

NEW SUMMARY OF SUBMISSIONS Byford
Development Contribution Plan
PA18/778

Responsible Business Unit: Strategic Planning

Advertising Date: 21 May to 31 August 2020

Submitter	No	Submitter Comments	Officer Comment	Officer Recommendation
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Government Agencies

Department of Biodiversity Conservation and Attractions IN20/10455	1.	The Department of Biodiversity Conservation and Attractions - Swan Region Office has no comments on the proposal.	Officers note that a submission focused on the District Structure Plan was also received from the Department.	No modifications recommended.
Department of Transport IN20/10765	2.	I refer to your letter dated 20 May 2020 regarding the above Scheme amendment. The Department of Transport has no comment to provide for the proposal. Thank you for the opportunity to comment on the application.	The submission has been considered and the contents noted.	No modifications recommended.
Department of Water and Environmental Regulation IN20/10703	3.	Thank you for providing the Scheme Amendment No. 208 – Byford Development Contribution Plan application for the Department of Water and Environmental Regulation (Department) to consider. The Department does not object to the proposal and has no comments. In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.	The submission has been considered and the contents noted.	No modifications recommended.
Department of Fire and Emergency Services	4.	Given the proposal seeks to funding the purchase and development of land for road widening and related infrastructure, to improve areas of open space limited to earthworks, grassing and irrigation, fund water monitoring programmes, and for miscellaneous administrative costs per your	The submission has been considered and the contents noted.	No modifications recommended.

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IN20/10625		<p>correspondence, which may not be considered an intensification of land use, the application of State of Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) may not be required, in this instance.</p> <p>Please note that the application of SPP 3.7 is ultimately at the discretion of the decision maker.</p> <p>Thank you for providing us with the opportunity to make a submission, DFES has no further comments.</p>		
Department of Planning, Lands & Heritage (Heritage) IN20/10916	5.	The proposed scheme amendment has been considered for its potential impact on heritage places within the Scheme area and it raises no concerns.	The submission has been considered and the contents noted.	No modifications recommended.
Department of Primary Industries and Regional Development IN20/11317 & IN20/18201	6.	The Department of Primary Industries and Regional Development (DPIRD) does not object to the Byford Development Contribution Plan as it aligns with the Council Adopted Byford District Structure Plan.	The submission has been considered and the contents noted.	No modifications recommended.
Mines, Industry Regulation and Safety Resource and Environmental Regulation	7.	The Department of Mines, Industry Regulation and Safety (DMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.	The submission has been considered and the contents noted.	No modifications recommended.

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IN20/12785				
Environmental Protection Authority IN20/15666	8.	<p>Thank you for referring the above scheme to the Environmental Protection Authority (EPA).</p> <p>After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) and that it is not necessary to provide any advice or recommendations.</p> <p>Please note the following:</p> <ul style="list-style-type: none"> • For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act. <p>There is no appeal right in respect of the EPA's decision to not assess the scheme.</p>	<p>The submission has been considered and the contents noted.</p> <p>Officers note that the Environmental Protection Authority provided the Shire with a copy of their decision not to assess these two amendments that was published on 4 February 2019.</p>	No modifications recommended.
Water Corporation IN20/17281	9.	<p>Thank you for your correspondence of 14 August 2020 inviting comments on the proposed changes to the above DSPs and Amendments 208 and 209.</p> <p>The proposed amendments to the Byford DSP and the associated DCP (Amendment 208) do not appear to impact on, or require changes to the Water Corporation's long term planning for water, sewerage and drainage for the Byford area. The Corporation has no objections to these changes.</p>	The submission has been considered and the contents noted.	No modifications recommended.

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MRWA (MainRoads) IN20/18799	10.	<p>Main Roads is generally supportive of the Shire's efforts to forward fund infrastructure. In response to your letter received 20 May 2020 provides the following comments:</p> <ol style="list-style-type: none"> The DCP proposes to extend and connect Orton Road to link directly to South Western Highway to accommodate growth. In order achieve the connection at Orton Road to South Western Highway consideration must be given to closing the Cardup Siding Road rail crossing. This would limit traffic to left in left out movement at Gordin Way on to Soldiers Road. This preliminary proposal requires careful consideration of the impact upon both road and rail networks. Council should consider if it is a good planning outcome to mix industrial and residential traffic. It is strongly recommended that further consultation and preliminary planning including engineering, concept studies are undertaken as part of stakeholder engagement with both Public Transport Authority and Main Roads prior to inclusion of this proposal in the in this DCP or any other planning document. Page 10 of the Byford Traditional Infrastructure Development Contribution Plan (DCP6) document states: "The following items have not been included in the Byford Development Contributions Plan for Orton Road - any intersection treatment with Tonkin Highway. Tonkin Highway is a Primary Regional Road under the MRS and is a responsibility of Main Roads WA". This statement should be amended as follows: ".Any intersection treatment with Tonkin Highway" (excluding that it is a PRR) 	<p>Officers agree that consideration should be given to closing the Cardup siding road crossing of the railway as taking industrial traffic through to Tonkin highway on a small suburban road is a significant safety risk.</p> <p>Officers agree that the some upgrades required to facilitate private development are generally borne by the developer and that it is not always the case that MRWA funds intersection upgrades to state roads.</p>	<p>No modifications recommended.</p> <p>Intersections with MRWA roads - That the text for Orton Road be changed in the DCP and Amendment to read: "The following items have not been included in the Byford</p>

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		<p>Justification for the Amendment to text: This statement is not necessary and incorrectly implies that Main Roads funds all intersection upgrades to State Roads. Upgrades required to facilitate private development are generally borne by the developer or as part of a DCP. The Shire should re-consider its position on funding arrangements for this connection is required.</p>	<p>We therefore recommend the clause be reworded as suggested.</p> <p>The Shire notes that in this instance, since the section of Tonkin joining Orton Road is a new construction of Tonkin, that MRWA will be responsible for funding this particular intersection, and as such reconsideration of the funding arrangement in this instance is not applicable.</p>	<p>Development Contributions Plan - Intersection treatments with Tonkin Highway.”</p>
<p>Department of Education IN20/19362</p>	<p>11.</p>	<p>Development Contribution Plan</p> <p>1. The Department acknowledges that the DCP will help fund the Shire’s share of works associated with Public/District Open Spaces that are to be co-located with future public schools. As discussed above, the Department is concerned that there is an insufficient provision of public primary schools within the DSP. The requirement for additional school sites may alter the size and location of the identified Public/District Open Spaces. As such, it is considered necessary that a formal determination on the DCP is not made until the Shire and the Department have agreed upon the final number and provisional locations of future public school sites within the DSP.</p>	<p>It has been requested by others that the requirement for SUAs be removed from the DCP, as these are directly negotiated between the Shire and the DoE.</p> <p>Officers acknowledge that the current residential densities are</p>	<p>No modifications recommended.</p>

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			<p>substantially higher than anticipated when the original Byford District Structure Plan was approved in 2005.</p> <p>Additional areas such as the Hopkinson road precinct, recently approved by the Department of Planning, Lands & Heritage have also increased the number of residents requiring a reassessment of the number of schools.</p> <p>The Shire will continue working with the DoE on this matter.</p> <p>Should changes to DOS locations or provision be required, a future Amendment will be pursued to address this.</p>	

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Department of Water and Environmental Regulation (Second submission) IN20/19561	12.	<p>The Department of Water and Environmental Regulation (Department) supports the development of the district structure plan and scheme amendment as an important overarching planning document that guides future planning and development within the subject area.</p> <p>It is noted there may be challenges securing non-potable supply for irrigation within the structure plan area in the future due to reducing groundwater allocations and unfavourable conditions for abstraction.</p> <p>Attachment 1 contains the Department's comments for your consideration, and some recommendations upon addressing issues pertaining to non-potable supply.</p> <table border="1" data-bbox="533 916 1494 1043"> <thead> <tr> <th>Page/Section</th> <th>Topic</th> <th>Issue</th> <th>Suggested changes</th> </tr> </thead> <tbody> <tr> <td>Pg 42, section 1.3.2</td> <td>State and Regional Planning Framework</td> <td>Government Sewerage Policy</td> <td>This policy has been finalised and is no longer in draft form. Please update references to the policy.</td> </tr> <tr> <td colspan="4">Comments continued on next page...</td> </tr> </tbody> </table>	Page/Section	Topic	Issue	Suggested changes	Pg 42, section 1.3.2	State and Regional Planning Framework	Government Sewerage Policy	This policy has been finalised and is no longer in draft form. Please update references to the policy.	Comments continued on next page...				<p>The submission has been considered and the contents noted.</p> <p>a) Officers note the status of the "Draft" Government Sewerage Policy.</p> <p>b) Officers note the comments on the Integrated Water Management Strategy and groundwater.</p> <p>c) The Department of Water and Environmental Regulation comment on the Shire of Serpentine-Jarrahdale Integrated Water Management Strategy is noted and will be included in further deliberation and studies in this regard.</p>	No modifications recommended.
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Pg 42, section 1.3.2	State and Regional Planning Framework	Government Sewerage Policy	This policy has been finalised and is no longer in draft form. Please update references to the policy.													
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Business

Coles IN20/14958	13.	<p>Further to advice below, Coles is mindful of the teleconference scheduled for later this week in relation to Byford and felt there may be benefit in detailing those areas of concern which we may touch upon during our discussion.</p> <p>From the outset, Coles appreciates the objectives of the Shire of Serpentine-Jarrahdale in wishing to chart the future of Byford, perhaps more so in view of Public Transport initiatives and the opportunities</p>	<p>The submission has been considered and the contents noted.</p> <p>Officers note the status of negotiations between the submitter and the Shire in terms of the development</p>	<p>Community POS site - That wording be included in the DCP and Amendment referencing Community purpose POS and that Figure</p>
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		<p>presented by same, especially integration of such facilities with community infrastructure. It was for this reason that Coles met with Shire representatives some months ago.</p> <p>Nevertheless, the present lack of an approved Plan of Subdivision means that Coles is unable to divest Byford Village (and surrounding Town Centre land) within a clearly defined timeframe and also provide clear Title to our Joint Venture partners (LWP) for the northern (residential) component of the site.</p> <p>The lack of an approved Plan of Subdivision we understand also means that the Shire is relying upon the “Building Licence” method of assessing Developer Contributions over the entirety of the site rather than alternatives potentially available were there to be an approved plan in place (i.e. Developer Contributions may be deferred over portions of the site until such time as development occurs).</p> <p>Kindly consider the following;</p> <p><u>b) Servicing Costs</u></p> <ul style="list-style-type: none"> • Coles has sought advice in relation to likely costs associated with the creation of the “fourth lot” . These include servicing, siteworks and legal expenses and are considerable; broadly equivalent to the “POS credit for community purpose site” below. This begs the question why Coles would elect to pursue this option when effectively no benefit accrues to Coles and the time necessary to address will be still further extended; 	<p>and believe that the issues identified have been resolved through other planning frameworks, and the cost of groundworks for the Community POS site for the Town Centre is to be borne entirely by the Shire. There is therefore no impact in this regard to the DCP costings or the amendment.</p> <p>It is noted and recommended that Figure 5 in the DCP (Non-Residential Land Rates) is to be updated to reflect the changed position and size of the POS to be in line with the new draft LSP for the site.</p> <p>Development Contributions are triggered as per State Planning Policy SPP 3.6 It is noted that under a</p>	<p>5 in the DCP (Non-Residential Land Rates) be updated to reflect the changed position and size of the POS, and the community site in line with the new draft LSP for the Town Centre.</p>

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		<ul style="list-style-type: none"> • An alternative position may be for the Shire to consider acquiring the entirety of the balance of the Town Centre land as part of Coles future sale campaign and developing how it sees fit in future? <p><u>c) Developer Contributions (generally)</u></p> <ul style="list-style-type: none"> • This matter has been outstanding for some time and Coles now wishes to come to a common position and meet its obligations in relation to the development of the Byford Village component of the overall site; • We also note that applicable rates within Byford continue to increase; • Per above, the lapsing of the previous approval provides the Shire with no option but to assess Developer Contributions on the “whole” rather than that “part” developed. There is for example no reason why the residential portion of the site should attract Developer Contributions at this time given it may be some time until development occurs? • Please can it also be confirmed that even were Coles to pursue the “Fourth Lot” option the financial benefit of the POS credit for community purpose site would not be received by Coles; it would rather it would be held in trust by the Shire and be applied to Coles’ successor in title (i.e. when the balance of the Town Centre land is developed)? <p><u>d) Structure Plan Amendment</u></p> <ul style="list-style-type: none"> • It would be fair to state that Coles was perhaps unaware of the nature, extent and timeframe necessary for this process, nor that amendment of the Structure Plan to accommodate the Community Use site effectively limits the extent to which LWP may be able to develop their portion of the overall holding. 	<p>subdivision, balance lots do not attract contributions.</p>	

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		<p>We trust the above provides a framework for discussion and perhaps also provides an understanding of why Coles has elected to pursue what we perceive to be the simplest means of addressing – the lodgement of the three lot plan;</p> <ul style="list-style-type: none"> • Byford Village Shopping Centre (Lot 100 [including an area for Public Open Space & Drainage Reserve to be ceded to the Shire]); • Residual surrounding Town Centre land (Lot 9001), and • Residential land to the north (Lot 9000 [effectively the balance to be transferred into the ownership of LWP]); <p>Coles thanks the Shire for ongoing assistance in relation to this matter.</p>		

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		<p>We would welcome your consideration and if you were open to updating your subdivision plan to reflect this.</p> 		
<p>IN20/15571 Element on behalf of Coles</p>	<p>14.</p>	<p>Element is acting on behalf of Coles Group Property Developments Ltd (Coles) in relation to Lot 2 Abernethy Road, Byford (Lot 2). Lot 2 forms part of the Byford Town Centre Precinct in the Byford Local Structure Plan. This submission is made concurrent with (and should be read in conjunction with) our submission on behalf of Coles for the Draft Byford Town Centre Local Structure Plan (draft structure plan) (see attached copy).</p>	<p>The submission has been considered and the contents noted. The submission has been considered and the contents noted.</p>	

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		<p>This submission is made in relation to the Development Contribution Plan (DCP) shared infrastructure public open space component of Local Planning Scheme Amendment No. 208.</p> <p>The new 'Public Open Space (Community Purposes)' use (POS No. 8) in the eastern portion of Lot 2 (refer to attached copy of submission) requires improvement costs associated with establishing the site as a fully serviced lot ready to accommodate development to be incorporated into the Byford Development Contribution Plan No. 6 (DCP No. 6).</p> <p>For the reasons set out in the attached submission, it is unreasonable to require Coles (the landowner of Lot 2) to be expected to solely fund the construction and servicing of the POS (community purpose) site.</p> <p>Problems/Issues</p> <ol style="list-style-type: none"> 1. The 10% POS requirement for Lot 2 Abernethy Road will be met by the provision of POS No. 7. 2. Coles does not generate any demand by its future commercial use on Lot number 2 for POS No. 8. 3. Servicing costs are substantial (up to \$700,000) due to the low-lying nature of the site. 4. The DCP No. 6 (i) deduction of the land and (ii) credit offset for the land does not adequately cover the improvement costs to establish POS No. 8 as a fully serviced lot. 5. The POS No. 8 (community purpose site) serves the district and therefore its site improvement costs should be covered under Amendment No. 208 and DCP No. 6. 	<p>Officers note the status of negotiations between the submitter and the Shire in terms of the development and acknowledge that the advertised Development contributions plan does not accurately reflect these outcomes. The Development contribution plan should be updated to reflect these outcomes.</p> <p>Council has resolved that the Shire bear the full cost the groundworks for the Community POS site for the Town Centre. There is therefore no impact in this regard to the DCP costings or the amendment.</p> <p>Officers believe that the significant difference in embellishment requirements of different POS across DCA1</p>	

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		<p>6. Inclusion of site improvement costs for POS land (especially for a library) is industry standard practice and has previously been endorsed by the Minister for Planning. An example is the City of Kwinana DCA5 (Wandi) – refer to below extract.</p> <p>Example No. 1 – City of Kwinana DCA 5 (Wandi)</p> <p>9.2 Public Open Space</p> <p>9.1 Public open space</p>	<p>makes it unequitable to apply a single rate for embellishment and this cost is specifically excluded from the DCP.</p>	

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		<p>Land acquisition and improvement costs for the provision of public open space (POS) as per the adopted Wandl North and Wandl South Local Structure Plans will be coordinated by the development contribution plan. Costs will be apportioned on a pro rata gross subdivisible area basis for landowners within the both the Wandl North and Wandl South Local Structure Plan areas. It must be noted that the area comprising the Wandl District Centre has not been included in the POS item for DCAS, with no Local Structure Plan submitted as yet for this area. It is acknowledged that the majority of the Wandl District Centre will comprise Commercial land uses, with some residential land likely north of the Western Power powerline easement. The required POS within the Wandl District Centre will be determined separately via local structure planning, which will also be required to take into account the combined Community Facilities site with a Branch Library, Youth Centre and Local Community Centre.</p> <p>The estimated costs for the public open space (9.5% of the GSA, deducting the GSA for the Wandl District Centre – 11.1135ha) is \$13,669,605 + \$10,772,407.41 = \$24,442,012.41 based upon:</p> <p>Land acquisition: \$1,230,000 per hectare x 11.1135 hectares⁹</p> <hr/> <p>⁹ Wandl (South) Local Structure Plan 2012, Appendix 6: Local Structure Plan Revised Traffic Report (Transcore), 2011, page 12. ⁹ Colliers International land valuation November 2017</p> <p>Standard improvement costs (including establishment costs for 2 years): \$969,308.27 per hectare¹⁰</p> <p>POS areas are comprised of both Local and Neighbourhood Parks. Local Parks are those less than 1 hectare in area, with a per m² rate for improvements applicable of 104.14. Neighbourhood Parks are greater than 1 hectare in area, with a per m² rate for improvements applicable of 93.85. These rates have been independently verified by a landscape architecture firm.</p> <p>The improvement costs associated with POS include earthworks, drainage, turfing, reticulation, lighting, fencing, basic furniture and establishment costs for two years.</p> <p>Requested Modifications to Amendment No. 208 and Draft DCP 6</p>		

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		<p>It is therefore requested on behalf of Coles that Scheme Amendment No. 208 and Draft DCP No. 6 be modified to include the improvement cost to create the shared community infrastructure item at POS No. 8 (community purpose site).</p>		
<p>Stewart Urban Planning IN20/16844</p>	<p>15.</p>	<p>The Submission relates to Orton Road and makes the following three requests:</p> <ol style="list-style-type: none"> 1. That the function of Orton Road be clarified; 2. That the extension of Orton Road be aligned centrally along the southern boundary of the subject land; and 3. That the full width of Orton Road be included as a Development Contribution Item. <p>Attached to the Submission is a background report that identifies the relevant provisions within the existing / proposed planning framework, which will assist with understanding the reasoning behind our requests.</p> <p>LOT 2 (No.147) and LOT 3 (No.155) WARRINGTON ROAD, BYFORD</p> <p>Stewart Urban Planning acts for Baptistcare WA Limited ('Baptistcare'), the owner of Lot 2 (No.147) and Lot 3 (No.155) Warrington Road, Byford ('subject land').</p> <p>We hereby lodge this Submission on the following planning documents presently being advertised by the Shire of Serpentine-Jarrahdale ('Shire'):</p> <ul style="list-style-type: none"> • Amendment 208 to Local Planning Scheme No.2 ('LPS2'); • Byford Traditional Infrastructure Development Contribution Plan ('BTIDCP') Report No.6; and • Byford District Structure Plan - December 2018 ('DSP'). 	<p>The submission has been considered and the contents noted.</p>	

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		<p>Purposes of Submission The purposes of this submission are to: 1. Seek clarification of the function of Orton Road; 2. Request the extension of Orton Road be aligned centrally along the southern boundary of the subject land; and 3. Request the full width of Orton Road be included as a Development Contribution Item.</p> <p>This submission comprises the following sections: • Background; • Description of Land; and • Purposes of Submission.</p> <p>In addition, Attachment 1 contains a detailed overview of the relevant planning framework that has informed this Submission.</p> <p>Background Baptistcare acquired the subject land in October 2019 for the purpose of developing a Residential Aged Care and Retirement Living complex. A portion of the subject land is proposed to be developed with a Church. The land is 900 metres south-west of Baptistcare's existing Graceford residential care and retirement village situated on Turner Road, Byford. Graceford has served the local community since the mid 1980's and the proposed development will enable Baptistcare to continue to meet demand for aged care and retirement living from the emerging population in Byford. Description of Land The subject land comprises Lots 2 and 3 on Diagram 70480. Lots 2 and 3 each have an area of 3.3662 hectares and are situated on the eastern side of Warrington Road. Lot 2 has a frontage to Warrington Road of 100.31 metres. Lot 3 has a frontage of 80.31 metres to Warrington Road and 20 metres to Orton Road. The reserve for Orton Road terminates at the western boundary of Lot 3. Grounds of Submission The purposes of this Submission are as follows.</p>		

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		<p>1. Clarify the function of Orton Road</p> <p>The various documents that comprise the relevant planning framework include different, and potentially conflicting, descriptions of the purpose, function and classification of Orton Road. This is summarised in the table below.</p> <p>It is evident the purpose, function and status of Orton Road is not clear and further investigations are required to determine whether Orton Road should be reserved under either the Metropolitan Region Scheme or reserved under the Local Planning Scheme and included as an item in the Byford Development Contribution Plan.</p> <p>In this regard, we note the consultant representing various developers of land in Byford made a Deputation to the Council meeting held 20 July 2020 also querying the function and status of various roads in the area, including Orton Road. This also suggests that further detailed investigations are required.</p> <p>We request that the function of Orton Road be clarified in the relevant documents.</p>	<p>Orton road is an Integrator B road as per Liveable Neighbourhoods, with parking drainage and a footpath.</p> <p>It will have a width of 30 metres from Tonkin highway to Southwestern highway.</p> <p>The road will be single lane road only with no direct access to adjacent properties.</p> <p>The road would be required for access to the adjacent properties in the first instance. However it provides a higher order function too:</p> <p>a) Abernethy road will not be extended to join up with Tonkin highway</p> <p>b) Cardup siding road is not capable of carrying</p>	<p>No modifications recommended.</p>

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		<p>2. Request the extension of Orton Road be aligned centrally along the southern boundary of the Subject Land The Draft Byford DSP suggests the proposed extension of Orton Road will be on the same alignment as the existing reserve west of Warrington Road. This conflicts with the established planning framework and is inconsistent with the stated purpose of the Draft Byford DSP.</p> <p>Clause 1.2 of the Draft Byford DSP confirms the District Structure Plan is a strategic document intended to guide more detailed planning in the form of Local Structure Plans. Clause 1.4 states the Draft Byford DSP is a high-level response to key issues and that subdivision and development proposals will be determined in accordance with the District Structure Plan and any applicable adopted Local Structure Plans.</p>	<p>the traffic from the south-eastern areas of Byford northwards and westwards between Southwestern highway and Tonkin highway.</p> <p>Orton road provides this intra-Byford link to ensure neighbourhood connectivity.</p> <p>Officers support the submission regarding the extension of Orton Road to be aligned centrally along the southern boundary of the Subject Land to ensure an equitable outcome.</p>	<p>Orton Rd alignment - That the extension of Orton Road be noted on the Roads Map in the DCP (and within the DSP) be aligned equitably between land parcels throughout the full length.</p>

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		<p>In this instance, there are two relevant and recently adopted Local Structure Plans: • Doley Road Local Structure Plan ('DRLSP'); and • The Glades Local Structure Plan ('TGLSP').</p> <p>Section 1.3.4 of the DRLSP (July 2017) indicates the Local Structure Plan responds to the approved version of TGLSP for the land to the north, west and south, being the version of TGLSP approved in 2011, including the alignment of Orton Road.</p> <p>Subsequent to this, a modified version of TGLSP was adopted in March 2019. This most recent and up-to-date version of TGLSP clearly shows the extension of Orton Road east of Warrington Road aligned centrally along the southern boundary of the subject land, with 15 metres of the required 30 metre reserve on the subject land and 15 metres of the reserve on the land to the south within TGLSP.</p> <p>The alignment depicted in the recently adopted TGLSP is fair, equitable and reasonable, and supported by the owner of the subject land.</p> <p>The alignment shown in TGLSP is consistent with Objective (c) of the Urban Development zone under LPS2, which seeks to facilitate the "establishment of an equitable method for the distribution, between owners within [the] area, of the costs of nominated infrastructure components required for subdivision and development of the areas into communities."</p> <p>Aligning the extension of Orton Road centrally along the southern boundary of the subject land is consistent with the purpose of Development Contribution Areas, as set out in Clause 9.3.2 of LPS2, which seeks to "provide for the equitable sharing of the costs of infrastructure... between owners."</p>		

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		<p>To show the extension of Orton Road with 83% (25 metres) of its width on the subject land and only 17% (5 metres) on the land to the south, as suggested by the Draft Byford DSP, is inconsistent with orderly and proper planning.</p> <p>It is requested the Draft Byford DSP be modified so that the indicative alignment of the extension of Orton Road east of Warrington Road is consistent with the adopted TGLSP. Similarly, should it be necessary for draft LPS3 to be modified to extend the Local Reserve for Orton Road east of Warrington Road, the alignment of the Local Reserve should be consistent with the recently adopted TGLSP. 3. Request that the full width of Orton Road be included as a Development Contribution Item</p> <p>Significant concerns are raised with respect to the financial implications of modifying the Orton Road item so that only land over and above a 20-metre-wide reserve is included in the Byford Development Contribution Plan.</p> <p>a) Under the existing LPS2 Appendix 10, Schedule 3 of draft Local Planning Scheme No.3 ('LPS3'), and the BTIDCP Report No.4, the full width of Orton Road is included in the Byford Development Contribution Plan , allowing for compensation to be paid for the entire width of the reserve. In contrast, under the recently adopted BTIDCP Report No.5 (not advertised for comment), as well as the draft BTIDCP Report No.6 and Amendment No.208 to LPS2 (presently being advertised), compensation is paid only for land over and above a standard 20-metre-wide reserve.</p> <p>To only compensate an owner for the portion of a reserve exceeding 20 metres is neither fair nor reasonable with respect to roads in a Development</p>	<p>The Development contribution scheme has always provided only for reimbursement of the land above the 20 metres standard requirement.</p> <p>The original land for road calculations for Orton Road did not include for the full width of the unbuilt carriageway, only the land in excess of the 20m reserve.</p>	<p>No modifications recommended.</p>

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		<p>Contribution Area where direct access to lots is not permitted. For roads with direct access to lots, the road serves a local function and would therefore be required to be constructed by the subdivider as part of the usual subdivision process. In those instances, it would be reasonable not to compensate an owner for the first 20 metres of the reserve.</p> <p>b) Whilst the precise function of Orton Road requires clarification, it is clearly not intended to function as a local subdivision road, noting it will provide a direct link between Tonkin Highway and South Western Highway. This is supported by the DRLSP which clearly states direct access will not be permitted to lots abutting Orton Road. The DRLSP also suggests Orton Road may be reserved under the MRS. Orton Road will therefore serve a district or regional function and for this reason, the entire width of the reserve ought to be included in the Development Contribution Plan as an item for which affected landowners would be compensated.</p> <p>The approach proposed by Amendment No.208 and the BTIDCP Report No.6 are inconsistent with orderly and proper planning and do not adequately consider the likely intended function of Orton Road.</p> <p>We are concerned due process has not been followed with respect to this matter, for the following reasons.</p> <p>The version of Amendment No.208 adopted in December 2018 for the purpose of advertising included the entire width of Orton Road (30 metres) in the Development Contribution Plan. Amendment No.208 was then referred to the Western Australian Planning Commission ('WAPC') for consent to advertise, however, no request was made by the WAPC to modify this aspect of Amendment No.208. It is concerning such a significant modification has been made between initiation and advertising of</p>	<p>During our DCP review, officers agreed that the existing text within each project did not adequately demonstrate this, and inserted wording to this effect. This did not change the costing or the original intent. The amended text therefore, serves as an administrative clarification, not a change to the intent or inclusions in the DCP.</p> <p>It is noted that, in the absence of a DCP being in place, the full width of the road and the full build of the road, fronting the development, would be at the developer's cost, without compensation of any kind (under Operational Policy 1.1).</p>	

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		<p>Amendment No.208, without any apparent explanation. We would like to take this opportunity to request clarification of why this change has occurred.</p> <p>As a result of the above, Amendment No.208 is inconsistent with draft LPS3, which was only very recently adopted by Council (June 2020) and is a seriously entertained proposal for which due regard must be given. LPS3 appropriately includes the entire width of Orton Road in the Development Contribution Plan.</p> <p>In addition, LPS2 and LPS3 indicate the purpose of the BTIDCP Report is to establish the “priority and timing of infrastructure provision”, rather than introduce conflicting methodologies for calculating cost contributions and credits payable. The recently adopted BTIDCP Report No.5 is inconsistent with LPS2 and LPS3, both of which include the entire width of Orton Road in the Development Contribution Plan, whereas the BTIDCP Report No.5 suggests compensation will only be paid for land over and above a standard 20 metre wide road. LPS2 and LPS3 are higher order planning documents and carry more weight than the BTIDCP Report in the event of any inconsistencies.</p> <p>c) Our final concern with respect to the BTIDCP Report No.5 is that it has never been advertised for public comment. At its meeting of December 2018, the Council resolved to advertise the BTIDCP Report No.5, however, advertising never occurred, with a revised version of the BTIDCP Report No.5 being adopted by Council in July 2020. No opportunity was given to affected landowners to make submissions on the draft BTIDCP Report No.5 prior to its adoption. For this reason, we consider very little weight (if any) can be given to Report No.5.</p>	<p>DCP5 was advertised publicly for 30 days between 10 January 2019 and 9 February 2019.</p> <p>The DCP states that: “...where the costing and</p>	<p>No modifications recommended.</p>

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		<p>We therefore request that the full width of Orton Road be included as an item in the Development Contribution Plan.</p>	<p><i>details of the DCP Report are:</i></p> <ul style="list-style-type: none"> • <i>revised based on accounting for completed works;</i> • <i>revised based on construction cost increases/decreases;</i> • <i>revised based on land value increases/decreases; and</i> • <i>revised based on revisions to the anticipated undeveloped lot yield; and</i> • <i>not subject to other material change.</i> <p><i>The revised DCP Report may not be advertised for public comment, but will remain available for public inspection. All landowners with current</i></p>	

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			<p><i>subdivision approvals will be automatically advised of each revision of the DCP Report. The Byford Industry Reference Group (BIRG), comprising all major landowners, will be consulted as part of its regular agenda."</i></p> <p>In the interests of saving costs of administration in the DCP, Council resolved not to re-advertise the revised DCP5 on this basis – noting that there was no change other than wording clarification and reconciliation/indexing of costs.</p>	
<p>Taylor Burrell Barnett (IN20/18825) On behalf of LWP Byford Syndicate/</p>	<p>16.</p>	<p>Thank you for the opportunity to provide a submission in relation to Town Planning Scheme (TPS) Amendment No. 208 and the associated Development Contribution Plan (DCP) Report No. 6 which informs the DCP. The following submission is made on behalf of the developer landowner group:</p>	<p>The submission has been considered and the contents noted.</p> <p>1.The Development contribution scheme was</p>	

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Cedar Woods Properties / Parcel Property		<ul style="list-style-type: none"> • LWP Byford Syndicate, in relation to their landholdings within The Glades Estate, Byford and the Byford District Centre; • Cedar Woods Properties, in relation to their landholdings within the Brook @ Byford and Byford on the Scarp; and • Parcel Property, in relation to their landholdings within Beenypup Grove, Byford. <p>Submission</p> <p>The key aspects of this submission, include:</p> <ol style="list-style-type: none"> 1. Failure to comply with the principles of Draft SPP 3.6 and associated guidelines 2. Failure to comply with the principles underlying infrastructure contributions as defined in SPP 3.6 in relation to the inclusion of new infrastructure items; 3. Concerns relating to population projections that provide false demands on transport infrastructure, community facilities and retail and commercial floorspace. 4. Removal of specific detail within the scope of Appendix 10 which removes certainty and provides the opportunity for the Shire to amend scope items and therefore impact on overall cost freely, and without the need to justify the scope adjustment. 5. Affordability of DCP: a proposed reconciliation of the DCP amount based on the removal of new infrastructure items not considered appropriate by the landowner group. 	<p>initiated before the draft SPP 3.6 was made public. Many of the general principles are incorporated in the scheme.</p> <p>2. Officers do not agree with this statement as discussed further in the comments.</p> <p>3. Population estimates and build out forecasts have been extensively reviewed through consultation with developers, the Department of Education and review of Forecast ID estimates. The estimates for future lot growth within the DCP are consistent with these informing sources, and build out of the Byford urban area still anticipated at 2034.</p>	

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		<p>This submission should be read in conjunction with the:</p> <ul style="list-style-type: none"> • Developer landowner group's submission on TPS Amendment No. 207 and the draft Community Infrastructure DCP (CIDCP); and • LWP's submission in relation to the Byford Draft District Structure Plan (DSP), in respect to relevant items; and • The attached schedule which provides specific comments and recommendations regarding Draft TPS Amendment No. 208 and DCP Report No. 6. <p>1. Compliance with Draft SPP 3.6 and associated guidelines Amendment No. 208 and associated DCP Report No. 6 fails to address key aspects of the draft SPP 3.6, however selectively applies others. Noting</p>	<p>4.The scope provides sufficient detail to be audited. It needs to be noted that the Shire only facilitates the Development contribution scheme and does not directly gain anything from the administration of the plan.</p> <p>5. The scheme reflects the infrastructure that is required to ensure fairness and equity with regard to the need for infrastructure in Byford.</p> <p>The various aspects are addressed in more detail below:</p> <p>Draft SPP 3.6, under the transitional</p>	<p>No modifications recommended.</p>

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		<p>Draft SPP 3.6 was released during 2019 for public comment and represents a significant response to addressing issues and providing more detailed guidance than the existing SPP, it is considered appropriate that Amendment No. 208 and the DCP Report No. 6 be updated to be consistent with the intent of the Draft SPP.</p> <p>In the interest of ensuring an appropriately informed, considered and current Scheme Amendment (SA) and DCP Report are adopted for the Shire of Serpentine Jarrahdale, it is considered appropriate for the SA and DCP Report to be reviewed and more holistically comply with the Draft SPP 3.6.</p> <p><u>a) Requirements to comply with Draft SPP 3.6</u></p> <p>We understand the DPLH do not require compliance with Draft SPP 3.6 until Draft SPP 3.6 has been gazetted and is operational. However, there are significant benefits in addressing non-compliance matters now, as outlined below:</p> <ul style="list-style-type: none"> • The Draft SPP is likely to be operational prior to the SA and DCP Report No. 6 being finalised. Ensuring the proposed SA and DCP Report No. 6 is compliant now will ensure the ongoing operation, annual reviews (as a minimum, acknowledging Shire commitment to undertaking quarterly reviews) and implementation of the DCP and SA is consistent with ongoing practice and addresses the shortcomings of the current version of SPP 3.6 and those matters that have subsequently been clarified in the draft SPP 3.6. • Acknowledging DPLH officers are yet to formally “assess” the SA and DCP Report No.6, provides the opportunity for updates and refinement to occur concurrently with any matters that are likely to 	<p>arrangements, states that:</p> <p><i>“Existing DCPs will continue to remain valid for the lifespan of the DCP, however, all DCPs regardless of the approval dates, shall adhere to all operational, monitoring and reporting”.</i></p> <p>This Amendment therefore complies with the principles of Draft SPP 3.6. Where aspects of the new draft will be a benefit to all parties, the Shire will endeavour to integrate those into the operation and administration of the DCP, where those provisions are not in conflict with the current 2009 requirements.</p>	

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		<p>arise from the DPLH officer's assessment and as a result of the advertising process.</p> <ul style="list-style-type: none"> • Period of Operation – 10 years: Whilst the draft DCP and SA represent a long-term view of infrastructure provision within the Shire, undertaking staged provision to ensure compliance with the 10 year timeframes suggested in the Draft SPP 3.6 will not result in significant additional work, merely alignment of the 10 year population with the 10 year infrastructure needs. This is consistent with the anticipated completion of the respective urban developments by the developer landowner group by 2030-2032 and further substantiated below: <ul style="list-style-type: none"> ○ it is inappropriate to ask that current purchasers/developers fund infrastructure that they are unlikely to ever use or benefit from. Core Logic states that the average homeownership hold period in Serpentine Jarrahdale is 8.2 years, which is approximately one third of the proposed DCP timeframe. Between now and 2051, homeownership is likely to change three times. On this basis, contributors over the next 20 years are unlikely to benefit/use infrastructure they are required to contribute towards. ○ It is also difficult, and therefore inappropriate, to predict infrastructure needs for the next 30 years given societal change likely to occur within that timeframe. Based on the Shire's current proposal, it is highly likely that contributions will be made towards infrastructure that may never be provided on the basis that it will not be required or not be 	<p>The Shire notes that this is a 20 year DCP, with just over 13 years left to run. It therefore aligns with the Local Planning Strategy for the next 10-15 years.</p> <p>No projections have been made, or infrastructure included, beyond the life of the DCP.</p> <p>It is impractical to reduce the lifespan of an operating DCP at this stage of development, where contributions for over 5,000 lots have been made and infrastructure to the value of \$7.8m has been pre-funded, based on the current DCP life and infrastructure inclusions.</p>	

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		<p>required in the form anticipated in the absence of detailed design. Whilst we are not dismissing the need for infrastructure to be provided in the future, consistent with the draft SPP, this infrastructure should be provided within the timeframes when it can be more accurately defined, costed and then delivered. The 'need' for that infrastructure now may not be the same as the need for that infrastructure in 30+ years.</p> <ul style="list-style-type: none"> ○ The DCP should be aligned with the strategic direction of the Local Planning Strategy (LPS). The LPS sets out strategies and actions for the Shire over the next 10-15 years. ○ It is not possible based on the above, for the Shire to provide certainty that the identified infrastructure items can be delivered within the 30-year timeframe. <p><i>Response: On this basis, the period of operation should be reduced to 10 years consistent with Draft SPP 3.6.</i></p> <p>2. SPP 3.6 - Principles underlying infrastructure contributions</p> <p>There is concern that the DCP fails to address the general principles underlying the inclusion of new infrastructure such as:</p> <ul style="list-style-type: none"> • Soldiers Road and Gordin Way • Extension of Orton Road from Soldiers Road through to South West Highway 		<p>Timeline for provision - Include an appendix within the DCP for future information relating to infrastructure timing, to be updated in the approved DCP</p>

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		<ul style="list-style-type: none"> • Extension of Doley Road south of Orton Road to Cardup Siding Road • Extension of Abernethy Road east of the Railway Reserve through to South West Highway • Inclusion of a new precinct within the Town Centre, and associated infrastructure i.e. George Street <p>as outlined below:</p> <p>a) Need and the nexus: The need for the infrastructure must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).</p> <p><i>Response:</i></p> <p><i>There are a number of inadequacies in the reporting provided within the Draft DSP and DCP Report No. 6 to justify the inclusion of the new infrastructure items included above. TBB has provided a submission to the Shire on the Draft DSP which identifies the concerns relating to the inadequacies and assumptions under the DSP and should be referred to in relation to more specific details. However, we maintain the proposals under the draft DSP do not change the general intent of the Byford Urban Cell, nor propose any real increase in the proposed population, and therefore increase in traffic to warrant the changes suggested. The Traffic Impact Assessment has been peer reviewed by Riley Consulting and is considered grossly inadequate and devoid of the necessary information to inform the inclusion of substantial new infrastructure items, as proposed. The inclusion of new infrastructure items unfavourably burdens landholders in the DCA. For this reason, we maintain that the need for the new infrastructure items, and the connection with the development and demand created by the Byford</i></p>	<p>Officers do not agree that there are inadequacies in the justification of the inclusion of the new infrastructure items. The draft District structure plan does change the general intent of Byford and increases the proposed population, and also significantly impacts on the traffic patterns and volumes. Not including the new infrastructure items will disadvantage the future residents of Byford and will result in major infrastructure</p>	<p>produced post-gazettal of the Amendment.</p>

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		<p><i>Urban Cell has not been provided. For this reason, we request that all new infrastructure items proposed, should not be the responsibility of the Byford DCP and should therefore be excluded from Amendment No. 208 and the DCP.</i></p>	<p>upgrades when the developers have completed the developments, adding to the rates burden on existing and new residents</p> <p>The new infrastructure has to be the responsibility of the Byford DCP and should therefore be included in Amendment No. 208 and the DCP to prevent the current situation where the local government is having to utilise municipal funds to upgrade infrastructure for lots created without sufficient provision for development contributions.</p> <p>Officers do not agree with this statement or that the Traffic Impact Assessment is</p>	

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		<p>b) Transparency: Both the method for calculating the infrastructure contribution and the manner in which it is applied should be clear, transparent, and simple to understand and administer.</p> <p><i>Response:</i></p> <p><i>Many of the new infrastructure items proposed are devoid of the detail, level of design and accuracy necessary to be able to accurately inform the DCP and its costings. In some instances, there is little to no detail available, i.e. the extension of Orton Road east of Soldiers Road to South West Highway, and extension of Doley Road south of Orton Road through to Cardup Siding Road. Coupled with the missing rationale to support the 'Need and Nexus' requirements, supports the claim that it is not possible to satisfy the requirement of the 'Transparency' principle on the basis the level of detail</i></p>	<p>inaccurate. Nonetheless, officers have agreed to discuss the issues with Riley Consulting to better understand concerns, however at this time we are confident that the inclusions and supporting information demonstrate a clear need and nexus between the growth and connectivity of the Byford Urban Cell and the development occurring within it.</p> <p>SPP 3.6 provides that a DCP must be provided in support of a newly gazetted Amendment, within 90 days of the gazettal. Some new infrastructure items or inclusions still require detailed design and costing, which will be</p>	

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		<p><i>and certainty required to calculate the infrastructure contribution simply isn't available, and the rationale for the new infrastructure items being warranted by the changes occurring between the existing approved DSP and the new DSP is absent. For this reason, we request that all new infrastructure items proposed, should be excluded from Amendment No. 208 and the DCP.</i></p> <p>c) Equity: Infrastructure contributions should be levied equitably from all identified stakeholders within a contribution area.</p> <p><i>Response:</i></p> <p><i>The principle of equity is critical in the discussion of the new infrastructure items proposed, particularly when considering they have not been included within DCA 1 since it has become operational and no real changes of any substance have occurred since to justify their inclusion, noting:</i></p> <ul style="list-style-type: none"> <i>• i) Tonkin Highway has always been proposed to connect to Orton Road and extend through to Soldiers Road. The extension east to</i> 	<p>completed during the 90 day window.</p> <p>The Shire is of the opinion that it is an inefficient use of developer funds to undertake this level of detail for projects which may not ultimately be approved and included. All inclusions in the Amendment are deemed to be driven by the growth within DCA1. The Metronet project only facilitates growth, it does not create it.</p> <p>Officers agree that equity is an important considerations and are of the opinion that the need for the infrastructure to be included is well justified.</p> <p>Specific comments relating to roads under</p>	

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		<p><i>South West Highway appears to fulfil a regional traffic requirement (although not supported by appropriate traffic justification), as we don't believe there is sufficient population growth to generate the traffic from the Byford Urban cell to warrant the change and on this basis, is not generated by the Byford Urban Cell. In the absence of valid traffic volume information, proposed intersection design, proposed land take requirements etc. it is unreasonable to impose such costs on contributors to the DCP (or solely by the Shire).</i></p> <ul style="list-style-type: none"> • <i>ii) Soldiers Road is an existing road that has performed the same role and function and will continue to.</i> • <i>iii) Doley Road extension south of Orton Road has not been generated by the Byford Urban Cell and appears to be a broader requirement facilitated by the need to provide for future urban development south of Cardup Siding Road. On this basis, it is not equitable for the Byford Urban Cell to have to fund infrastructure extensions that are for the sole purpose of benefiting future urban development to the south outside of the DCA.</i> • <i>iv) Abernethy Road extension east of the existing Railway Reserve, George Street, Clara Street extension etc – all of these proposals appear to be generated by the recent decisions of government for the Byford Rail station within the Town centre. This was always contemplated and planned for in the DSP and will also be a regional asset for the benefit of a far greater population than the Byford Urban Cell. Without further information to substantiate its inclusion, we don't believe it is equitable that the Byford Urban cell are penalised for these infrastructure upgrades.</i> 	<p>section C) Equity are addressed later in this submission.</p>	

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		<p>d) Certainty: The scope, timing, and priority for delivering infrastructure items, and the cost of infrastructure contributions and methods of accounting for escalation, should be clearly identified and agreed.</p> <p><i>Response:</i></p> <p><i>As per the previous comments provided above in relation to the new infrastructure items, the level of certainty is significantly diminished for the reasons outlined below:</i></p> <p>i) <u>Scope:</u> <i>the removal of the specific scope details from DCA1 removes any certainty in relation to the scope of infrastructure, extent of costings and ability for new scope items to be included, all reducing the ability to provide certainty.</i></p>	<p>Officers do not agree that significant scope details have been removed.</p> <p>The Shire has only removed scope details specifically related to intersection treatments from each road project. This is due to frequently changing guidance from MRWA, over which the Shire has little control. Locking such detail into an Amendment would require that a new Amendment be progressed each time an intersection treatment needed to be amended, causing cost and delays to development.</p> <p>As this has never been within the control of the Shire or Developers, the Shire does not agree that</p>	

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			<p>it reduces certainty.</p> <p>The Shire also notes that SPP3.6 only allows an annual review to be implemented without advertising, subject to a number of provisions, one of which is that costs are only reconciled and/or indexed. Should the Shire seek to update costs due to a change in intersection treatment in an annual review, this would be required to be advertised for comment.</p> <p>The Shire recommends that any changes to intersection treatments from the latest costings, be discussed with BIRG at the DCP Annual review, or as required, to ensure that parties are informed and satisfied</p>	

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		<p><i>ii) <u>Timing</u>: there is significant concern that the population projections extending to 2050 informing the infrastructure items and therefore assumptions of the DCA, is inappropriate as it extends beyond the reasonable scope of development of the Byford Urban Cell, noting the majority of urban development is likely to be completed within the next 10-12 years and therefore 2030-2035. Similarly, the lifespan of the DCP should be consistent with Draft SPP 3.6 (10 years) for consistency and to ensure that the principle of equity is maintained. We note that DCP Report 6 states that the current DCP will operate for a period of 20 years from 2014 through to 2034. This generally aligns with the anticipated completion of urban development within the Byford Urban Cell, however is still based on infrastructure provision will beyond this time, noting the 2050 projections noted by the Shire.</i></p> <p><i>iii) <u>Cost of Infrastructure Contributions</u>: given many of the new infrastructure items are still to be detailed and are therefore poorly defined, the level of accuracy in relation to the cost and detailed design is of great concern.</i></p> <p><i>iv) <u>Priority and timing of infrastructure provision</u>: DCA 1 currently defers to the DCP Report in relation to the prioritisation and timing of infrastructure provision. However, DCP Report No. 6 does not prioritise or identify timeframes for specific infrastructure provision. It simply outlines key principles that are utilised to guide the identification and prioritisation for the provision of infrastructure and land acquisition. This fails to address the guiding principles of SPP 3.6 to ensure:</i></p>	<p>with any changes.</p> <p>Population projections to 2050 have not informed this Amendment. The anticipated lot yield is based on Local Structure Plans and non-structure planned areas anticipated to be developed before 2034.</p> <p>Population estimates and build out forecasts have been extensively reviewed through consultation with developers, the Department of Education and review of Forecast ID estimates. The estimates for future lot growth within the DCP are consistent with these informing sources, and build out of</p>	

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		<ul style="list-style-type: none"> • <i>Infrastructure provision is delivered based on the needs of the existing community as development progresses and therefore satisfies the requirements of the equity principle</i> • Transparency as there is little clarity about what infrastructure is being prioritised and why <p><i>For this reason, the developer landowner group believe Amendment No. 208 should be amended to specify the priority and timing of infrastructure provision based on the anticipated population demand of the locality to ensure compliance with SPP 3.6.</i></p> <p>e. <u>Consistency</u>: The system for infrastructure contributions for apportioning, collecting and spending contributions should be consistent, efficient and transparent.</p> <p><i>Response:</i></p> <p><i>supported and previous comments demonstrate a number of concerns in relation to efficiency and transparency.</i></p>	<p>the Byford urban area still anticipated at 2034.</p> <p>Section 6.3.7 of SPP 3.6 (2009) under which this Amendment is prepared, provides that a development contribution plan is to specify the priority and timing for the provision of infrastructure. It is not a requirement or recommendation that such priority be included in the Amendment.</p> <p>SPP 3.6 provides that once a DCP/Amendment is gazetted, a DCP report must be produced within 90 days. At this time, when the DCP infrastructure inclusions are known, the Shire will work with the Byford Industry Reference group to inform a submission to</p>	

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		<p>f. Accountable: That there is accountability in the manner in which infrastructure contributions are determined and expended.</p> <p><i>Response: given the lack of certainty in relation to establishing the need and nexus, around scope items, around detailed design and therefore cost implications, the inclusion of new infrastructure items fails to address the accountability principle.</i></p> <p><i>That said, the landowner developer group, are not necessarily opposed to the infrastructure upgrades proposed by the Shire, particularly if they are going to be funded by other parties, i.e. the Shire/MRWA dependant on the rationale for the upgrade in the first instance. However, until such time as more detailed information is available, the landowner group is not supportive of their inclusion within the DCP in their current form on the basis they do not satisfy the principles of SPP 3.6.</i></p>	<p>Council as to the order and timing of infrastructure.</p> <p>Once approved by Council, this will be included in the DCP report produced within the 90 day period.</p> <p>The Shire employs an open and transparent apportionment system and the collection and spend of contributions complies with the principles in SPP 3.6.</p> <p>The principle of accountability was firmly established in the previous DCP revisions and also in this revision. The Shire is responsible for facilitating the DCP and is not advantaged by the process. Regular feedback is given to the</p>	

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		<p>3. Population Projections</p> <p>The population figures as stated in the Draft DSP and Perth and Peel@3.5million (at 2050) are generally in alignment and we acknowledge the Shire's review of population figures that have previously informed much of the strategic planning for the Shire to bring them in line with forecast.id. Whilst we appreciate this review, there is still significant concern with the Shire's long-term growth targets and lack of appropriate justification that is underpinning the level of infrastructure requirements for Byford.</p> <p>As outlined in Table 1 below, the existing Byford DSP (2009) estimated a population of 38,000 people for the Byford DSP at full build-out. The Draft DSP estimates a population for Byford by 2050 of 60,054. Excluding the Development Investigation Areas (DIA) a population of 50,630 by 2050 is estimated. Based on these estimates, a 58.04% increase in population is expected to occur since the preparation of the original DSP in 2009.</p> <p><i>Table 1: Population and Density – Byford Approved & Proposed DSPs</i></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Estimated number of lots/dwellings</td> <td style="width: 20%;">Unknown</td> <td style="width: 50%; text-align: right;">20,780</td> </tr> </table>	Estimated number of lots/dwellings	Unknown	20,780	<p>Byford Industry reference group and the Shire is audited annually. This is available to the residents and the development industry.</p> <p>Officers note that there has been an increase in population (and densities) since the Byford 2011 District structure plan (that originated in 2005). The new DSP and DCP attempts to provide for this increase but also the higher densities expected in Byford in the near future.</p> <p>Population estimates and build out progress have been extensively reviewed through consultation with developers, the Department of Education</p>	<p>No modifications recommended.</p>
Estimated number of lots/dwellings	Unknown	20,780					

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		<p>2,200 dwellings and 9,500 persons. Existing Byford areas will be subject to very little growth over this planning horizon.</p> <p>The population forecasts for the Byford area established through the Shire's forecast.id web portal cannot be relied upon on their own and should be informed by a contextual analysis similar to the high-level overview we have provided above. The Shire's long-term population projections provide false demands on transport infrastructure, community facilities and retail and commercial floorspace. Given this data is being relied upon to substantiate the forecast growth for the Shire and to assess the level of infrastructure requirements, we maintain that a review of the Shire's population projections for the Byford development area is required.</p> <p><i>Recommendation:</i></p> <p>Undertake a review of the Shire's long-term growth targets to:</p> <ul style="list-style-type: none"> • Confirm population capacity and locations to accommodate growth; • Substantiate traditional and community infrastructure requirements and increases in retail and commercial floorspace as proposed under the Shire's strategic planning and DCP frameworks. <p><u>5.) District Road Planning</u></p> <p>The draft TPS Amendment No. 208 proposes a number of changes to the district and local movement network that have a significant bearing on the progression of planning for the Byford Urban area. An initial review of the Traffic Impact Assessment (TIA) (Cardno, 29 June 2020) by traffic</p>	<p>Officers do not agree that there are inadequacies in the justification of the inclusion of the new infrastructure items. The draft District structure</p>	<p>No modifications recommended.</p>

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		<p>engineers, Riley Consulting, identified that the TIA contained fatal flaws in the modelling and was devoid of critical detail. These matters were raised with the Shire's Director of Development Services for initial feedback to inform this submission.</p> <p>A fundamental concern relates to the implications of the Shire's population estimated under the draft DSP that drive the need for changes to the district movement network and major infrastructure proposed under the DSP. As per the figures outlined in Table 1, we find it difficult to understand how/why the population of Byford is expected to more than double between the original DSP (2009) and draft DSP (2018) when there approximately 10-12 years of supply remaining within these major estates and only three addition DIAs generating 9,500 persons.</p> <p>Whilst we appreciate the Shire's response, there is still significant concern with the level of information provided in the TIA and lack of appropriate justification and technical assessment to the proposals as discussed further below. In the absence of any additional detail being provided by the Shire, it is difficult and somewhat meaningless for a comprehensive review of the TIA to be undertaken by Riley Consulting.</p> <p>A) Validity of traffic modelling</p> <p>A fundamental concern from an initial review by Riley Consulting is the accuracy and validity of the traffic modelling used in the TIA, which would appear to be a combination of Main Roads WA (MRWA) ROM24 model for 2031 and additional Cardno modelling. This has given rise to the following concerns:</p>	<p>plan does change the general intent of Byford and increases the proposed population as addressed previously, and also significantly impacts on the traffic patterns and volumes.</p> <p>Assessment of the impacts of development growth both within and beyond the Byford Structure Plan area has been facilitated through Main Roads' ROM24 strategic model. This</p>	<p>No modifications recommended.</p>

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		<p>1. The TIA does not address how the MRWA data has been applied to the Cardno model nor if the demands shown in report Figure 3-4: ROM24 Daily Traffic Volumes (2031 horizon) are validated.</p> <p>The Shire advised that the modelled outcomes are contained within Section 3.4, Table 3-1 of the TIA, however detail on how the assumptions have been determined is not provided.</p> <p>2. The Shire contends that full build-out of Byford may not be achieved within the 2031 horizon, which is the only ROM24 time scale currently supplied by MRWA. As such, the ROM24 outputs and land use projections provided by Local and State Government agencies have been used as the basis of this TIA to establish an anticipated development and traffic scenario at the point when build-out of the Shire's development planning has been achieved.</p> <p>However, based on our determination that full build-out of the Byford development cell will occur prior to 2031 that the MRWA ROM model should therefore include the full level of development growth for Byford. Any additional demand added to the MRWA ROM model post 2031 to 'full build-out' as anticipated by the Shire results in false demands on transport infrastructure.</p> <p>The Shire's statement that a mesoscopic traffic model was developed to model the current traffic situation is not sufficient and this merely advises that a model based on small group analysis was undertaken.</p> <p>3. The MRWA ROM model for 2031 does not contemplate the connections of Orton Road nor Mead Street to South-West Highway, however the Cardno model assumes these connections. It was provided by the Shire that both</p>	<p>model relies on land use projections provided by Local and State Government agencies to generate vehicle trips across the network.</p> <p>Full build-out of this land area may not be achieved within the 2031 horizon, which is the only ROM24 time scale currently supplied by Main Roads WA. As such, the ROM24 outputs used as the basis of this TIA have been used to establish an anticipated development and traffic scenario, at the point when build-out of the Shire's development planning has been achieved (full build out of Byford anticipated by 2034).</p> <p>This information is specifically underpinned by the Byford (specific)</p>	

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		<p>connections are consistent with the Perth and Peel @ 3.5 Million and the South Metropolitan Peel Sub-Regional Planning Framework.</p> <p>Whilst this is not disputed, reliance of the MRWA ROM model is unreliable as a base model as these connections would not have been run as model options by MRWA, nor does the TIA address how the MRWA data has been applied to the Carndo model more generally.</p> <p>4. Basic modelling parameters (road capacity) information was requested by the Shire to inform our review of the TIA. The Shire advised that there were constraining parameters associated with a number of road requirements, predominantly to reflect pre-existing infrastructure, environmental conditions, and structure planning expectations identified.</p> <p>The level of information provided by the Shire in response to our request did not identify the capacity values that were used in the model for the road network.</p> <p>5. A high-level review of the current and future traffic demands as outlined in the TIA has raised concerns that bring into question the justification for proposed changes to the movement network and form/composition of such roads. The below is a summary of the concerns noted with respect to proposed road upgrade and reserve requirements to the district and local movement network:</p> <ul style="list-style-type: none"> • South-West Highway: the MRWA ROM shows current traffic demands on South-West Highway (south of Orton Road) will double by 2031 and the Cardno model forecasting traffic volumes at approximately 20,000vpd at full build-out. 	<p>and Shire growth projections. Traffic generation is based on these growth projections, as well as business and jobs growth assessment.</p> <p>There were constraining parameters associated with a number of road requirements, predominantly to reflect pre-existing infrastructure, environmental conditions, and structure planning expectations. These were identified early in order to create a viable TIA which did not contemplate unachievable road widening or new road width requirements.</p> <p>Given the continued hyper-growth status of Byford, and the impact of the government housing</p>	<p>No modifications recommended.</p> <p>No modifications recommended.</p>

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		<p>We question these predicted volumes given current traffic data shows minimal change over the past 6 years and the influence that the construction of Tonkin Highway will have on traffic using South-West Highway. We reiterate that it is important to know what assumptions are included in the ROM.</p> <ul style="list-style-type: none"> • Tonkin Highway: a review of the Cardno model suggests a significant imbalance in peak demand. The PM peak southbound is almost 5 times the PM peak northbound and the existing southbound demand north of Thomas Road is double the northbound flow. <p>We question these predicted volumes as the increase appears excessive and it would also be expected that the same proportions would apply.</p> <p>In the absence of this information, changes to key district roads cannot be substantiated at this point in time and it is difficult to undertake an informed review and provide accurate comments on the TPS Amendment No. 208.</p> <p>B) Justification for major infrastructure</p> <p>The draft DSP that informs TPS Amendment No. 208 proposes a number of major infrastructure items that require significant land acquisition and constructions costs. The Shire contends that the key road and infrastructure upgrades proposed for the Byford area are identified by State planning documents Perth and Peel @ 3.5 Million and the South Metropolitan Peel Sub-Regional Planning Framework however the TIA does not contain the level of technical justification required to substantiate such proposals. These items are proposed to be fully funded by the DCP and present a significant cost burden to development in the area.</p>	<p>stimulous package(s), and the Tonkin Highway extension, officers do not believe that historic growth is an accurate reflection of future growth.</p> <p>For all of the above reasons, officers do not agree with the submitter's comments in this regard.</p> <p>The DSP reflects the Perth and Peel Strategic Plan, and the strategic road infrastructure network considered necessary to support planned growth. It is noted that not all infrastructure upgrades are included within the DCP.</p>	

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		<p>The high-level assessment undertaken draws the following concerns with respect to the proposed Orton Road rail / grade-separated crossing.</p> <ul style="list-style-type: none"> • a) Whilst it is acknowledged that this connection is identified in the Framework, it would appear that there has been very little assessment of the physical ability to achieve such a connection. Based on the application of a generic 3% gradient, the required length for the approach ramp would be over 200 metres, however the distance between South-West Highway and the rail is only 230 metres. • b) The location of the future intersection of Orton Road and South-West Highway is approximately 100 metres north of Clondyke Drive. In applying the principles of Liveable Neighbourhoods, a separation distance of 125 metres would be required based on a vehicle speed of 80kph. We reiterate our above comment, that there would appear to be minimal design and technical investigation into the actual ability to achieve the proposal. • c) Given the cost and district/regional significance associated with this proposal, there would appear to be appropriate justification for inclusion within the ROM model. It is not apparent whether these discussions have occurred with MRWA. <p><i>Recommendations:</i></p>	<p>With respect to the Orton Road connection, this is shown in Perth and Peel as a key east west connection from SW Highway to Tonkin Hwy. This considers the unique situation of:</p> <ul style="list-style-type: none"> • The population 'centre' of Byford being south of Abernethy Road, due to the influence of the Byford Trotting Complex • Orton Road being the urban connection between Tonkin Hwy and the forecast settlement areas of Byford • The need to reflect balanced traffic flows for new Byford settlement areas within the DCA. 	

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		<ul style="list-style-type: none"> • A review of the traffic volumes included within the TIA model as it is expected that full build-out of the Byford development cell will occur prior to 2031 resulting in false demands on transport infrastructure. • Detail on the modelling procedure and confirmation that that appropriate simulation was included. • Detail on what capacity values have been used in the model for the road network. • Request MRWA include major infrastructure items such as the Orton Road / South-West Highway connection within the ROM model. <p>In summary, the recommendations and proposals under the draft DSP should be substantiated and supported by the appropriate technical assessments, particularly as they inform the DCP which places the financial responsibility for the infrastructure on the future community and on this basis, needs and nexus needs to be established.</p> <p>4. Amendment No. 208 Specific Scope Detail</p> <p>a) At present, DCA 1 within Appendix 10 outlines the specific scope items and then details the specific design parameters and scope of each item including width, location, and design and construction details. The scope is, for the most part reasonably specific. This provides a significant number of benefits including:</p>	<ul style="list-style-type: none"> • The opportunity to support greater connectivity of new growth in Byford to the planned railway station adjoining SW Hwy, in the vicinity of Clara Street (west); • The opportunity to create north south neighbourhood connectivity, that intersects and strong degree of east west connectivity between the primary regional road corridors and Tonkin Hwy and SW Hwy. <p>The Shire has only removed scope details specifically related to intersection treatments from each road project. This is due to frequently changing guidance from MRWA, over which the</p>	<p>Orton Rd rail crossing - Update DCP text and Amendment to include the at-grade crossing on Orton Road.</p>

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		<ul style="list-style-type: none"> • The more specific the scope, the more specific the detail, the more accurate the level of design, and therefore the more accurate the level of costing information informing the DCP; • The specific scope ensures there is a clear understanding of what is, and what isn't included within the DCP. It provides certainty for the DCP on the extent of works required and ensures no new scope items can be included over time. <p>b) Amendment No. 208 proposes a significant dilution in the certainty around the scope items by proposing the removal of the specific traffic control devices and intersection treatments from within the TPS. This is not supported for the following reasons:</p> <ul style="list-style-type: none"> • Vague and ill-defined scope references in the TPS provide the opportunity for scope extension and variation without due consideration to the principles of SPP 3.6, i.e. needs and nexus. This typically occurs through the annual review process, which does not include the DPLH and to which no right of review applies. • Without clear scope items having been defined and detailed design, there is a significant risk that the cost estimates within the DCP are inaccurate. <p>Examples of this is infrastructure items such as Orton Road extension east, which has been proposed long after the planning and development of the area has progressed. In this specific instance, the developer landowner group are keen to understand the impact on their landholdings i.e. the extent to which any bridge structures might create land take and level impacts, which have the potential to significantly impact existing approved structure</p>	<p>Shire has little control. Locking such detail into an Amendment would require that a new Amendment be progressed each time an intersection treatment needed to be amended, causing cost and delays to development.</p> <p>As this has never been within the control of the Shire or Developers, the Shire does not agree that it reduces certainty.</p> <p>The Shire recommends that any changes to intersection treatments from the latest costings, be discussed with BIRG at the DCP Annual review, or as required, to ensure that parties are informed and satisfied with any changes.</p>	

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		<p>plans. We have been advised by the Shire that this information is not available, as the location and design of the infrastructure has not been advanced, yet the DCP incorporates a cost. It is suggested that this cost is likely to be highly inaccurate and, on this basis, fails to address the principles of SPP 3.6.</p> <p>Another example includes intersection treatments and traffic control devices. The existing TPS currently specifies all intersection upgrades and traffic control devices which provides clarity and certainty for all. It enables developers to understand what intersection treatments and traffic control devices are required and where, consistent with the requirements of the DSP and approved LSP's. It ensures specific scope and design for the designated intersection treatments and traffic control devices has informed the DCA costs and guarantees a more accurate level of costing and therefore removes the potential for significant cost increases over time. It removes the ability for the Shire to amend the scope freely and without justification during annual reviews (where no right of review currently exists, and the DPLH are not required to be involved in the process).</p> <p>Specific scope items are essential to satisfy the requirements of SPP 3.6 to ensure certainty and transparency for all.</p> <p><i>Recommendation:</i></p> <p><i>Specific scope details for all scope items is included within DCA 1 within the TPS for the reasons defined above.</i></p>	<p>The Shire also notes that SPP3.6 only allows an annual review to be implemented without advertising, subject to a number of provisions, one of which is that costs are only reconciled and/or indexed. Should the Shire seek to update costs due to a change in intersection treatment in an annual review, this would be required to be advertised for comment.</p> <p>There are no bridge structures planned or included for the Orton Road project. The rail crossing is planned to be at-grade and included in the current costings.</p> <p>Officers note that the crossing is not currently specified as an inclusion</p>	

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		<p>6. Affordability of DCP</p> <p>Affordability of the DCP and therefore the certainty provided by DCA 1 within Appendix 10 is a critical consideration for the developer landowner group and the future community of Byford, particularly in the context to the layers of developer contributions being considered including the CIDCP (Amendment No. 207).</p> <p>Noting the various comments provided throughout the submission and assessment schedule, a more appropriate and manageable revised per lot contribution amount is requested by the developer landowner group for the following reasons:</p> <ul style="list-style-type: none"> • It allows them to continue to deliver product that can meet market expectations for price and value; and • It allows them to maintain relative affordability with adjoining suburbs and estates which maintains Byford as a home buyers place of choice. <p>The following local government comparisons are provided for your information:</p> <p><i>i. City of Swan (Brabham)</i></p> <p>Traditional/lot: \$4,351</p>	<p>and recommend inserting this for clarity.</p> <p>Officers note the cost contributions of surrounding local governments. It is noted that the Shire is unique from many other metro areas in respect of its hyper-growth and has no additional free capacity of key infrastructure items through which growth can be absorbed.</p> <p>It is important to note that the cost per lot of the DCP is driven by the infrastructure cost within it and the number of lots being created and can differ substantially between areas in the absence of cross-subsidisation. Officers have confidence in the current methodology.</p>	<p>No modifications recommended.</p>

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		<p>Community/lot; \$7,980 Total/lot: \$12,511 <i>ii. City or Rockingham (City Wide)</i> Community/lot; \$1,500-\$2,700 <i>iii. City of Wanneroo (Yanchep/Two Rocks)</i> Community/lot; \$3,399</p>	<p>Officers further point out that the Byford DCP reimburses the developer for the cost of land associated with POS and drainage, which would otherwise be ceded free of charge under Liveable Neighbourhoods. The value of this reimbursement equates to \$4,348 per lot in all areas, other than Area C. We recommend this amount should be deducted from any Contribution totals when assessing the actual cost impost of the contributions.</p>	
		<p>Conclusion We trust that the information presented above, and the attachments can be taken into consideration by the Shire in consideration of Amendment No. 208 and DCP Report No. 6 following public advertising. As previously discussed, the developer landowner group would very much appreciate the opportunity to workshop the matters raised in more detail with Shire Officers</p>		

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		<p>and offers its support and resources to assist in refining the scope and detail of various infrastructure items towards achieving a more manageable and cost effective contribution scheme for the Byford Urban Area.</p> <p>*a) Specific Comments - Thomas Road</p> <p>"LWP, Cedar Woods and Parcel Property do not support the scope changes proposed and request:</p> <ul style="list-style-type: none"> - Traffic control devices and intersection treatments be detailed and retained in the form currently identified within Appendix 10 to provide certainty and clarity around the treatments proposed and the cost associated with the devices and to avoid any future scope changes. - Given the regional nature of the specific items excluded from the Thomas Road scope, Amendment No. 208 should be modified to ensure the scope for Thomas Road, continues to exclude these items. Although not previously identified within Appendix 10, we believe for accuracy and accountability they should now be included within Appendix 10 and the DCP Report should be updated accordingly." <p>*b) Specific Comments - Abernethy Road</p> <p>"LWP, Cedar Woods and Parcel Property do not support the scope changes proposed and request:</p> <ul style="list-style-type: none"> - Traffic control devices and intersection treatments are detailed and retained in the form currently identified within Appendix 10 to provide 	<p>A response to intersection treatment scope removal has been provided previously within this submission.</p> <p>The exclusions associated with this project have been omitted from the DCP in error. These exclusions will be added back in.</p> <p>A response to intersection treatment scope removal has been provided previously within this submission.</p> <p>A single carriageway was always proposed</p>	<p>Thomas Rd exclusions - Re-instate exclusions in the DCP for Thomas Road, omitted in error.</p> <p>No modifications recommended.</p>

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		<p>certainty and clarity around the treatments proposed and the cost associated with the devices and to avoid any future scope changes.</p> <p>- Confirmation as to why a single carriageway is now being proposed for the portion of Abernethy between Kardan Boulevard and Hopkinson Road and an indication of the savings and therefore credit back to the DCP for this change?</p> <p>- Abernethy Road scope extension east of the railway reserve is not justified and cannot be supported in the absence of this justification and in the absence of without any change to justify or warrant this extension of scope, the need and nexus cannot be established. These works fall outside of the scope of proposed No. 208 and should not be supported.</p> <p>*c) Specific Comments - Orton Road</p> <p>"LWP, Cedar Woods and Parcel Property do not support the scope changes proposed and request:</p> <ol style="list-style-type: none"> 1. The removal of the Extension of Orton Road from Soldiers Road to South West Highway from Amendment No. 208, for the reasons provided. 2. Land required for Orton Road remain as exists under the existing Scheme Provisions to ensure the DCP covers the full cost of the full 30m road reserve; and 	<p>between Kardan Boulevard and Tonkin Highway. See Amendment 168 and previous DCP revisions.</p> <p>Abernethy road - The extension of Abernethy Road from the rail reserve to the SW Highway is not included in the DCP, this is being funded by the Shire. All works and costs associated with Abernethy Road within the DCP are completed.</p> <p>The requirement to link Orton Road to the Southwest Highway is detailed in the TIA and driven by growth within DCA1. This is an important connector for the Byford Urban Cell.</p> <p>Land for the full width of Orton Road was never</p>	<p>No modifications recommended.</p>

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		<p>3. Traffic control devices and intersection treatments are detailed and retained in the form currently identified within Appendix 10 to provide certainty and clarity around the treatments proposed and the cost associated with the devices and to avoid any future scope changes."</p> <p>*d) Specific Comments - Kardan Boulevard</p> <p>"LWP, Cedar Woods and Parcel Property do not support the scope changes proposed and request:</p> <p>1. the provisions within the scheme amendment should be amended to reflect the varied road reserve width to accurately reflect the proposal and the DCP"</p> <p>Specific Comments - Indigo Parkway"1. LWP, Cedar Woods and Parcel Property support the reduction in road reserve width as proposed</p> <p>2. LWP, Cedar Woods and Parcel Property do not support the removal of the scope items relating to the specific traffic control devices for the reasons previously stated for other roads."</p> <p>*e) Specific Comments - Sansimeon</p>	<p>included in the DCP, this is an administrative fix up to ensure clarity of this.</p> <p>A response to intersection treatment scope removal has been provided previously within this submission.</p> <p>Officers agree that the Amendment should be updated to reflect the variation in road reserve, noting 25m between Abernethy Rd and Fawcett Rd, and 30m between Fawcett Rd to Thomas Rd.</p> <p>A response to intersection treatment scope removal has been provided previously within this submission.</p> <p>In light of the latest information from</p>	<p>Road Reserves - Recommend the Amendment and DCP wording be updated to reflect the Road Reserve table included in the Shire's submission at the end of this document.</p> <p>Clara St - Recommend removal</p>

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		<p>"WP, Cedar Woods and Parcel Property do not support:</p> <ol style="list-style-type: none"> 1. The inclusion of Clara street west extension, the 30 m wide road reservation of Clara Street and the reconfiguration to remove the north-south priority: and 2. the removal of the scope items relating to the specific traffic control devices for the reasons previously" <p>*f) Specific Comments - Soldiers & Gordin</p> <p>LWP, Cedar Woods and Parcel Property do not support the inclusion of Solders Road and Gordin Way between Abernethy Road and Cardup Siding Road:</p> <ul style="list-style-type: none"> - The TIA that supports the Proposed DSP is inadequate and for the reasons detailed in TBB's DSP submission and in the absence of the information required for a TIA, changes to key roads including Soldiers Road and Gordin Way cannot be substantiated. Any requirement to soldiers Road and Gordin War between Abernethy Road and Cardup Siding Road has not been generated by changes 	<p>Metronet, officers conclude that the Clara St extension be terminated at George Street, rather than at Southwestern Highway. Clara Street remains a key connector into the town centre and is required to be 30m wide.</p> <p>A response to intersection treatment scope removal has been provided previously within this submission.</p> <p>Officers conclude that a more cost effective and logical north-south route is Soldiers Road instead of deviating through Gordin Way.</p> <p>Soldiers road will provide a significant route into the town centre to all residents in the southern portion of Byford.</p>	<p>of section between George St and SW Highway in the Amendment Text and DCP text, costs and maps.</p> <p>Clara St – recommend that Clara Street specify the at-grade rail crossing as an inclusion, within the DCP and Amendment text.</p> <p>Gordin Way removal - Recommend removal of the Gordin Way upgrade section and instead upgrade Soldiers Road up to Abernethy Road.</p> <p>Soldiers Rd - The Soldiers Road upgrade be reflected</p>

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		<p>within the Byford Urban Cell, and the cost associated with this inclusion should not be borne by the Byford DCP.</p> <ul style="list-style-type: none"> - The form and function of this road connection is further questioned considering the planned deviation utilising portion of Gordin Way, which is a local road only. <p>*g) Specific Comments - Doley Rd</p> <p>"LWP, Cedar Woods and Parcel Property do not support the scope changes proposed and request:</p> <ol style="list-style-type: none"> 1. The inclusion of Doley Road extension south to Cardup Siding Road is not support for the following reasons: <ul style="list-style-type: none"> - The TIA that supports the Proposed DSP is inadequate and for the reasons detailed in TBB's DSP submission and in the absence of the information required for a TIA, changes to key roads including Doley Road extension south to Cardup Siding Road cannot be substantiated. Any requirement to extend Doley Road south to Cardup Siding Road has not been generated by changes within the Byford Urban Cell, and the cost associated with this inclusion should not be borne by the Byford DCP. - Whilst LWP's approved plan of subdivision allows for the extension of Doley Road south of Orton Road, it has been provided to facilitate a subdivision outcome. It should not be construed as support for the extension of Doley Road south to Orton Road. 	<p>Officers recommend this item be shared between areas A and Lot 33 Hopkinson Road Area.</p> <p>The DPLH have identified the opportunity for Lot 33 Hopkinson Road to be included in DCA1, which is anticipated to include a primary school and potentially a high school which will have a catchment for this lot and to the north. The extension of Doley Road will be required, along with the Cardup Bridge crossing.</p> <p>Detailed design and costings will be undertaken within the 90 day period after gazettal of the amendment.</p>	<p>in the DCP as a shared items between areas A and Lot 33 Hopkinson Road Area.</p> <p>That Lot 33 Hopkinson be included in the DCA maps and referenced as Area E (replacing George Street), which will contribute an equal share with other contributing Areas towards the following:</p> <ul style="list-style-type: none"> - Administration - Water Monitoring - Land for Roads, POS and DOS - DOS infrastructure - Orton Road

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		<ul style="list-style-type: none"> - There is no demonstrated need to include the extension south of Doley Road. Population growth in the Byford Urban Cell has been misrepresented in the Draft DSP and does not justify the need for this regional extension. - Any requirement to extend Doley Road south to Cardup Siding Road has not been generated by the Byford Urban Cell, and the cost associated with this extension should not be borne by the Byford Urban Cell. - It is a requirement of SPP 3.6 to ensure certainty is provided for in the DCP and associated reporting. In the absence of any design detail, securing of the road reservation south of Cardup Brook, the costs are likely to be extremely indicative and therefore there is a significant risk and uncertainty associated with the proposal. The extension of Doley Road south to Cardup Siding Road therefore doesn't meet the requirements of SPP 3.6 on this basis. - In addition, there is insufficient information available in relation to the design of Doley Road South, which gives rise to a number of queries: - Is it possible to physically create the linkage south of Cardup Brook given the need to cross the Brook which is a Bushforever Site, a C class regional reservation and a site of aboriginal heritage significance and is therefore subject to subsequent processes that can't guarantee its delivery. - The costs associated with engaging in the necessary environmental process and possible community engagement given private landholdings adjacent Cardup Siding Road, are outside of the 	<p>No costs associated with environmental studies or community engagement in relation to the Cardup Brook crossing have been included in this DCP.</p> <p>In respect of the current subdivision approval, it is noted that Doley Road requires a reserve of 30m north of Orton Road, and 27.6m to the south of Orton Road. Officers recommend the Amendment and DCP be updated to reflect this.</p> <p>A response to intersection treatment scope removal has been provided previously within this submission.</p>	<ul style="list-style-type: none"> - Sansimeon Boulevard - Warrington Road - Thomas Road - Soldiers Road - Doley Road north of Orton Road <p>It is further recommend that costs associated with the Doley Road extension south of Orton Road, and the Cardup Brook bridge crossing, be split 75% for Area E and 25% Area A.</p> <p>Road Reserves - Recommend the Amendment and DCP wording be updated to reflect the Road Reserve table included in the Shire's submission at</p>

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		<p>responsibility of the Byford Urban Cell and should not be costs borne by the DCP.</p> <ul style="list-style-type: none"> - In the absence of detailed design, how have costs been formulated to inform the DCP? The costs are likely to be extremely indicative in the absence of detailed design and therefore there is significant risk and uncertainty associated with the proposal. <p>2. The current subdivision approval requires a road reserve of 27.5m which is inconsistent with the planned 30m reserve indicated within Amendment No. 208. In addition, Amendment 208 should be amended to acknowledge the absence of any road reserve upgrade to occur, and should retain the current scheme provision requiring all land up to the 30m reservation for consistency.</p> <p>3. Amendment No. 208 should be amended to include specific traffic control devices and intersection treatments for the reasons previously provided.</p> <p>*h) Specific Comments - Warrington Rd</p> <p>"LWP, Cedar Woods and Parcel Property do not support the scope changes proposed and request:</p> <ol style="list-style-type: none"> 1. The inclusion of specific Traffic control devices and intersection treatments be detailed and retained consistent with other existing roads within the Scheme as per the treatments detailed in DCP Report No. 6 to provide certainty and clarity around the treatments proposed and the cost associated with the devices and to avoid any future scope changes. If no traffic control devices and intersection treatments are required, this should be specified, to negate the ability for future scope changes." 	<p>A response to intersection treatment scope removal has been provided previously within this submission.</p>	<p>the end of this document.</p> <p>No modifications recommended.</p>

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		<p>*i) Specific Comments - George St</p> <p>LWP, Cedar Woods and Parcel Property do not support the inclusion of George Street:</p> <p>- The TIA that supports the Proposed DSP is inadequate and for the reasons detailed in TBB's DSP submission and in the absence of the information required for a TIA, changes to key roads including George Street cannot be substantiated. Any requirement to include George Street has not been generated by changes within the Byford Urban Cell, and the cost associated with this inclusion should not be borne by the Byford DCP.</p> <p>2. The form and function of this existing road is further questioned considering its current role in the network. The recent announcements by government for the future Byford Railway station have always been contemplated by the DSP, and given there are no fundamental land uses changes resulting from the proposal and given the detailed design processes are about to commence, and the certainty around the future design is unknown it is not possible for the DCP to include matters until this certainty is more clearly understand.</p> <p>*j) Specific Comments - Kalimna DOS</p> <p>"The proposed changes require the landowner to facilitate a joint user agreement between the Education Department and the Shire of Serpentine Jarrahdale. We know from previous experience in the Shire, the landowner can seek and gain agreement from the Shire and the DoE to a layout that facilitates the co-location and sharing of POS as part of the LSP and subsequent subdivision process.</p>	<p>Officers note that George Street has largely been delivered under the existing local planning policy. Officers recommend this item be removed from the DCP.</p> <p>It is not the intent that landowners be required to broker SUAs with the DoE. Where an SUA is identified as an option, this allows a reduced cost to be allocated to the DCP, however officers do note that an SUA is not</p>	<p>George st - Recommend removal of George Street from the DCP and Amendment.</p> <p>No modifications recommended.</p>

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		<p>However, it is an ambulatory requirement to require the landowner, as a third party, facilitate an agreement between the DoE and the Shire.</p> <p>In addition, this assumes the Shire is able to claim a contribution in the meantime, assuming that a JUA is being instigated, without any certainty that that will be the case.</p> <p>On this basis, it is not appropriate that the Scheme be structured in a way to require the JUA in order to guarantee the success of the Development contribution outcome."</p> <p>*k) Specific Comments - Glades DOS</p> <p>"The proposed changes require the landowner to facilitate a joint user agreement between the Education Department and the Shire of Serpentine Jarrahdale. We know from previous experience in the Shire, the landowner can seek and gain agreement from the Shire and the DoE to a layout that facilitates the co-location and sharing of POS as part of the LSP and subsequent subdivision process.</p> <p>However, it is an ambulatory requirement to require the landowner, as a third party, facilitate an agreement between the DoE and the Shire.</p> <p>In addition, this assumes the Shire is able to claim a contribution in the meantime, assuming that a JUA is being instigated, without any certainty that that will be the case.</p>	<p>guaranteed at the planning stage, and that the anticipated savings may not eventuate.</p> <p>It is noted that this project has been completed and subject to an SUA, therefore the current wording is appropriate.</p> <p>It is not the intent that landowners be required to broker SUAs with the DoE. Where an SUA is identified as an option, this allows a reduced cost to be allocated to the DCP, however officers do note that an SUA is not guaranteed at the planning stage, and that the anticipated savings may not eventuate.</p> <p>This project was designed and costed</p>	<p>Glades DOS – recommend that this project be amended to reflect a full sized soccer (rectangular) field and that the scope, justification and any potential cost savings, be reflected in the Amendment and the DCP.</p>

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		<p>On this basis, it is not appropriate that the Scheme be structured in a way to require the JUA in order to guarantee the success of the Development contribution outcome."</p>	<p>under the premise that an SUA would be achieved. Officers note that the portion of DoE land over which part of this oval was to be situated, has been developed on by the school. This negates the ability to progress an SUA in this case, and the land ceded to the Shire for the DCP funded portion, cannot accommodate a full sized AFL oval.</p> <p>Officers believe that provision of a sporting facility in this location is still necessary and are conscious of costs included in the DCP for this project, for which contributions have already been made. Officers therefore recommend that this project be amended to</p>	

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		<p>ki) Specific Comments - Land for DOS, POS, Drainage & Roads</p>	<p>reflect a full sized soccer pitch, which can be accommodated on the adjacent land.</p> <p>This approach would not add any additional cost to the DCP (the cost being reflective of half an oval and half the land as anticipated under the SUA). It also addresses an under-provision of rectangular sporting facilities in Byford. It is further noted, that Council's resolution to deliver two AFL ovals at Keirnan Park within the next 5 years, now meets the demand for AFL facilities at a district level.</p> <p>The cost of the land associated with DCP roads is captured separately to the project</p>	<p>No modifications recommended.</p>

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		<p>"The intent for the inclusion of Roads within this scheme provision is not clearly understood on the basis that land associated for roads is dealt within earlier provisions specific to each road.</p> <p>Further, section 2.6 Land for Open Space and Drainage within DCP Report No. 6 excludes any reference to the inclusion of Roads.</p> <p>As such, it is unclear as to the purpose of this provision and further clarification and communication"</p> <p>*1) Specific Comments -Administration</p> <p>"The following comments are provided in relation to the changes proposed:</p> <p>i. This provision could be reworded as follows for simplicity</p> <p>1. Costs to prepare and administer the DCP including costs associated with;</p> <ul style="list-style-type: none"> ▪ the annual review of cost estimates ▪ the review of the cost apportionment schedules based on land development undertaken since the last review ▪ undertaking valuations 	<p>construction cost. This is because land is costed independently and indexed under a different methodology. It is also reimbursed to developers under a separate process to pre-funded works.</p> <p>All land has been brought together in this section for better clarity and ease of updating costs/indexing. This is an administrative change only.</p> <p>The administrative provisions within the DCP and amendment, align with the provisions in SPP 3.6.</p> <p>Administrative costs should be reconciled with actuals at each annual review. The last administrative reconciliation was done</p>	<p>No modifications recommended.</p>

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		<p>ii. In relation to fees for professional services directly linked to the preparation and implementation of the DCP, further detail is requested to be included within the DCP Report and possibly the Scheme to provide more clarity and transparency around the matters costed and currently anticipated within the DCP. Appendix J currently only documents a small scope of work in this regard. It isn't unreasonable to expect and anticipate the range of professional services required to maintain and implement the DCP. This is important to ensure there is a clear understanding of the scope items, how the DCP costs have been derived, and ensure future scope expansion does not occur.</p> <p>iii. In relation to the calculation of costs associated with DCP administration, the Shire has recently advised that the indexing of administration costs did not occur previously by the Shire (across DCP 1 to 4), which has resulted in the sudden increase in costs as per DCP 5 and DCP 6). It is requested that evidence supporting this %age increase year on year is provided by the Shire as data from WALGA would suggest an approximate CPI increase of 2%."</p>	<p>in February 2016 (DCP3), noting that the same figure of \$255,888 was used in both DCP3 and DCP4, which commenced in February 2017 and has not been updated until now.</p> <p>In respect of wages, under the WALGA indexing there would be successive indexing of the value over four years (1.5%, 1.75%, 2.75%, 2.25%, compounding year on year). It is noted that this would represent only the wages component of the administration costs.</p> <p>Notwithstanding the above, the administration cost is based on actual costs incurred (wages plus consultants costs, legal fees etc), plus</p>	

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		<p>*m) Inclusion of precinct E</p> <p>"The inclusion of Precinct E is not support as no rationale for its inclusion has been provided. In addition, there are few changes between the approved and proposed DSP to justify the inclusion of the new precinct and associated infrastructure items.</p>	<p>forecasts based on the year ahead.</p> <p>The Shire will not publish the individual salaries of its employees, but will publish at the annual review, the total amount spent under each category of wages, legal fees, consultants fees, etc. This information is audited annually, to ensure accurate representation of costs.</p> <p>The rationale for the inclusion of Precinct E was due to the requirement for George Street to provide key connectivity within the DCA as a result of population growth. As George Street is now largely completed, this project is recommended</p>	<p>No modifications recommended.</p>

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		<p>*n) Plan 10A and Area A should be amended to exclude:</p> <ol style="list-style-type: none"> 1. the Water Corporation Corridor 2. Tonkin Highway south of Orton Road <p>as the structure of the DCA infers a lot yield is generated over these parcels given the urban zoning. Shire to clarify."</p> <p>*o) Maps</p> <p>DCA Map and DCA boundary are inconsistent. DCA Boundary includes areas excluded from the DCA. DCA boundary should be amended to exclude Tonkin Highway Regional Road Reservation and those areas excluded from the DCA.</p>	<p>to be removed, as noted previously.</p> <p>Offices agree that the Tonkin reserve and the Water Corporation corridor should not be included in the DCA area.</p> <p>The Shire agrees that adjusting the boundary to exclude the "excluded areas" provides clarity.</p>	<p>DCA1 map - Recommend the DCA1 map boundary be adjusted to exclude Tonkin Highway, the Water Corporation corridor and the excluded areas.</p>
Gray & Lewis Land Use Planners (IN20/18806)	17.	<p>This submission is made on behalf of Thomas Road Developments Ltd (TRDL) developers of Redgum Brook Estate in Byford. The submission relates to the timing of the payout of developer credits. In particular, whereby payment of an outstanding credit following the completion of a project is... "at the Shires discretion." This could lead to the unreasonable situation where a company or individual that is in credit at the completion of their project could have to wait for years to be reimbursed.</p> <p>Redgum Brook Estate was the first of the major greenfields estates in Byford to be developed under the provisions of the Byford District Structure Plan,</p>	<p>Officers support some greater clarity as to the management of credits, to reflect the new SPP3.6 which is proposed to be introduced. This sets out</p>	<p>Recommend the clause within the DCP relating to reimbursement of credits be amended to reflect the following wording: <i>"If a developer has completed development</i></p>

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		<p>with the first stage commencing in 2004. The final stage was completed in late 2019. In the final audit of DCP contributions undertaken by the Shire, the credit owed to Thomas Road Developments Ltd was in the order of \$1.65m. This amount is not in dispute.</p> <p>Prior to developing the last stage of subdivision, including the creation and landscaping of the remaining area of public open space, discussions were undertaken with the Shire in respect to the timing of the final payment of the outstanding credit. The advice from the Shires officers at the time (October 2019) was that developer contributions from others were expected to be deposited into the DCP fund in the coming months and subject to funds being available, the credit owed to TRDL would be paid out. This was expected to occur by the end of 2019 or early 2020.</p> <p>It was subsequently advised by the Shire in late December last year that any excess funds in the DCP would be used to pay for the construction of Priority infrastructure and that there was no guarantee as to when (and in fact if ever) the credit to TRDL may be paid out as other Priority infrastructure items arise.</p> <p>This is a totally unfair and unreasonable position. As per Section 4 of DCP 6, TRDL has already "earned" the credits through the payment of contributions for every single lot created throughout the life of the project as well as the construction of infrastructure and development of all areas of public open space etc. The credit has been "earned" by TRDL and is now "owed" back to the Company by the Shire. The credit cannot just be ignored until other Priority infrastructure is constructed. There must be a defined period whereby outstanding credits should be paid back. It is unreasonable for the</p>	<p>the following new SPP provisions:</p> <p>6.7.2.12 c) and d):</p> <p>c) <i>Where a developer has no further holdings in the DCA, the amount is held by the local government as a credit to the developer until payments into the DCP are received from subsequent developers to cover the credited amount. The credit is then reimbursed to the developer as soon as circumstances permit.</i></p> <p>d) <i>Where the DCP fund is in credit from developer contributions already received, the credit should be reimbursed as soon as the circumstances permit on completion of the</i></p>	<p><i>of all their land within the DCP area, and they have a residual credit owed to them, the Developer may apply for this residual credit to be paid out by any available DCP funds. Such decision will be at the discretion of Council, based upon the State Planning Policy 3.6 and the current circumstances of the DCP. This includes the date at which the credit was realised, the status of current priority infrastructure and any new priority infrastructure."</i></p>

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		<p>credit payments to remain entirely at the Shires discretion which is too open ended and provides no certainty to the developer.</p> <p>The real concern for a company such as Thomas Road Developments Ltd (which is an unlisted public company with hundreds of shareholders) is that there are significant holding costs in the order of hundreds of thousands of dollars to maintain the company with the statutory requirements for annual reports, auditing, fees and charges and company related expenses etc. To continue to maintain a company with such holding costs once all the lots have been sold simply to wait for the reimbursement of an outstanding credit from the Shire for an unknown period of time is simply unreasonable.</p> <p>We therefore request that a clause be included in Section 4 of DCP6 to provide for the payment of any outstanding credit owed by the Shire within a specified period - say 6 months following the approval of the final DP.</p> <p>I have also attached a couple of emails containing some of the relevant correspondence from last year for inclusion in our submission.</p> <p>Thank you for the opportunity to make this submission. We look forward to a fair and reasonable conclusion to this matter.</p>	<p><i>works/ceding of land and having regard to the priority and timing of DCP works.</i></p> <p>The common question in respect of 6.7.2.12c) is what “<i>as soon as circumstances permit</i>” practically means.</p> <p>Compared to 6.7.2.12d), the Shire has current priority infrastructure identified under DCA1 as Abernethy Road and Thomas Road. Amendment 208 seeks to identify new priority infrastructure of San Simeon Boulevard and Indigo Parkway, and de-emphasise Thomas Road as priority infrastructure.</p> <p>It is considered reasonable that new</p>	

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			<p>priority infrastructure needs to be considered alongside pre-existing credits, and would not automatically overtake pre-existing credits - rather, the circumstances of the DCP would need to be considered and balanced in respect of credit timing vs infrastructure need. Officers would also seek to align decision making, reflective of the prevailing State Planning Policy 3.6 framework. Reflecting the SPP is what Departmental officers suggest also, given this underpins the overall governance framework for developer contributions.</p>	

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CLE Town Planning (IN20/18826)	18.	<p>Thank you for the opportunity to comment on Amendment 208 to Town Planning Scheme No. 2 ('the Amendment'), which proposes changes to the infrastructure items listed for the Byford Development Contribution Area in the relevant Development Contribution Plan ('DCP'). CLE makes this submission on behalf of Parcel Property ('Parcel'), which acts as the project manager for the Beenyup Grove residential estate.</p> <p>Beenyup Grove is developing in accordance with the approved Doley Road Precinct Local Structure Plan ('LSP'). At completion, Beenyup Grove will comprise nearly 2000 residential lots, a local centre, primary school and an extensive network of public open space. It is a significant component of the Byford urban precinct.</p> <p>We note that the proposed changes to the DCP reflect the content of the draft Byford District Structure Plan ('DSP') being advertised concurrently. If approved, the draft DSP will replace the original DSP approved in 2005 and reflected in various Local Structure Plans approved since then. We also note that DCP Report No. 6 ('DCP 6'), which will not come into operation until / unless Amendment 208 is approved, has been published concurrently.</p> <p>Parcel considers that some of the DCP items proposed to be retained, added or modified through Amendment 208 undermine several of the principles for DCPs specified in TPS 2 and the relevant State Planning Policy (SPP 3.6: Development Contributions for Infrastructure), namely:</p> <ul style="list-style-type: none"> • Need and Nexus – <i>“The need for the infrastructure included in the development contribution plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).”</i> This is closely 	The submission has been considered and the contents noted.	

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		<p>related to the underlying principle that the <i>“beneficiary pays”</i> and that <i>“developers will only fund the infrastructure and facilities reasonable and necessary for the development and to the extent that the infrastructure and facilities are necessary to service the development.”</i></p> <ul style="list-style-type: none"> • Equity – <i>“Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.”</i> • Certainty – <i>“All development contributions should be clearly identified and methods of accounting for escalation agreed upon at the commencement of a development.”</i> • Consistency – <i>“Development contributions should be applied uniformly across a Development Contribution Area and the methodology for applying contributions should be consistent.”</i> It should be noted that this principle does not fetter the principles of need, nexus and equity. <p>In Parcel’s view, the following items fail to meet some or all of the above-mentioned principles and should be reconsidered as DCP items by the Shire:</p> <p>a) Orton Road extension to South Western Highway</p> <p>An upgrade to Orton Road as far east as Soldiers Road is included in the existing DCP, which is sufficient to support traffic volumes and movements originating in the DCP area, including Beenyup Grove. North-south movements into the Byford town centre and beyond are accommodated by</p>	<p>Orton road is an Integrator B road as per Liveable Neighbourhoods, with</p>	<p>No modifications recommended.</p>

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		<p>other DCP roads such as Doley Road and Warrington Road. As such, for the purposes of the DCP area, it is not necessary for Orton Road to be extended to South Western Highway. If it was, the extension would have been incorporated into the LSP, which extends as far east as Soldiers Road. Addition of this item at a late stage in the DCP's operation would not satisfy the principles of certainty or consistency, as it could not reasonably have been predicted or budgeted for by DCP participants and, given the number of lots already created across the DCP area, contributions toward it cannot be applied uniformly.</p> <p>We note that the extension of Orton Road to South Western Highway, facilitating a link between that road and the future Tonkin Highway extension, is shown in the draft DSP and the approved <i>South Metropolitan-Peel Sub-regional Planning Framework</i>. It would not be appropriate for the Orton Road extension to be included in the DCP in the context of those documents. The DSP states that Thomas Road and Orton Road will provide "<i>vital east-west freight linkages between the future Outer Harbour and freight logistics centres in the region, other major road linkages, and strategic industrial locations</i>". This statement implies that the need for the Orton Road extension does not arise from the DCP area, which is adequately serviced by the existing Orton Road proposal, but rather regional traffic flows. These have no nexus with the DCP area and the extension is therefore not suitable for inclusion in the DCP. Fulfilment of the proposals of the draft DSP and Sub-regional Planning Framework would depend on State funding for a regional road, a new intersection at South Western Highway (assuming Main Roads agreement for that to be created) and, as stated in the draft DSP, grade separation for the railway crossing.</p>	<p>parking drainage and a footpath.</p> <p>It will have a width of 30 metres from Tonkin highway to Southwestern highway.</p> <p>The road will be single lane road only with no direct access to adjacent properties.</p> <p>The road would be required for access to the adjacent properties in the first instance. However it provides a higher order function too:</p> <p>a) Abernethy road will not be extended to join up with Tonkin highway which necessitates the need for a way for residents to access this highway</p>	

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		<p>Even if the above-mentioned regional matters are set aside, an extension to Orton Road would remain inappropriate for inclusion in the DCP. Previous local planning does not accommodate it. The approved Lots 1, 3 and 128 South Western Highway Local Structure Plan, which covers the land required for the extension, states that (in Section 5.6):</p> <p><i>“The Shire has advised that the proposed future Orton Road extension will now not proceed. As the road will not be constructed and the future road reserve alignment is not acceptable to MRWA [Main Roads], access to South Western Highway via a future Orton Road is not available to this site”.</i> 3</p> <p>The Lots 1, 3 and 128 South Western Highway Local Structure Plan proposes a Mixed Use zone over the land in the vicinity of the Orton Road extension, which we understand is intended for Service Commercial purposes. Consistent with the above statement, a corridor for an extension of Orton Road is not shown. The draft DSP and Sub-regional Planning Framework may have rendered this Local Structure Plan obsolete, but there is clearly significant planning work ahead if the Orton Road extension is to proceed. As such, its inclusion in the DCP is, at best, premature, as well as failing the principles of need and nexus, equity, certainty and consistency.</p>	<p>b) The road is needed for neighbourhood connectivity east-west across the Byford urban cell also across Southwestern highway.</p> <p>c) The road is also required for residents from north to south within the Byford urban cell.</p> <p>d) East-west residential traffic should not be directed onto Cardup Siding road.</p> <p>e) Cardup siding road is not capable of carrying the traffic from the south-eastern areas of Byford northwards and westwards between Southwestern highway and Tonkin highway.</p>	

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		<p><i>b) Indigo Parkway and San Simeon Boulevard</i></p> <p>The Indigo Parkway / San Simeon Boulevard project is an existing item that is proposed to be broken into two components under Amendment 208. Neither item, and particularly the Indigo Parkway item, satisfies the need and nexus principle in the context of Beenyup Grove. This route between Thomas Road and Abernethy Road is an internal linkage that is not needed to support the development of the estate. To and from Beenyup Grove, residents are likely to use:</p> <ul style="list-style-type: none"> • Doley Road, Abernethy Road and Kardan Boulevard to access Thomas Road; • Warrington Road and Abernethy Road to access the Byford town centre and South Western Highway. • On completion, Tonkin Highway via the proposed Orton Road interchange. <p>The Indigo Parkway / San Simeon Boulevard route is unlikely to be used by Beenyup Grove residents.</p> <p>This item is particularly problematic given the significant (approx. 38%) increase in costs identified in DCP 6 for this item relative to DCP 5. The</p>	<p>Orton road provides this intra-Byford link to ensure neighbourhood connectivity.</p> <p>Officers do not agree that residents of Beenyup Grove estate will not utilise San Simeon Boulevard, as it is the route into the town centre.</p> <p>Officers do agree that the northern portion of Indigo Parkway may not be used as frequently by residents of Beenyup Grove, however it is a major internal distributor that will be utilised by a significant number, if not all, residents of Byford.</p> <p>The cost increase of this project has been driven by the addition of Clara Street. Clara St is an</p>	<p>Clara St - Recommend removal of the section between George St and the SW Highway.</p>

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		<p>cost increase appears to be associated with additional roundabouts which, like the item itself, are not to the benefit of Beenyup Grove. We therefore consider that the Shire should reconsider the inclusion of this item in the DCP, as it does not satisfy the DCP principles of need, nexus and equity.</p> <p>c) Addition of the item named 'Soldiers Road and Gordin Way'</p> <p>This new item would fund an upgrade to an existing north-south linkage between the Byford town centre and the southern part of the DCP area (Cardup Siding Road), demand for which originates primarily with the future urban precinct south of Orton Road.</p> <p>Like the proposed Orton Road extension, this item has a weak nexus with Beenyup Grove and is not necessary to support the estate. North-south traffic movements are adequately accommodated on Warrington Road and Doley Road, both of which are existing DCP items. The LSP and subdivision approvals have been issued on the basis of these routes. If the Orton Road extension proceeds, there will be a third convenient route (South Western Highway) available.</p> <p>Upgrades to Gordin Way to an urban standard might be warranted in future, but like the new George Street item, development contributions for such works should only be levied locally or only from fronting landowners. The same applies to Soldiers Road south of Brickwood Reserve.</p> <p>In addition to the inconsistency of this item with the principles of need, nexus and equity, the introduction of a new item some six years after the</p>	<p>important connector to the Byford Centre for the Byford Urban Cell.</p> <p>Officers recommend that Clara St links to George Street only, rather than to the SW Highway.</p> <p>Officers conclude that a more cost effective and logical north-south route is Soldiers Road instead of deviating through Gordin Way.</p> <p>Soldiers road will provide a significant route into the town centre to all residents in the southern portion of Byford.</p> <p>Officers recommend this item be shared between areas A and Lot 33 Hopkinson Road Area.</p> <p>SPP 3.6 and the Major Amendment process, provide for changing</p>	<p>Gordin Way - Recommend removal of the Gordin Way upgrade and instead upgrade Soldiers Road up to Abernethy Road and that the cost be shared equally between areas A and Lot 33 Hopkinson Road Area.</p>

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		<p>DCP commenced does not satisfy the principles of certainty or consistency, as it could not reasonably have been predicted or budgeted for by DCP participants and, given the number of lots already created across the DCP area, contributions toward it cannot be applied uniformly. 4</p> <p><i>d) Doley Road extension to Cardup Siding Road</i></p> <p>Under the existing DCP, an upgrade to Doley Road as far south as Orton Road is included. The need for its extension further south at the expense of DCP participants is unclear, and until the draft DSP is approved, it would be premature to include the item in the DCP.</p> <p>This item does not have a demonstrated nexus with Beenyup Grove, and it is not necessary to support the estate. There is no destination in this direction for Beenyup Grove residents and the beneficiary of the road will almost exclusively be the residents of the future urban precinct south of Orton Road. Given this lack of need, it would be inequitable to levy Beenyup Grove lots for this item. In addition, the introduction of a new item some six years after the DCP commenced does not satisfy the principles of certainty or consistency, as it could not reasonably have been predicted or budgeted for by DCP participants and, given the number of lots already created across the DCP area, contributions toward it cannot be applied uniformly.</p>	<p>infrastructure needs throughout the life of the DCP.</p> <p>The DPLH have identified the opportunity for Lot 33 Hopkinson Road to be included in DCA1, which is anticipated to include a primary school and potentially a high school, which will have a catchment for this lot and to the north. The extension of Doley Road will be required, along with the Cardup Bridge crossing.</p> <p>SPP 3.6 and the Major Amendment process, provide for changing infrastructure needs throughout the life of the DCP.</p>	<p>That Lot 33 Hopkinson be included in the DCA maps and referenced as Area E (replacing George Street), which will contribute an equal share with other contributing Areas towards the following:</p> <ul style="list-style-type: none"> - Administration - Water Monitoring - Land for Roads, POS and DOS - DOS infrastructure - Orton Road - Sansimeon Boulevard - Warrington Road - Thomas Road

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		<p><i>e) Addition of the item named 'Orton Road District Open Space Improvements'</i></p> <p>This item relates to the District Open Space shown on the draft DSP on a site south of Orton Road and east of Doley Road. The existing DSP makes tentative provision made for a recreational space south of Orton Road in</p>	<p>Officers do not agree that the cap proposed within the new guidelines of SPP 3.6 for Community Infrastructure is intended to be a cap for the</p>	<ul style="list-style-type: none"> - Soldiers Road - Doley Road north of Orton Road <p>It is further recommend that costs associated with the Doley Road extension south of Orton Road, and the Cardup Brook bridge crossing, be split 75% for Area E and 25% Area A.</p> <p>Recommend the Cardup bridge crossing be specified as an inclusion in the Amendment and DCP, and DCP costs updated accordingly.</p> <p>No modifications recommended.</p>

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		<p>the existing DSP, in a 'Future Study' area, and there is an associated, generic item named 'Land for District Open Space, Public Open Space and Drainage' in the existing DCP. This has enabled Parcel to prepare to some extent for costs to be levied via the DCP for this infrastructure, however, the cost increase for the open space items is significant.</p> <p>DCP 6 indicates that inclusion of this item contributes to a doubling of costs for District Open Space items in this DCP. These costs will apply on top of costs proposed to be levied through the draft Community Infrastructure Development Contribution Plan. The advertised version of this document proposed a cost per lot for Byford of \$3,146, which, combined with the approximately \$5,400 per lot proposed in DCP 6 for open space items, is considerable. It is also well in excess of the \$3,500 per lot cap proposed in the draft new version of SPP 3.6. In this context, we request that the Shire endeavour to manage the costs associated with all open space items in this DCP and seek alternative sources of funding, e.g. State or Commonwealth grants, in the interest of reducing DCP costs.</p> <p>We also request that the Shire reconsider the 'REW Enhancement' component of this item, as it does not satisfy the principles of need, nexus and equity. Whilst Parcel supports a positive environmental outcome for Cardup Brook in principle, the need for the rehabilitation works is not generated by the Byford urban precinct and their cost should be met through alternative sources of funding. If the REW is, as is suggested in the Amendment, a "<i>regionally valuable ecological and environmentally-sensitive corridor</i>", it would be appropriate for the Shire to fund the rehabilitation work, potentially with State or Commonwealth assistance.</p>	<p>combined values of applicable Traditional and Community DCPs in an area.</p> <p>The increased population densities and associated population has necessitated significant changes to the provision of open space and community facilities in the DCP.</p> <p>The Orton road facility was originally intended as a two oval district open space but has been pared back to one oval, as resolved by Council at the May 2020 OCM. This was part of an agreement with the proponent and therefore does need to be included in the development contribution plan.</p>	

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			<p>Officers maintain that the inclusion of the additional infrastructure items provide both certainty and consistency, but most importantly equity for existing and future residents. It will also ensure that the inequities of the past (insufficient provision of facilities), that the current residents are paying for through rates, will not be repeated.</p> <p>The contribution cost per lot related to this DOS is \$406. If the per lot cost noted by the submitter of \$5,400 per lot for public open space items is referencing the cost associated with land for public open space (\$4,348 per lot in the</p>	

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		<p><i>In summary, Parcel is of the view that the addition and extension of several DCP items so late in the operation of this DCP is inequitable and does not satisfy the principles of certainty or consistency. The changes could not reasonably have been predicted or budgeted for and the uniform application of costs across the DCP area will be impossible, given the significant number of lots already created. Some of the new or modified items, and one existing item, also do not satisfy the principles that the beneficiary pays and of need and nexus, which brings into question their suitability for inclusion in the DCP. We respectfully request that the Shire</i></p>	<p>latest revision), the Shire would like to remind the submitter that developers are reimbursed this value, through credits, when ceding the POS land. This land would otherwise be required to be ceded free of charge as per Liveable Neighbourhoods.</p> <p>The REW component of this project will serve as an important MUC and POS in the area and should be kept in the DCP.</p>	

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		<i>reconsider the items mentioned in this letter and recommend that the WAPC make modifications to the amendment before it is presented to the Minister for Planning for determination.</i>		
Urbanism (c/o Corey Verwey, Parsons Group) IN20/25649	20.	<p>Hi Andrew</p> <p>Thank you for the meeting today and the reference to the draft Byford Structure Plan in our discussion. I have not been able to obtain a link to the plan to deliver comment. Notwithstanding this, I wish to submit two comments for your consideration in finalising the draft plan:</p> <ul style="list-style-type: none"> • The structure plan proposes the extension of Orton Road through to South Western Highway to reduce traffic congestion on Soldiers Road. This is also earmarked as a primary east-west connector between Tonkin Highway and South Western Highway, to the west of Lot 128 South Western Highway. The road is earmarked to exceed a reserve width of 30m and requires an on-ramp onto the South Western Highway. The future reserve for this road follows the inside of the southern boundary of Lot 128 South Western Highway. It will consume approximately 4,350m² of this lot, which is excessive for a single property owner to absorb. We propose that the alignment of road be reviewed to allow for an equitable sharing of this road reserve across Lot 128, the drainage reserve and the private property to the south of Lot 128. • The structure plan references a grade separated intersection design for the rail crossing of Orton Road. Should this be pursued, it will block a Robinson Road connection to this road. It is also doubted that acceptable grades could be achieved along this section of Orton Road to achieve a separated grade rail crossing and an at grade crossing at the 	<p>Officers note that it is recommended that Orton Road will have a consistent width of 30m. It is agreed that an equitable outcome is to share the land take between the boundaries of lots 128 and the southern lot 3.</p> <p>Officers agree that the rail crossing on Orton Road be at-grade, and should be reflected as such within the Amendment, DCP and the DSP.</p>	<p>Orton Rd alignment - Recommend the alignment of Orton Road be amended to fall equitably between the lot boundaries for the full length of the road.</p> <p>Orton Rd rail crossing - Recommend the rail crossing at Orton Road be specified as "at-grade" and noted as an inclusion within the Amendment and DCP.</p>

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Shire of Serpentine Jarrahdale, Strategic Planning.	21.	<p>across the South Western Highway. This road should be designed as a level crossing over the rail.</p> <p>The Strategic planning team have had further discussions with various internal and external stakeholders. The team also acknowledge further planning that has been done on various infrastructure projects, both internal and external that have had an impact on the Byford District structure plan and the Development contributions plan. The team therefore provide the following submission that make recommendations regarding these modifications.</p> <p>To upgrade Soldiers road from Abernethy road to Cardup Siding road and remove the upgrading of Gordin road from Abernethy road to Cardup Siding road in the District structure plan and Development contributions plan. This will align with the planning for the town centre planning and the upgrading of Orton road and Abernethy road.</p> <p>The State Government has tendered the grade separation bridge over the railway reserve on Thomas Road. This bridge will span 500m each side of the reserve. Thomas Road costings include land and road upgrades from</p>	<p>See recommendation.</p> <p>See recommendation.</p>	<p>Gordin Rd - That the Gordon Road upgrade be replaces by the upgrade to Soldiers road from Abernethy road to Cardup Siding road be reflected in the DCP and Amendment (and DSP).</p> <p>Thomas Rd - Officers recommend 500m length of construction and associated land costs be removed</p>

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		<p>the Tonkin Highway to the Rail Reserve. Costs now being covered by the State Government should be removed from the DCP.</p> <p>Officers believe that the categorisation of DCP roads should align with terminology used in Liveable Neighbourhoods, in order to give better clarity. For example; Instead of “X Road – Local Distributor”, this would be “X Road – Integrator B”</p> <p>This would also remove the requirement to detail the specific road treatment within the inclusions, and enable the DCP to align with any changes to the Liveable Neighbourhoods standards without the need for a scheme amendment, which may cause delays and additional cost to developers.</p> <p>For example: Instead of “Complete road construction based on a single lane split carriageway with central median, including intersection treatments and traffic control devices as required”, this would be “Complete road construction to achieve an Integrator B road standard, in accordance with Liveable Neighbourhoods, including intersection treatments and traffic control devices as required”.</p> <p>Detail on the classifications for the proposed DCP roads is included in the table below.</p> <p>A number of road width changes (from the previous DCP revisions) have occurred as a result of the latest TIA modelling and forecasting to 2034. The associated reserves and land costs require adjusting within the Amendment</p>	<p>See recommendation.</p>	<p>from the DCP and text reflecting this be added to the DCP and Amendment.</p> <p>Road categorisation: Recommend removal of specific road build scope from the DCP and Amendment 208.</p> <p>Road categorisation: Recommend DCP roads be identified as follows within the Amendment and DCP:</p> <ul style="list-style-type: none"> - Abernethy Rd: Integrator A - Kardan Blvd: Neighbourhood Connector A - Soldiers Rd: Neighbourhood Connector A - Orton Rd: Integrator B

NEW SUMMARY OF SUBMISSIONS
Byford Development Contribution Plan
PA18/778

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and the DCPs to be in line with the latest advice. This detail is included within the table below.

Road	Classification	Road Reserve	DCA
Abernethy Road	Integrator A (<=60 kph)	30m all area	DCA1
Kardan Blvd	Neighborhood Connector A	25m Abernethy to Fawcett 30m Fawcett to Thomas.	DCA1
Soldiers Road	Neighborhood Connector A	20m all area	DCA1
Orton Road	Integrator B	30m all area	DCA1
Doley Road	Neighborhood Connector A	27.6m south of Orton, 30m north of Orton	DCA1
Warrington Road	Neighborhood Connector B	20m all area	DCA1
Sansimeon Blvd	Integrator B	22.5m Larsen Rd to Armadan Ct 30m remaining area	DCA1
Clara Street	Integrator B Town Centre Road	30m all area	DCA1
Indigo Parkway	Integrator B	22.5m adjacent to POS 30m Malarkey Road (between Thomas/Indigo) 27.5m remaining area(s)	DCA1
Thomas Road	Primary Regional Road	50	DCA1

- Doley Rd: Neighbourhood Connector A
- Warrington Rd: Neighbourhood Connector B
- Sansimeon Blvd: Integrator B
- Clara St: Integrator B
- Indigo Pwy: Integrator B
- Thomas Rd: Primary Regional Rd

Road reserves:
 Recommend DCP road reserves be identified as follows within the Amendment and DCP:

- Abernethy Rd: 30m
- Kardan Blvd: 25m Abernethy Rd to Fawcett Rd

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		<p>The amalgamation of Sansimeon Boulevard and Clara Street into one project dilutes the clarity of associated costings. There is little logic or benefit in treating these roads as a single project and it adds administrative complexity.</p>		<ul style="list-style-type: none"> and 30m Fawcett Rd to Thomas Rd - Soldiers Rd: 20m - Orton Rd: 30m - Doley Rd: 27.6m south of Orton Rd and 30m north of Orton Rd - Warrington Rd: 20m - Sansimeon Blvd: 22.5m Larsen Rd to Armadan Ct and 30m remaining area - Clara St: 30m - Indigo Pwy: 22.5m adjacent to POS, 30m Malarkey Rd section, 27.5m remaining areas - Thomas Rd: 50m <p>Clara St - That Clara Street be identified as its own project,</p>

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		<p>development community, and also serve as an opportunity to review the timeline for provision of infrastructure within the DCP, with those who have knowledge of where the development for the year ahead, is most likely to occur. It is noted that, in respect of any updates to the infrastructure provision timeline, approval and adoption by Council will be required, before any amendments are reflected in the DCP.</p> <p>There are a number of recommendations made within the submission responses for the Byford DSP. The Amendment report references information within the DSP, including Maps. Where recommendations for amendments to the DSP are approved by Council, officers recommend that the relevant text and maps in the Amendment report, be aligned with the revised information.</p>		<p>reviews in collaboration with the relevant Industry Reference Group(s).</p> <p>DSP amendments: Recommend that any amendments approved by Council to the DSP, be reflected in the relevant text and maps, within the Amendment 208 and the DCP report.</p>