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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 MONDAY, 12TH OCTOBER 2009. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 9.06AM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
M Harris
WJ Kirkpatrick
S Twine
MJ Geurds
JE Price (from 9.16am)
E Brown
C Randall
Cr K Murphy

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr A Hart Director Corporate Services
Mr B Gleeson Director Development Services
Mr R Gorbunow Director Engineering
Mr D van der Linde Executive Manager Strategic Planning
Mr S Wilkes Executive Manager Planning
Ms R Crook Senior Planner (from 9.20am)
Mr L Tressler Community Planning Officer (from 9.27am to 9.46am)
Mrs L Keys Manager Library Services (from 9.28am to 9.41am)
Ms D Mount Telecentre Co-ordinator (from 9.28am to 9.41am))
Ms K Cornish PA to Director Strategic Community Planning
Mrs L Fletcher Minute Secretary

APOLOGIES: C Buttfield
Director Strategic Community Planning

GALLERY: 14

2. PUBLIC QUESTION TIME:

SCM008/10/09 - Chantelle Power (Minter Ellison)

We act for Peet Byford Syndicate Limited, proponent of the draft Structure Plan for Lot 1 Abernethy Road, Byford.

1. On what basis does the Council consider that it is legally empowered under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (Town Planning Scheme) to determine the Shire's draft Town Centre Local Structure Plan (Shire's Draft Structure Plan) is satisfactory for advertising given that:
 - a) Appendix 15 of the Town Planning Scheme requires that detailed structure planning in Precinct 6 of the Byford Development Area complies with the Byford District Structure Plan (Byford DSP);
 - b) the Shire's Draft Structure Plan does not comply with the Byford DSP;
 - c) if the Shire's Draft Structure Plan is purportedly adopted then subdivision and development must generally be in accordance with both the conflicting Byford DSP and the Shire's Draft Structure Plan;
 - d) there is no mechanism in the Town Planning Scheme to reconcile the conflict between the Byford DSP and the Shire's Draft Structure Plan;

- e) any amendments to the Byford SCP that are more than a minor change or departure require advertising under the Town Planning Scheme. However, no changes have been advertised;
 - f) the Shire's Draft Structure Plan proposes changes to residential densities or uses within the 800 metre catchment of the Town Centre, but there has been no amendment to the Byford DSP in this respect, nor has there been community consultation as required by the Byford DSP; and
 - g) there does not appear to be any economic analysis to support the Shire's Draft Structure Plan.
2. On what basis does the Council consider that it is legally empowered under the Town Planning Scheme to determine that the Shire's Draft Structure Plan is satisfactory for advertising given that:
- a) the Shire's draft Local Water Management Strategy departs significantly from the Byford Townsite District Water Management Plan (2008) (Byford DWMP) and those departures have not been reviewed or endorsed by the Department of Water or the Water Corporation;
 - b) there has been no detailed hydrologic and hydraulic audit in respect of the departures from the Byford DWMP;
 - c) it appears that the proposed surface drainage strategy will not meet minimum safety standards in respect of the depth to velocity product, for publicly accessible drainage swales;
 - d) the Shire's Draft Structure Plan proposes to increase the maximum flow rates, with potential risk to public safety and property; and
 - e) detailed technical investigations required by the Department of Water have not been undertaken
3. A determination that the Shire's Draft Structure Plan is 'satisfactory for advertising' also raises questions concerning procedural fairness because:
- a) the Shire's Draft Structure Plan documents were only made available last Friday ahead of today's Special Council meeting, leaving minimal time for the public to review; and
 - b) there has been little community consultation at the planning stages of the Shire's Draft Structure Plan.

The Shire President advised that these questions would be taken on notice.

SCM008/10/09 - Colleen Bartlett (President, Byford & Districts Country Club)

What is planned for the Byford Districts Country Club?

The Director Development Services advised that this site is designated as the Town Centre zone in the draft Local Structure Plan. The current uses that occur on the land are permitted and can continue. Any proposed change of use must be in accordance with the Town Centre zone.

2.1 Response To Previous Public Questions Taken On Notice

Nil

3. PUBLIC STATEMENT TIME:

SCM009/10/09 - Chantelle Power (Minter Ellison)

We act for the proponent of the proposed Structure Plan in respect of Lot 1 Abernethy Road, Byford. The Proponent is Peet Byford Syndicate Limited.

That Structure Plan is listed as an item on the Shire's agenda for this Special Council Meeting.

The Shire has already deemed the Structure Plan unsatisfactory for advertising, and after receiving a notice from the proponent under the Shire's Town Planning Scheme No. 2 (Town Planning Scheme), the Shire forwarded the Structure Plan to the Western Australian Planning Commission (Commission) for its consideration for advertising.

The Shire had the opportunity to make an actual determination on advertising of the Structure Plan, within 60 days of its receipt, in accordance with the Town Planning Scheme, and did not do so. The time for the Shire to make any determinations or recommendations to the Commission in respect of advertising the Structure Plan has now expired. Advertisement of the Structure Plan is now a matter for the Commission.

Our client has every confidence that the Structure Plan is satisfactory for advertising and that the Commission, as the decision making authority, is able to evaluate the Structure Plan on its merits, and determine the question of advertising.

In the circumstances, the Shire's proposed consideration of the Structure Plan at this Special Council Meeting is both irregular and inappropriate. Accordingly the Council ought to remove the Structure Plan from the Agenda for this Special Council Meeting.

SCM011/12/09 – John Dwyer (Centrals Football and Sportsmans Club, Mundijong)

The Club appreciates the work done by Council officers on behalf of all participants using the Mundijong Sporting Complex particularly during the last round of funding submissions through the Committee of Councillors, Council officers and Club representatives. The club also thanks our local member Tony Simpson for his contribution towards achieving the funds and enabled a project that has been ongoing for a number of years.

The club notes the papers submitted for approval of the Building Contract indicates the remaining funds will be for infrastructure in regard to the complex and specifically mentions sewerage and drainage. The purpose of this written advice to Council is to cover these aspects based on previous knowledge gained over a number of years in regard to this project and an understanding of what is required to provide and to continue providing accommodation and playing facilities for team sports. Team sports provided the medium for maximum individual participation and as such are a valuable contributor to community health and wellbeing.

In looking at the original funding proposal \$100 000 was set aside for external infrastructure, which we understand in part covers power. We mention this aspect because it has become increasingly obvious that the current load on power within the overall sporting complex has caused some problems. To ensure adequate power for current demands and allowing for additional power consumption for ground lighting it would seem an upgrade to three phase power should be covered within this project.

The club also notes that with changing market conditions that the cost escalation conditions of \$85 000 will not be required and indeed it has turned out the funding allocation has well exceeded the building cost outlined in the funding proposal.

The club requests Council consider that any grant funding not required for the project be used to support much needed work on the playing surface itself and to support an upgrade in ground lighting to allow for night games.

It would seem the participant projections used in developing the grant application have been well and truly exceeded already, one of the main factors leading to denigration in the condition of the oval. In discussions with your Parks and Gardens officers, it would seem that nothing less than a complete strip and replant project will correct the problem long term.

Provision of night lighting will allow increased game usage of the oval thus taking some of the pressure off for new ovals to accommodate projected participate numbers over the planning period to 2013.

If these two projects can be factored into the current funding – perhaps with some additional funding sourced from other grant agencies – then they, coupled with the upgrade and additions to the change rooms, will cater well into the future for team sport within the Shire.

It is recommended the Council form a committee along similar lines to that convened for the grant application to consider these issues and bring recommendations back to Council. Our club would like to participate on that committee. In any event it would be worthwhile for the committee to continue as a forum for debate and connection with users of the complex during the planning and building process and to consider attracting more participants in the use of the accommodation, facilities and playing area of the Mundjiong sporting complex.

Cr Price entered the meeting at 9.16am.

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Harris declared a financial interest in item SCM008/10/09 as her residence is within the highway commercial section of the Byford town centre and advised that she will leave the Chamber whilst this item is being discussed.

Cr Kirkpatrick declared an interest of impartiality in item SCM008/10/09 as his stepson is the Director of Urbis and advised that this will not affect the way in which he votes on this matter.

Cr Price declared an interest of impartiality in item SM010/10/09 as he is Council's delegate on the Telecentre Management Committee and former President of the Committee and advised that this will not affect the way in which he votes on this matter.

Senior Planner, Robina Crook entered the meeting at 9.20am.

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

Nil

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

SCM007/10/09	PROPOSED LOCAL STRUCTURE PLAN – LOTS 61 & 62 THOMAS ROAD AND LOTS 59 & 60 BRIGGS ROAD, BYFORD (A1663)	
Proponent:	TPG Town Planning & Urban Design	<p>In Brief</p> <p>Report on the outcome of public consultation with regard to the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford.</p> <p>It is recommended that the Local Structure Plan and the Local Water Management Strategy be adopted with modifications.</p>
Owner:	Oyster Reef Holdings Pty Ltd & Valma Hicks	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	6 October 2009	
Previously	SD097/04/09 & SD034/09/09	
Disclosure of Interest	An Officer of the Shire that was previously employed by the Proponent has not had involvement in the assessment of the Local Structure Plan whilst employed at the Shire.	
Delegation	Council	

Date of Receipt:	4 December 2008
Advertised:	Yes
Submissions:	Yes
Lot Area:	8.78 ha
L.A Zoning:	Urban Development
MRS Zoning:	Urban
Byford Structure Plan:	Residential R20 & Multiple Use Corridor
Date of Inspection:	January 2009

Background

A draft Local Structure Plan (LSP) has been submitted to Council for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford. The LSP is intended to provide a framework for future urban development, including approximately 196 aged or dependent persons' dwellings.

Council at its meeting of 29 September 2009 considered a draft LSP for Lot 9 Abernethy Road, passing the following resolution.

“SD034/09/09 COUNCIL DECISION/New Motion:

Moved Cr Randall, seconded Cr Twine

That Item SD034/09/09 Proposed Local Structure Plan – Lots 61 & 62 Thomas Road And Lots 59 & 60 Briggs Road, Byford be deferred pending:

1. *A presentation by the Developer being arranged as soon as possible in order to explain and justify the plan submitted to Council ie layout and tree retention.*
2. *A workshop being held with elected members and Council officers in order to discuss Council's requirements so that a desired outcome may be reached.*

CARRIED 10/0”

The proponent briefed Councillors on the Plan at the Policy Forum meeting on 6 October 2009.

Council at its meeting of 28 April 2009 considered a draft LSP for Lot 9 Abernethy Road, passing the following resolution.

“SD097/04/09 COUNCIL DECISION/New Motion:

Moved Cr Price, seconded Cr Murphy

That Council:

1. *Resolve to allow the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford to cover a portion of Development Area 3 only.*
2. *Pursuant to Clause 5.18.3.2 of Town Planning Scheme No. 2 determine that the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford dated 20 March 2009 is satisfactory for advertising subject to the following modifications:*
 - (a) *The ‘statutory text’ for the LSP to include the following:*
 - (i) *Information clearly outlining the extent of vegetation to be retained on-site, revegetation and management arrangements;*
 - (ii) *A requirement that any subdivision and/or development application be accompanied by a full fire and emergency management plan; and*
 - (iii) *A requirement that any subdivision and/or development application be accompanied by design guidelines for the future development of the site.*
 - (b) *The LSP map including a clear notation outlining the purpose of the ‘dotted lines’.*
 - (c) *The Local Water Management Strategy be amended to include the following information:*
 - (i) *Information regarding the proposed fill material;*
 - (ii) *Information regarding stormwater quality; and*
 - (iii) *Information regarding stormwater quantity and flood protection.*
3. *Invite comment on the Local Structure Plan for a period of not less than 21 days by way of:*
 - *A notice being placed in a local newspaper circulating within the district;*
 - *A notice being placed in the Shire’s Administration Centre;*
 - *A notice being placed on the Shire’s internet website ;*
 - *All landowners within the Structure Plan area;*
 - *All surrounding landowners that are considered to be affected by the proposed LSP; and*
 - *A letter being sent to all relevant state government agencies.*
4. *The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the need to obtain all relevant approvals.*
5. *The applicant be advised that Council has identified a number of expectations for the development of this site, including:*
 - a) *Maintaining the character of the area through site planning that is sensitive to the existing topography and that meets the Shire’s expectation of a high quality, sustainable urban environment.*
 - b) *The protection of mature trees and native vegetation to guide the site plan development especially roads.*
 - c) *Creating shady/leafy green public spaces and streets that are pedestrian and “people activity friendly”, diverse in their presentation to the street and include extensive plantings and mature street trees that enhance “air conditioning” and solar access.*
 - d) *The use of open style and alternative fences on private lots, where fencing is potentially visible from public road reserves.*
 - e) *The creation of sustainable “waterwise” gardens on private lots.*

- f) *The incorporation of water sensitive urban design principles into all road, wide verges and open space areas by using permeable paving, flush kerbing, intermittent kerbing and appropriate plantings.*
- g) *A variety of residential densities, lot types, housing choices, heights and setbacks.*
- h) *Providing extensive pedestrian and movement networks that connect in a legible way with all open space areas and multiple use corridors, including footpaths on every road and narrow road pavements.*
- i) *Providing community facilities in accordance with the Shire's Community Services and Facilities Plan.*
- j) *Providing community gardens as part of open space area provision for the site.*
- k) *A range of community facilities being provided ie heated swimming pool, clubroom, library, commercial grade kitchen and dining room, hall with stage and dance floor, library, bowling green, vegetable gardens and a men's shed and the consideration of a high care hostel, provision of communal activities, shady streetscapes, protection of significant vegetation including Marri trees and recognising the significant environmental values of this site.*
- l) *The question of security for elderly residents is of primary importance, other examples of modern retirement villages provide a security fence with controlled access gates enclosing the village with entrance restricted to residents, especially after dark, the Shire expects a similar arrangement in this case.*
- m) *The lots facing Briggs Road and the unnamed public road on the south side of the development cannot be enclosed by a safety fence and gates and are considered by the Shire to be not part of the retirement village and therefore subject to an application for a subdivision, the density code is R20 without a special elderly care bonus and will need to conform to the usual requirements of the Shire pertaining to subdivisions in this locality.*

Council requests the proponent give due consideration to the above matters in progressing future detailed proposals for this site.

Alternatively, should the developers prefer to include the lots facing the public streets into the village, then the internal street arrangement should be rearranged so that a security fence could be built on all boundaries of the development. The main entrance gate should be resident/staff controlled and one only other entrance/exit be provided which will be located and controlled as specified in the fire and emergency management plan. No other access to a public road is to be permitted.

CARRIED 10/0"

In accordance with the previous Council resolution, the required modifications were undertaken and the LSP was advertised for public comment. This report provides Council with the opportunity to consider whether to adopt the LSP, having regard to the submissions received during the advertising period.

A copy of the LSP as advertised for public comment is with attachments marked SCM007.1/10/09.

Sustainability Statement

Effect on Environment: The proposed LSP provides for a sound environmental outcome. The LSP, if implemented, would result in the loss of some vegetation however an aged or dependent persons' dwelling development is likely to preserve more vegetation than if subdivision was proposed. Although there are no identified declared or rare flora vegetation on site, significant stands of vegetation centrally located on the site are proposed to be preserved within open space. This will positively contribute to the environmental outcomes and sense of place. The multiple-use corridor (MUC), which is part of the integrated open space network, is planned to provide opportunities for cyclist and pedestrian movements as well as passive recreation opportunities. The LSP seeks to provide a gazetted road in the southern portion of the site abutting the Multiple Use Corridor (MUC) that will provide

increased levels of access to the existing public open space (POS) reserve, thus increasing the ability for the community to access and enjoy the existing POS.

Resource Implications: The LSP seeks to integrate principles of water sensitive urban design into the future development. The Local Water Management Strategy (LWMS) has been prepared in accordance with best practice and sustainability principles. It is considered that the objectives of the LWMS can be more readily achieved as the land is within single ownership and management and maintenance of the drainage systems will be coordinated. The proposed density of development also represents an efficient use of land while being in accordance with the character of the surrounding proposed urban development.

Economic Viability: The LSP seeks to retain the land in private ownership, providing opportunities for services and infrastructure to be delivered and maintained by the private sector and therefore minimising demands on the Shire.

Social – Quality of Life: The LSP seeks to provide aged or dependent persons' dwellings with communal amenities and support services which will support the quality of life for local residents. The development will allow residents to age within their community rather than being relocated to other areas. The proposal also provides a MUC to the south of the subject site which contributes to an interconnected public open space and urban water management network across the Shire. The MUC will provide pedestrian and cycle footpaths and areas within which to recreate.

Social and Environmental Responsibility: The LSP seeks to have dwellings orientated to overlook the public open space, 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.

Social Diversity: The LSP seeks to provide a high level of diversity of housing through providing aged or dependent persons' dwelling opportunities for seniors in the community.

Statutory Environment: Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)

Policy/Work Procedure Implications: Western Australian Planning Commission (WAPC)
Operational Policy - Liveable Neighbourhoods
State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
Local Planning Policy 22 – Water Sensitive Urban Design

Financial Implications: Planning fees have been paid by the proponent.

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

Community Consultation

In accordance with the requirements of TPS 2, the draft LSP was advertised for public comment to State Government authorities, servicing & infrastructure authorities and adjacent land owners.

The submissions received have been compiled and are included in the attachments to this report. The details of those submitters who made comment on a particular issue are listed, together with the applicant's response to each issue and relevant officer comments.

A schedule of submissions is with attachments marked SCM007.2/10/09.

Submission from Applicant

Part 5 of Council's previous resolution contained a number of expectations that Council has identified for the development of this site. As part of the submission period, the applicant lodged a submission identifying how each of these expectations is to be addressed. A copy of this submission is included as an attachment to this report.

A copy of the submission from the applicant addressing Council's expectations is with attachments marked SCM007.3/10/09.

Comment

Through the technical assessment of the LSP by staff and on review of the submissions received during the advertising period, a number of matters require consideration by Council, including:

- Impacts on existing vegetation;
- Fire Management;
- Water Management;
- Designing Out Crime; and
- The future form, function and design of Thomas Road.

Each of these matters is discussed in further detail below.

Vegetation

The issue of vegetation protection was considered by Council when the LSP was deemed satisfactory for advertising. The operative part to the local structure plan was modified to include a notation requiring the protection of vegetation, generally consistent with the Landscape Concept Plan.

Fire Management

Issues of fire management were considered by Council in April 2009. The operative part to the LSP was amended as a result, to formally require a Fire Management Plan. Sufficient information has been provided by the proponent to demonstrate that fire risks can be adequately managed at the detailed design stage.

Water Management

Consistent with the Byford Town site Drainage and Water Management Plan and the state-wide framework titled 'Better Urban Water management', a Local Water Management Strategy (LWMS) is required to be progressed in parallel with a LSP. At each point in the statutory process for a local structure plan, both Council and the Western Australian Planning Commission need to make concurrent determinations on the LWMS document.

Council at its meeting in April 2009 considered a draft LWMS, identifying that the following additional information needed to be provided:

- (i) Information regarding the proposed fill material;
- (ii) Information regarding storm water quality; and
- (iii) Information regarding storm water quantity and flood protection.

The applicant subsequently revised the LWMS to address the matters identified by Council and the revised LWMS was advertised concurrently with the LSP.

This report provides Council with the opportunity to determine whether the LWMS is satisfactory for advertising, in parallel with the LSP. Officers are of the opinion that the LWMS satisfactorily demonstrates compliance with the Byford Town site Drainage and Water Management Plan.

Department of Water Comment

Since providing their submission, additional recommendations have been received from the Department of Water (DoW) in respect to the LWMS. The additional comments have been made by the DoW in the interest of progressing the structure planning process with most outstanding issues to be addressed through the preparation of an Urban Water Management Plan (UWMP) at subdivision stage. The DoW have deemed the LWMS to be satisfactory subject to the following modifications being undertaken:

- The LWMS to detail the commitment of the proponent to obtain a minimum of two peaks/winters of pre development groundwater data (levels and quality) in accordance with the Byford Town site Drainage and Water Management Plan to inform the UWMP and further investigate the management of perched water on the site;
- The LWMS to clearly describe where subsoil drainage is to be directed and water quality treatment measures to be applied at points of outfall;
- The LWMS to clearly present within the one document all relevant information to pre-development conditions, groundwater management, surface water management, pre and post development monitoring; and
- The LWMS to contain a schedule of information to be provided at the UWMP stage.

These recommended changes are supported and are included within the officer recommendation. To ensure that the UWMP is prepared at the subdivision and/or development stage, a modification to the 'statutory text' is recommended to reflect this requirement.

Designing Out Crime

A matter raised during the advertising of the LSP was the extent to which the proposed development addressed the principles of 'designing out crime'. With urban developments such as that proposed for this site, there are two primary options that are available, being (1) to turn the development 'inwards' and the other being (2) to present a more conventional streetscape and maximise passive surveillance. Research completed for other planning authorities in the past has indicated that by turning the development inward has the effect of increasing the incidence of criminal activity.

The proposed development is considered to generally achieve the objectives outlined in the Western Australian Planning Commission's (WAPC) Designing Out Crime Guidelines, notably:

- To promote attractive, legible and well orientated development;
- To facilitate safe and efficient movement of vehicles, cyclists and pedestrians;
- To encourage surveillance of spaces from surrounding buildings and land uses; and
- Provide active frontages of overlooked streets

Based on the above, the proposed form of development is considered to be appropriate.

Thomas Road

The exact form, function and design of Thomas Road is yet to be finalised. Officers have been progressing investigations and preliminary designs for a number of roads within the Byford area, including Abernethy Road, Thomas Road and Orton Road. At the earliest opportunity, each road is being progressively presented to Council for consideration. Based on the information available, the proposed widening of Thomas Road will not adversely impact on the proposed development. It is important, however, that both Council and the proponent note that the detailed designs have not been finalised and the exact interface will need to be considered as the time of development application.

Options

There are primarily four options available to Council in considering the proposed LSP, as follows:

- Adopt the LSP (as advertised) without modification;
- Adopt the LSP (as advertised) with modifications;
- Defer consideration of the LSP; and
- Refuse to adopt the LSP.

The second option, to adopt the LSP with modification, is recommended to Council for consideration. Part of the recommendation to Council is also to adopt the Local Water Management Strategy with modifications.

It is important that a decision be made on the LSP in a timely manner. Should an applicant be aggrieved by a determination (or lack thereof) by the Shire, the applicant may by notice in writing request the matter be determined by the WAPC. Should the application be deferred or refused at this time, there is a high likelihood of an application for review being lodged.

Conclusion

The LSP has demonstrated that all relevant planning considerations either have been addressed or are capable of being addressed through detailed subdivision design. A number of modifications are recommended to address matters raised in submissions received during the advertising period.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council:

- A. Note the submissions received during the formal advertising of the Local Structure Plan.
- B. Pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2 adopt the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford as advertised for public comment, subject to the following modification:
 - (i) The 'statutory text' for the LSP to include a requirement that any subdivision and/or development application be accompanied by an Urban Water Management Plan.
- C. Adopt the revised Local Water Management Strategy for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, as provided in attachment SCM007.4/10/09 subject to the following modifications:
 - (i) The Local Water Management Strategy to detail the commitment of the proponent to obtain a minimum of two peaks/winters of pre development groundwater data (levels and quality) in accordance with the Byford Drainage and Water Management Plan to inform the Urban Water Management Plan and further investigate the management of perched water on the site;
 - (ii) The Local Water Management Strategy to clearly describe where subsoil drainage is to be directed and water quality treatment measures to be applied at points of outfall;
 - (iii) The Local Water Management Strategy to clearly present within the one document all relevant information to pre-development conditions, groundwater management, surface water management, pre and post development monitoring; and

- (iv) The Local Water Management Strategy to contain a schedule of information to be provided at the Urban Water Management Plan stage.
- D. Forward the Local Structure Plan to the Western Australian Planning Commission, pursuant to Clause 5.18.3.9 of Town Planning Scheme No. 2.
- E. Advise those persons who lodged a submission during the advertising period of Council's decision to adopt the Local Structure Plan.
- F. The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the Aboriginal Heritage Act of the need to obtain all relevant approvals.

SCM007/10/09 COUNCIL DECISION/New Motion:

**Moved Cr Murphy, seconded Cr Geurds
That Council:**

- A. Note the submissions received during the formal advertising of the Local Structure Plan.
- B. Pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2 adopt the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford as advertised for public comment, subject to the following modification:
 - (i) The 'statutory text' for the LSP to include a requirement that any subdivision and/or development application be accompanied by an Urban Water Management Plan.
- C. Adopt the revised Local Water Management Strategy for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, as provided in attachment SCM007.4/10/09 subject to the following modifications:
 - (i) The Local Water Management Strategy to detail the commitment of the proponent to obtain a minimum of two peaks/winters of pre development groundwater data (levels and quality) in accordance with the Byford Drainage and Water Management Plan to inform the Urban Water Management Plan and further investigate the management of perched water on the site;
 - (ii) The Local Water Management Strategy to clearly describe where subsoil drainage is to be directed and water quality treatment measures to be applied at points of outfall;
 - (iii) The Local Water Management Strategy to clearly present within the one document all relevant information to pre-development conditions, groundwater management, surface water management, pre and post development monitoring; and
 - (iv) The Local Water Management Strategy to contain a schedule of information to be provided at the Urban Water Management Plan stage.
- D. Forward the Local Structure Plan to the Western Australian Planning Commission, pursuant to Clause 5.18.3.9 of Town Planning Scheme No. 2.
- E. Advise those persons who lodged a submission during the advertising period of Council's decision to adopt the Local Structure Plan.
- F. The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the Aboriginal Heritage Act of the need to obtain all relevant approvals.
- G. The applicant be advised that at the time of consideration of a development application for the Aged and Dependent Persons Dwellings, the development will need to comply with the requirements of Part 7.1 - Special Purpose dwelling requirements of the Statement of Planning Policy - Residential Design Codes and any other Local Planning Policy requirements of the Council.

CARRIED 9/0

Council note: The Officer Recommended Resolution was changed with the addition of part G.

Cr Harris declared a financial interest in item SCM008/10/09 and left the meeting at 9.23am.

SCM008/10/09 ADOPTION OF DRAFT BYFORD TOWN CENTRE LOCAL STRUCTURE PLAN (A1613)		
Officer:	Deon van der Linde - Executive Manager Strategic Planning	In Brief A draft Local Structure Plan has been prepared for the Byford Town Centre. To adopt the draft Byford Town Centre Local Structure Plan ahead of formally inviting public comment.
Senior Officer:	Suzette van Aswegen - Director Strategic Community planning	
Date of Report	14 August 2009	
Previously	N/A	
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 Serpentine Jarrahdale community, particularly the local community of Byford, desires and expects a vibrant town centre that protects and enhances its unique character and radiates a strong sense of place. This will be a well defined and distinctive place that respects the intrinsic social values and natural features, a place where people will want to work, live and play, a place where people can connect – a “third” place. The Shire’s mandate is to enable development in such a responsible and sustainable manner so as to give effect to the expectations of its community.

The Byford Structure Plan (BSP) text states: *“It is emphasised that the above town centre concepts are indicative only. It is recommended that Council prepares a detailed town centre precinct plan, policy and design guidelines to effect the above principles. The Byford Townscape Plan should further inform this process.”*

Subsequently the Council, at its meeting held on 13 February 2007, resolved the following:

“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 the stakeholders to revisit and review the existing vision for Byford Town Centre and to engage in a partnership arrangement.

In April 2008 a tender was drafted which aimed to appoint a consultant to assist with the Preparation of a Local Structure Plan (LSP), Detailed Area Plan (DAP) and Design Guidelines for the Byford Town Centre. The components of the plan were to be:

Local Structure Plan

- Land Use
- Traffic and Transport
- Environmental Management
- Servicing Infrastructure

- Community Infrastructure and Services
- Public Open Space
- Public Health and Safety

Detailed Area Plan

- DAPs are to be prepared pursuant to clause 5.18.5 of Town Planning Scheme No 2 (TPS 2) for land abutting major distributor roads, public open spaces, reserves and laneways to ensure that the built form reflects the rural character of the Serpentine Jarrahdale area.

Design Guidelines

- Built Form

In September 2008, APP was appointed as the project manager with Urbis as the main town planning and urban design consultants and GHD appointed as the Engineering consultants on the project.

Councillors were engaged at various stages during the process. Initially elected members assisted with developing the vision and principles at an informal discussion forum. The initial proposals were also brought to the attention of the elected members at a Policy forum where the consultants put the proposals to the forum. A further informal workshop was held to inform the members of the aspects and risks that would need to be considered when evaluating whether the LSP was ready to be advertised formally through this item.

This report provides Council with the opportunity to consider whether the LSP is satisfactory for advertising pursuant to clause 15.18.3.2 of TPS 2. In addition, this report provides Council with the opportunity to adopt the associated design guidelines, in the form of a draft Local Planning Policy (LPP), pursuant to Clause 9.3(a) of TPS 2, ahead of inviting public comment.

A copy of the draft Byford Town Centre LSP is with attachments marked SCM008.1/10/09 (IN09/12389)

A copy of the draft Byford Town Centre LSP maps are with attachments marked SCM008.2/10/09.

A copy of the Byford Town Centre Strategy is with attachments marked SCM008.3/10/09 (IN09/12403)

A copy of the Byford Town Centre Design Guidelines which will be adopted as Local Planning Policy No. 31 is with attachments marked SCM008.4/10/09 (IN09/12390)

A copy of the tabular comparison of the DAP Provisions is with attachments marked SCM008.5/10/09.

A number of Technical Reports were completed to provide the technical base for design proposals in support of the BTCLSP.

A copy of the Byford Town Centre Local Water Management Strategy is with attachments marked SCM008.6/10/09 (IN09/8953)

A copy of the Byford Town Centre Infrastructure Servicing Report is with attachments marked SCM008.7/10/09 (IN09/8946)

A copy of the Byford Town Centre Traffic and Transport Plan is with attachments marked SCM008.8/10/09 (IN09/8948)

A copy of the Byford Town Centre Environmental Management Plan is with attachments marked SCM008.9/10/09 (IN09/8951)

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 deserves.

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 to minimise impacts but accepts that the overall area may require significant changes to enable it to function as a Town centre.

The LSP attempts to minimize 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 hopefully encourages 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 minimize resource use, eg. Energy, land, water, soil, compared to traditional development approaches by utilizing best practice in terms of storm water management, solar passive design and other methodologies.

Passive solar design eg facing the building north is encouraged and so is reducing 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 gone to great lengths to minimise external costs such as pollution from transport or car dependence, removal of biodiversity (flora and/or fauna), land and waterway pollution and reduction in quality of life of residents (noise, pollution). As is the case in most developments of town centres there will be an increase in resource use eg energy and water

consumption but the plan also 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, 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.

There are ongoing costs/funding required in the future through the maintenance of the extensive drainage swales and public spaces.

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 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 provide local resources 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 but the implementation plan that has been budgeted for in the 2009/10 financial year will consider these aspects in more detail.

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
TPS 2 – Clause 9.3(a)
Byford Townsite Detailed Area Plan

Policy/Work Procedure Implications:

Western Australian Planning Commission (WAPC)
Operational Policy - Liveable Neighbourhoods
State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
LPP 22 – Water Sensitive Urban Design
LPP 19 - Byford Structure Plan Area Development Requirements

Financial Implications:

The costs associated with formal advertising of the LSP are within the current 2009/10 budget. The costs pertaining to the implementation of the structure plan will be determined through the implementation plan prior to final adoption of the LSP. Financial implications will include:

- public open space provision,
- potential land acquisitions,
- development of the public realm including roads, footpaths, cycleways, multiuse corridors and landscaping,
- completion of the study to finalise the aspects in the “area under investigation”,
- the impact of road realignment on private property,
- preparation of an Implementation plan that will address issues such as funding of the public realm and infrastructure,
- the preparation and finalisation of the DCP and its ongoing management,
- the whole of life cycle cost related to the future maintenance and management of public open space and the public realm,
- rationalisation of the statutory planning framework (including future planning studies to provide the necessary public urban environment envisaged in the LSP),
- parking management strategy,
- a public art strategy,
- wetland management,
- the implementation of a Community Facilities Services Plan futures office that will assist with activation and management of the Town Centre,

- administration support and professional services.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
3. Encourage protection and rehabilitation of natural resources.
4. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

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

2. Identify value-adding opportunities for primary production.
3. Develop tourism potential.

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Balance resource allocation to support sustainable outcomes.
2. Harness community resources to build social capital within the Shire.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Should Council determine that the LSP is satisfactory for advertising, in accordance with the provisions of Section 5.18 of TPS 2, Council is required to seek public comment on a structure plan for a period of not less than 21 days before making a decision to adopt the structure plan.

The procedure for adopting a LPP is set out in Section 9.3 of TPS 2, including the requirement for a notice to be published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft policy may be inspected, the subject and nature of the policy and in what form and during what period (being not less than 21 days) submissions may be made.

To ensure that stakeholders have sufficient opportunity to provide comment, it is recommended that the advertising of the LSP and LPP be for a period of 42 days and include the following:

- A notice being placed in a local newspaper circulating within the district, for two consecutive weeks;

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website ;
- A letter being sent to all landowners within the Structure Plan area;
- A letter being sent to all landowners directly abutting the LSP area;
- A letter being sent to all community groups on the Shire's database; and
- A letter being sent to all relevant state government agencies.

Comment:

The LSP, Strategy and Design Guidelines have aspects that need to be considered before consent to advertise is given. The aspects have implications that will have a direct impact on the Shire and need to be considered as risks in the process. The aspects are discussed in no specific order below.

Area subject to further investigations:

The area indicated as "Area subject to further investigations" will require additional studies with specific reference to the drainage situation where Beenyup Brook crosses the highway and adjacent lots. Additional funding will be required to determine exactly how this will be achieved and consultants will need to be appointed to assist with this. The study area should be confined to Lots 6, 8, 9, 15, 200, 201 and 202. A modification of the LSP will be required before advertisement. Development proposals on these lots should not be considered until this study has been finalised and the recommendations approved.

A copy of the map showing lots to be excluded from the area under investigation is with attachments marked SCM008.10/10/09

Infrastructure Provision/Contributions arrangement:

Arrangements will need to be established for the delivery of new infrastructure and the upgrading of existing infrastructure. Until there is sufficient certainty on the spatial layout of the plan, it is not possible to finalise arrangements. Once the LSP has been advertised and presented to Council for adoption, a strategy will need to be progressed that identifies the infrastructure to be provided/upgraded and the available mechanisms for apportioning the costs of infrastructure. Additional time and funds will need to be expended to finalise the contributions arrangement prior to final adoption of the plan. No changes in this regard will be required to the LSP before advertising.

Drainage Swales:

The LSP provides for the drainage of the Town Centre through swales. The optimum dimensions of the drainage swales will have to be evaluated in detail when development proposals are submitted. No changes in this regard will be required to the LSP before advertising.

Highway Commercial:

The proposal for "Highway Commercial" area to the east of the South Western Highway north of the existing town centre should be removed north of Clara Street. This area is currently covered by the Byford Townsite Detailed Area Plan. The LSP will have to be modified to remove the Highway Commercial designation from this area prior to advertising.

Implementation of the operative part:

There are a number of statutory planning layers currently affecting the site including the TPS 2, LPP 19, Byford District Structure Plan, DAP and Developer Contribution plan. There is a risk in terms of the implementation process and Council will need to resolve that the BTCLSP is the culmination of the best outcomes from the others but that the other layers will

remain in effect until the Byford Local Structure Plan is approved by the Western Australian Planning Commission.

Shopping centre sites:

The plan does not specifically identify shopping centres. The principles contained in the Byford Town Centre Strategy and Byford Town Centre Guidelines indicate that retail centres should be “Mainstreet” focused and any applications should be evaluated using these principles. No changes in this regard will be required to the LSP before advertising.

Road linkage to the Trotting Complex:

The road linkage to the Trotting Complex should be retained as this will provide the necessary access to the town centre for residents of the Trotting Complex area. The Trotting Complex should be integrated with the Town Centre area. Separating these two vital components of Byford will not result in best practice and will be detrimental to the working of the urban area and the Town Centre in particular. Particular attention should be given to the provision of traffic calming measures on this portion of the road so as to create the linkage yet mitigate against the use of the road as a general thoroughfare. No modification to the LSP should be made before advertising.

Soldiers Road:

The re-alignment of Soldiers Road is a component of the LSP that also has implications that affect Council. The alignment on the LSP is consistent with the provision of Main Street type shopping centres on smaller lots and increases street frontage. Negotiations regarding this alignment and the closure of the current Soldiers Road will be required with the landowner. No changes in this regard will be required to the LSP before advertising.

Location of the station:

The location of the station will be a determining factor both in terms of the crossing of the railway at Pitman Way but also the potential of affecting the extension of the railway to Mundijong in the future. The location is the result of the evaluation of various proposals and risk management workshops. It is considered the best outcome regarding integration with the Town Centre and the movement networks in and around the station. No changes in this regard will be required to the LSP before advertising.

Land required for public purposes and public works

The LSP identifies land required for a variety of public purposes, such as public open space. Such land will be required free of cost at the time of subdivision or development. There may be the scope for some of the infrastructure to be included in a development contribution arrangement or similar, however Council should clearly state that in no way does it commit, guarantee or similar to the inclusion of particular infrastructure or costs within a Developer Contribution Plan. No changes in this regard will be required to the LSP before advertising.

Staging of higher density developments

Consideration should also be given to the staging of the higher density developments on the eastern side of the LSP area. Due to the nature of development it is conceivable that the area will not be suitable for higher density development in the short term. The higher densities are however required to provide critical mass to the activity centres and public transportation. Further consultation between the Shire and the landowners regarding specifically Lot 1 Abernethy Road should result in a staging plan that will allow the transition. No changes in this regard will be required to the LSP before advertising.

Development Area

The Byford development area is divided into 12 precincts with the subject site located within Development Area 3. These development areas were incorporated into the scheme under Amendment 113 which was gazetted on 30 January 2007.

A copy of the plan – Plan No. 15.1 Byford Development Areas and Precincts showing the 12 precincts is with attachments marked SCM008.11/10/09 (IN09/12389)

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 LSP boundaries were determined on the basis of:

- An 800 metre 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.

Planning for the LSP area as a whole represents a comprehensive and integrated approach. Council in the future may wish to give consideration to further refining the boundaries, as planning for the Byford Town Centre progresses. Any modification to the boundary would need to be carefully considered on its merits. No changes in this regard will be required to the LSP before advertising.

It is recommended that Council pass a formal determination, pursuant to Appendix 15, sub-section DA3, Clause 2A of TPS 2 that a LSP shall be required for portions of 6,7,11 and 12. This will allow the Town Centre to be considered as an entity with boundaries as indicated in the LSP.

No changes will be required to the LSP before advertising.

LWMS

Consistent with the Byford Townsite Drainage and Water Management Plan and the state-wide framework titled ‘Better Urban Water Management’, a LWMS is required to be progressed in parallel with a LSP.

At each point in the statutory process for a local structure plan, both Council and the Western Australian Planning Commission need to make concurrent determinations on the LWMS document. This report provides Council with the opportunity to determine whether the LWMS is satisfactory for advertising, in parallel with the LSP.

Options

In terms of clause 5.18.3.2 of TPS 2 there are three primary options available to Council in considering any proposed LSP as follows:

- (1) to determine that the proposed LSP is satisfactory for advertising;
- (2) to determine that the proposed LSP is not to be advertised until further details have been provided or modifications undertaken;

- (3) to determine that the proposed LSP is not satisfactory for advertising and give reasons for this.

In the instance that Council decides to adopt the draft LSP, a further item will need to be presented to Council, post-advertising, to determine whether to grant final approval to the Local Structure Plan.

Conclusion

Having regard to the objectives of the draft LSP, the issues at hand and the options available to Council, it is recommended that the draft LSP be adopted pursuant to Clause 9.3(a) of TPS 2 for the purpose of advertising.

Council will also be required to adopt the draft LPP 31 comprising the Byford Town Centre Design Guidelines as a fundamental component of the LSP.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council:

- A. Resolve 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.
- B. Pursuant to Clause 5.18.3.2 of Town Planning Scheme No. 2 determine that the Byford Town Centre Local Structure Plan as provided in Attachment SCM008.1/10/09 is satisfactory for advertising with the following modifications:
- (1) The portion indicated as “Area subject to further investigations” be confined to Lots 6, 8, **9**, 15, 200, 201 and 202.
 - (2) The removal of the Highway Commercial designation for those lots on the eastern side of the South Western Highway, north of Clara Street.
- C. Pursuant to Clause 9.1 adopt draft Local Planning Policy No. 31 which will comprise the Byford Town Centre Design Guidelines for the Byford Town Centre Local Structure Plan area as shown in Attachment SCM008.4/10/09 with the following modification:
- (1) Inclusion of a reference to the Byford Town Centre Strategy as setting the framework and detailed requirements for public realm treatment.
- D. Invite comment on the proposed Byford Town Centre Local Structure Plan and Local Planning Policy 31 for a period of 42 days by way of:
- (1) A notice being placed in a local newspaper circulating within the district;
 - (2) A notice being placed in the Shire’s Administration Centre;
 - (3) A notice being placed on the Shire’s internet website;
 - (4) All landowners within the Structure Plan area;
 - (5) All surrounding landowners that are considered to be affected by the proposed Local Structure Plan; and
 - (6) A letter being sent to all relevant state government agencies; and
 - (7) A letter being sent to all community groups on the Shire’s database in recognition of the significance of the local structure plan for the district town centre to the whole community.
- E. 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.

SCM008/10/09 COUNCIL DECISION/New Motion:

**Moved Cr Geurds, seconded Cr Murphy
That Council:**

- A. Resolve 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.**
- B. Pursuant to Clause 5.18.3.2 of Town Planning Scheme No. 2 determine that the Byford Town Centre Local Structure Plan as provided in Attachment SCM008.1/10/09 is satisfactory for advertising with the following modifications:**
- (1) The portion indicated as “Area subject to further investigations” be confined to Lots 6, 8, 9, 15, 200, 201 and 202.**
 - (2) The removal of the Highway Commercial designation for those lots on the eastern side of the South Western Highway, north of Clara Street.**
- C. Pursuant to Clause 9.1 adopt draft Local Planning Policy No. 31 which will comprise the Byford Town Centre Design Guidelines for the Byford Town Centre Local Structure Plan area as shown in Attachment SCM008.4/10/09 with the following modification:**
- (1) Inclusion of a reference to the Byford Town Centre Strategy as setting the framework and detailed requirements for public realm treatment.**
- D. Invite comment on the proposed Byford Town Centre Local Structure Plan and Local Planning Policy 31 for a period of 42 days by way of:**
- (1) A notice being placed in a local newspaper circulating within the district;**
 - (2) A notice being placed in the Shire’s Administration Centre;**
 - (3) A notice being placed on the Shire’s internet website;**
 - (4) All landowners within the Structure Plan area;**
 - (5) All surrounding landowners that are considered to be affected by the proposed Local Structure Plan;**
 - (6) A letter being sent to all relevant state government agencies; and**
 - (7) A letter being sent to all community groups on the Shire’s database in recognition of the significance of the local structure plan for the district town centre to the whole community.**
- E. 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.**
- F. That Council further investigate 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.**

CARRIED 8/0

Cr Harris was not present and did not vote.

Council note: The Officer Recommended Resolution was changed with the addition of part F.

Cr Harris returned to the meeting at 9.25am.

SCM009/10/09		PROPOSED LOCAL STRUCTURE PLAN – LOT 1 ABERNETHY ROAD, BYFORD (A1653)	
Proponent:	Development Planning Strategies		<p>In Brief</p> <p>The proponent proposes a local structure plan for Lot 1 Abernethy Road, Byford.</p> <p>It is recommended that the proposed local structure plan be considered not satisfactory for advertising.</p>
Owner:	PEET Byford Syndicate Limited		
Author:	Simon Wilkes - Executive Manager Planning		
Senior Officer:	Brad Gleeson – Director Development Services		
Date of Report	25 September 2009		
Previously	N/A		
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: 6 July 2009
 Lot Area: 19.72 ha
 L.A Zoning: Urban Development
 MRS Zoning: Urban and Urban Deferred
 Byford Structure Plan: Waterway
 Residential R20, R30-60
 Future Roads
 Multiple Use Corridor
 Proposed Neighbourhood Park (Approx. 4,000m²)
 Date of Inspection: 11 September 2009

Background

The proponent, Development Planning Strategies, has lodged a local structure plan (LSP) on behalf of the owners of Lot 1 Abernethy Road, Byford, PEET Byford Syndicate Limited. The proposed LSP was lodged with the Shire on the 6 July 2009. The LSP covers approximately 19.72 ha and provides for a variety of land uses. The proposed LSP identifies a range of land uses; Residential R20 (lot size of minimum 440 m² and average 500m²), Residential R30 (lot size of minimum 270 m² and average 300m²), Residential R40 (lot size of minimum 200 m² and average 220m²), Commercial, Public Open Space and Special Use. It is intended that the 'Special Use' zone will accommodate a mix of land uses such as residential, home business, home office, small local offices, showrooms and cafes. In accordance with Liveable Neighbourhoods, 16% of the gross subdivisible area has been set aside for public open space predominately located within the multiple use corridor that traverses the LSP area.

The Shire has progressed a preliminary assessment of the proposed LSP and identified a number of key concerns. Shire Officers have attempted to work collaboratively with the proponent of the LSP to resolve a number of the matters associated with the proposed LSP. However, the proponent's preference is for the West Australian Planning Commission (the Commission) to determine the proposed LSP and not Council.

On 17 September 2009 the proponent requested, pursuant to 5.18.3.4 of TPS2 that the Commission determine the LSP.

Clause 5.18.3.4 (a)

Where the Proponent is aggrieved by a determination of the local government under clause 5.18.3.2 (b) or (c) or clause 5.18.3.3, the

Proponent may request the local government by notice in writing to forward the Proposed Structure Plan to the Commission.

In accordance with clause 5.18.3.4 (b) the local government, within 21 days, is required to forward a copy of the proposed structure plan, details of the local government's determination including modifications and any other information the local government considers may be relevant to the Commission's consideration.

A copy of the written request from the proponent is with attachments marked SCM009.1/10/09

The LSP was forwarded to the WAPC on 2 October 2009.

Although a formal determination is not required at this time, Officers are of the opinion that it would be useful for the matter to be considered by Council and for a formal recommendation to the Commission to be determined. Accordingly, this report provides Council with the opportunity to provide a recommendation to the Commission.

A copy of the proposed LSP is with attachments marked SCM009.2/10/09.

Sustainability Statement

Effect on Environment: The multiple use corridor will provide for increased water quality outcomes and provide recreational opportunities for the local community.

Resource Implications: The large portion of the site that is identified as a multiple use corridor has been set aside for drainage and recreation purposes in accordance with the Byford District Structure Plan. While this area provides recreational opportunities for the community there will in the future be a requirement for the Shire to maintain the public open space to an appropriate level. The Shire needs to consider the cost to establish and maintain a large area of public open space. The Landscaping Management Plan and the adopted Urban Water Management Plan will detail roles and responsibilities in relation to the management and up keep of the space.

Use of Local, Renewable or Recycled Resources Where possible the developer will be engaging local workers to complete works on site.

Economic Viability: The landscaping of the multiple use corridor will result in more trees on the site than the previous agricultural land use.

Economic Benefits: The proposed LSP provides for commercial and special land uses that will be beneficial to the local economy.

Social – Quality of Life: The proposed LSP sets aside large areas of public open space that is of benefit to the health and well being of the local community. The additional commercial and retail land uses will improve access to commercial needs.

Social and Environmental Responsibility: The proposed development seeks to incorporate principles of water sensitive urban design through a proposed Local Urban Stormwater Management Strategy. This approach to urban development establishes better water quality outcomes which will have a long term benefit to the environment.

Social Diversity: A diverse range of housing stock has been proposed, which will contribute towards meeting the diverse housing need of existing and future residents.

Statutory Environment:

If the Commission deems the proposed LSP is satisfactory for advertising, then the proposed LSP will be advertised in accordance with the scheme to affected landowners and government agencies.

Policy/Work Procedure

Implications:

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

Financial Implications:

There are financial implications to Council related to this structure plan. There are costs associated with advertising pursuant to the Scheme and if the structure plan is not deemed satisfactory for advertising the proponent has the right to request that the Commission determine the structure plan. This may have financial implications for the Council related to legal costs and officer time.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
4. Respect diversity within the community.

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

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.

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

Strategies:

2. Respond to Greenhouse and Climate change.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Comment:

The following report details the assessment of the proposed LSP in relation to TPS2, Byford District Structure Plan, Byford Town Centre Local Structure Plan and the WAPC Liveable Neighbourhoods policy framework.

Town Planning Scheme No. 2

The land is zoned 'Urban Development' and pursuant to Town Planning Scheme No. 2 (TPS2) Clause 5.17 (a) 'Establishment of structure plans to ensure that development takes place in conformity with those Plans' identifies that a structure plan is required to guide development in the area. In addition, Appendix 15 - Development Areas of TPS2 identifies that development will be in accordance with the Byford (District) Structure Plan. Within Appendix 15 – Development Areas the Byford (District) Structure Plan has been divided into 12 precincts to enable various detailed structure plans to progress. The proposed local structure plan is located within a portion of area six, however does not provide guidance in relation to the whole precinct.

Clause 5.18.2.5 of TPS 2 is relevant to this matter, as follows:

'5.18.2.5 In considering a Proposed Structure Plan for part of a Development Area, the local government may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Development Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and provide information on the arrangements for implementation'

The fact that the LSP only addresses a portion of Precinct 6 is of significant concern to officers as Precinct 6 includes part of the Byford Town Centre, which is the main focal point for the community and is identified as a District Centre under both local and metropolitan-wide planning frameworks. The sustainable outcomes of the area are based on achieving a comprehensive planning framework for the area. The need for a coordinated and comprehensive approach to planning in close proximity to the Byford Town Centre will be discussed further in this report.

Byford District Structure Plan

Council at its meeting of 22 June 2009 considered a review of the Byford District Structure Plan. At that meeting Council adopted a minor amendment to provide for an operative section to the Byford (District) Structure Plan. Provisions located on the map have now been included into an operative section of the structure plan. There are a number of provisions that provide guidance for development within the subject lot. The following are the provisions that are relevant to the proposed LSP, as follows:

"3.0 Requirement for the preparation of local structure plans

3.2 In accordance with Appendix 15, Section DA 3, Clause 2 (a) of the Scheme, Local Structure Plans shall be prepared for a geographical area not smaller than those precincts depicted in Plan 15A of the Scheme, unless otherwise resolved by Council."

The operative section of the Byford (District) Structure Plan reiterates the provisions of TPS2 and the need to provide a structure plan over the whole of the precinct. As identified earlier, this is of considerable concern to Officers as matters of integrating drainage, road networks and land use with abutting land owners are integral to the success of the Byford Town Centre.

"4.3 Pedestrian and Cycle Network

4.3.1 A pedestrian and bicycle plan shall be provided as part of each Local Structure Plan, in accordance with the Shire's Bicycle and Pedestrian Master Plan."

A pedestrian and bicycle plan has not been provided with the proposed local structure plan. It is recommended that if the proposed LSP is deemed satisfactory for advertising that the proponent be requested to provide the guiding principles of such a document and identify that a complete plan shall be provided at subdivision stage.

"4.4 Land within 200 metres of the Byford Trotting Complex

4.4.1 Prospective purchasers of all new residential lots created within 200 metres of any lot contained within the Byford Trotting Complex will be required to be notified that they are within proximity of the Trotting Complex and associated land uses. The 200 metres shall be measured from the dashed-line around the Trotting Complex, depicting the boundary of the Structure Plan Area."

A notation on the proposed LSP or additional text within the operative section of the proposed LSP is recommended to identify the need for notification on title for those lots within 200 metres of the Byford Trotting Complex.

"5.1 Town Centre

"5.1.1 Town Centre requires the preparation and completion of a Local Structure Plan, complete with detailed area plans and design guidelines. The Local Structure Plan is to include an investigation into increased residential densities within the 800 metre walkable catchment and its relationship with transit oriented urban design; the location, nature, role, relationship and distribution of different activities within the town centre. Any change to residential densities or uses within the 800 metre walkable catchment of the town centre will be subject to a separate modification to the District Structure Plan and associated community consultation. The general location of the Town Centre zone is shown as number 17 on the Structure Plan."

Pursuant to provision 5.1.1 of the Byford (District) Structure Plan, the Shire has progressed more detailed planning for the Byford Town Centre. There have been a number of workshops conducted and based on those concepts a draft LSP and design guidelines have been prepared. The draft LSP embodies the vision that the Shire has for the area and provides for a comprehensive planning approach to subdivision and development.

The proposed LSP for Lot 1 does not provide sufficient guidance in relation to the land that is identified as Town Centre on the Byford (District) Structure Plan. It does not adequately identify how the built form proposed within the proposed LSP may be integrated with the vision the Shire has for the Town Centre.

The proposed LSP for Lot 1 does not address the need to 'investigate the increased residential densities within the 800 metre walkable catchment and its relationship to the transit oriented urban design' that is expected to be provided around the town centre and future train station. The residential densities (R30-60) identified on the Byford (District) Structure Plan to the west of the subject site have not been provided for within the proposed LSP. The proposed residential densities of R40 and R20 do not address the need to provide greater residential densities within walking distance of the proposed passenger rail service. These residential densities will be discussed in detail later in this report.

"6.0 Relevant Planning Considerations – Specific Precincts

Plan 15A of the Scheme defines precincts for the preparation of Local Structure Plans. The following provisions are intended to be apply to the specific precinct. These provisions shall be read in conjunction with the Structure Plan-wide provisions outlined in Section 4, the Zone-specific provisions outlined in Section 5 and the General notations outlined in Section 7.

6.5 Precinct 6

6.5.1 The existing waterway in the Town Centre will be subject to water sensitive urban design principles at the detailed engineering design stage. The specific width of the water way will be determined through the Local Structure Plan. The general location of the existing waterway is shown as number 18 on the Structure Plan.

6.5.2 Additional area may be required for drainage purposes and shall be determined through detailed structure planning, including the preparation and finalisation of a drainage and nutrient management plan. “

It is expected that provision 6.5.1 and 6.5.2 shall be guided through the adoption of an appropriate Local Water Management Strategy and Urban Water Management Plan at the appropriate point in the planning process. The proponent has lodged a LWMS that is discussed later in this report.

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

As required within provision 6.5.4 the proposed LSP will determine the exact location of the distributor road. The proponent has indicated that the proposed LSP reflects the location of the distributor as identified within the approval of subdivision to the north of the subject site thus appropriately linking the two development areas together.

Proposed Byford Town Centre Local Structure Plan

The Byford (District) Structure Plan identifies that the Town Centre is subject to the preparation of a LSP, detailed area plans and design guidelines. The Shire has progressed planning in the Town Centre and a draft LSP has been presented to Council for consideration. The draft Byford Town Centre LSP provides more detailed guidance in relation to development, retail floor space and urban form associated with the Town Centre.

The Town Centre is seen as the focal point for the emerging community. The structure plan identifies a long term vision for the area that attempts to preserve the rural amenity of the area while providing a range of urban services and accommodating better urban water principles into the built form.

The urban form provided for within the proposed LSP is not consistent with the draft Byford Town Centre LSP. This raises a number of concerns for the Shire. The Byford Town Centre provides for:

- A comprehensive approach to planning in the area;
- A coordinated approach to development across a number of fragmented land parcels;
- A comprehensive approach to regional and local drainage;
- A range of planning provisions to guide orderly and proper planning;

An overarching, coordinating LSP for the whole area is more likely to result in orderly and proper planning for the area. The Shire is not supportive of ad-hoc structure plans that do not provide for a comprehensive approach to planning in the area. If a number of smaller scale LSPs are presented to Council for consideration it will be difficult for the Council to coordinate the different development expectations of adjoining landowners. There are also significant staging and implementation matters associated with ad-hoc implementation of drainage.

Notwithstanding the inconsistencies, there may be some areas where the proposed local structure plan could be modified to more readily integrate with the draft Byford Town Centre LSP. This would require the willingness of the applicant to engage with the Shire Officers to work collaboratively to achieve mutually beneficial outcomes.

There is a potential for the road network to be modified to more closely align with the draft Byford Town Centre LSP, for example there is an opportunity to revise the east-west cul de sac into a through road and some adjustment to the location of the two southern east-west roads. The densities proposed within the draft Byford Town Centre LSP are higher than those proposed within this LSP. Density within the proposed local structure plan may be able to be revised to reflect the densities proposed in the draft Byford Town Centre LSP. This matter is discussed further within "Lot Layout". A detailed hydrological assessment of the Byford Town Centre LSP and the proposed LSP may identify the ability to reduce the land set aside for drainage and public open space (POS) while still embracing the principles of water sensitive urban design.

Consistency with the indicative layout on the Byford Structure Plan

A fundamental argument put forward by the proponent in support of the LSP, is that the proposal is consistent with the Byford Structure Plan with respect to its spatial layout and the configuration of land uses and is therefore acceptable. In a similar manner, the proponent argues that the Local Water Management Strategy is consistent with the Byford Townsite Drainage and Water Management Plan and is therefore acceptable.

This argument has the following limitations:

- It fails to recognise that the Byford Structure Plan was prepared at a district-level only
- The layout depicted on the Byford Structure Plan is indicative only and is to be refined through the preparation of local structure plans
- The layout depicted within the Byford Townsite Drainage and Water Management Plan is indicative only and is intended to be refined through the preparation of Local Water Management Strategy.

Consistency with an indicative layout shown on a district structure plan is not considered to be sufficient justification for not providing a comprehensive framework, nor embracing the principles of orderly and proper planning.

Proposed Local Structure Plan

The following sections highlight concerns with the proposed operative section and plan.

Operative section

The operative section is key to the consistent application of the provisions. On adoption it becomes an operative section of the TPS2 and therefore has the statutory weight of TPS 2. Before the proposed LSP is deemed satisfactory for advertising, it is recommended that the Commission require the proponent to modify the operative section of the proposed LSP. The objective of the proposed modifications would be to provide greater clarity of provisions, defined timing associated with delivery of management plans and greater guidance associated with development provisions.

The revisions would include:

- Clear guidance on the elements of the structure plan that are being adopted. The adopted “structure plan” is the local structure plan map (map 1) and the local structure plan part 1 statutory planning section, all other documentation is for background purposes and does not form the adopted local structure plan;
- Revisions to the terminology used. The operative section shall refer to the “structure plan” as the local structure plan to avoid confusion with a district level structure plan or other more detailed planning;
- More detail relating to the zones proposed within the local structure plan and the development provisions for each zone bringing them in line with terminology provided for within the Byford Town Centre LSP for consistency in interpretation;
- More guidance in relation to the ‘Special Use’ area and the specific types of land uses that will be provided for;
- Details relating to tree preservation within detailed area plan areas (DAP);
- A strategies and plans section that identifies all strategies and plans that are required to inform the local structure plan, such as:
 - Local Water Management Strategy;
 - Urban Water Management Plan;
 - Landscaping Management Plan; and
 - Fire Management Plan.
- Guiding principles that will form the basis of the proposed management plans. It is envisaged that there may be a number of key points each management plan is intended to address;
- Timing associated with the delivery of the management plans;
- DAPs are also required for lots abutting POS and located within Special Use areas; and
- Removing the certification page.

Local Structure Plan map

In the instance that the LSP was deemed satisfactory for advertising by either the Commission or the State Administrative Tribunal, it would be recommended that the proponent revise the plan to:

- Identify existing vegetation that is to be preserved;
- Provide consistency of terminology with the Byford Town Centre LSP; and
- Indicate indicative road reserve widths.

Liveable Neighbourhoods

The Shire has conducted an assessment against Liveable Neighbourhoods and the following comments address the relevant provisions for consideration by the Council and subsequently the Commission.

Residential Densities

The Shire has a number of concerns relating to the proposed residential densities within the LSP. The Byford (District) Structure Plan and the Byford Town Centre LSP identifies the need to provide suitable residential densities in close proximity to the proposed passenger rail service. There are a number of benefits to establishing a transit oriented development. By providing higher residential densities in close proximity to the train station it is more likely that people will choose to walk to the train station and thus support a more sustainable community.

The Shire’s concerns relating to the under provision of residential density in the area are:

- The under provision of infrastructure. Developers may only provide infrastructure to accommodate the proposed residential densities. The level of infrastructure that would service the higher residential development will not be provided;

- The reduced sustainable outcomes for the community;
- The reduced viability of the commercial centre;
- The compromised vibrancy of the town centre;
- The ability to encourage redevelopment to higher residential densities at a later stage; and
- The reduced potential passenger numbers once the train station is constructed.

The delivery of the rail service is expected in the long term and it is important that the structure plan design provides for suitable densities to support the station. Any proposed LSP should enable development in the short term that does not adversely affect the ability to redevelop at higher residential densities in the long term. The proponent has not provided sufficient information to justify the low residential densities that are proposed. The Shire would recommend that the Commission require the proponent to provide additional information and justification prior to deeming the LSP satisfactory for advertising.

Public Open Space

The proposed LSP identifies that 16% of the gross subdivisible area is to be set aside for public open space (POS) for recreational and drainage purposes. There is a significant long term financial cost to Council associated with the maintenance and upkeep of such a large area of land.

Vegetation and Landscape Management Plan

Prior to the LSP being deemed satisfactory for advertising the Shire Officer's would prefer to work with the proponent to identify any significant vegetation on site. The Shire would encourage the preparation of an overlay to the local structure plan to identify the species and condition of vegetation on site. The proponent is also encouraged to identify ways to preserve existing vegetation within the urban form. Detailed area plans may be used to ensure that lots facing roads with vegetated verges provide some protection to the existing vegetation. The detailed area plans could potentially identify where the crossovers would be located, relative to the existing native vegetation.

In the instance that the LSP was ultimately adopted by Council and approved by the Commission, Officers would be recommending that a landscape management plan or similar should be prepared in accordance with the requirements of the Shire as a condition of subdivision or development. The Commission is recommended to require the proponent to provide an additional notation within the operative section of the proposed LSP that will identify when the preparation of a Landscape Management Plan is required.

Fire and Risk Management

It does not appear that the developer has conducted a risk assessment of the proposed urban form. There is concern that the large areas of vegetation set aside within the multiple use corridors will result in a fire risk if not appropriately managed.

The drainage area marked as No.4 POS does not integrate with the existing drainage reserve outside the subject area. The current emergency access that is provided would be closed by the proposal and this needs to be addressed to allow for emergency vehicular access.

It is recommended that the Commission require the proponent to address the access issue associated with adjoining land and provide an additional notation within the operative section of the proposed LSP identifying when the preparation of a Fire Management Plan is required, prior to deeming the proposed LSP satisfactory for advertising.

Urban Water Management

The proposed Local Water Management Strategy has been assessed by the Department of Water (DoW) and the Shire. The following matters have been raised as concerns:

Department of Water:

- Bed and Banks permit required under the Rights In Water Irrigation Act;
- Flow paths down Abernethy Road;
- Increased flow rates;
- Cross section for the Multiple Use Corridor;
- Description of basin and drainage swale functionality; and
- Concerns relating to the Byford Town Centre LSP.

A copy of the DoW correspondence is with attachments marked SCM009.3/10/09.

Shire:

- Flow path along Abernethy;
- Predevelopment and post development flow paths;
- Lack of connectivity with the proposed piped network through the town centre; and
- Staging of the flood path.

There are significant concerns relating to the staging of the drainage solution. If development within the proposed LSP was to proceed ahead of development east of the site it may result in a barrier to the regional flow. Unless the land owners to the east agree to provide a new and defined flow path to the entrance of the Lot 1 multiple use corridor there will likely be significant drainage issues.

It is recommended that the Commission direct the proponent to work collaboratively with Shire Officers to resolve these staging matters prior to deeming the proposed LSP satisfactory for advertising.

Activity Centres

There is a need to work collaboratively to ensure the vision that the Shire has identified for the Byford Town Centre is able to be achieved. The proposed LSP does not provide sufficient clarity in relation to the land uses within the 'Special Use' and 'Commercial' area. It is difficult for the Shire to assess the impact of these land uses will have on the sustainability and vibrancy of the Byford Town Centre with the lack of information provided.

It is recommended that the Commission direct the proponent to work collaboratively with Shire Officers to standardise terminology for mixed use areas across TPS2, the Byford Town Centre LSP and the proposed LSP prior to the proposed LSP being deemed satisfactory for advertising.

Options

As the proponent has requested that the proposed LSP be determined by the Commission pursuant to Clause 5.18.3.4 (a) of TPS2 the Shire is required to forward the appropriate documentation. The Council may resolve to provide additional information to assist the Commission in its determination.

If the Council was determining the proposed LSP pursuant to Clause 5.18.3 of TPS2, there would be three options available:

- Option 1 – determine that the Proposed Structure Plan is satisfactory for advertising,
- Option 2 – determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken;
- Option 3 – determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

In this instance, it is recommended that Council provide a recommendation to the Commission to the effect that the LSP is not satisfactory for advertising.

Conclusion

The proposed LSP does not provide for a comprehensive structure plan, pursuant to Plan No 15A Byford Development Areas and Precincts within TPS2, it does not adequately address the need for a detailed structure plan, detailed area plan or design guidelines for the Town Centre as identified on the Byford (District) Structure Plan, it does not adequately address the issue of residential densities, it does not adequately identify vegetation on site, it neglects to adequately address fire management concerns, it provides limited information relating to staging difficulties identified in the LWMS and it does not evidence a comprehensive assessment and refinement of POS. In addition there are a number of concerns relating to the operative section and the detail contained on the proposed plan.

The proposed LSP does not adequately address the vision that the Shire has developed for the area. The Byford Town Centre LSP provides for a comprehensive and coordinated approach to development within the Byford Town Centre and subdivision and development should be in accordance with that proposed LSP. It is critical that the Shire is able to adopt a planning framework that supports orderly and proper planning for such an important area rather than allow for an ad hoc approach to development.

Voting Requirements: Simple Majority

Executive Manager Strategic Planning left the meeting at 9.25am.

SCM009/10/09 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Geurds, seconded Cr Randall

That Council:

- 1. Note that the proponent has requested that the Local Structure Plan for Lot 1 be determined by the Western Australian Planning Commission.**
- 2. Recommend to the Western Australian Planning Commission, pursuant to Clause 5.18.3.4 (b) (ii) of Town Planning Scheme No. 2, that in considering the Local Structure Plan for Lot 1 Abernethy Road, Byford, the Commission determine that the Local Structure Plan is not satisfactory for advertising for the following reasons:**
 - (a) it fails to provide a comprehensive framework for the planning of the Byford Town Centre and surrounds, as envisaged under Clause 3.2 of the Byford Structure Plan.**
 - (b) it fails to satisfy the requirements set out in Clause 5.18.2.5 of TPS 2, insofar as demonstrating how planning for the subject land may be integrated with planning for the balance of the Development Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and provide information on the arrangements for implementation.**
 - (c) insufficient justification has been provided by the proponent in support of the Local Structure Plan only addressing a portion of Precinct 6, pursuant to the provisions in Appendix 15 of Town Planning Scheme No. 2.**
 - (d) progressing the local structure plan would be inconsistent with the principles of orderly and proper planning.**
 - (e) it does not adequately address the need for a Local Structure Plan, Detailed Area Plan or Design Guidelines for the Byford Town Centre as identified in the Byford Structure Plan.**

- (f) it does not adequately address the Shire's expectations on the following matters:
- (i) residential densities;
 - (ii) identification of vegetation on-site;
 - (iii) a comprehensive approach to public open space requirements and management;
 - (iv) the Operative Part of the document; and
 - (v) the vision that the Shire has developed for the area.

3. Note that the proponent will be afforded the opportunity to provide input and comment into the planning for the Byford Town Centre Area through the formal advertising of the Byford Town Centre Local Structure Plan through the statutory processes outlined in Town Planning Scheme No. 2.

CARRIED 9/0

Executive Manager Strategic Planning returned to the meeting at 9.27am.

Community Planning Officer entered the meeting at 9.27am.

Manager Library Services and Telecentre Co-ordinator entered the meeting at 9.28am.

SCM010/10/09 SERPENTINE JARRAHDAL COMMUNITY RESOURCE CENTRE (A1304)	
Proponent:	Serpentine Jarrahdale Telecentre
Owner:	Serpentine Jarrahdale Shire
Author:	Luke Tressler - Community Planning Officer
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning
Date of Report	14 September 2009
Previously	Nil
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation	Council

Background

The following report discusses the proposed location for a new Community Resource Centre and the associated funding considerations.

During the planning stage of the Serpentine Jarrahdale Grammar School (SJGS) the Principal approached the Serpentine Jarrahdale Telecentre with a proposal to enable a new Community Resource Centre within school grounds. The advantages would be that the centre would be available for school and community use.

The Telecentre applied for Federal Government funding for the project with the school supplying the land, landscaping and access to utilities such as power, telecommunications, water and sewerage. The Telecentre was successful in their application to the Federal Department for Education for funding from the Teaching and Learning Capital Fund to the sum of \$883,740 (excl GST). This grant must be spent by June 2010 and contains an allocation for project management, construction and fit out.

After successfully receiving the grant and informal community consultation, the Telecentre realized that members of the community preferred the Centre to be located in closer proximity to the current Mundijong town site. They approached the Shire to investigate if there was a way to improve the project by locating the Centre next to Mundijong Hall.

As this new site was contrary to the original plans with the school and the grant submission, Telecentre staff contacted the school and the Department for Education and informed them of the possible change in location. The SJGS has acknowledged the new location and the Department for Education has also given their approval for a modification to the grant submission. The Telecentre is charged by the funding body with managing and acquitting the project and its related funding. Shire officers have been working with the Telecentre to investigate the option of building a Community Resource Centre next to Mundijong Hall.

Sustainability Statement

Effect on Environment: A few trees in the car park will need to be removed to allow space for the Community Resource Centre but the majority are not native to Western Australia. In the landscaping of the site, local native WA trees and vegetation will be planted. Due to the prominence of the site in Mundijong it is considered important that landscaping be carried out in a way that enhances the current environment. Landscaping will need to occur directly after the Centre has been completed.

Resource Implications: The new Community Resource Centre, being based next to Mundijong Hall in the current car park, will require access to existing power, telecommunications, water and sewerage utilities. Connection to these utilities or any upgrading or new services will need to be paid for by the Telecentre.

Allowances must be made in the design/construction of the Community Resource Centre for there to be the possibility of future additions to the building to allow for a variety of different services and any design would need to be amended to enable this. The Telecentre has stated their commitment to sustainable principles and energy ratings.

Use of Local, Renewable or Recycled Resources: The builder that has been engaged by the Telecentre is based in Armadale and uses local labour. Where possible, local resources will be used.

Economic Viability: Building a new, more modern Community Resource Centre next to the Mundijong Hall, instead of co-locating it within the high school, is expected to result in increased use by the community as it will be located on a much more prominent site at the main entrance to the town. This increased patronage will enhance the Centre's viability.

The Community Facilities and Services Plan (CFSP) acknowledges a need for Telecentre services to be retained in the Shire. Serpentine was earmarked as the new location due to anticipated legislation which has since been reversed to enable the Telecentre to remain in Mundijong. The CFSP research also highlights the positive synergies of co-locating Telecentre and library services and recommends consideration be given for a new library to be built around 2013 along with a Shire Civic Centre and Lotteries House. Proceeding with this development now will mean that some of these services will be catered for earlier than scheduled, and at a reduced cost.

The library has considered a number of options regarding their expansion once the Telecentre moves out of its current location. The first option was to expand into the current Telecentre area once they vacate the building, and use an open plan area in the Community Resource Centre for library activities. The second option was for the library to move with the Telecentre into the new building. This, however, would not have given them as much floor space as option 1. Option 1 is therefore considered to be the best option for the library. Once the population of the Shire increases to a size where it is feasible to expand the library a feasibility study will be undertaken.

Economic Benefits: The project will enhance current services on offer by the Telecentre and Library. There will be an increase in the amount of space for both services, thus attracting greater community patronage with the potential to facilitate more local community activities that would otherwise not be possible. Acting now will also be economically beneficial as prices for materials and labour may rise in future. The grant will cover the cost of the building and the fit out. If this opportunity is not embraced there could be a greater cost to Council at a later date.

Social – Quality of Life: Building a new Community Resource Centre will allow the Library and the Telecentre to expand and provide improved services to the community. Situating the centre next to Mundijong Hall will also create a major community hub at the town's entrance.

Social and Environmental Responsibility: The Telecentre have been very active in their research, applications for funding and liaising with various stakeholders in regards to creating a new Community Resource Centre. The following is a list of different services that the Community Resource Centre could offer in the short and medium term (subject to the Management Order allowing the use the land for such purposes): video conferencing, Medicare access point, Centrelink, Ngala access point, Employment Directions Network, accredited training via TAFE, Community Based Training – Adult Education, meeting room hire for visiting professionals, public access to current IT facilities, visitor servicing/tourism, fire wood permits, community grant writing, secretarial services, bank agency, café, improved meeting room facilities, retail outlet for local artists, stationery, tourism and catering for children outside school hours.

Social Diversity: The construction of the Community Resource Centre will not only benefit the Telecentre, it will also be very beneficial to the Library which will be allocated space for activities within the Centre. The centre will also have a variety of other functions which will be available to the community.

Statutory Environment:

The current Management Order for the land reads: *“to be utilised for the designated purpose of “Hall site, Municipal Building and School” only”*. An application has been made to State Lands to change the Management Order to permit the proposed use. An early decision on this matter is expected from State Lands.

Policy/Work Procedure Implications:

There are no work procedure/policy implications directly related to this issue at this stage.

Financial Implications:

As the conditions of the grant states that funding can not be used for refurbishing existing facilities or landscaping purposes, all landscaping, car parking upgrades and tree removal will need to be provided by the Shire once construction has been completed. As it is a prominent site within Mundijong it will be important to allocate sufficient funds estimated to be between \$80,000 and \$110,000. Council is asked to consider this allocation in 2010/11 budget deliberations. The Telecentre will pay a connection fee for utilities and is currently applying for further funding for the project to offset costs and possibly contribute towards landscaping and car parking costs.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
4. Foster a strong sense of community, place and belonging.

Objective 3: High level of social commitment

Strategies:

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

4. Governance

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

Strategies

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

Community Consultation:

The Telecentre has consulted with its members and with the SJGS. The CFSP also undertook broad research and community consultation before making recommendations. The Centrals Football Club are also being consulted.

Comment:

Locating the new Community Resource Centre next to Mundijong Hall will provide an opportunity to create a strong sense of place within the town and a vibrant entry statement for people coming into Mundijong from Watkins/Mundijong Road. If it was located within the SJGS it would not enjoy as much prominence as it would be located 3 – 4km from the current town centre with no other catchments currently nearby other than the school community to attract passing trade.

One of the findings of the Serpentine Jarrahdale Youth Advisory Council Strategic Plan 2007 – 2011 was that there was not a lot of awareness of the Telecentre and their programs amongst young people. Locating the centre within the SJGS would increase the awareness of Telecentre programs amongst young people and increase its use, but an increase in awareness could also be achieved through building strong relationships and increased information sharing between the Telecentre and the schools if it were located next to the Mundijong Hall.

Once the Shire's population increases, extra space will be needed for Library operations and a feasibility study will be undertaken at this stage. In the interim they will be better served by maintaining their operation within their current building and expanding into the current Telecentre area. In time the Library will be given space within the Community Resource Centre for running activities.

The Centre's design will ensure that additions can be made for new services and activities in the future. The site next to the Mundijong Hall is ideal for this purpose as opposed to the school site which may result in some issues when expansion is required.

Grant funding is subject to the completion of the project by June 2010. Telecentre staff have contacted a building company, who have indicated that they could begin construction 1 December 2009, subject to Council approval. It is expected that the project can be completed within the timeframe.

Should Council withhold support for a Community Resource Centre next to the Mundijong Hall, it could be located within the SJGS.

Management Order

The proposed site of the Community Resource Centre is located on the same property as the Shire's Administration building. This land is identified as Reserve 30867. Under the current reserve Management Order for the site, the land is designated for the purpose of 'Hall site, Municipal Building and School' only. The purpose of 'School' was included on the Management Order to allow the land to be occupied by the SJGS.

Discussions with the State Lands office indicate that the current Management Order may need to be amended to incorporate an additional use as the proposed Community Resource Centre may not fall within any of the existing designated purposes. There is potential for an additional use such as 'Community Centre' or 'Resource Centre' to be added to the Management Order. Initial feedback from the State Lands office indicates that given the community nature of the proposal, the incorporation of an additional use should not be a lengthy process.

Mundijong Whitby District Structure Plan

In accordance with orderly and proper planning principles, development prior to the finalisation of a structure plan is not ideal. However, given the circumstances of this proposal being a community resource centre located on reserve land, not zoned urban development, adjacent to the Shire's administration building that Council has already resolved will remain in its current location, it is not anticipated that the project will compromise the planning for the Mundijong Whitby District Structure Plan.

Conclusion

It is recommended that Council provide in principle support to locating the proposed Community Resource Centre on Reserve 30867.

There are many advantages to locating next to the Mundijong Hall, including but not limited to:

- high visibility thus improving community resource centre service delivery;
- the existing library can expand within its current location with little disruption to current operations;
- additional uses such as tourist information etc will be more accessible to visitors;
- community resource centre services compliment Shire Administration and Library services in terms of co-location

A development application will be required for this project under TPS2 and will be subject to a rigorous assessment by Council staff against the TPS 2 and relevant policies prior to any approvals being granted. All relevant issues will be examined through this process, with relevant conditions placed on approvals given. Council staff have been proactive in meeting with the Telecentre so as to ensure all stakeholders are aware of the statutory requirements and timelines.

Voting Requirements:

ABSOLUTE MAJORITY

SCM010/10/09 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Twine

That Council, subject to approval from State Lands for a change to the Management Order for Reserve 30867 to permit a Community Resource Centre:

- 1. Indicates their in principle support for the use of the land next to Mundijong Hall, located at Reserve 30867, Lot 167, (#6) Paterson Street, Mundijong for a Community Resource Centre.**
- 2. Considers allocating funds in the 2010/2011 budget to complete landscaping and car park works only.**
- 3. Authorises the Chief Executive Officer to sign all planning and building application forms.**
- 4. Authorises the Director Development Services to determine a development application and issue a building licence for a proposed Community Resource Centre on Reserve 30867, Lot 167 (#6) Paterson Street, Mundijong.**
- 5. Requires that Councillors are consulted on the detailed design.**

CARRIED 8/1

Manager Library Services and Telecentre Co-ordinator left the meeting at 9.41am.

SCM011/10/09 TENDER 008/2009 - NEW AND REFURBISHMENT WORKS TO MUNDIJONG SPORTS OVAL CHANGE ROOMS AND MULTI PURPOSE SPORTS ROOM (A1677)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief Council accepts the tender submitted by C Morgan Constructions for the undertaking of new and refurbishment works to Mundijong Sports Oval Change Rooms and Multi Purpose Sports Room.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Brad Gleeson – Director Development Services	
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	2 October 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Tenders were called for the “Proposed New refurbishment works to Mundijong Sports Oval Change Rooms and Multi Purpose Sports Room” and Tender 008/2009 was advertised in the West Australian and closed on the 15 September 2009.

At the closure of Tenders, four submissions were received from the following registered builders;

- Laneway Construction;
- CPD Group Pty Ltd;
- Classic Contractors; and
- C Morgan Constructions.

Tenders were evaluated by a panel comprising of the Director Development Services, Director Engineering and Manager Building Services. All four submitted tenders conformed.

A copy of the Confidential attachment outlining the evaluation matrix is with attachments marked SCM011.1/10/09.

Sustainability Statement

Effect on Environment: A key outcome is the opportunity to improve the environmental performance of the building, making it more useable for current and future populations and increasing its useful life.

Resource Implications: The tender specification calls for best practice outcomes in terms of cost and quality objectives.

Use of Local, renewable or recycled Resources: While encouraged, the use of these resource types cannot be confirmed at this stage.

Economic Viability: The project is designed to limit external costs to Council.

Economic Benefits: The project may generate some local and regional employment and the purchase of goods/services from local business.

Social – Quality of Life: The proposed new and refurbishment works will ensure the building caters for current users, new users groups and enhances community well being.

Social and Environmental Responsibility: The project has afforded community groups to be actively involved in the design consultation process, allowing for a sense of community spirit and engagement.

Social Diversity: The new and refurbishment works will cater for all sections of community.

Statutory Environment:

Local Government Act 1995 (as amended)

Part 4 of the Local Government (Functions and General) Amendment Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.

The tendering process for goods and services must be in accordance with Sections 11, 18 and 19 of the Local Government (Functions and General) Regulations 1996 and Local Government (Functions and General) Amendment Regulations 2007.

In particular, Regulation 18 details the criteria outlining requirements for the choice of tender. Council is to determine the most advantageous tender, and is permitted to accept or decline any or all of the tenders received.

Regulation 19 requires Council to advise each Tenderer in writing of the results of the Council's decision.

Policy/Work Procedure Implications:

Serpentine Jarrahdale Shire Purchasing Policy
"Procurement of Goods and Services through Direct Purchasing and Public Tendering"

Financial Implications:

A budget allocation of \$1,187,486 has been made for this project in the 2009/10 budget. The difference between budget and the officer recommended tender price of \$602,654.55 is \$584,831.

There may need to be further expenditure of funds on works at the site that are not part of this tender, including upgrades to septic tanks, car parking areas, landscaping and paths. In addition, Council's project management costs will need to be included in the final project costings. Upon the completion of the project, an application will need to be made under the Country Local Government Fund for a variation of expenditure on this project.

Strategic Implications:

Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
3. Retain seniors and youth within the community.

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

Strategies:

4. Foster a strong sense of community, place and belonging.

Objective 3: High level of social commitment

Strategies:

2. Build key community partnerships.

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

4. Balance resource allocation to support sustainable outcomes

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

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.

3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Extensive consultation has occurred with the local community and user groups.

Comments:

The tender document provided a detailed description of the services required to be undertaken, and an overview of the expectations of Council in relation to the delivery of the works.

Voting Requirements: Simple Majority

SCM011/10/09 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Kirkpatrick, seconded Cr Price
That Council accepts the Tender submitted by C Morgan Constructions – Tender 008/2009 for the New and Refurbishment Works to Mundijong Sports Oval Change Rooms and Multi Purpose Sports Room.
CARRIED 9/0**

Community Planning Officer left the meeting at 9.46am.

9. URGENT BUSINESS:

COUNCIL DECISION

**Moved Cr Brown, seconded Cr Randall that Council accept an item of Urgent Business.
CARRIED 9/0**

SCM012/10/09 DEED OF DEDICATION - ST PAUL'S CHURCH, JARRAHDAL (P03019)		In Brief Council accepts a Deed of Dedication from St Paul's Church, Jarrahdale.
Proponent:		
Owner:		
Officer:	Councillor John Kirkpatrick	
Senior Officer:		
Date of Report	12 October 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Cr Kirkpatrick attended a dedication service at St Pauls Church in Jarrahdale on 9 October where he was presented with a Deed of Dedication from the Church. Cr Kirkpatrick, on behalf of the Anglican Church and the community of Jarrahdale thanked the Shire President and Councillors for their support in the restoration of the Church.

Cr Kirkpatrick also thanked the Director of Corporate Services, Alan Hart and Director Engineering, Richard Gorbunow for their diligence and efforts in relation to restoration of the Church.

COUNCIL DECISION

**Moved Cr Twine, seconded Cr Price that Council accepts the Deed of Dedication from St Paul's Church, Jarrahdale.
CARRIED 9/0**

10. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

11. CLOSURE:

There being no further business, the meeting closed at 9.48am.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 26 October 2009.

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Presiding Member

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Date