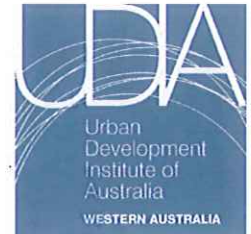


e udia@udiawa.com.au | Urban Development Institute of Australia
t 08 9321 1101 | (Western Australia)
f 08 9321 1102 | Level 5, 150 St Georges Terrace,
w www.udiawa.com.au | Perth, Western Australia 6000



17th December 2010

Serpentine Jarrahdale Shire
6 Paterson Street
Mundijong WA 6123

By email: info@sjshire.wa.gov.au

To whom it may concern

Scheme Amendment No. 168 Byford Development Contribution Plan

The Urban Development Institute of Australia (UDIA WA) is pleased to provide comment on the Byford Development Contribution Plan. UDIA is the key representative body of the land development industry in Western Australia with members drawn from the land development, planning, engineering, urban design, legal and financial professions. UDIA was closely involved with development of State Planning Policy 3.6 Development Contributions for Infrastructure and we support the adoption of development contribution plans by local government where they are consistent with and comply with the principles of SPP 3.6.

Amendment 168 is in conflict with SPP 3.6 in the following critical areas:

Principle 1: Need and the nexus

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

UDIA has serious reservations about the method used to calculate the contribution rate for each precinct (Section 3.3). The principle is that the 'beneficiary' pays and recognises that sometimes benefits will be largely confined to the residents of a new development while at other times the benefits will accrue to both existing and new residents. New residents should only be funding that proportion of the infrastructure or facility that relates to the additional population. Where existing rate payers will also benefit this should be included in the calculation along with any state or federal government funding that is likely to be received. We note that the contribution rate for the items of infrastructure is calculated by dividing the cost of the item by the estimated lot / dwelling yield for each precinct meaning total costs are attributed entirely to new residents whereas they should only be accountable for a proportion of the costs. UDIA does not support this approach.

Principle 3 – Equity

The proposal for bridle trails should be removed from the DCP as it is in conflict with both Principle 1 Need and Nexus and Principle 3 Equity. The need for the bridle trails is not generated by development of the DCP area and therefore should not be included.

Method for calculation contributions

... lot/dwelling estimates have been made on the basis of manual calculations of the subdivision/development potential of each lot (p.23)

This is not consistent with the intent of SPP 3.6 as the fundamental principle is need and nexus. It is not a theoretical number of households; it is an actual number that needs to be the basis of any calculation. Should the R-Codes allow for future rezoning of a lot in the future a further contribution would be made with the creation of a further lot, what ever form that may take. By calculating the charge to the developer at a hypothetical rate there is a strong possibility of the Council "double dipping" in the future and UDIA is strongly opposed to this. For the original subdivider to pay based on ultimate development potential places an inequitable burden on them, when the ultimate development potential may never be realised.

Proposed road upgrades

The DCP details changes to Thomas, Abernethy and Orton Roads and applies a contribution rate per lot across all precincts. This again is in conflict with the need and nexus principle and UDIA challenges the intent of the Shire to charge only new residents for the costs of these road upgrades as the future extension of Tonkin Highway will produce an increase in the number of vehicles per day. It is unacceptable to place the cost burden entirely on new residents; a proportional amount to upgrade the roads should be included in the DCP based on proportional demand from the DCA.

UDIA refers the Shire to the submission provided by Taylor Burrell Barnett for LWP which challenges the costs and requirements of the various infrastructure items. The Shire should give due consideration to the assessments when finalising the Byford DCP.

Timeframe

The time frame of 15 years in Amendment 168 is unacceptable to UDIA as it is well outside maximum 10 year timeframe stipulated in SPP 3.6 (Section 5.5).

Conclusion

UDIA is unable to support the Byford Development Contribution Plan in its current format and we recommend that further consideration be given to the issues raised in this submission. We appreciate that DCP's are complex documents and that the careful planning and coordination of infrastructure is difficult but fundamental to the economic and social well-being of any community. The draft Byford DCP is inconsistent with SPP 3.6 in a number of areas and fails to apply the principles of the policy which seek to ensure contributions are applied equitably to provide certainty to developers, infrastructure providers and the community about the charges that apply and how funds will be spent.

UDIA notes that recent amendments to the draft DCA 13 – Community Infrastructure of the City of Cockburn have been made to make it compliant with SPP 3.6. We respectfully suggest that the Shire review the plan to see how this has been achieved.

Thank you for the opportunity to comment.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Debra Goostrey', written over a circular stamp or seal.

Debra Goostrey
Chief Executive Officer