

Report for Canning Bridge Precinct

Strategic and Statutory Framework Report

October 2009

Prepared by:



CLIENTS | PEOPLE | PERFORMANCE

Prepared for:



Government of **Western Australia**
Department of **Planning**



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1. Introduction

This document provides the Background Reporting to the Canning Bridge Precinct Vision Report and should be read in conjunction with that document.



2. Strategic and Statutory Framework

2.1 State and Regional Policy

2.1.1 Directions 2031 Draft Spatial Framework for Perth and Peel

Directions 2031 Draft Spatial Framework for Perth and Peel (Directions 2031) was released in Draft for Public Comment in June 2008. The document's purpose is to '*spatially define how we think the city should grow, identify structural changes necessary to support that growth, and identify planning and policy priorities for implementation*'. Directions 2031 is intended to guide development within the Perth and Peel Metropolitan Region over the next 22 year period.

The framework identifies key policy and planning actions required, some of which are well advanced. These include the draft activity centres policy, preparation of growth management strategies, sub-regional structure plans and the development of a metropolitan public transport strategy.

This policy document is based on the six key themes of a liveable city, a prosperous city, an equitable city, an accessible city, a green city and a responsible city.

Directions 2031;

- » gives priority to nearly 18,600 hectares of land already zoned for urban development in Perth and Peel;
- » identifies areas as under investigation for possible urban development;
- » targets 47% of urban growth from infill development (121,000 new dwellings) in the inner and middle suburbs;
- » increases the average gross density for greenfield development from 10 dwellings per gross hectare to 15; and
- » ensures that minimum densities of development are achieved at key activity centres and transport nodes.

Directions 2031 indicates the following for the Canning Bridge Precinct:

- » The Canning Bridge Precinct is located in the Central Sub-Region;
- » The Central Sub-Region is intended to accommodate an additional 205,000 people and 121,000 dwelling by 2031 which equates to a 29% growth;
- » The Central Sub-Region is intended to provide an additional 147,000 jobs and accommodate an additional 127,000 people for the labour force by 2031; and
- » Canning Bridge is identified as a District Town Centre.

2.1.2 Draft State Planning Policy: Activity Centres for Perth and Peel

Also released in June 2009 is the WAPC's Draft Statement of Planning Policy: *Activity Centres for Perth and Peel* (Activity Centres Policy). The Activity Centres Policy has emerged generally from a number of previous policy and strategy documents and is consistent with the Directions 2031 document.



The draft Activity Centres Policy introduces more effective measures to promote the growth of activity centres of all scales throughout the Perth and Peel region than the current Metropolitan Centres Policy.

It provides a framework to coordinate the location, planning and future development of retail and commercial centres. A key objective is to guide and consolidate the future non-industrial employment, including retail, into defined nodes that contain a compatible mix of services and economic activities and are well-located to the public transport system.

The draft Activity Centres Policy particularly aims to provide a more flexible regulatory approach to enable appropriate commercial, residential, mixed business and retail redevelopment opportunities in activity centres, with a much reduced emphasis on retail floor space guidelines. It also promotes good urban design and integration of land use and public transport, while seeking to broaden the economic base of centres to offer a wider range of services and employment.

2.1.3 Network City: Community Planning Strategy for Perth and Peel

The *Network City: Community Planning Strategy for Perth and Peel* (Network City) was released in September 2004. Whilst this document is not the precursor to Direction 2031, a number of key elements are consistent and it provided the basis for early assumptions made within the Canning Bridge Rail Station Precinct Study.

Therefore, the Precinct planning process considered the various policy strategies and actions that are outlined in Network City. In particular, the following strategies and actions were identified as having particular relevance to this project:

- » developing areas at selected locations along activity corridors to support the development of the public transport network with strong centres at the ends of each corridor;
- » encouraging mixed-use development in areas, including higher density residential developments and employment generators, especially where centres are well served by public transport and have high amenity, walkable environments;
- » plan for local places to develop identity and pride, and to increase social and cultural capital, by engaging the community in decision making;
- » provide places with distinctive qualities, and with a role and a purpose, that differentiates them within the city;
- » revitalise existing centres and suburbs by enhancing their amenity and attractiveness, their economic, social and cultural vitality, and their safety and security;
- » encourage the local mixing of uses, to reduce the overall need for people to travel between their places of residence, employment and recreation; and
- » build new, and revitalise existing, employment centres.

Network City identified Canning Bridge as an area along an activity corridor within an older area that may have opportunities to strengthen networks and centres. In this respect, Canning Bridge is a location where a range of activities are encouraged. Employment, retail, living, entertainment, higher education, high level or specialised medical services are a few activities that are encouraged in these precincts under Network City. The general intent along activity corridors is to encourage higher density housing and a mix of uses to facilitate the development of communities serviced by a high level of public transport.



These elements of Network City are consistent with the objectives of Directions 2031.

2.1.4 State Planning Policy No. 4.2 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region (Currently Under Review)

This policy document was the pre-cursor to the Draft Statement of Planning Policy: *Activity Centres for Perth and Peel*. The principal purpose of this policy was to provide a broad regional planning framework to coordinate the location and development of retail and commercial activities in the metropolitan region. It was mainly concerned with the location, distribution and broad design criteria for the development of commercial activities at the regional and district level.

The Canning Bridge Precinct was identified as a District Centre under the hierarchy set by this policy. District Centres were promoted as centres serving the weekly shopping and service needs of the suburban population, providing mainly convenience goods, a range of comparison goods, local services and local employment. Retail shopping floor space was generally confined to 15,000m² unless consistent with a WAPC endorsed Local Planning Strategy or centre plan.

District level offices, such as professional, sales and service offices were also provided at these locations. Whilst this policy document generally intended to manage development in commercial centres it was noted for having prescriptive floor space guidelines which are now considered more flexibly in the Draft Activity Centres Policy.

2.1.5 Liveable Neighbourhoods (Edition 3)

Liveable Neighbourhoods is an operational policy for the design and assessment of structure plans (regional, district and local) and subdivision, strata subdivision and development for new urban (predominantly residential) areas in the metropolitan area and country centres.

Liveable Neighbourhoods is a response to changing neighbourhood design approaches, and focuses on the idea of an urban structure based on walkable mixed use neighbourhoods with interconnected street patterns to facilitate movement and to disperse traffic. With good design, more people will actively use local streets, enhancing safety.

Local employment opportunities are facilitated in the town structure, providing the community with a firmer economic base and enhancing self containment of neighbourhoods and towns. Safe, sustainable and attractive neighbourhoods are the result, with a strong site-responsive identity supportive of local community.

The document outlines eight elements that address neighbourhood design, including:

- » community Design;
- » movement Network;
- » lot Layout;
- » public Parkland;
- » urban Water Management;
- » utilities;
- » Activity Centres and employment; and
- » schools



For each element, objectives and requirements have been developed to guide urban development and the creation of more walkable and sustainable neighbourhoods.

2.1.6 Development Control Policy 1.6 – Planning to Support Transit Use and Transit Oriented Development

The policy 'Planning to Support Transit Use and Transit Oriented Development' (DC 1.6) seeks to maximise the benefits to the community of an effective and well used public transit system by promoting planning and development outcomes that will support and sustain public transport use, and which will achieve the more effective integration of land use and public transport infrastructure.

The following policy measures are applicable to this study and study area.

- » A diversity of lot sizes in subdivisions within transit oriented precincts, matched with a robust street layout, is encouraged as it provides greater flexibility of development options, and enhances the robustness of the urban structure, making it easier for the precinct to evolve over time through a progressive intensification of activities and change to uses that will more effectively support transit use.
- » Continuity of footpaths should be ensured along both sides of any street within transit precincts. Neighbourhood layouts should be planned to avoid pedestrians having to cross major roads, or to traverse or be forced out of their direct way to by-pass other obstacles to access transit facilities.
- » Development should be designed to facilitate access to and enhance the legibility of transit facilities. There may be opportunities for the physical integration of developments with transit infrastructure, incorporating uses that support the station, for example retail uses that will provide services to, and benefit from the custom of transit users.
- » The design of developments, especially in proximity to stations, should be robust, to allow for the use of buildings to change over time, to uses that may be more appropriate to a transit-oriented precinct and supportive of transit use.

The implementation of the policy is integral to the process of Town Planning Scheme, Metropolitan Region Scheme, and local planning policy development and review. It is aligned closely with Directions 2031 and the principles of TOD development.

The policy is also expected to be considered in the determination of development applications for the subdivision, development of land and redevelopment of existing areas within transit oriented localities as identified by the Network City Framework.

2.1.7 Designing Out Crime Guidelines

The Designing out Crime Guidelines were published in 2006 by the Western Australian Planning Commission (WAPC) in response to the growing body of research that supports the positive impact of improvements to lighting, fencing, surveillance, access control, territoriality or a sense of place, neighbourhood clean-ups and vehicular and non-vehicular movement networks on reducing opportunities for crime.

The principal purpose of the guidelines is to provide local government, government agencies, town centre management, the public and private sector development industry and planning and design practitioners, with a context for understanding the principles of designing out crime and a toolbox of design criteria and approaches to address crime prevention in their local areas.



The guidelines group the designing out crime principles into five concepts:

- » Surveillance;
- » Access control;
- » Territorial reinforcement;
- » Target hardening; and
- » Management and maintenance.

The guidelines outline development principles for each of these concepts that can be utilised to help reduce crime and anti-social behaviour in the community and build a sense of place within communities and developments. The guidelines also provide a 'toolbox' with performance criteria for each of the five concepts that should be followed.

2.1.8 Integrated Regional Transport Plan for South West Metropolitan Perth

The South West Metropolitan Integrated Transport Plan (SW ITP) was developed by the South West Group members, including the City's of Melville (COM), Cockburn, Rockingham, East Fremantle and Kwinana, along with neighbouring cities of Fremantle, Mandurah and Canning, plus the Department of Planning (DP) and the Public Transport Authority (PTA).

The document establishes a vision towards the regional transport system for the South West metropolitan area. Key recommendations relating to this study include:

- » Develop a transit-oriented precinct plan for each rail station precinct based on Liveable Neighbourhood Guidelines, in partnership with the DPI.
- » Canning Highway bus priority lanes (Riseley Street to Canning Bridge).

Opportunities for introducing bus priority lanes along certain sections of Canning Highway were investigated in the report and were generally supported.

2.1.9 State Planning Policy 2.10 – Swan Canning River System

State Planning Policy (SPP) 2.10 applies to the Swan and Canning rivers and their immediate surroundings and aims to provide a context for consistent and integrated planning and decision making in relation to the river and to ensure that activities, land use and development maintain and enhance the health, amenity, and landscape values of the river, including its recreational and scenic values. A set of guiding principles have been developed that the policies are based on that revolve around social benefits, environmental values, cultural and natural heritage and design and development.

The SPP divides the river system in separate parts, of which the relevant part to this project is the Lower Canning. It describes the Lower Canning (particular to this study area) as having some of the best estuarine vegetation of the Swan-Canning catchment with popular recreational uses of rowing, water skiing and other aquatic activities. The many landscape features include the public infrastructure of the Canning Bridge, the Kwinana Freeway and some significant commercial development at the Canning Bridge; however, primarily the area has a suburban character with low density development, mature trees and a natural river foreshore.

The relevant policy measures for this area are:

- » Protect views from public spaces, particularly from Canning Bridge;



- » protect places of cultural significance, in particular places on the Register of Heritage Places and the Department of Indigenous Affairs register of significant places;
- » ensure that commercial development on the foreshore reserve is confined to existing recreation nodes and in accordance with an adopted Swan-Canning precinct plan for the area;
- » enhance recreational opportunities where access is limited; and
- » ensure that the scale and density of new residential development blends harmoniously with the leafy, suburban character and predominantly natural features of the landscape.

2.1.10 Draft State Planning Policy 3.6 Development Contributions for Infrastructure

The draft State Planning Policy 3.6: Development Contributions for Infrastructure outlines the principles and imposition of development contributions, with one of the key objectives of the policy focused on the promotion of efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development.

According to the policy, development contributions may relate to the requirements of utility providers, state government requirements and the requirements of local government. Developer's contributions from all new development initiatives in the Precinct could be utilised to establish streetscapes, other public space improvements and required infrastructure upgrades in the form of land contributions and infrastructure works, as outlined in Appendix 1 of the policy (see Appendix A).

2.2 City of Melville Plans, Policies and Strategies

2.2.1 City of Melville Community Planning Scheme No. 5

The CoM Community Planning Scheme No. 5 ('the Scheme') identifies a majority of the COM section of the Precinct as being within the 'Canning Bridge Frame Commercial Precinct' and 'Canning Bridge District Centre Precinct' (see Figure 1).

The Statement of Intent for the Canning Bridge Frame Commercial Precinct is:

"Primarily residential but may include offices and medical practitioners where privacy of neighbours is respected and design has a residential character. Buildings shall not use reflective or mirror glass externally. Shops, open-air display of goods and vehicles, service stations and the like are prohibited. The Council may prepare urban design guidelines for the precinct".

The Statement of Intent for the Canning Bridge District Centre Precinct is:

"Primarily retail shopping, tourist facilities, motel/hotel, offices, and licensed premises, with residential use encouraged. Access to the car parking areas on Lots 1, 2 and 3 Canning Highway and Lot 6 Sleat Road over Lot 5 Sleat Road, shall be maintained at all times. The Council may prepare urban design guidelines for the precinct".

Further, Section 2.4.5 (b) of the Scheme states:

"To achieve the greatest available range of commercial facilities for the residents and workforce in the City, proposals for new centres and for the growth of existing centres shall be assessed within the



context of the Local Commercial Strategy. This will be subject to the preparation of social and economic need analysis and urban design studies that include consideration of the interface with adjoining areas”.

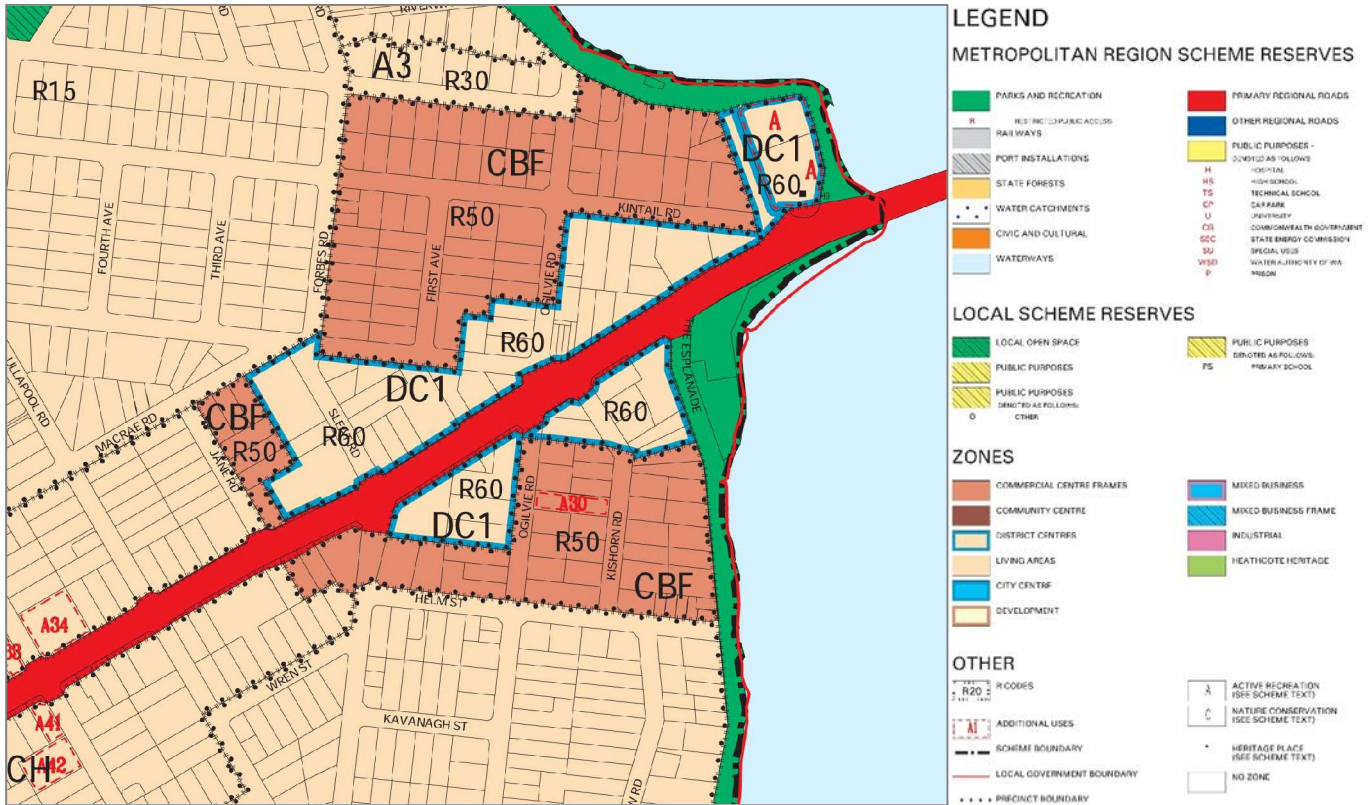
In consideration of the above, this study also considers the adjoining areas to the study, which are generally the Applecross Precinct to the north, the River Foreshore and Mt Pleasant Precinct to the south and the Canning Highway Precinct to the west.

The Statement of Intent for these Precincts is listed below:

- » *Applecross Precinct – primarily low density residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are not developed to such an intensity that they disturb the precinct or are out of character with it.*
- » *River Foreshore Precinct – primarily low density residential but may include home occupations, parks, religious, recreational, educational and community uses provided they are not developed to such an intensity that they disturb the Precinct or are out of character with it. A low density and moderate landscaping and setback requirements provide a buffer transition area adjoining the river. Development should be designed with minimum possible earthworks to maintain existing landform. All non residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.*
- » *Mt Pleasant Precinct – primarily low density residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are not developed to such an intensity that they disturb the precinct All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.*
- » *Canning Highway Precinct – primarily medium density residential to take advantage of good public transport links but may include other activities such as home occupations, parks, religious, public recreational, educational and medical uses, provided they are designed in a residential style and are not developed to such an intensity that they disturb the precinct.*

The City of Melville is currently progressing its City of Melville Local Planning Scheme No. 6 to supersede this statutory document.

Figure 1 – City of Melville CPS Zoning



2.2.2 Proposed Amendment No. 35

Amendment No. 35 to Community Planning Scheme No. 5 was prepared and proposed to update the City’s Community Planning Scheme to reflect the actual density and plot ratio of the Raffles development and increase the density, plot ratio, height limits and boundaries of the Canning Bridge Precinct.

The amendment generally proposed:

- » Variation to the boundary of the Canning Bridge District Centre precinct;
- » Division of the Canning Bridge District Centre precinct into three (3) sub precincts with provision for new and varied development requirements; and
- » Increased R-codes of both the Canning Bridge District Centre and Frame.

Thirty-seven (37) submissions were received from the community on Amendment No. 35. Of these, 19 were generally in support of the amendment, 17 objected to the amendment or part of the amendment and one submission provided no comment.

The Amendment is likely to be reviewed as a result of this Precinct planning process, and as a result is not being considered formally at this time.



2.2.3 Draft Local Planning Strategy 2008 - 2023

The *City of Melville Local Planning Strategy 2008 – 2023* (see Figure 2) is proposed to be the key strategic urban planning document for the City of Melville and as such would complement the proposed Melville Local Planning Scheme No. 6. This document is still in Draft.

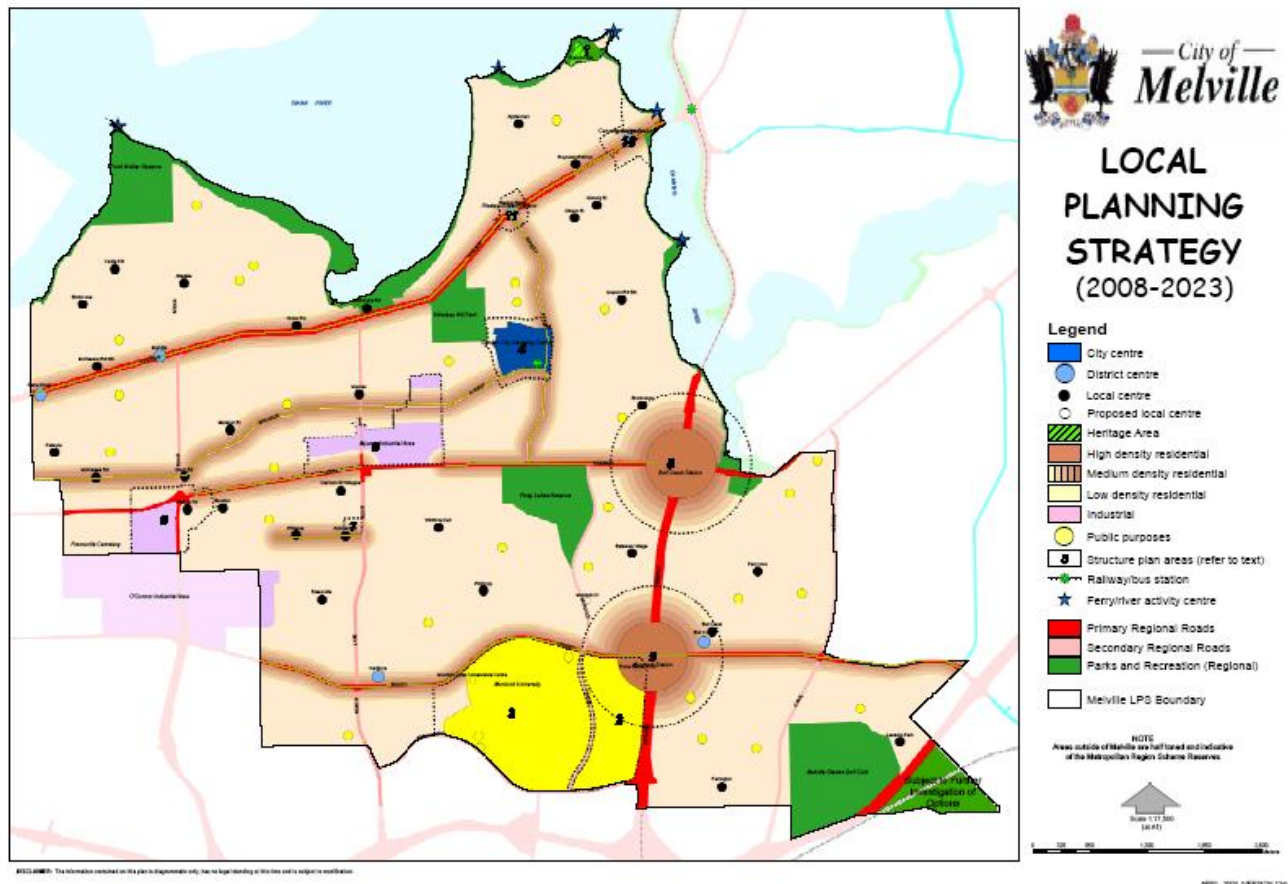
The intent of the Local Planning Strategy is to provide a long-term vision for sustainable planning that integrates diverse issues such as

- » residential densities,
- » activity centres and corridors,
- » community hubs,
- » transport corridors
- » environmental resources.

The Strategy's vision is for 10 -15 years into the future and in particular proposes to address the following issues:

- » A description of the key characteristics of the municipality, its regional context.
- » A statement of goals explaining the strategic land use directions which the Council is seeking to pursue.
- » Land use and development issues which provide a context for local planning decisions.
- » The links between strategic planning in the municipality and state and regional planning context.
- » Strategic policy statements about issues such as housing, business and industry, open space and recreation, transport, infrastructure and environment.
- » More detailed strategies for particular areas in the municipality.
- » An outline of how the strategy will be implemented including reference to any local planning policies and guidelines which may be required, planning scheme measures and proposals of the State Government and Council to facilitate development (including capital works).

Figure 2 – City of Melville Draft Local Planning Strategy 2008 - 2023



2.2.4 Draft City of Melville Local Commercial Strategy

The CoM's Local Commercial Strategy (LCS) was produced in 2006 as a review and update of the original 1993 LCS. According to the strategy, the CoM is approaching maturity. It is a well-established middle suburban area with a slowing, but steady, population growth. The potential for commercial expansion will be through a process of redevelopment rather than new development.

The City has a balanced shopping hierarchy comprising Melville City Centre which is a large regional centre, supplemented by strategically located district centres and larger neighbourhood centres and a fairly even distribution of smaller neighbourhood and local centres.

The Canning Bridge Precinct is identified as a District Centre within the Draft Local Planning Strategy (see Figure 2). With respect to the Canning Bridge District Centre, the LCS recommends that *“the Council should prepare a Centre Plan or urban design guidelines for Canning Bridge. The Centre is a designated ‘Main Street’ Centre in the Metropolitan Centres Policy (2000) and this presents opportunities. We consider that the Council should undertake the required planning because the issues are mostly to do with public domain. The issues for study include:*

- » *Providing for better and safer integration between the centre either side of Canning Highway, where the volume and composition of traffic bisects the centre.*
- » *The need for more public parking.*



- » *Integration with public transport.*
- » *Legibility of the centre as a whole.*
- » *Landscape, urban design and community benefit.*
- » *Heritage protection.*
- » *Promoting appropriate mixes of development in the 'Frame' that extend the commercial functions of the centre while being harmonious and compatible with the amenity of adjoining residential areas."* (Page iv).

This study addresses the above issues in a broad context as they relate to the greater Canning Bridge study area.

2.2.5 Draft City of Melville Transport Strategy

The Draft CoM Transport Strategy (TS) was completed in 2000 and was intended to be a general outline for a range of activities to improve the City for its residents and other uses. The TS was not targeted at individual locations. The vision for transport identified in the TS is that 'transport will contribute to the quality of life and economic development in the CoM with minimum adverse effects on residents and the natural environment. A variety of safe, affordable and effective transport modes will be available for all sectors of the community.'

The TS identified the general transport issues for the CoM, outlined below:

- » Increasing congestion on the major road system;
- » Poor public transport patronage;
- » Road crashes;
- » Parking demand issues where in some areas cars either park in other streets or circulate;
- » Poor pedestrian and walking environments;
- » Unnecessary vehicle movements in residential streets;
- » Impact of traffic on residences and other uses;
- » Poor accessibility for people without access to private cars; and
- » Poor accessibility for people with disabilities.

Whilst identifying strategies to combat these specific issues, the TS also identified strategies to integrate transport and land use to ensure that land use supports public transport, walking, cycling, and accessibility through the use of mixed use developments and attractive precincts. The TS also identified improved and alternative public transport options such as a ferry service in the Canning Bridge area.

2.2.6 City of Melville Community Plan

The Community Plan for the City of Melville 2007-2017 creates a vision for the next ten years, examines present opportunities and challenges and then shows how they may be achieved. The plan outlines the community vision for the future:

- » A safe attractive City where the consequences of our actions for future generations are taken into account;



- » Natural and built facilities are accessible to everyone; and
- » A sense of place and community spirit is generated through opportunities to participate in decisions.

The community plan was a broad and dynamic consultative process that included focus group meetings with a selection of participants from each Ward; a workshop with the Youth Advisory Committee, interviews with key stakeholders, a community forum open to all previous participants, 9000 community surveys, and an interactive website dedicated to the project.

The key actions that were identified that are relevant to this study include:

- » Ensure that new designs and developments provide for a safe and secure environment;
- » Ensure urban design of the community reduces the impact of anti-social behaviour;
- » Promote opportunities for local communities to be involved in decisions that affect their lives;
- » Encourage art, culture and heritage;
- » Create active commercial centres connected with surrounding neighbourhoods;
- » Plan for and maintain a network of shared use paths, footpaths and cycleways;
- » Plan activity centres and medium density housing around transport hubs;
- » Promote and ensure sustainable urban and building design; and
- » Ensure neighbourhood activity centres are maintained close to residential areas and access is enhanced so that the community can utilise shopping, employment and leisure opportunities by walking and cycling as well as by road.

2.2.7 City of Melville Policy 28-004 – Canning Highway

The COM Policy for the Canning Highway was developed to guide development along Canning Highway. The policy focuses on the interrelationship between the highway as a regional road and its adjoining uses in terms of urban design and amenity. The most relevant development strategies to the Canning Bridge Precinct are as follows:-

- » Encourage medium density residential development so as to assist housing diversity/choice, take advantage of public transport and to contribute towards the creation of 'urban village' environments;
- » That commercial centres and their frame precincts have development of a high standard, integrated and cohesive. Attention to the interface between non-residential development and residential development and to the quality of mixed use development is important; and
- » All development is to have regard to the fostering of pedestrian and cycle networks and facilities.

The policy also outlines design principles such as optimisation of landscaping, the retention of mature trees and other established vegetation, minimisation of vehicular crossovers and of frontage parking and pedestrian links with the highway.

2.2.8 City of Melville Policy 06-025 – Mixed Use Development

The Mixed Use Development policy was created to guide mixed use development in the COM. It provides further criteria that development is to accommodate, such as plot ratio, parking, setbacks, landscaping, design and signage.



2.2.9 City of Melville Sustainable Residential Design Policy

The purpose of this policy is to encourage the development of sustainable residential buildings. The general objectives are:

- » Encourage building design and siting which takes advantage of climatic factors and reduces household energy requirements.
- » Encourage a high standard of sustainable design, both functional and aesthetic, which takes due regard of the needs of occupants, neighbours and the availability of local amenities.
- » Encourage development which is sympathetic to the topography of the land and the scale and character of surrounding development.
- » Ensure that the development minimises waste.
- » Ensure that the development conserves water.
- » Permit a variety of housing forms so as to promote a wider choice in housing and satisfy the demand of a variety of household types and lifestyles.
- » To promote the attitude of the Council to sustainable residential design to developers, builders and landowners.

The policy addresses aspects such as energy efficiency, water conservation and landscaping, indoor air quality, and home safety.

2.2.10 City of Melville Sustainable Residential Design Guidelines

These guidelines, developed by the COM, have been created to provide residents with ideas to improve year round comfort levels while saving money and contributing to greenhouse gas reduction. The guidelines provide the guiding principles on building for sustainability and the benefits of sustainable building. The guidelines address site selection, energy, water, layout, ventilation, insulation, materials, safety and waste reduction and provide sustainable development ideas.

2.2.11 Canning Bridge Precinct Traffic Study

A traffic study of the Canning Bridge Precinct was undertaken by Worley Parsons in August 2005 for the COM. The Canning Bridge Precinct Traffic Study was commissioned in order to examine the impacts of proposed Scheme Amendment No. 35. A summary of some the key issues relating to this Study is provided below:-

- » The new Canning Bridge Station may create demand for park and ride within the Precinct. This may be occurring to a small extent at present on the eastern side of the Freeway. Demand to park n ride within the Canning Bridge Precinct is likely to be small due to the area's distance from the station and parking fees.
- » Buses operating on Canning Highway currently experience delay during peak times due to congestion;
- » There are currently no stops within close proximity to the Raffles site.
- » Canning Highway forms a significant barrier for cyclists within the Precinct. Within the Precinct there are only three safe highway crossing points. The pedestrian overpass at Ogilvie Road requires



cyclists to dismount prior to crossing however cyclists can cross safely using the underpass at Canning Bridge or at the Sleat Road signalised intersection.

2.3 City of South Perth Plans, Policies and Strategies

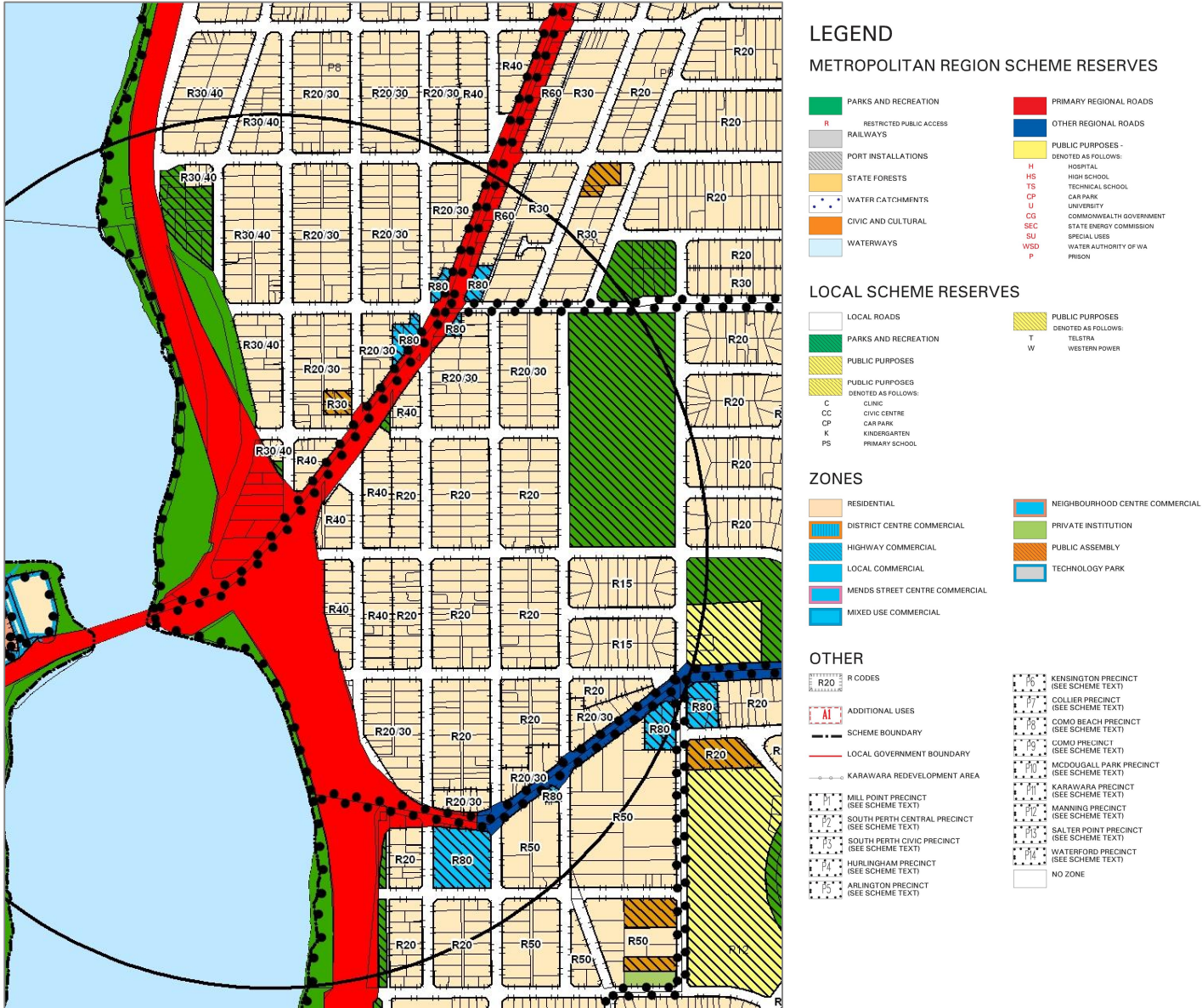
2.3.1 City of South Perth Town Planning Scheme No. 6

A large portion of the study area located on the CoSP side of the Freeway is zoned 'Residential', with a residential density ranging from 'R20' through to 'R50' under the CoSP Town Planning Scheme No. 6 (TPS6 – see Figure 3).

A majority of the landholdings located adjacent to the train station have previously been developed to a residential density of R40, with many of the previous quarter acre (~1000m²) properties located in the area developed as grouped dwellings containing around four new dwellings.

The current densities contained in the CoSP Scheme within the 800m walkable catchment to the station are significantly lower than those density objectives contained in State policies relating to facilitating TOD developments. As such, residential densities within the 800m walkable catchment to the Canning Bridge station will need to be reviewed as part of this study.

Figure 3 – City of South Perth TPS Zoning



2.3.2 City of South Perth Draft Local Commercial Strategy 2004

The CoSP Draft Local Commercial Strategy (LCS) was adopted by Council in March 2004; it is currently awaiting endorsement from the WAPC to come into full effect. The LCS categorises Canning Highway as a Highway Commercial Centre (see Figure 4). The Strategy identifies the following objectives for this type of commercial centre:

To encourage upgrading of commercial facilities adjoining the City's two major regional roads, Canning Highway and Manning Road, for uses and development which:

- require a regional road frontage for accessibility and exposure;*

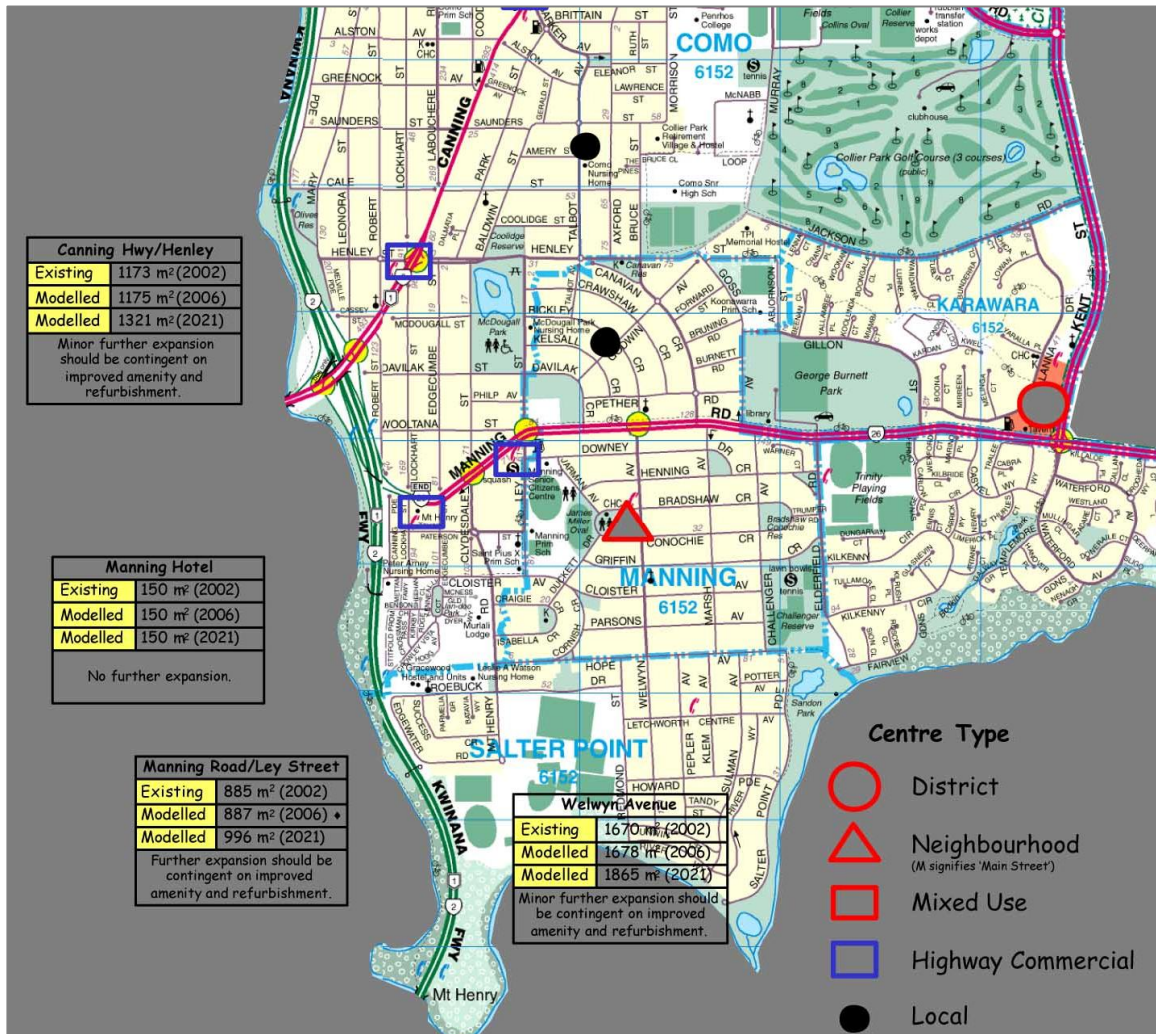
- b) contribute to the physical appearance of development adjacent to the roads and to the variety and diversity of commercial facilities available to the local community;
- c) will not adversely jeopardise access or safety aspects of either roads primary function as important roads within the region; and
- d) are compatible with the long-term road widening requirements on both Canning Highway and Manning Road.

The key recommendations of the CoSP LCS that are relevant to this study are:

- » The Council should use the expansion potential at the various points along Canning Highway to promote redevelopment and refurbishment;
- » Given the over-supply of Local and Neighbourhood floorspace throughout the City, and the resistance by the Commission to ad hoc highway commercial development, no additional areas are recommended for Highway Commercial zoning other than those already identified in TPS6.

Where the LCS is inconsistent with proposals in the Precinct Vision there may be a need to review the LCS.

Figure 4 – City of South Perth Draft Local Commercial Strategy





2.3.3 City of South Perth Municipal Heritage Inventory

There are a number of properties listed on the CoSP Municipal Heritage Inventory that are located within the study area.

One of the key places listed for protection that will have an impact on this study is the Canning Bridge itself. Canning Bridge is given a Category A classification, which means the bridge is afforded the highest level of protection. This classification means that any development/redevelopment of the site requires consultation with the City and maximum encouragement should be given to the owner to conserve the significance of the place. The inventory also recommends that incentives to promote the conservation of the bridge should be considered.

The heritage inventory also recommends that Canning Bridge be included on the State Register of Heritage Places, which will give legal protection to the site. Since this recommendation, Canning Bridge has been included on the interim register of Heritage Places (07/09/2006).

2.3.4 City of South Perth Sustainability Strategy Action Plan 2006-2008

The CoSP Sustainability Strategy Action Plan 2006-2008 identifies a number of objectives and targets for the sustainable governance and development of the City.

The following target/objective is relevant to this study and Precinct:

- » Encourage use of public transport and discourage use of vehicles in areas where there is good public transport. Measures include reassessment of parking zoning in such areas.

2.3.5 Integrated Transport Plan

The CoSP Integrated Transport Plan identifies a number of challenges and opportunities for managing growth in demand for transport, land-use planning and implementation. The Plan is a strategic plan for the City and as such, does not examine individual locations.

The key objectives of the Plan are to:

- » Reduce the transport pressure on and within the City;
- » Manage the transport corridors and their associated land use environment;
- » Preserving and enhancing the village lifestyle;
- » Preserving and enhancing the quality of the local environment;
- » Improving local accessibility, safety and convenience and increase choice of transport mode;
- » Integrating the above strategies into a single Management Plan.

The Integrated Transport Plan contains a number of actions in order to strategically address the transport issues faced by the City and surrounding localities. The following actions are relevant to this study:

- » E-1 - Future land-use planning is to encourage better access to and integration between all transport modes;
- » B-9 – Identify opportunities for optimising land use adjacent to transport hubs, as part of ongoing and regular Town Planning Scheme reviews;
- » E-2 – Future revisions of the Town Planning Scheme consider the principles identified in the Network City Community Planning Strategy;



- » E-3 – Develop vibrant activity centres within the City;
- » E-4 – Consider the principles of the Transit Oriented Development, when designing future developments in the vicinity of the Canning Bridge and Richardson Park train stations.

2.3.6 City of South Perth Strategic Plan

The CoSP Strategic Plan defines a strategic approach and direction for the CoSP. The Strategic Plan defines the vision for the City as:-

“The City of South Perth will be Perth’s most liveable community – celebrating our history and riverside location and creating the opportunities of the future”.

The following strategy goals contained in the Strategic Plan are relevant to this study:

- 3.3 Ensure future development and current maintenance of the river foreshore, wetlands, lakes, bushlands and parks is properly planned and sustainable and that interaction with the built environment is harmonious and of benefit to the community.
- 3.5 Ensure the Town Planning Scheme and supporting Policies facilitate the orderly development of the City and provides lifestyle options for residents, opportunities for business and an attractive environment for all.
- 3.6 Develop precinct planning strategies for the Mill Point and Canning Bridge areas to guide future development taking into account the Southern Suburbs Railway and the stations planned for these locations.
- 4.5 Develop and implement Urban Design Standards to link with the Street Tree Management Plan and to encourage consistency of streetscape treatments within defined precincts.

2.3.7 Canning Bridge Train Station Precinct: Community Engagement Report

The purpose of the Canning Bridge Train Station Precinct Community Engagement process was to gather input from the CoSP community in order to inform the Precinct planning process for the Precinct.

The methodology for this community engagement exercise included a workshop with CoSP staff, interviews with key stakeholders in the project area, a focus group with randomly selected residents from the Mill Street precinct, an open community forum with South Perth residents and community groups and a survey that was sent to 2000 residents.

Interviews were conducted with the following stakeholders identified for the process:

- » Aquinas College;
- » COM;
- » Manning Senior Citizens;
- » South Perth Bicycle Users Group;
- » CoSP Youth Advisory Committee;
- » Curtin University of Technology; and
- » TravelSmart/Roadwise Advisory Group.



In addition to the above consultation, informal meetings were also held with government agencies, including:

- » DPI;
- » PTA;
- » Main Roads WA; and
- » Office of Crime Prevention.

The key findings of the engagement exercise include:

- » Walking and cycling to the station is perceived to be unsafe, mostly due to the high volumes of traffic and difficulty crossing roads;
- » The survey results indicate that pedestrian and cycle safety, as well as the safety of crossing points, are poor or unsatisfactory;
- » Survey results also indicate that a moderate amount of people (31% of respondents) will walk to the station daily or weekly. However, this increases to 48% among those who live within a ten-minute walk;
- » Very few people expect to ride a bicycle regardless of their proximity to the station;
- » Residents would like to see improved general access from Como to the foreshore area, with many seeing the foreshore as a good access point to the station;
- » There is support for the Curtin University bus service from focus group discussions, stakeholder interviews and the community forum. However, the survey results suggest *actual* residential use may not be high, with approximately half of those who indicated they would use a bus and train service do not expect to use the proposed Curtin service;
- » A range of suggestions to address the problem of access includes above grade solutions (i.e. overpasses), more and better-timed crossing points and the development of transit oriented type developments above the station which are connected to the surrounding residential areas;
- » Focus group participants and survey respondents have expressed concern about parking in the precinct. In particular, there is a concern that passengers will park in residential streets, which will restrict traffic flow, impact on amenity, and see an increase in crime and antisocial behaviour;
- » Focus group participants favoured minimal changes to land uses, preferring to see resources directed towards improving access;
- » Community forum participants suggested a range of land use changes, including a Transit-Oriented Development above the station which would help to better connect the station with surrounding residential areas;
- » Survey respondents were generally supportive of a mix of uses around the station, but were not supportive of four to five-storey buildings in the immediate vicinity of the station or along Canning Highway;
- » There is strong support for the development of meeting places and small scale commercial activity along the foreshore;
- » There is general support for the station and input from the focus groups, interviews and survey suggests it will be reasonably well used; and



- » Just under half of survey respondents support public art in the precinct, with the main suggested themes including river/nature and community themes (including Indigenous art).

2.3.8 City of South Perth Bicycle Plan 2005-2008

The 2005-2008 Bike Plan aims to meet the current and future needs of cyclists by developing and enhancing existing bicycle facilities to improve safety and subsequently encourage cycling within the community.

The CoSP Bicycle Plan identifies a number of existing and proposed bike routes, with a particular focus on northern connections along the river foreshore and connections running east from the Canning Bridge Precinct.

2.3.9 City of South Perth Disability Access and Inclusion Plan 2006-2010

The CoSP Disability Access and Inclusion Plan (2006-2010) identifies a number of strategies to improve access and inclusion within the City. The following strategies are relevant to this study area:

- » Support the development of services to meet the needs of people with disabilities, their families and carers;
- » Ensure that all new or redevelopment works provide access to people with disabilities, where practicable;
- » Ensure all infrastructure related to transport facilities is accessible;
- » Ensure the accessibility of streetscapes;
- » Ensure that parks, reserves and foreshores are accessible.

The recommendation and key actions of this study will need to consider access for people with disabilities.



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Appendix A

Draft State Planning Policy 3.6 – Developer Contributions for Infrastructure

State Planning Policy 3.6 Development Contributions for Infrastructure

Prepared under part 3 of the
Planning and Development Act 2005
by the Western Australian Planning Commission



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website: www.wapc.wa.gov.au
email: corporate@wapc.wa.gov.au

tel: (08) 9264 7777
fax: (08) 9264 7566
TTY: (08) 9264 7535
infoline: 1800 626 477

Copies of this document are available in alternative formats on application to the disability services coordinator

State Planning Policy 3.6 Development Contributions for Infrastructure (Draft)

**Prepared under part 3 of the
Planning and Development Act 2005
by the Western Australian Planning Commission**



Albert Facey House
469 Wellington Street
Perth, Western Australia 6000

May 2008

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1 Citation

This state planning policy is made under section 26 of the *Planning and Development Act 2005*. This policy can be cited as State Planning Policy 3.6 Development Contributions for Infrastructure

2 Introduction and background

This policy sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas.

The careful planning and coordination of infrastructure is fundamental to the economic and social well-being of any community. New urban developments and redevelopments must ensure the cost-efficient provision of infrastructure and facilities such as roads, public transport, water supply, sewerage, electricity, gas, telecommunications, drainage, open space, schools, health, community and recreation facilities. All of these utilities and services greatly influence the standard of living, mobility and lifestyle choices of a community.

Public infrastructure is funded through various sources including state government taxes, local government property rates, federal assistance grants, user and access charges, fees and charges, and development contributions. In Western Australia, development contributions for infrastructure have long been accepted as an essential part of the planning system. Land developers are responsible for the provision of physical infrastructure including water supply, sewerage and drainage, roads and power and for some community infrastructure including public open space and primary school sites which are necessary for the development. The scope of such contributions is defined in a Western Australian Planning Commission (WAPC) policy adopted in 1997 which is set out in Planning Bulletin 18 Developer Contributions for Infrastructure.

Development contributions are usually by way of land, works or payments towards the provision of infrastructure. Requirements for development contributions are imposed by way of conditions on subdivision; or, in areas of fragmented ownership where cost-sharing arrangements are necessary, by development schemes or development contribution arrangements made under local government schemes. The WAPC adopted draft model provisions for local government schemes in 2000 which are set out in Planning Bulletin 41 Draft Model Text Provisions for Development Contributions.

In Western Australia, as in other Australian states, local governments face increasing pressures on the services they provide. These pressures arise from population and economic growth and increasing expectations of the community for new and upgraded infrastructure.

Examples of these pressures are:

- Greenfield development of rural land for urban purposes, where there are standard requirements for infrastructure and facilities which are imposed, by the WAPC as conditions on the subdivision of the land, but where local governments may require infrastructure or facilities over and above the common standards.
- Infill development and redevelopment where common standard conditions of subdivision still apply, but where significant changes in the type or intensity of land use may require new infrastructure and facilities or the augmentation of existing infrastructure and facilities beyond the normal scope of standard subdivision conditions.

The capacity of local governments to provide the additional infrastructure and facilities necessary to accommodate future growth and change is limited by the available financial resources. As a result,

local governments are increasingly seeking to apply development contributions for the provision of infrastructure and facilities such as local roads, car parking, community centres, recreation centres, sporting facilities, libraries, child care centres, public open space and other such facilities.

Local governments have indicated that they need more guidance on the scope and framework for development contributions of this nature. The development industry has also pointed to the need for greater consistency and transparency in charging developers because of the potential impacts on housing affordability and to avoid inequities arising from new residents subsidising existing residents.

This policy follows a joint study into development contributions undertaken by the Urban Development Institute of Australia (UDIA), Western Australia Local Government Association (WALGA), and the Department for Planning and Infrastructure (DPI). It replaces Planning Bulletin 18 and sets out the standard development contributions for infrastructure applied by the WAPC on the subdivision of land. It also provides a consistent, accountable and transparent system for local governments to plan and charge for development contributions over and above the standard provisions through development contribution plans.

The policy has taken into account the recommendations of the Public Accounts Committee - *Inquiry into Developer Contributions for Costs Associated with Land Development* (2004). The inquiry, among other things, recommended that local governments should have the capacity to recoup infrastructure costs and that this should be by way of provisions in local planning schemes. Under this policy, local government planning schemes will set out the system of charging through development contribution plans. The policy provides an equitable system for planning and charging development contributions, and provides certainty to developers, infrastructure providers and the community about the charges which apply and how the funds will be spent.

The key principle is that the 'beneficiary' pays. Sometimes benefits will be largely confined to the residents of a new development. Sometimes the benefits will accrue to existing as well as new residents. Consistent with this principle, new residents will fund only the infrastructure and facilities which are reasonable and necessary for the development and to the extent that they derive the benefit from the infrastructure and facilities. Therefore, development contribution plans will need to identify growth trends based on service catchment areas, translate these trends into the infrastructure and facilities necessary to meet these increasing needs within the catchment, and allocate the costs of meeting these needs to existing residents and new residents proportional to their contribution to the need for the infrastructure and facilities. This policy will ensure fairness and equity. It will mean that existing and new residents will share the cost burden of additional infrastructure and facilities proportional to their need.

A fundamental prerequisite of development contribution plans is that local governments will need to plan ahead. The development contribution plan must have a strategic basis and be linked to the local planning strategy and strategic infrastructure plan and program which identify the infrastructure and facilities required over the next 5-10 years and the cost and revenue sources for the provision of the infrastructure. In this way, those contributing towards the development contribution plan will be assured that the funds will contribute to the local government's longer-term planning and programming of infrastructure in an integrated and coordinated way.

This policy set out the principles underlying development contributions and the form, content and process for the preparation of a development contribution plan under a local planning scheme. It also includes the WAPC standard requirements for development contributions (appendix 1), model development contribution plan provisions (appendix 2) and a template for a local government strategic infrastructure plan and program.

3 Application of policy

The policy applies throughout Western Australia.

4 Objectives of the policy

The objectives of this policy are:

- To promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development.
- To ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided.
- To ensure consistency and transparency in the system for apportioning, collecting and spending development contributions.

5 Policy measures

5.1 Scope

Development contributions can be sought for items of infrastructure that are required to support the orderly development of an area. These items include the standard requirements for infrastructure contributions as outlined in appendix 1. In addition, local governments can seek contributions for community infrastructure which is defined as:

'the structures, systems and capacities which help communities and neighbourhoods to function effectively.'

Development contributions can be sought for:

- a new item of infrastructure;
- land for infrastructure;
- an upgrade in the standard of provision of an existing item of infrastructure;
- an extension to existing infrastructure;
- the total replacement of infrastructure once it has reached the end of its economic life; and
- other costs reasonably associated with the preparation, implementation and administration of a development contribution plan.

5.2 Principles underlying development contributions

Development contributions must be levied in accordance with the following principles:

1 Need and the nexus

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).

2 Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

3 Equity

Development contributions should be levied from all developments in a development contribution area, based on their relative contribution to need.

4 **Certainty**

All development contributions should be clearly identified and methods of accounting for escalation agreed on at the commencement of a development.

5 **Efficiency**

Development contributions should be justified on a whole-of-life capital cost basis consistent with maintaining financial discipline on service providers by precluding over-recovery of costs.

6 **Consistency**

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

7 **Right of consultation and review**

Developers have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the contributions are not reasonable.

8 **Accountable**

There must be accountability in the manner in which development contributions are determined and expended.

5.3 **Imposition of development contributions**

Development contributions may relate to the requirements of utility providers (water, telecommunications, gas or electricity), state government requirements and the requirements of local government.

Where local governments are seeking development contributions beyond the standard provisions outlined in appendix 1, they must be supported by a development contribution plan for the relevant development contribution area or by a voluntary agreement between a developer and the relevant local government. This need may not arise where there is one development and the need for the development condition is created by that development. The condition(s) must be consistent with the principles outlined in section 5.2.

There are three stages to the imposition of development contributions.

5.3.1 Development contributions are **formulated and agreed**.

The development contribution plan is used to prescribe the cost contributions for owners in a development contribution area.. This would normally be undertaken through the development of planning schemes and planning scheme amendments as detailed in section 5.5.

5.3.2 Development contributions are **calculated and applied**.

Development contributions are generally calculated and applied by way of a condition of subdivision particularly in greenfield areas. Development contributions may also be sought in major infill and redevelopment areas at the time of development.

They may be calculated and applied as:

- standard conditions of subdivision;
- conditions of development; and
- legal/voluntary agreements.

This applies to subdivisional works such as roads, drainage and the provision of power, water and telecommunications as outlined in appendix 1. They may also be applied as conditions of development. The calculation will be to apply the detail of the developer contribution scheme to the development including any offsets for the ceding of land or construction of infrastructure.

- 5.3.3 Development contributions become **due and payable**.
Development contributions become due and payable as part of the clearance process. Clearance for the issuance of titles should not occur until full payment, as calculated and applied, has been finalised.

5.4 Characteristics of a development contribution plan

Development contribution plans require that:

- there is a clear and sound basis with linkages to the local government's strategic and financial planning processes;
- there is justification for the infrastructure identified in the development contribution plan;
- the costs of infrastructure are appropriate;
- there is a commitment to providing the infrastructure in a reasonable period;
- the development contribution area to which the development contribution plan applies is appropriate;
- cost-sharing arrangements between owners in the development contribution area are fair and reasonable; and
- there is consultation with the owners affected by the development contribution plan.

Development contribution plans prescribe the cost contributions for owners in a development contribution area. The focus of development contributions is on the provision of capital items. The costs associated with design and construction of infrastructure (including land costs), and the cost of administration should be included in the development contribution plan.

A development contribution plan does not have effect until it is incorporated into a local planning scheme. As it forms part of the scheme, the Town Planning Regulation 1967, including advertising procedures and the requirement for ministerial approval, will apply to the making or amendment of a development contribution plan.

A development contribution plan is to be prepared for a development contribution area. The development contribution area must be identified on the scheme map. Model Scheme Text provisions for development contributions can be found at appendix 2. Development contribution plans are incorporated into schemes via special control areas.

Local governments may also enter into voluntary arrangements with developers for contributions for the provision of community infrastructure. Such agreements should reflect the principles outlined in section 5.2.

5.5 Process for determining development contributions for community infrastructure

Local government requirements for development contributions for community infrastructure should be calculated on the basis of:

- the need for that infrastructure based on an analysis of the demand;

-
- the nexus where the relationship between the need for infrastructure and the new development is clearly established;
 - catchment areas that the infrastructure would service identifying both existing demand and new demand that is associated with the development; and
 - the cost of providing the infrastructure which should be based on the latest or best estimates available to the local government and should include provision for regular adjustments to account for cost escalation over time.

Where a local government is seeking contributions for community infrastructure, these need to be supported by:

- A community infrastructure plan for the area, identifying the services and facilities required over the next 5-10 years (supported by demand analysis and identification of service catchments).
- A capital expenditure plan (with at least five out years) which identifies the capital costs of facilities and the revenue sources (including capital grants) and programs for provision.
- Projected growth figures including the number of new dwellings to be created at catchment level (suburb or district).
- A methodology for determining the proportion of costs of community infrastructure to be attributed to growth and the proportion to be attributed to existing areas.

The process for determining development contributions for community infrastructure is outlined at appendix 3.

5.6 Form of contributions

Conditions relating to development contribution requirements can be satisfied by:

- the ceding of land for roads, public open space, primary school sites, drainage and other reserves;
- construction of infrastructure works which are transferred to public authorities on completion;
- monetary contributions to acquire land or undertake works by public authorities or others; or
- a combination of the above.

5.7 Development contributions as conditions of rezoning

Local governments are not to impose development contributions beyond the scope of WAPC policy as conditions or prerequisites for rezoning. The rezoning process is not to be used to impose unreasonable demands on land development outside the scope of WAPC policy.

Development contributions must be open and appealable, and should be implemented through the process specified in section 5.3, or through development contribution plans or voluntary agreements that are transparent and follow the due planning process.

5.8 The application of a credit in a development contribution plan

A development contribution plan may identify infrastructure that:

- needs to be actioned with the first development in a development contribution area such as a major road extension/connection; and
- is predominantly located on the developer's land such as major playing fields to service the larger development contribution area.

The local government may mandate that this work is undertaken creating an in-kind contribution beyond that identified in the development contribution plan for that area. In this instance the developer and the local government must negotiate a fair and reasonable outcome in relation to this credit.

Appropriate negotiated outcomes may include:

- Where a developer has other land holdings in the area that, the credit is held until it is required to be used by the developer to offset future contributions.
- Where a developer has no further holdings in the area, the amount is held as a credit to the developer until payments into the development contribution plan are received from subsequent developers. The credit is then reimbursed to the developer.
- Where the development contribution plan is in credit from developer contributions already received, the credit should be reimbursed on completion of the works/ceding of land.

Any indexing of the developer contribution scheme should be equally applied to credits.

6 Implementation

Implementation of this policy will primarily be through local planning strategies, structure plans and local planning schemes and the day-to-day consideration of zoning, subdivision, strata subdivision and development proposals and applications, together with the actions and advice of agencies in carrying out their responsibilities.

Appendix 1 Standard development contribution requirements

Land contributions	Infrastructure works	Monetary contributions
<p>Public open space Public open space equivalent to 10 per cent of the gross subdivisional area, or alternatively, a cash-in-lieu contribution subject to agreement between the developer, WAPC and local government.</p> <p>Foreshore reserves Certain land for foreshore reserves on the coast, rivers and lakes in accordance with WAPC policies.</p> <p>Primary schools Land for government primary schools.</p> <p>Roads Land for widening existing roads where the subdivision induces additional traffic movements.</p> <p>Land for district distributor roads in new development areas that expand the urban front.</p> <p>Land for primary distributor roads and railway reserves where justified by the subdivision.</p> <p>Other contributions as provided for in WAPC policies.</p>	<p>Utilities Reticulation of:</p> <ul style="list-style-type: none"> • water • sewerage • drainage works • electricity supply infrastructure • telecommunications <p>This covers on-site works as well as off-site capital works such as major pump stations, trunk sewers or transmission lines that are necessary to, or contribute to, the subdivision. Note that these works are in addition to monetary charges by the Water Corporation and Western Power for off-site major infrastructure.</p> <p>Roads All roads and traffic works required within the subdivision and linked to a constructed public road. These roads provide access to individual lots and allow utility services to be reticulated in the road reserves.</p> <p>Footpaths, pedestrian access ways and dual-use paths where required (generally along one side of a road).</p> <p>Upgrading, construction and widening of existing roads and rights-of-way to accommodate additional traffic generated by a subdivision.</p> <p>New district distributor roads including earthworks for the whole road reserve, the construction of one carriageway comprised of two lanes and associated drainage works. In addition, where set out in a structure plan for the area, grade-separated pedestrian crossings and dual-use paths may be required as a contribution.</p>	<p>Standard water, sewerage and drainage headworks charges for off-site major infrastructure works.</p> <p>If an area is in fragmented ownership, monetary contributions can be required in lieu of land or infrastructure works, and to reimburse other owners where costs are shared.</p>

Appendix 2 Model text provisions for development contributions

6.1 Operation of special control areas

6.1.1 The following special control areas are shown on the scheme map:

- (a) development areas shown on the scheme map as DA with a number and included in schedule XX; and
- (b) development contribution areas shown on the scheme map as DCA with a number and included in schedule YY.

6.1.2 In respect of a special control area shown on a scheme map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the scheme.

6.2 Development areas

For clause 6.2 regarding development areas see planning bulletin 37 (February 2000) attachment 1.

6.3 Development contribution areas

6.3.1 Interpretation

In clause 6.3, unless the context otherwise requires:

‘Administrative costs’ means such costs as are reasonably incurred for the preparation and implementation of the development contribution plan.

‘Cost apportionment schedule’ means a schedule prepared and distributed in accordance with clause 6.3.10.

‘Cost contribution’ means the contribution to the cost of infrastructure and administrative costs.

‘Infrastructure’ means services and facilities which, in accordance with the WAPC’s policy, it is reasonable for owners to contribute towards.

‘Owner’ means an owner of land that is located within a development contribution area.

6.3.2 Purpose

The purpose of having development contribution areas is to:

- (a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- (b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- (c) coordinate the timely provision of infrastructure.

6.3.3 Development contribution plan required

A development contribution plan is required to be prepared for each development contribution area.

6.3.4 Development contribution plan part of scheme

The development contribution plan does not have effect until it has been incorporated in schedule ZZ as part of the scheme.

6.3.5 Subdivision and development

6.3.5.1 Where a development contribution plan is in effect, the local government shall not:

- (a) consider or recommend subdivision; or
- (b) development of land within a development contribution area until;
- (c) a development contribution plan is in effect; or
- (d) the owner who has applied for subdivision or development approval has made arrangements in accordance with clause 6.3.14 for the payment of the owner's cost contribution.

6.3.5.2 Where a development contribution plan is not in effect, the local government may support subdivision or approve development where the owner has made other arrangements satisfactory to the local government with respect to the owner's contribution towards the provision of infrastructure and administrative costs in the development contribution area.

Comments

A development contribution plan is only enforceable once it is incorporated into the scheme. This has two major implications:

- All advertising and other provisions under the Town Planning Regulations 1967 applicable to the making of schemes and amendments will apply.
- Any amendment to a development contribution plan will require a scheme amendment in order to become enforceable.

6.3.6 Guiding principles for development contribution plans

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles:

- (a) Need and the nexus
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).

(b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

(c) Equity

Development contributions should be levied from all developments in a development contribution area, based on their relative contribution to need.

(d) Certainty

All development contributions should be clearly identified and methods of accounting for escalation agreed on at the commencement of a development.

(e) Efficiency

Development contributions should be justified on a whole-of-life capital cost basis consistent with maintaining financial discipline on service providers by precluding over-recovery of costs.

(f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

(g) Right of consultation and review

Developers have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the contributions are not reasonable.

(h) Accountable

There must be accountability in the manner in which development contributions are determined and expended.

Comments

Apportionment of infrastructure costs based on area assumes that the land concerned has fairly common characteristics. Therefore, development contribution areas should be identified, as far as possible, with common characteristics so that cost contributions reflect future development potential. Where it is not possible to identify land with fairly common characteristics, consideration may be given to apportioning infrastructure costs based on land valuation.

6.3.7 Recommended content of development contribution plans

6.3.7.1 The development contribution plan is to specify:

(a) the development contribution area to which the development contribution plan applies;

(b) the infrastructure and administrative costs to be funded through the development contribution plan;

(c) the method of determining the cost contribution of each owner; and

(d) the priority and timing for the provision of infrastructure.

Comments

A suggested outline of a development contribution plan is contained in schedule ZZ.

6.3.8 Period of development contribution plan

A development contribution plan may specify the period during which it is to operate.

Comments

A development contribution plan may specify the period during which it is to operate. However, any extension of the period of operation of a development contribution plan requires a scheme amendment which will, in turn, require the approval of the Minister. The recommended maximum period is five years (to coincide with the scheme review) but, a longer or shorter period may be appropriate depending on the particular circumstances of the development contribution area (eg size of the development contribution area, number of owners and nature of the infrastructure to be funded).

6.3.9 Land excluded

In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for:

- (a) roads designated under the _____ Region Scheme as primary regional roads and other regional roads;
 - (b) existing public open space;
 - (c) government primary and secondary schools; and
 - (d) such other land as is set out in the development contribution plan,
- is to be excluded.

6.3.10 Development contribution plan report and cost apportionment schedule

6.3.10.1 Within 90 days of the gazettal date of the development contribution plan, the local government is to make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.

6.3.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area based on the methodology provided in the development contribution plan.

6.3.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme.

Comment

A suggested outline of a cost apportionment schedule is attached at the appendix. The cost apportionment schedule is adopted by the local government but does not form part of the scheme.

6.3.11 Cost contributions based on estimates

6.3.11.1 The value of infrastructure and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government.

6.3.11.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government:

- (a) in the case of land to be acquired, in accordance with clause 6.3.12; or
- (b) in all other cases, in accordance with the best and latest information available to the local government,

until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

6.3.11.3 The local government is to have such estimated costs independently certified by an appropriate qualified person and must provide such independent certification to an owner where requested to do so.

6.3.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government:

- (a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
- (b) may accept a cost contribution, based on estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.

6.3.11.5 Where an owner's cost contribution is adjusted under clause 6.3.11.4, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.

6.3.12 Valuation

6.3.12.1 Clause 6.3.12 applies in order to determine the value of land to be acquired for the purpose of providing infrastructure.

6.3.12.2 In clause 6.3.12:

'Value' means fair net expectation value which is to be calculated by:

- (a) determining the highest and best use of the land in its englobo state, either on its own or with other land ripe for subdivision; and
- (b) adding the margin for profit foregone had the land been able to be subdivided in its optimum form including allowances for all usual costs and expenses attributed to that land required to carry out such an exercise,,

but not including an allowance for risk as might otherwise have been made.

'Profit' is to be 10 per cent calculated by the difference between:

- (a) the gross realisation of the lots or part lots yielded from the subject land less the advertising and legal expenses so required to sell the lots; and
- (b) the amount of (a) divided by 1.1.

'Valuer' means a licensed valuer agreed by the local government and the owner, or where the local government and the owner are unable to reach agreement, a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

6.3.12.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.

6.3.12.4 If the valuer does not change the value of the land to a figure acceptable to the owner, the value is to be determined:

- (a) by any method agreed between the local government and the owner; or
- (b) if the local government and the owner cannot agree, by arbitration in accordance with the Commercial Arbitration Act 1985.

6.3.13 Liability for cost contributions

6.3.13.1 An owner is required to make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 6.3.

6.3.13.2 An owner's liability to pay the owner's cost contribution to the local government arises on the earlier of:

- (a) the WAPC endorsing its approval on the diagram or plan of survey of the subdivision of the owner's land within the development contribution area;
- (b) the commencement of any development on the owner's land within the development contribution area;
- (c) the time of applying to the local government or WAPC for approval of any development on the owner's land within the development contribution area or;
- (d) at the expiry of the development contribution plan in accordance with clause 6.3.8.

6.3.13.3 Notwithstanding clause 6.3.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided since the gazettal of the development contribution plan.

Comments

The local government may wish to give consideration to other forms of development, of a minor or incidental nature, that should be excluded for the purpose of triggering liability under clause 6.3.13 eg the erection of a boundary fence.

6.3.14 Payment of cost contribution

6.3.14.1 The owner, with the agreement of the local government, is to pay the owner's cost contribution by:

- (a) cheque or cash;
- (b) transferring to the local government or a public authority land in satisfaction of the cost contribution;
- (c) some other method acceptable to the local government; or
- (d) any combination of these methods.

6.3.14.2 The owner, with the agreement of the local government, may pay the owner's cost contribution in a lump sum, by installments or in such other manner acceptable to the local government.

6.3.14.3 Payment by an owner of the cost contribution, including a cost contribution based on estimated costs, constitutes full and final discharge of the owner's liability under the development contribution plan.

6.3.15 Charge on land

6.3.15.1 The amount of any cost contribution for which an owner is liable under clause 6.3.13, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's title to that land.

6.3.15.2 The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, is to withdraw a caveat lodged under clause

6.3.15.1 To permit a dealing and may then re-lodge the caveat to prevent further dealings.

6.3.15.3 If the cost contribution is paid in full, and if requested to do so by the owner, the local government, at the expense of the owner, is to withdraw any caveat lodged under clause 6.3.15.

6.3.16 Administration of funds

6.3.16.1 The local government is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the cost of infrastructure and administrative costs within that development contribution area will be paid. The purpose of such a

reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.

6.3.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6.3.16.1 is to be applied in the development contribution area to which the reserve account relates.

6.3.16.3 The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

6.3.17 Shortfall or excess in cost contributions

6.3.17.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may:

- (a) make good the shortfall;
- (b) enter into agreements with owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution.

but nothing in paragraph 6.3.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

6.3.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to apply the excess funds for the provision of additional facilities or improvements in that development contribution area.

6.3.18 Powers of the local government

The local government in implementing the development contribution plan has the power to:

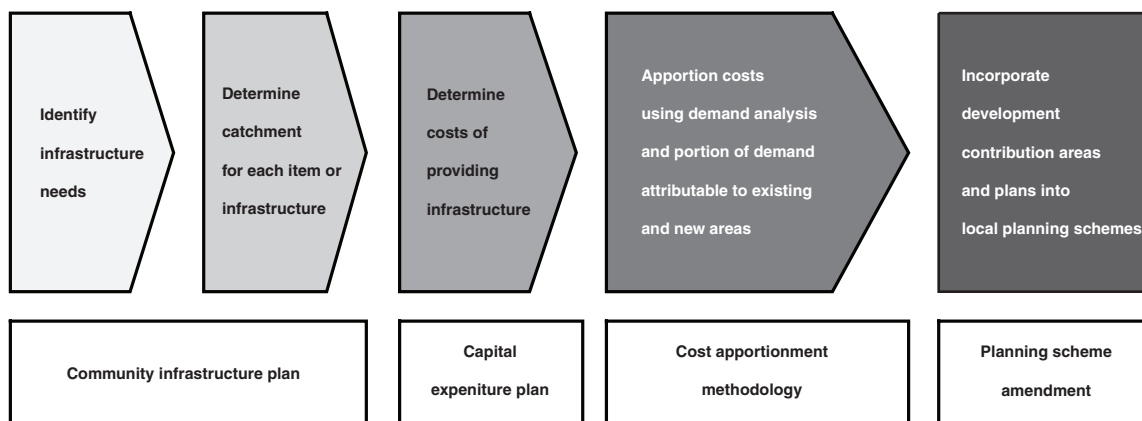
- (a) acquire any land or buildings within the scheme area under the provisions of the Planning and Development Act 2005; and
- (b) deal with or dispose of any land which it has acquired under the provisions of the Planning and Development Act 2005 in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

6.3.19 Arbitration

Subject to clause 6.3.12.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985.

Appendix 3 Methodology for developing community infrastructure development contribution plans

Local governments need to establish a clear strategic framework for applying for development contributions for community infrastructure.



The framework should be supported by:

- 1 **A community infrastructure plan** for the area, identifying the services and facilities required over the next 5-10 years (supported by demand analysis and identification of service catchments). This should be supported by projected growth figures including the number of new dwellings to be created at catchment level (suburb or district).
- 2 **A capital expenditure plan (with at least five out years)** which identifies the capital costs of facilities and the revenue sources (including capital grants) and programs for provision.
- 3 **A methodology** for determining the proportion of costs of community infrastructure to be attributed to growth and the proportion to be attributed to existing areas. This will need to include a mechanism for escalating costs.
- 4 **Local planning scheme amendments** which identify development contribution areas as special control areas, and include schedules which provide community infrastructure development contribution plans for these areas and identifying the levies associated with each of these plans.

Community infrastructure development contribution plans

Development contribution plans must specify:

- (a) The development contribution area to which a plan applies. This should be indicated on the scheme map as a development contribution area.
- (b) The infrastructure and administrative costs to be funded through the plan. Only community infrastructure that is identified in the local government's community infrastructure plan can be included in the development contribution plan.
- (c) The methodology for determining the cost contribution of each owner towards the infrastructure to be funded through the plan.
- (d) The priority and timing for the provision of infrastructure.
- (e) The period during which it is to operate.

A development contribution plan does not have effect until it has been incorporated into a local planning scheme as a schedule. An example of a development contribution plan can be found at attachment A3.1

Development contribution plans must comply with the principles specified in State Planning Policy 3.6 Development Contributions for Infrastructure.

Development contribution plans are to be supported by a cost apportionment schedule (see attachment A3.2) and a development contribution plan report (see attachment A3.3). These do not form part of the local planning scheme but need to be made available to landowners within 90 days of the gazettal of a development contribution plan.

Where a cost apportionment schedule contains estimated costs, these costs are to be reviewed at least annually. An owner may request that the local government have these estimated costs independently certified by an appropriately qualified person.

Where cost contributions have been calculated on the basis of estimated costs, a local government can either adjust the cost contribution of any owner in accordance with revised estimated costs (or final expenditure), or accept a cost contribution based on an estimated cost as a final cost contribution from an owner.

Owners become liable to pay their costs on the earlier of:

- subdivision;
- development;
- changing or extending use; or
- the expiry of a development contribution plan.

Owners may pay their cost contributions by money, land or some other method acceptable to the local government. The amount of any unpaid cost contribution is a charge on the owner's land and the local government may register a caveat.

Local governments are required to credit development contributions to a reserve account for the purpose of cost contributions only.

Attachment A3.1

Schedule ZZ

Note: This should be incorporated in the scheme.

Community infrastructure development contribution plan for development contribution area xx

Reference No	Development Control Plan 1
Area name	Development contribution area XX
Relationship to other planning instruments	The development contribution plan generally conforms to the Plan for the Future, the 10-year Financial Management Plan and the Community Infrastructure Plan.
Infrastructure and administrative costs to be funded:	<ol style="list-style-type: none"> 1 District community centre <ul style="list-style-type: none"> • X% of total cost of : <ol style="list-style-type: none"> i planning and design ii site acquisition iii earthworks and site costs (including servicing); iv construction of facility (including associated tender costs) v associated parking vi associated landscaping
Method for calculating contributions	<ol style="list-style-type: none"> 2 Senior playing fields <ul style="list-style-type: none"> • X% of total cost of <ol style="list-style-type: none"> i earthworks and site costs (including servicing); ii playing surface iii associated parking iv associated landscaping etc 3 Administrative costs including: <ul style="list-style-type: none"> • costs to prepare the development contribution plan • costs to prepare and review estimates • costs to prepare the cost apportionment schedule • valuation costs,
	<p>The council's community infrastructure plan identified the needs that impact on the development contribution area. The contributions outlined in this plan have been derived based on the need for facilities generated by additional development in the development contribution area. This calculation excludes the:</p> <ul style="list-style-type: none"> • demand for a facility that is generated by the current population; • demand created by external usage - the proportion of use drawn from outside of the main catchment area; and • future usage - the proportion of usage that will be generated by future development outside of the development contribution plan timeframe.
Period of operation:	X years
Priority and timing:	District community centre year X Senior playing fields year XX
Review process	<p>The development contribution plan will be reviewed when considered appropriate having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs shown as schedule ZZ will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on Department of Housing and Works Building Cost Index.</p>

Attachment A3.2

Cost apportionment schedule

Note: This schedule does not form part of the scheme.

Landowner contributions for DC1 – aaaaaa	\$ Est
Land acquisition costs <i>District community centre</i>	\$
Planning and design costs <i>District community centre</i> <i>Senior playing fields</i>	\$ \$
Construction costs <i>District community centre</i> <i>Senior playing fields</i>	\$ \$
Landscaping costs <i>District community centre</i> <i>Senior playing fields</i>	\$ \$
Parking provisions <i>District community centre</i> <i>Senior playing fields</i>	\$ \$
etc	\$
Administration costs <i>Costs to prepare the development contribution plan</i> <i>Costs to prepare and review estimates</i> <i>Costs to prepare the cost apportionment schedule</i>	\$ \$ \$
<i>Total projected demand for the district community centre</i>	XX,XXX
<i>Less demand from existing residents</i>	X,XXX
<i>Less demand from external users</i>	XXX
<i>Less future demand outside of the development contribution plan timeframe</i>	X,XXX
Total demand associated with development contribution area	X,XXX

Lot description	Demand generated	Infrastructure requirement	Per cent of total demand %
1
2
3
4
5
6

Attachment A3.3

Development contribution plan report

Note: This report does not form part of the scheme.

<p>Development contribution area</p>	<p>The development contribution area is shown on the scheme map as: DCA 1</p>
<p>Purpose</p>	<p>The purpose of this development contribution plan is to</p> <ul style="list-style-type: none"> (a) enable the applying of development contributions for the development of new and upgrade of existing community infrastructure which is required as a result of increased demand generated in the development contribution area; (b) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners; (c) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and (d) coordinate the timely provision of infrastructure.
<p>Period of the plan</p>	<p>X years from June 30 200X to June 30 20XX</p>
<p>Operation of the development contribution plan</p>	<p>The development contribution plan has been prepared in accordance with State Planning Policy 3.6 Development Contributions for Infrastructure. It will come into effect on the date of gazettal of the local planning scheme or amendment to the local planning scheme to incorporate the development contribution plan.</p>
<p>Application requirements</p>	<p>Where a subdivision or development application or an extension of land use is lodged which relates to land to which this development contribution plan applies, council shall take the provisions of the development contribution plan into account in making a recommendation on or determining that application.</p>
<p>Principles</p>	<p>Development contributions will be applied in accordance with the following principles:</p> <ul style="list-style-type: none"> 1 Need and the nexus 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). 2 Transparency Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer. 3 Equity Development contributions should be levied from all developments in a development contribution area, based on their relative contribution to need. 4 Certainty All development contributions should be clearly identified and methods of accounting for escalation agreed on at the commencement of a development. 5 Efficiency Development contributions should be justified on a whole-of-life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs. 6 Consistency Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

Items included in the development contribution plan	<p>7 Right of consultation and review Developers have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the contributions are not reasonable.</p> <p>8 Accountable There must be accountability in the manner in which development contributions are determined and expended.</p> <p>Administration Costs</p> <ul style="list-style-type: none"> • costs to prepare the development contribution plan • costs to prepare and review estimates • costs to prepare the cost apportionment schedule • valuation costs <p>Infrastructure elements</p> <ul style="list-style-type: none"> • list of infrastructure required and basis for its inclusion <p>Details of the cost apportionment can be seen at schedule ZZ to the development contribution plan.</p>
Review	<p>The development contribution plan will be reviewed when considered appropriate having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs shown as schedule ZZ will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on Department of Housing and Works Building Cost Index.</p>





GHD

GHD House, 239 Adelaide Tce. Perth, WA 6004
P.O. Box Y3106, Perth WA 6832
T: 61 8 6222 8222 F: 61 8 6222 8555 E: permail@ghd.com.au

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