

TABLE OF RECOMMENDATIONS**Amendment to Town Planning Scheme No. 2 – Scheme Amendments No 208****Byford Traditional Infrastructure Development Contribution Plan (PA18/778: E20/12359)**

Responsible Business Unit: Strategic Planning

Advertising Date: 21 May to 31 August 2020

Table of Recommended Modifications – Amendment 208

Item	Submissions/issues	Proposed Modifications
Intersections with MRWA Roads	Current wording in the DCP suggests that MRWA always fund intersections with state roads, which is not the case.	That the text within the Byford Traditional Infrastructure DCP and Amendment 208 for Orton Road be changed to read: “The following items have not been included in the Byford Traditional Development Contribution Plan for Orton Road - Intersection treatment with Tonkin Highway.”
Community POS site	The Community POS site, as agreed with the landowner for the Byford Town Centre LSP, should be noted within the DCP.	That wording be included in the Byford Traditional Infrastructure DCP and Amendment, noting that Community POS forms part of the POS provision allocated in the DCP. That Figure 5 in the Byford Traditional Infrastructure DCP 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.
Orton Road alignment	Requested that the route of Orton Road be reflected equally between the northern and southern landholdings to provide equitable share of the required land take for the road reserve.	That the extension of Orton Road be noted on the Roads Map in the Byford Traditional Infrastructure DCP (and within the Byford DSP) be aligned equitably between land parcels throughout the full length.
Orton Road rail crossing	The treatment and costs of the Orton road rail crossing, as included in the DCP are unclear.	That the at-grade rail crossing at Orton road be noted as an included item within the Byford

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		Traditional Infrastructure DCP text and Amendment 208.
George Street	The upgrades to George Street have been mostly completed under the existing local planning policy.	Recommend removal of George Street from the Byford Traditional Infrastructure DCP and the Amendment.
Thomas Road	<p>The previously noted exclusions applicable to the Thomas Road project and costings has been omitted (in error) from the latest DCP revision.</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 freight rail reserve. Thomas Road costings include land and road upgrades from the Tonkin Highway to the Rail Reserve. Costs now being covered by the State Government should be removed from the DCP.</p>	<p>That the previously noted exclusions for Thomas Road in the Byford Traditional Infrastructure DCP text be re-inserted in the DCP text.</p> <p>That 500m length of construction and associated land costs be removed from the Byford Traditional Infrastructure DCP and text reflecting the portion be added to the DCP and Amendment.</p>
Clara Street	<p>The extension between George St and the South Western Highway is no longer required. According to the planning for the Metronet precinct, Clara Street will intersect with George Street.</p> <p>Officers also recommend that Clara Street be noted as a separate project, as there is no obvious reason to include this within the Sansimeon Boulevard project.</p>	<p>That the section between George Street and South Western Highway be removed within the Amendment and Byford Traditional Infrastructure DCP text, and costs and maps updated accordingly.</p> <p>That Clara Street be reflected as a stand-alone project within the Amendment text, Byford Traditional Infrastructure DCP text and costings.</p>

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		<p>That Clara Street specify the at-grade rail crossing as an inclusion, within the DCP and Amendment text.</p>
<p>Doley Road</p>	<p>The extension of Doley Road south of Orton Road will be required primarily to service Lot 33 Hopkinson Road which has recently been rezoned to “Urban”.</p> <p>The DPLH have identified the opportunity for Lot 33 Hopkinson Road be included within the Development Contribution Areas for both Amendment 207 (Community DCP – CIDCP) and this Amendment 208.</p> <p>This inclusion will require the construction of the Cardup Bridge crossing which was not previously included.</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 - San Simeon 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>That the Cardup Bridge Crossing be noted as an Inclusion within the Amendment and DCP text and costs.</p>

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<p>Soldiers Rd & Gordin Way</p>	<p>Officers conclude that a more cost effective, improved planning and logical north-south route is Soldiers Road up to Abernethy Road, instead of any attempt to deviate through Gordin Way. This will avoid traffic impacting on the eastern edge of Briggs Park, which would otherwise fragment the existing residential community from the district open space area.</p>	<p>Recommend removal of the Gordin Way upgrade and inclusion of Soldiers Road upgrade to Abernethy in the Amendment text, Byford Traditional Infrastructure DCP text, costings and maps.</p> <p>That the (amended) Soldiers Road upgrade be reflected in the Byford Traditional Infrastructure DCP as a shared cost item between Area A and (new) Lot 33 Hopkinson Road Area (E).</p>
<p>The Glades District Open Space</p>	<p>The portion of DoE land over which part of this oval was to be situated (under an anticipated Shared Use Agreement), has been developed on by the school. The remaining land ceded to the Shire under the DCP is not sufficient to accommodate a full size AFL oval.</p> <p>Officers therefore recommend that this project be amended to reflect a full sized soccer pitch, which can be accommodated on the adjacent land.</p> <p>A soccer pitch can be delivered for roughly the same amount as half an AFL oval (which is the amount currently costs within the DCP). This change therefore does not affect the costings in the DCP.</p> <p>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 and one oval at Orton Road, meets the demand for AFL facilities in Byford.</p>	<p>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 Byford Traditional Infrastructure DCP.</p>

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<p>Timing of infrastructure</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.</p> <p>SPP notes that a DCP must be prepared within 90 days of gazettal of an amendment. Officers recommend</p>	<p>That an Appendix be included in the final Byford Traditional Infrastructure DCP (to be published within 90 days of gazettal of the amendment), which details the agreed project timelines (as approved by Council).</p>
<p>DCA Map</p>	<p>The latest DCA map includes the Tonkin Highway reserve and does not show the excluded areas within the DCA (i.e. the trotting complex). It is also requested that the boundary excludes the Water Corporation corridor.</p>	<p>That the DCA1 map boundary be adjusted to exclude Tonkin Highway, the Water Corporation corridor and the excluded areas.</p>
<p>Road categorisations</p>	<p>Officers believe that the categorisation of DCP roads should align with terminology used in Liveable Neighbourhoods, in order to give better clarity.</p>	<p>Recommend the Byford Traditional Infrastructure DCP roads be identified as follows within Amendment 208 and the Byford Traditional Infrastructure 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 - Doley Rd: Neighbourhood Connector A - Warrington Rd: Neighbourhood Connector B - Sansimeon Blvd: Integrator B

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		<ul style="list-style-type: none"> - Clara St: Integrator B - Indigo Pwy: Integrator B - Thomas Rd: Primary Regional Rd
Road upgrade scope details	Aligning the road categories with Liveable Neighbourhoods would negate the need to detail the specific road treatment within the DCP and the amendment. This would also ensure that if the standards change, a new major amendment to the Town Planning Scheme, would not be not required.	Removal of specific road build scope from the Byford Traditional Infrastructure DCP and Amendment 208.
Road Reserves	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 and the DCP, to be in line with the latest advice. This detail is included within the table below.	<p>That road reserves be amended as follows, within Amendment 208 and the Byford Traditional Infrastructure DCP:</p> <ul style="list-style-type: none"> - Abernethy Rd: 30m - Kardan Blvd: 25m Abernethy Rd to Fawcett Rd 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

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		<ul style="list-style-type: none"> - Indigo Pwy: 22.5m adjacent to POS, 30m Malarkey Rd section, 27.5m remaining areas - Thomas Rd: 50m.
<p>Reimbursement of credits</p>	<p>A developer has requested priority to payout an earned credit in advance of delivering otherwise listed priority infrastructure.</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 the following new SPP provisions:</p> <p>6.7.2.12 c) and d):</p> <p><i>c) 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><i>d) 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 works/ceding of land and having regard to the priority and timing of DCP works.</i></p>	<p>Recommend the clause within the DCP relating to reimbursement of credits be amended to reflect the following wording:</p> <p><i>“If a developer has completed development 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>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 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>	
<p>Annual reviews of the DCPs</p>	<p>Officers recommend that the annual review of the Byford Traditional Infrastructure DCP, which enables review of costings, indexing of</p>	<p>That wording be inserted into the Byford Traditional Infrastructure DCP in respect of the requirement to undertake the Annual review in</p>

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	costs and reconciliation of yields and funds (though no scope amendments are allowed without an amendment), be formalised within the DCP text as being undertaken in consultation with the Byford Industry Reference Group.	collaboration with the relevant Industry Reference Group.
Amendments to the Byford DSP	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.	That any amendments approved by Council to the Byford DSP, be reflected in the relevant text and maps, within Amendment 208 and the Byford Traditional Infrastructure DCP report.