1 Elected members and staff have the courage to implement the Plan for the Future even in the face of adversity.
		19	Leadership through organisational culture	The elected members and staff have a relationship of unity and work together to achieve goals.	19.1 Develop innovative solutions that recognise & preserve individual differences & unique attributes rather than applying generic approaches.
		Knowledge and Information	65	Customer perception of value	Strive to continually improve customer satisfaction and stakeholder relationships.

Community Consultation:

In accordance with sections 1.7 and 6.36 of the Local Government Act 1995 Council is required to give local public notice of the intention of Council to impose differential rates, or a minimum payment under a differential rate category.

Local public notice includes publishing in a newspaper circulating in the district, exhibiting on the notice board of the local government office, and exhibiting on the notice board of the library inviting submissions in respect of the following information, for a minimum of 21 days;

- 1) Details of each rate or minimum payment the local government intends to impose,
- 2) Invitation for submissions to be made in respect of the proposed rate or minimum payment and any related matters.

Comment:

The estimated budget deficit for the 2010/11 financial year has not yet been finalised, as the detailed budget estimates covering various expense and revenue items are currently being prepared. At present, the amount required from rates to fund the outcomes of the draft budget is in excess of the proposal provided in the attachments. Staff are revising the draft budget and service levels and are looking at all avenues to reduce the gap, including alternative revenue sources. Once the level of rates is known, further refinement of the draft budget can occur as all variables in the budget will now be known.

The table below is a summary of how much each percentage increase from 09/10 will generate in total rate revenue;

% increase	Total rates revenue	Increase in Rates from 2009/10 Budget
5.0%	\$9,720,420	\$463,419
5.5%	\$9,766,062	\$509,061
6.0%	\$9,812,341	\$555,340
6.5%	\$9,857,663	\$600,662
7.0%	\$9,903,343	\$646,342
7.5%	\$9,951,012	\$694,011
8.0%	\$9,996,264	\$739,263
8.5%	\$10,043,941	\$786,940
9.0%	\$10,089,863	\$832,862
9.5%	\$10,136,899	\$879,898
10.0%	\$10,182,551	\$925,550

A copy of the modelling spreadsheet is with attachments marked SCM040.1/06/10 (E10/2933).

A copy of the Objects and Reasons in Differential Rates for 2010/2011 is with attachments marked SCM040.2/06/10 (E10/2934). Note, once Council has agreed on the advertised rates, the highlighted fields in the Objects and Reasons document will be replaced.

It is important to note that in the past Council has adopted rates that are more than twice the minimum differential rate and must therefore seek Ministerial approval, as required by the provisions of the Local Government Act 1995. The Department of Local Government has been scrutinising Council's differential rating strategy each year and may request modifications to be made, if they are not satisfied that the rating strategy is fair and equitable.

Council is required to provide a twenty one (21) day community consultation period when the differential rating option proposed.

Voting Requirements: ABSOLUTE MAJORITY

Officer Recommended Resolution:

Council takes the following action in relation to the rating strategy for the 2010/11 financial year:

1. Support in principle the following differential rates in the dollar and minimum payments for the GRV and UV rated properties, subject to finalisation of the 2010/11 draft budget and the establishment of the funding shortfall required from imposition of rates on GRV and UV rated properties:

PROPOSED 2010/2011 – XX%			
DIFFERENTIAL RATE CATEGORY	UV RATE IN CENTS	GRV RATE IN CENTS	MIN RATE
Residential Improved			
Residential Vacant			
Commercial			
Special Residential			
Special Residential Vacant			
Units-Rowley Road			
Residential Composite			
Light Industry			
Rural			
Public Purpose			
Intensive Farming			
Farmland			
Rural Living			
Conservation			
Mining Tenements			

2. Advertise for public comment, the differential rates and the minimum payment stated in 1 above, as per the requirements of the Section 6.36 of the Local Government Act 1995.
3. Apply to the Minister for Local Government for approval to impose differential general rates, which are more than twice the lowest differential general rate, for the 2010/2011 financial year, as per section 6.33(3) of the Local Government Act 1995.

Alternative Recommended Resolution:

Moved Cr Harris, seconded Cr Randall

Council takes the following action in relation to the rating strategy for the 2010/11 financial year:

1. **Support in principle the following differential rates in the dollar and minimum payments for the GRV and UV rated properties, subject to finalisation of the 2010/11 draft budget and the establishment of the funding shortfall required from imposition of rates on GRV and UV rated properties:**

PROPOSED 2010/2011 – 9%			
DIFFERENTIAL RATE CATEGORY	UV RATE IN CENTS	GRV RATE IN CENTS	MIN RATE
Residential Improved		10.4189	970
Residential Vacant		11.7467	940
Commercial		11.3288	970
Special Residential		11.2984	970

Special Residential Vacant		11.7467	970
Units-Rowley Road		10.4189	710
Residential Composite		12.6626	970
Light Industry		12.6626	970
Rural	0.2389		970
Public Purpose	0.4580		970
Intensive Farming	0.7016		970
Farmland	0.1648		970
Rural Living	0.3059		970
Conservation	0.1195		970
Mining Tenements	0.4580		1164

2. Advertise for public comment, the differential rates and the minimum payment stated in 1 above, as per the requirements of the Section 6.36 of the Local Government Act 1995.
3. Apply to the Minister for Local Government for approval to impose differential general rates, which are more than twice the lowest differential general rate, for the 2010/2011 financial year, as per section 6.33(3) of the Local Government Act 1995.

LOST 4/5

Cr Hoyer foreshadowed he would move a new motion recommending a 6.5% increase if the motion under debate is defeated.

Alternative Recommended Resolution:

Moved Cr Hoyer, seconded Cr Geurds
 Council takes the following action in relation to the rating strategy for the 2010/11 financial year:

1. Support in principle the following differential rates in the dollar and minimum payments for the GRV and UV rated properties, subject to finalisation of the 2010/11 draft budget and the establishment of the funding shortfall required from imposition of rates on GRV and UV rated properties:

PROPOSED 2010/2011 – 6.5%				
DIFFERENTIAL CATEGORY	RATE	UV RATE IN CENTS	GRV RATE IN CENTS	MIN RATE
Residential Improved			10.1799	948
Residential Vacant			11.4773	918
Commercial			11.0690	948
Special Residential			11.0393	948
Special Residential Vacant			11.4773	948
Units-Rowley Road			10.1799	693
Residential Composite			12.3722	948
Light Industry			12.3722	948
Rural	0.2334			948
Public Purpose	0.4475			948
Intensive Farming	0.6855			948
Farmland	0.1610			948
Rural Living	0.2988			948
Conservation	0.1167			948
Mining Tenements	0.4475			1137

2. Advertise for public comment, the differential rates and the minimum payment stated in 1 above, as per the requirements of the Section 6.36 of the Local Government Act 1995.

3. Apply to the Minister for Local Government for approval to impose differential general rates, which are more than twice the lowest differential general rate, for the 2010/2011 financial year, as per section 6.33(3) of the Local Government Act 1995.

LOST 2/7

Cr Brown foreshadowed that she would move a new motion recommending an 8% increase if the motion under debate is defeated.

Cr Geurds left the meeting at 5.05pm and returned at 5.07pm.

SCM040/06/10 COUNCIL DECISION/New Motion:

Moved Cr Brown, seconded Cr Buttfeld

Council takes the following action in relation to the rating strategy for the 2010/11 financial year:

1. Support in principle the following differential rates in the dollar and minimum payments for the GRV and UV rated properties, subject to finalisation of the 2010/11 draft budget and the establishment of the funding shortfall required from imposition of rates on GRV and UV rated properties:

PROPOSED 2010/2011 – 8%			
DIFFERENTIAL RATE CATEGORY	UV RATE IN CENTS	GRV RATE IN CENTS	MIN RATE
Residential Improved		10.3233	961
Residential Vacant		11.6389	931
Commercial		11.2249	961
Special Residential		11.1947	961
Special Residential Vacant		11.6389	961
Units-Rowley Road		10.3233	703
Residential Composite		12.5465	961
Light Industry		12.5465	961
Rural	0.2367		961
Public Purpose	0.4538		961
Intensive Farming	0.6952		961
Farmland	0.1633		961
Rural Living	0.3030		961
Conservation	0.1184		961
Mining Tenements	0.4538		1153

2. Advertise for public comment, the differential rates and the minimum payment stated in 1 above, as per the requirements of the Section 6.36 of the Local Government Act 1995.
3. Apply to the Minister for Local Government for approval to impose differential general rates, which are more than twice the lowest differential general rate, for the 2010/2011 financial year, as per section 6.33(3) of the Local Government Act 1995.

CARRIED 8/1

Cr Geurds voted against the motion.

Cr Geurds foreshadowed that he would move a new motion recommending a 7.5% increase if the motion under debate is defeated.

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 5.12pm.

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

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Presiding Member

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Date