

LOCATION PLAN
Developer Contribution Plan No. 4
Amendment No. 102

DATE 31 January 2019 - REVISION 1901
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***3.1 - FINAL ADOPTION - AMENDMENT NO.102 - DEVELOPMENT
CONTRIBUTION PLAN 4 ANSTEY KEANE PRECINCT (FORRESTDALE)***

WARD : LAKE
FILE No. : - M/508/19
DATE : 25 Sept 2019
REF : RS/CM
RESPONSIBLE : EDDS
MANAGER

In Brief:

- At its 25 February 2019 meeting, Council initiated an amendment to incorporate DCP 4 into Schedule 9B of the Town Planning Scheme.
- The amendment was advertised for public comment for a minimum period of 60 days and attracted 26 submissions.
- Council is being asked to consider the submissions received during the advertising period and the amendment for final adoption.
- It's recommended that Council adopt the amendment to TPS 4 with modification and request that the Hon Minister for Transport and Planning grant final approval to the amendment.

Tabled Items

Nil.

Decision Type

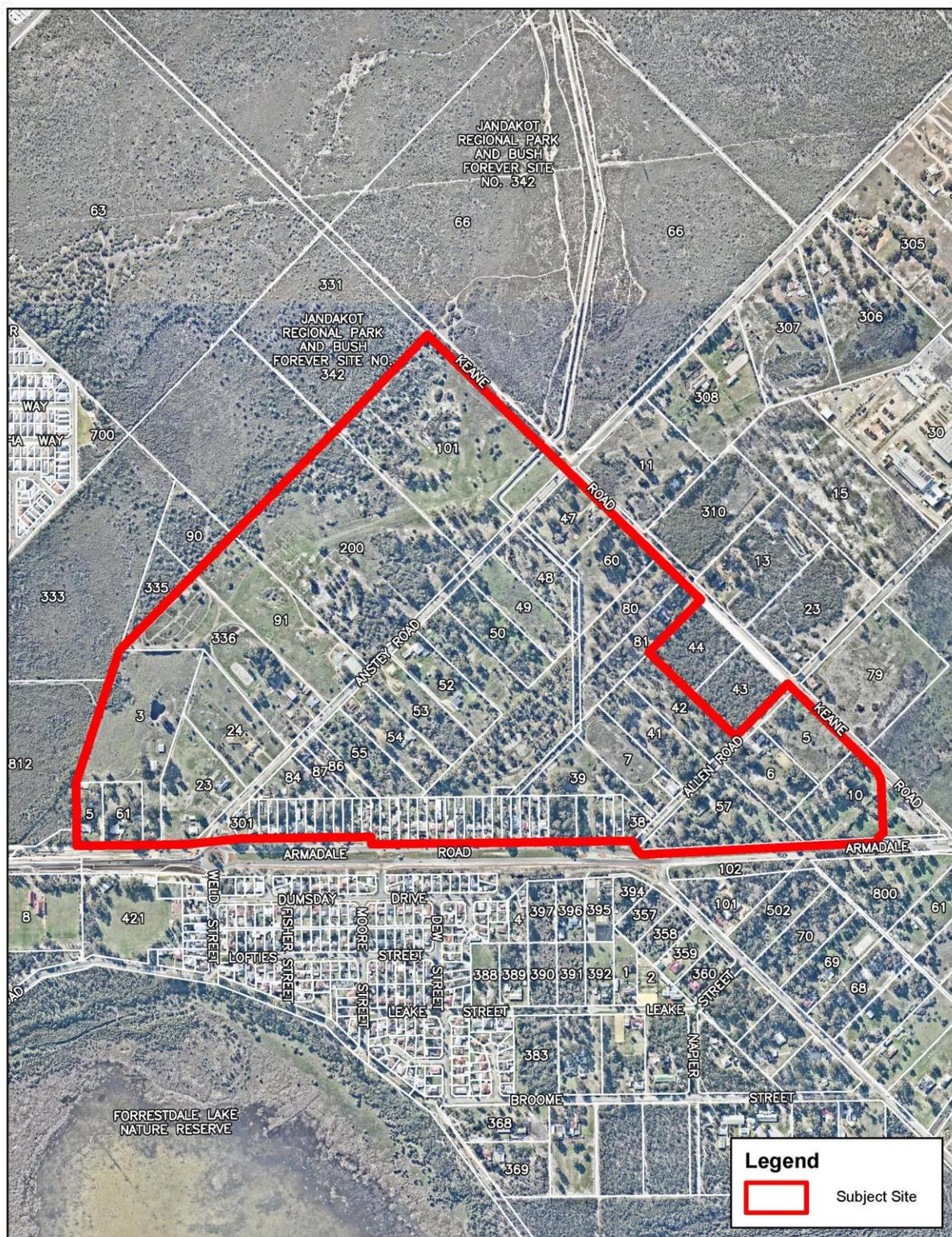
- Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

- 1.2.2 Provide opportunities to improve health outcomes for everyone.
- 1.3.1 Plan for services and facilities in existing and emerging communities.
- 2.2.1 Deliver attractive and functional streetscapes, open spaces, City buildings and facilities.
- 4.3.2 Pursue non-rates revenue opportunities.
- 2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.
- 2.5.1.2 Implement the Developer Contribution Plan arrangements and review as required.



AERIAL PLAN

Developer Contribution Plan No. 4
Amendment No. 102



SCALE 1 : 13000

DATE 30 April 2019 - REVISION 1901
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Legislation Implications

Planning and Development Act 2005
Town Planning Scheme (TPS) No.4
Planning and Development (Local Planning Schemes) Regulations 2015

Council Policy/Local Law Implications

N/A

Budget/Financial Implications

Through DCP 4, the City will act as the administrator of cost sharing arrangements for facilities and infrastructure that will deliver essential benefits to future residents of the Anstey Keane Urban Precinct. Developers will be required to make monetary contributions to the City pursuant to Part 5A of TPS No.4. The contributions will be administered within a separate reserve account solely for DCP 4 funds and used to fund items included in DCP 4.

Developers, subject to the City's approval, may also make contributions by completing works in kind. The cost of these works may then be offset against contributions due. Such arrangements may result in the DCP running a deficit during the early years as essential infrastructure is delivered to support approved early stage subdivisions and open the area for development.

DCPs enable the establishment of a user pays mechanism for the provision of required facilities under a need and nexus and beneficiary approach. Items included in DCPs have a connection between development and the demand generated from new introduced growth.

The urban development that is being proposed for the precinct will generate the need for the provision of a new community and sporting facility. The demand for this facility is unable to be catered for by existing facilities, which are already at or beyond capacity and existing funding sources for additional facilities are highly limited. Hence, the securing of funding sources for the proposed community and sporting facility is a key priority for the City.

It is currently proposed that DCP 4 will cover the full cost of establishing the community and sporting facility. Once established, the City will be required to fund future recurrent costs for the facilities and infrastructure that is constructed in the area. It is not uncommon for Local Governments (via a DCP funded Loan) and / or developers to pre-fund items in a DCP to enable construction prior to actual income being received through a DCP, if considered appropriate.

As part of the decision at its February 2019 Ordinary meeting [Recommendation D8/2/19], Council resolved to request that the Anstey Keane Precinct community and sporting facility be listed for consideration for inclusion in the next update of the City's Budget, Long Term Financial Plan and Community Infrastructure Plan.

Consultation

- City Business Units.
- The Environmental Protection Authority
- WAPC
- Abutting and affected landowners
- State Agencies and Service Authorities
- Ongoing developer City consultation occurs during Anstey Keane Planning and Liaison Group meetings comprised of active major landowner-developer groups, Department of Planning, Lands and Heritage and the City, held on an as-needed basis over the last two years

BACKGROUND

DCPs are an accepted cost sharing mechanism that can efficiently and effectively provide public infrastructure and facilities to meet the demands arising from new growth and development. Following the City and major landowners agreeing that a DCP for the Anstey Keane precinct was needed, a draft DCP, including scheme amendment, was prepared collaboratively with major landowners over a 12 month plus period that started in late 2017 and has continued since then. The draft DCP is considered consistent with the requirements of State Planning Policy 3.6 (SPP 3.6).

At its 25 February 2019 meeting, Council initiated Amendment No.102 to incorporate DCP 4 into Schedule 9B of the Scheme and designate the Anstey Keane precinct as Development Contribution Area (DCA) 4 on the Scheme Special Control Area Map 3 (D8/2/19). The amendment was then approved for advertising by the WAPC and it was subsequently advertised by the City for a minimum of 60 days.

An interim Legal Agreement for the initial stages of subdivision and development has also been prepared between the City and prospective early developers. The Legal Agreement will facilitate the implementation of works approvals for the initial stages of development within the precinct, consistent with the intent of the proposed DCP 4. To date, one of the major landowners has signed and two others are reviewing the document.

DETAILS OF PROPOSAL

This report proposes the final adoption of Amendment No.102 to incorporate DCP 4 into Schedule 9B of the Scheme and it will operate in accordance with the provisions contained therein. The amendment will also designate the Anstey Keane Precinct as a Development Contribution Area (DCA) 4 on the Scheme Special Control Area Map 3. Applicable provisions of Part 5A of the Scheme will also apply to DCP 4. It is proposed that where the provisions of DCP 4 are inconsistent with the provisions of Part 5A of the Scheme, the provisions of DCP 4 in Schedule 9B will prevail to the extent of any inconsistency.

DCP 4 has been prepared in accordance with Part 5A of TPS No.4 and State Planning Policy (SPP) 3.6 and is accompanied by a DCP Report and Infrastructure Cost Schedule to set out in detail the calculation of the Cost Contribution for each owner and the Infrastructure Items to be funded, as well as other operational matters to guide the administration of DCP 4. The draft DCP report and Infrastructure Cost Schedule (ICS) were advertised with the proposed scheme amendment.

The purpose of DCP 4 is to:

- a) enable the application of development contributions for the development of new, and the upgrade of existing 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 items 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) support the coordination and timely provision of infrastructure.

DCP 4 is proposed to operate for a period of 12 years from the date of gazettal of the town planning scheme amendment that introduces DCP 4 into the Scheme, by which time subdivision within Development Contribution Area 4 is expected to be largely complete or the DCP timeframe may need to be extended. The proposed timeframe aims to account for uncertainty regarding the staging and completion of development across the whole precinct. As detailed in a submission received from a major landowner / developer in the precinct and upon further consideration by the City, the proposed 10 year operation of the DCP is considered too short given challenging state of the market for residential land and housing and it is now proposed to be 12 years.

The following infrastructure items are proposed within Schedule 9B of TPS 4:

<i>Public Open Space and Sporting and Community Facilities</i>
➤ Infrastructure Item 1a - Sporting and Community Facilities - Senior Size Playing Field - Land Acquisition
➤ Infrastructure Item 1b - Sporting and Community Facilities - Senior Size Playing Field - Construction
➤ Infrastructure Item 1c - Sporting and Community Facilities - Sporting and Community Buildings and Structures - Construction
<i>Movement Network</i>
➤ Infrastructure Item 2a - Anstey Road - Widening and Construction
➤ Infrastructure Item 2b - Keane Road - Construction (Contribution Towards)
➤ Infrastructure Item 2c - Movement Network - Shared Path Network
<i>Betterment of Baileys Branch Drain Immediate Surrounds</i>
➤ 3a Infrastructure Item – Baileys Branch Drain Surrounds – Betterment of the Baileys Branch Drain Immediate Surrounds (Contribution Towards)
<i>Utilities</i>
➤ Infrastructure Item 4a - Utilities – Pump Station Land
<i>Administration Costs</i>

The above items are unchanged other than the title for Item 3a. It is recommended that the wording of the scheme text and DCP 4 report is updated in line with what is shown above for Item 3a to better reflect the scope of this item as the title previously referenced drainage and this seemed to have created some ambiguity based on comments in a submission received. The forecast actual DCP scope and cost of this item is not changing.

The forecast cost contribution due for each lot within the Anstey Keane precinct is shown in the attached draft Infrastructure Cost Schedule (ICS). In summary, the updated draft DCP is proposed to have a total value of \$20,915,764 with a Base Rate of \$282,534.75 per hectare and an Additional Rate of \$67,313.26 per hectare that applies to Lots 6 Allen, 8 Allen, 84 Anstey, 86 Anstey, 87 Anstey in Precinct 2 only and is in addition to the Base Rate for these lots. These properties will be paying an additional contribution in lieu of needing to cede land free of cost for Public Open Space.

The scheme amendment proposes to insert statutory provisions into TPS 4 which enable the City to adopt and administer DCP 4. In this regard, it is critical to differentiate between the statutory mechanism that gives effect to the DCP through TPS 4, and the DCP itself, particularly given that the majority of submissions received during the advertising period raise issues that primarily relate to the content of the DCP Report and ICS as distinct from the proposed scheme amendment provisions.

Following the Minister’s approval of the amendment and it being gazetted, Council will within 90 days be required to finalise and approve the DCP Report and ICS. This is the appropriate time to respond to most of the issues raised in the submissions and implement further changes to these documents if it is considered necessary. The City plans to continue to work collaboratively with developers / landowners within the Precinct to resolve outstanding issues while the scheme amendment is being considered by the WAPC / Minister and in preparation for final approval of the DCP report and ICS by Council.

Public Advertising of the Amendment

The proposed amendment was advertised for a minimum period of 60 days from 3 May 2019 and closing on 5 July 2019. This advertising was carried out by way of notification to relevant Government agencies, advertisements in The West Australian newspaper, City’s website and letters to affected and nearby landowners.

Summary of Submissions	No.	No. Outside Structure Plan Area
Total No. of submissions received:	26	(as below)
No. of landowner submissions of conditional support/no objection/comments only:	6	3
No. of landowner submissions of objection:	12	10
No. of agency submissions of support/no objection/comments only:	8	N/A

Refer to *confidential attachment* for location plan of submitters. The issues raised by the submissions have been summarised and a response provided in the attached *confidential* Schedule of Submissions and Summary Table of Issues raised.

As discussed in more detail later in this report, no significant or material changes to the scheme amendment are considered necessary or proposed as result of the submissions received. This provides a positive indication of the accuracy and acceptability of the scheme amendment as drafted and is reflective of the constructive and hardworking efforts made by the City and Liaison Group. This is achieved by working in accordance with the City's values and always striving to adopt a collaborative approach that is focused on delivering balanced, practical and quality solutions that align with the City's strategies and objectives.

COMMENT AND ANALYSIS

Objective and Purpose of Amendment

The impending urbanisation of the Anstey Keane precinct generates the need for the provision of a new community and sporting facility. The securing of funding sources for this facility is therefore a key priority for the City, and provides the main source of impetus for establishing the proposed DCP. The DCP also supports development of the area for landowners by providing a mechanism to facilitate the equitable sharing of costs for other common infrastructure items.

In order to give statutory effect to the DCP, the City's planning framework needs to be modified through the scheme amendment process, and this will ultimately be achieved through the adoption and gazettal of Amendment 102.

The DCP report and ICS, the latter which contains the estimated cost of Infrastructure and Administration costs of DCP 4, contribution costs, land area deductions and land area summary, will be advertised as part of a separate process to the scheme amendment and as described in the DCP report and proposed scheme text. The advertising will be undertaken within the 90 day period following of the gazettal of Amendment 102.

Advertising of the DCP report and ICS provides the opportunity for landowners to provide comment on proposed costs, including the updated values for land to be acquired through the DCP. Land values will be proposed / determined by licensed valuers in accordance with the provisions of DCP 4.

Outcomes of Submission Period and Issues

The submissions received during the advertising period for Amendment 102 were generally focused on the matters applicable to the DCP report and ICS, such as the estimated cost of infrastructure in the DCP and land area deductions, as opposed to the proposed scheme amendment provisions.

23 submissions were received from 17 people related to 11 properties within the Forrestdale Business Park West area (FBPW). Most of these submissions were provided in a pro-forma style. The main issue raised in these submissions related to the contribution being proposed from DCP 4 towards the upgrade of Keane Road, which borders the DCP area to the north east. These submissions have been counted as 11 in total given they relate to 11 properties within FBPW.

The submissions received from the major landowners/developers within the DCP area provided constructive feedback that was generally focused on the issues of cost and cost apportionment within the DCP area, as opposed to the proposed scheme amendment provisions.

Following gazettal of Amendment 102, the City will be required to finalise the DCP 4 report and ICS. This process will involve reviewing and updating all estimated Infrastructure Costs, Assessed / Land Values contained in the Infrastructure Cost Schedule. Following this review, the DCP will be advertised for a period of 28 days. Following the advertising of the DCP 4 report and ICS, all submissions will be considered and changes made if necessary.

A summary and analysis of all the submissions received is provided in the attached confidential Schedule of Submissions. A summary and analysis of the issues raised in the submissions is also provided in the attached Summary Table of Issues. This table includes the following 17 issues that are summarized below with the analysis and recommendation for each included in the table. These are in addition to two key issues discussed in more detail later in this report.

1. **Cost Contribution:** Three submissions were received from existing landowners within the proposed DCP area raising the issue of the proposed cost contribution being too costly for existing residents who do not intend to develop their land.
2. **Land Value:** A submission has raised concern that the proposed value for land to be acquired in the Draft DCP ICS is too low.
3. **Public Open Space and Community and Sporting Facilities:** Two submissions questioned the size of the community facilities proposed and suggested that the facilities should be smaller. One submission also questioned the costs being included in the DCP for some elements of the proposed sporting and community buildings and structures (Item 1C).
4. **Environmental:** A submission suggested that the removal of tress will negatively affect support for Carnaby Black Cockatoo habitat.
5. **Precinct 3 Developable Area:** A submission has suggested that the extent of land within Precinct 3 that the DCP is considering as developable land for the purposes of determining cost contributions in the DCP is too low and should be increased.
6. **Anstey Road:** A submitter has requested that the latest design and land requirements for Anstey Road upgrade be included in the DCP.
7. **Other Funding Sources:** A submission has suggested that the DCP should consider funding from other external sources towards the proposed sporting and recreational facilities, and this funding should be deducted from the total cost apportioned to landowners in the DCP.
8. **DCP Preparation / Admin Costs:** A submitter requested that the cost schedule in the DCP should be updated to better reflect actual costs borne by applicable developers in the preparation of the DCP.
9. **Existing and retained dwellings within Precinct 2:** A submitter has requested that the AKUP DCP be modified to require that DCP contributions are obtained from several properties where existing dwellings are to be retained within Precinct 2 (portion of Lot 52 East, portion of Lot 52 West and portion of Lot 54). The submission suggests that the responsibility for payment of these DCP contributions should be borne by the City.

10. POS: A submitter has requested AKUP DCP be modified to combine Precincts 2 & 3 for the purpose of calculating POS contributions as they believe this would result in a more equitable approach to the sharing of costs for contributing towards the required POS for the area
11. Access Street: A submitter has suggested that an additional infrastructure item should be included in the DCP, being an access street at the rear of the Precinct 3 lots fronting Armadale Road, which effectively aligns with the boundary between Precinct 2 and 3.
12. Shared Path Network: A submitter has questioned the nexus between the shared path network and the far eastern end of the precinct. Additionally, the submitter considers that the costs for constructing the shared path network abutting the proposed primary school site should be partially funded by the Department of Education.
13. POS: A submitter has sought clarification in the DCP report regarding the distribution and amount of POS
14. Local Drainage: A submitter has requested that the proposed local drainage reserve on Lot 10 Keane Road should be removed from the DCP's developable area.
15. Drainage: A submitter has suggested that Baileys Branch Drain does not service all of the lots within Precinct 2 and as such, there is no need and nexus to justify contributions towards POS and drainage being provided by landowners that are not benefiting from the drain.
16. POS Land: A submitter has advocated for prioritisation of the acquisition of the community / playing field land at the earliest opportunity in order to disburden the landowners impacted and requested that the City considers prefunding of community / playing field items. The submitter also advocates for the prioritising of construction of the sports field and community facilities.
17. Timeframe: A submitter considers that the proposed 10 year operation of the DCP may be too short given challenging state of the market for residential land and housing and should therefore be extended.

As mentioned, the City also identified another two key issues that warranted more detailed analysis in this report given possible cost implications, risk and uncertainties, and to also demonstrate the plan for further work that can be undertaken in collaboration with applicable stakeholders prior to final approval of the DCP ICS. This work can occur while the scheme amendment is being considered by the WAPC. The two key issues relate to the costs that should be included in DCP 4 ICS for the Keane Road upgrade and Anstey Road high pressure gas main upgrade. A recommendation for each of these two key issues is provided below. Changes to the amendment are not required due to these two key issues or any of the other issues or concerns identified in the submissions.

Issue 1: Keane Road Upgrade Contribution

The City received several submissions from landowners within the adjoining Forrestdale Business Park West (FBPW) precinct, including a submission from LandCorp, who believe DCP 4 is not making an adequate contribution to the upgrade of Keane Road commensurate with the Anstey Keane Precinct's need for the road. A separate submission has also been received from MRA, the planning authority for FBPW, in support of the position expressed by the Forrestdale Business Park West landowners. LandCorp is a major landowner in FBPW. "MRA and LandCorp will merge into a single entity as part of the State Government's public sector reform program (MRA Website Sep. 2019)".

At its meeting on 16 July 2018, the MRA resolved to delegate its decision-making role in relation to the FBPW DCP to the Director General of the Department of Planning, Lands and Heritage. The decision addressed the potential or perceived conflict of interest where LandCorp is involved in the project as the proponent. The Director General has subsequently advised that it is more appropriate for the Chair of the WAPC to act on behalf of the MRA Board in accordance with section 13 of the MRA Act. As a consequence, the Armadale LRC has provided its recommendation to the Chair of the WAPC.

Major landowners and developers within the Anstey Keane Precinct have made submissions which contest the need for DCP 4 to contribute the higher contribution amounts sought by the MRA and LandCorp towards the upgrade of Keane Road.

Comment

The upgrade of Keane Road to an industrial standard is primarily linked to FBPW and the proposed road network within AKUP only proposes a secondary access road within the northern portion of the precinct connecting into Keane Road. Accordingly, the proposed contribution being provided from DCP 4 towards the upgrade of the Allen / Keane Road intersection was considered commensurate with the need / nexus as originally contemplated at the time that DCP 4 was being drafted.

The draft AKUP DCP effectively considered the need / nexus for contributing to the Allen / Keane Road roundabout was to improve the intersection standard only. The advertised version of DCP 4 accordingly proposed a contribution of \$102,194.02 towards the upgrade of the Allen Road and Keane Road roundabout, including the acquisition of some land at Lot 43 Keane Road Forrestdale for road widening. The amount was based on the extra cost to improve the intersection standard above that already included within the FBPW DCP.

It is considered that the need to upgrade Keane Road to the industrial standard required is largely driven by the need to accommodate industrial traffic generated from the FBPW and the extension of services for FBPW. Structure Planning for FBPW predates the AKUP and if FBPW were developed on a standalone basis, this would not alter the ultimate industrial standard required for Keane Road. However, it is noted that AKUP area was identified for residential purposes for many years before FBPW was changed from a future residential area to a future industrial area.

The ultimate industrial standard of the Keane Road is not required to change based on estimated traffic flows being generated from AKUP onto Keane Road. Notwithstanding this, if the AKUP was developed on a standalone basis there would have been some requirement to upgrade Keane Road, but not to the industrial standard and full extent required for FBPW, including service connections.

Some AKUP landowners argue that if they had known that they would need to contribute to an upgrade of Keane Road that they would have modified structure planning for the AKUP to not utilise Keane Road. The City does not fully support this view and sees Keane Road as needing to be used by both precincts. In the case of FBPW there is a very high dependency on Keane Road for access while for the AKUP the same level of dependency doesn't exist, but some secondary form of access to Keane Road from the AKUP is considered necessary to optimise traffic flows but the main access will still be Anstey Road.

The proposed cost apportionment contemplated in a Cardno traffic modelling report submitted to the MRA as part of its submission is not accepted as being reflective of the difference in traffic demand and history of early discussions between key stakeholders. Additionally, the traffic modelling does not appear to be soundly based on demand for road improvements required by industrial vehicles as opposed to residential vehicles. The apportionment of costs between the two abutting DCP areas based on traffic volumes alone is not fully supported as it would be inappropriate to equate residential traffic with industrial traffic for the purposes of determining upgrade costs on an equal basis, the design and construction standards are significantly different.

The MRA recently recommended the FBPW DCP for approval with a 25.1% or \$3.6 million shortfall in funding for Keane Road with no confirmed solution to fill the funding gap included in the FBPW DCP. There is now a risk on landowners within FBPW who are reliant on Keane Road being upgraded to an industrial standard to help support the successful development of their land that has frontage to Keane Road. Funding from the AKUP may also not be available for eight or more years (depending on market conditions and rates of development) as the City will be required to prioritise other DCP 4 items, such as sporting and community facilities and the upgrade of Anstey Road within the AKUP which is where the development front will start.

After further assessment, the City believes that further consideration should be given to the total contribution from DCP 4 to the costs of upgrading Keane Road and this can be considered at final approval stage for the DCP 4 report and ICS after the scheme amendment has been gazetted. However, the contribution being suggested by the MRA and LandCorp of circa \$3.3 million is well beyond what is likely to be fair and reasonable.

It is currently considered that a practical approach to determine a fair and reasonable contribution to Keane Road from DCP 4 is one where a baseline / minimum contribution amount is established by applying S159 of the Planning and Development Act 2005. S159 allows for a subdivider to recover portion of road costs from a later subdivider. Under S159 reasonable cost can be recovered for:

- the survey of the land provided as a road; and
- the formation, preparation, priming and sealing of the road; and
- the provision of kerbing, drainage and service ducts in connection with the road.

Acknowledging that this matter is still being investigated, the amount that could be recovered by FBPW landowners from AKUP landowners under S159 principles would be 50% of \$1,184,796.00. This amount is based on an estimate dated 17 July 2019 prepared by Calibre Consulting on behalf of LandCorp and included in the MRA's report of the FBPW DCP and could be used as an approach to form a baseline / minimum contribution from DCP 4 of \$592,398.00.

The estimate is compromised of the parts shown below:

- Armadale / Keane Intersection: \$422,174.00
- Allen/Keane Intersection: \$136,633.00
- Keane Road: \$625,990.00
- Total: **\$1,184,796.00**

MRA and AKUP major landowners have used S159 as a tool to help investigate a fair and reasonable contribution amount.

The City is currently waiting for further information from the MRA on the detailed inputs that informed the above estimate before being able to further analyse what it considers to be a fair and reasonable contribution for Keane Road from DCP 4. The City has been advised recently by the MRA that work is underway by LandCorp and AKUP major landowners to undertake further examination and review of the costings for Keane Road. The City anticipates that this additional information will be provided shortly.

Recommendation

The quantum of costs included in DCP 4 for Keane Road does not prevent the scheme amendment progressing to final approval or require the amendment to be modified. It is instead a matter that will be addressed at final approval of the DCP 4 ICS that will occur following gazettal of the scheme amendment consistent with SPP 3.6. Final consideration of the ICS will include a consultation period for the City to consider submissions that may be received on the final proposed costs to be included in the ICS for Keane Road.

The City plans to continue to work collaboratively with stakeholders to further consider what the fair and reasonable costs that should be included in the DCP 4 ICS for Keane Road. Nonetheless, in order to provide for the better accuracy of any interim contributions that are required prior to gazettal of the scheme amendment and informed from a S159 baseline approach, it is proposed to increase the cost for the Keane Road upgrade in the current draft ICS to \$592,398.00 plus a contingency of 20% to help account for current uncertainties. This amount may ultimately go up or down as part of preparation and approval of the DCP 4 ICS following gazettal of Amendment 102.

Issue 2: ATCO High Pressure in Anstey Road

The upgrade of Anstey Road is included in DCP 4, but the relocation of the ATCO high pressure Gas Main in Anstey Road is excluded from the DCP. This was stated under Item 2a of the advertised Draft ICS that included a cost only for the “ATCO gas main low pressure” and also under Part 3.2.3 of the advertised Draft DCP 4 Report that stated that the scope for Anstey Road “Excludes the High Pressure Gas Main”.

Developer / major landowner Cedar Woods are implementing a prefunding application including the upgrade of Anstey Road and provided the design and estimated costs that were provided to the City to inform the DCP ICS. The design and estimate was attached to the advertised draft DCP 4 Report. The high pressure gas main was excluded from the draft DCP as the City was advised during drafting of DCP 4 that the high pressure gas main could remain in situ based on investigations developers, through consultants, had undertaken.

During advertising of the DCP 4, the design and planning for the Anstey Road upgrade was being progressed by major developers. During this period the City was advised that ATCO does require works to be undertaken on the high pressure gas main in order to mitigate risks that are required as a result of the proposed land use change to Urban / Residential, in particular the proposed primary school in the vicinity. The works are proposed to occur during the Anstey Road upgrade. Gas pipeline relocation options are currently being discussed with ATCO Gas. Currently, the estimated cost of the works could range up to circa \$2 million.

Comment

When considering the inclusion of costs associated with risk mitigation requirements for a high pressure gas main within the Anstey Road reserve the City consulted with DPLH, particularly in relation to the provisions of draft DC Policy 4.3 (Planning for High Pressure Gas Mains) that states:

“6.2.3 Developer Contribution Plans

In the event that a structure plan identifies risk mitigation measures that would benefit more than one proponent, it may be appropriate for the relevant proponents to make arrangements to share the cost of implementing those risk mitigation measures. Doing so through a Developer Contribution Plan would not be consistent with the WAPC’s State Planning Policy 3.6 – Development Contributions for Infrastructure, however, a private agreement may be appropriate.”

The City sought advice from DPLH to determine if clause 6.2.3 of Draft DC Policy 4.3 would apply for the Anstey Road example and if clause 6.2.3 of Draft DC Policy 4.3 was consistent with the Draft SPP 3.6 that was being advertised at the time.

DPLH responded by saying:

“Draft DC 4.3 was advertised for public comment in 2017 and as such is ‘seriously entertained’. The draft policy outlined the WAPC position at that time (which may or may not be subject to change when the policy is finalised in due course).

It should be noted that DC 4.3 when finalised will replace Planning Bulletin 87 High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region (PB 87).

PB 87 states:

Where land use, subdivision or development is proposed within the setback distances and risk mitigation measures are required these should be documented in a risk management plan endorsed by the pipeline owner. The extent of those measures should be limited to the works required to provide the level of protection, which is necessary and reasonable for the purpose of the subdivision or development. They should not extend to upgrading or maintenance of the pipeline, which is the normal responsibility of the owner.

The draft SPP 3.6 Infrastructure Contributions, that is currently being advertised until early September, does not appear to specifically alter the position outlined in clause 6.2.3 of draft DC 4.3. In other words, based on the draft DC 4.3, cost sharing of risk mitigation measures as a DCP item would not be consistent with WAPC policy.”

DCP 4 has been drafted to be consistent with WAPC policy and having regard to the advice provided by DPLH, the City is currently unable to include the high pressure gas main costs in the DCP. If DPLH’s advice changes the City may reconsider the gas main costs being in the DCP.

Recommendation

The quantum of costs included in DCP 4 for the Anstey Road high pressure gas main does not prevent the scheme amendment progressing to final approval or require the amendment to be modified. It is instead a matter that can be addressed at final approval of the DCP 4 ICS that will occur following gazettal of the scheme amendment. Final consideration of the ICS will include a consultation period for the City to consider submissions that may be received on the final proposed costs to be included in the ICS for Anstey Road.

The City can continue to liaise with Developers and DPLH to further consider the appropriateness of the Anstey Road high pressure gas main costs being included in the DCP 4 ICS. At this stage the cost should not be included in the DCP 4 ICS.

Proposed Modifications to Amendment Text

Several modifications have been made to the proposed scheme text in order for the DCP to operate more efficiently and effectively. In effect, the minor modifications simply provide clearer descriptions on how the DCP operates. Refer to the attached Schedule of Modifications for detailed description and analysis of the modifications.

Proposed Modifications to Draft DCP Report and ICS

Several modifications have been made to the Draft DCP Report and ICS in response to submissions received and changes made to the amendment text. However, at this stage the DCP report and ICS are in draft format and following gazettal of the scheme amendment they will be re-presented to Council for initiation of advertising and for final approval following a consultation period. It is still important to ensure the draft documents are as up to date as reasonably possible taking into consideration current information to inform interim contribution arrangements prior to gazettal of the amendment.

The City plans to continue to work collaboratively with stakeholders to prioritise the resolution of key matters to further refine the DCP Report and ICS prior to them being considered for final approval. Resolving outstanding ICS matters is already advancing and can continue while the amendment is being considered by the WAPC. There is nothing currently preventing the amendment as proposed being forwarded to the WAPC for final approval. The ICS will also continue to be reviewed at least annually once the amendment has been gazetted.

As stated under Clause 4.9 of the amendment, any stages of subdivision and/or development for which interim Cost Contribution payments have been made, in accordance with a Draft DCP and or under an Interim Contributions Agreement made between the Local Government and an Owner and prior to this Development Contribution Plan 4 coming into effect, will be required to pay any additional Cost Contribution that may be required or be refunded any additional Cost Contribution paid, as if those interim payments had been made under the final Development Contribution Plan 4 gazetted as part of the Scheme.

Changes to the draft ICS are listed below. Changes to the DCP report are shown in the version attached to this report.

- a) The Contribution Cost Summary and Land Area Deductions and Land Area Summary by Precinct work sheets have been modified in response to changes made to Clause 4.4.2.1 of the amendment.
- b) In the Land Area Deductions and Land Area Summary by Precinct work sheet the “Non-Residential Land Use” deduction has been renamed “Industrial Business Land” to better reflect the land to which it relates and it is now in accordance with the proposed Structure Plan terminology.
- c) The description for Item 3a has been modified in response to changes made to Clause 4.3.7 of the amendment.
- d) Draft road widening areas for Anstey Road have been amended based on latest advice. It has changed from a total area of 3037m² to 3038m².
- e) Construction costs for Anstey Road have increased from \$3,480,333.00 to \$3,535,863.00 based on the latest preliminary estimate.

- f) The cost for 1B and 1C has reduced from \$9,141,574.00 to \$9,006,574.00 as resulted of the allocation for Loose Furniture and AV being modified in part to address a submission received. The City reviewed this allocation and noted that the quantity surveyor's estimate included \$175,000.00 for loose furniture and equipment and Audio visual and IT, but after further internal consultation the City found that it was acceptable to change the scope and cost for this allocation to Loose Furniture and Equipment with an allocation of \$40,000.00. This amount is based on the Rossiter Pavilion completed in 2018 that included loose furniture such as table and chairs and kitchen equipment such as fridges. These items are considered a basic need directly connected to Anstey Keane facility where they will be required and used.
- g) The draft contribution to Keane Road has changed from \$102,194.02 to \$736,788.62 as described in the above Keane Road Upgrade Contribution section of this report.
- h) The total costs in Infrastructure Cost Summary worksheet have changed from \$20,306,938 to \$20,915,764 as a result of the changes listed above. Accordingly, the Base Rate has changed from \$274,200.90 per hectare to \$282,534.75 per hectare.

Draft SPP 3.6 impact

The Western Australian Planning Commission had recently been seeking public comment on the revised 2019 version of State Planning Policy 3.6 (SPP 3.6). DCP 4 was advertised prior to this occurring. The Chairman of the WAPC, when speaking at an industry forum, advised that new DCPs which have been substantially progressed under the current 2009 policy as is the case for DCP 4, will be assessed and accepted under the 2009 iteration of SPP 3.6. DCP 4 is considered consistent with SPP 3.6.

OPTIONS

1. Council may adopt the amendment with or without modifications and request that the Hon Minister for Planning grant final approval to the amendment.
2. Council may resolve to not adopt the amendment giving reasons and request that the Hon Minister for Planning refuse to approve the amendment.

CONCLUSION

The submissions received are considered to not warrant proceeding with the amendment or modifying the amendment in any significant or material way.

Other issues raised in submissions regarding infrastructure costs and cost apportionment can be addressed once the DCP has been approved via the gazettal of the scheme amendment, as the City within 90 days should finalise and adopt the DCP Report ICS. The ICS will be reviewed during this period to ensure that all infrastructure costs within the DCP are as current and accurate as possible. It is recommended that Council resolve to adopt the amendment with modification in accordance with Option 1 above.

ATTACHMENTS

1. [↓](#) Summary Table of Issues Raised - TPS No.4 - Amendment No.102 - DCP 4
2. [↓](#) Schedule of Modifications - TPS No.4 - Amendment No.102 - DCP 4
3. [↓](#) Existing Zoning Plan - SCA Map 3 - TPS No.4 - Amendment No.102 - DCP No.4
4. [↓](#) Refer Separate Attachment - Draft DCP 4 Report
5. Confidential - Schedule of Submissions - TPS No.4 - Amendment No.102 - DCP 4 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person*
6. Confidential - Submitter Plan - TPS No.4 - Amendment No.102 - DCP 4 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person*

Committee Discussion

Committee discussed several of proposed cost items in the DCP and acknowledged the DCP will be presented to Council for advertising consent after the scheme amendment is finalised. Committee did not support inclusion of the grant funding, given the uncertainty over its availability and the timing of the project and other City projects and WAPC SPP. Committee considered that the local road at the rear of the Armadale Road lots shouldn't be included in the DCP, as this is a normal subdivisional requirement and Section 159 of the Planning and Development Act would be applicable. The EDDS provided advice that since the drafting of the report, additional discussions have occurred with the developers and that it is important that the DCP aim to facilitate development to progress, therefore the City supported the DCP being modified to include the upgrade of the gas main and the draft DCP being amended. Committee requested that the upgrade of the gas main be included in the scheme amendment as a specific Work as well, therefore a new Clause 4.3.9 was included in the scheme amendment and Clause 4.3.9 renumbered to Clause 4.3.10. Committee only supported a contribution towards the upgrade of Keane Road from the DCP based on a residential standard.

The Chair acknowledged the substantial work the officers had undertaken in preparing the DCP arrangements and reporting on submissions/issues.

RECOMMEND

D62/10/19

That Council:

1. **Resolved that the local government pursuant to section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:**
 - A. **Amending Special Control Map 3 as shown on the attached Proposed Zoning – Special Control Area Map 3 Plan and include the area as Development Contribution Area 4 and insert Development Contribution Plan No.4 into Schedule 9B of Town Planning Scheme No.4 as follows:**

No.	Description of Land	Contribution Arrangements
4	Development Contribution Area (DCA) 4 - Anstey Keane Precinct	4.1 - Relationship to other plans and other parts of the Scheme The development contribution plan generally conforms to the Southern River Forrestdale Brookdale Wungong District Structure

<p>(Forrestdale) Urban Development Area as identified on Scheme Special Control Area Map 3</p>	<p>Plan, Approved Structure Plans for Development Contribution Area 4 and the City of Armadale Community Infrastructure Plan, Local Planning Strategy, Corporate Business Plan and Strategic Community Plan.</p> <p>Where the provisions of Development Contribution Plan 4 are inconsistent with the provisions of Part 5A of the Scheme, then the provisions of Development Contribution Plan 4 in Schedule 9B prevail to the extent of any inconsistency.</p> <p>4.2 - Definitions</p> <p>Assessed Value means a land value obtained in accordance with the procedures described in clauses 4.4.5 to 4.4.6 of Development Contribution Plan 4.</p> <p>Developable Area is defined as a total area of land minus land area deductions as detailed in the Development Contribution Plan 4 Infrastructure Cost Schedule. The Existing House Land deduction as noted in the DCP can be adjusted at the discretion of the City at the time when a Cost Contribution becomes due for a lot affected by such an Existing House Land deduction. Such an adjustment may be determined as necessary where an Existing House Land lot is subdivided or developed beyond the potential assumed in the Land Area Deductions summary. Such an adjustment will then be incorporated into the next review of the Development Contribution Plan 4 Infrastructure Cost Schedule.</p> <p>Development Contribution Plan Report means a report appurtenant to the Scheme and Development Contribution Plan 4, and containing information and instructions on the operation of Development Contribution Plan 4, as periodically reviewed in accordance with Development Contribution Plan 4.</p> <p>Infrastructure Cost Schedule means a schedule appurtenant to the Scheme and Development Contribution Plan 4, and containing the estimated cost of Infrastructure and Administration of Development Contribution Plan 4, contribution cost, land area deductions and land area summary, as periodically reviewed in accordance with Development Contribution Plan 4.</p> <p>4.3 - Infrastructure and Administrative Items to be funded</p> <p>4.3.1 Infrastructure Item 1a - Public Open Space and Sporting and Community Facilities - Senior Size Playing Field – Public Open Space Land Acquisition:</p> <p>Full costs to acquire land for a minimum of 4.9ha of Public Open Space at a location approved by the City within Development Contribution Area 4.</p> <p>4.3.2 Infrastructure Item 1b - Public Open Space and Sporting and Community Facilities - Senior Size Playing Field – Construction:</p> <p>Full costs to construct a minimum of 4.9ha of public open space, including a senior sized multi use playing field area, to the specifications and dimensions approved by the City and at a location approved by the City within Development Contribution Area 4 minus</p>
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		<p>contributions from other sources if and when they become available.</p> <p>4.3.3 Infrastructure Item 1c - Public Open Space and Sporting and Community Facilities - Sporting and Community Buildings and Structures – Construction:</p> <p>Full costs to construct sporting and community buildings and structures at the public open space included under Infrastructure Items 1a and 1b minus contributions from other sources if and when they become available.</p> <p>4.3.4 Infrastructure Item 2a – Movement Network – Anstey Road Widening and Construction</p> <p>Full cost to upgrade Anstey Road, including road widening land, from Armadale Road to the Primary School as detailed in the Development Contribution Plan Report and Infrastructure Cost Schedule.</p> <p>4.3.5 Infrastructure Item 2b – Movement Network – Keane Road Construction</p> <p>Contribution towards the upgrade Keane Road as detailed in the Development Contribution Plan Report and Infrastructure Cost Schedule.</p> <p>4.3.6 Infrastructure Item 2c – Movement Network – Shared Path Network</p> <p>Fixed maximum contribution towards a shared path network within the Anstey Keane Urban Precinct as detailed in the Development Contribution Plan Report and Infrastructure Cost Schedule.</p> <p>4.3.7 Infrastructure Item 3a – Baileys Branch Drain Surrounds – Betterment of the Baileys Branch Drain Immediate Surrounds</p> <p>Partial contribution only towards improvements to the Baileys Branch Drain immediate surrounds that deliver a multiple use corridor as detailed in the Development Contribution Plan Report and Infrastructure Cost Schedule.</p> <p>4.3.8 Infrastructure Item 4a – Utilities – Pump Station Land</p> <p>Contribution towards the acquisition of land for a sewer pump station as detailed on the approved structure plan.</p> <p>4.3.9 ATCO Main Gas Pipeline:</p> <p>Contribution towards the upgrade of the ATCO Gas Pipeline in Anstey Road as it pertains to the Anstey Keane Precinct (Forrestdale).</p> <p>4.3.10 Administration Costs:</p> <p>Full costs associated with preparing and administering Development Contribution Plan 4.</p> <p>4.4 - Method for Calculating Contributions and Assessed Values</p> <p>4.4.1 Approach</p> <p>Contributions for infrastructure items will be calculated on a</p>
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	<p>Developable Area basis.</p> <p>4.4.2 Cost Contribution Calculation</p> <p>The contribution to be made by each Owner to the implementation of the Infrastructure and Administration Costs shall be a Cost Contribution, based on a per hectare basis calculated by the Local Government as follows:</p> <p>4.4.2.1 Infrastructure Items per hectare calculation</p> <p>a) Calculation for entire Development Contribution Area Base Rate</p> <p>Infrastructure Items per hectare Base Rate (E) calculated as follows at each review of the Infrastructure Cost Schedule and to remain applicable from the approval of one review to approval of the next:</p> <p>Cost of infrastructure items where the costs are to be shared across the entire Development Contribution Area 4 as detailed in the Infrastructure Cost Schedule (A) + (plus) Administrative Costs (B) minus Base Rate contributions collected (C) / (divide) total Developable Area remaining (ha) for Development Contribution Area 4 (D).</p> $A + B - C / D = E$ <p>b) Calculation for Additional Rate for applicable areas within Development Contribution Area 4</p> <p>Infrastructure Items per hectare Additional Rate (I) calculated as follows at each review of the Infrastructure Cost Schedule and to remain applicable from the approval of one review to approval of the next:</p> <p>Cost of infrastructure items where the costs are to be shared across part of Development Contribution Area 4 as detailed in the Infrastructure Cost Schedule (F) minus Additional Rate contributions collected (G) / (divide) total Developable Area remaining (ha) for the part of Development Contribution Area 4 over which the costs are to be shared (H).</p> $F - G / H = I$ <p>4.4.2.2 Cost Contribution Due</p> <p>a) The Cost Contribution due by owners shall be based on the Developable Area of an owners land parcel and calculated as follows:</p> <ol style="list-style-type: none"> i. Cost Contribution due by owners that is applicable to all Developable Area within Development Contribution Area 4: <p style="margin-left: 40px;">Developable Area (ha) of an owners land parcel x (multiply) Infrastructure items per hectare Base Rate.</p> ii. Additional Cost Contribution due by owners that is applicable to Developable Area within Development Contribution Area 4 where an Additional Rate also applies as specified in the Infrastructure Cost
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		<p>Schedule calculated as follows:</p> <p>Developable Area (ha) of an owners land parcel where an additional Cost Contribution applies x (multiply) Infrastructure items per hectare Additional Rate.</p> <p>4.4.3 Valuations</p> <p>The provisions of Clauses 5A.9.2 to 5A.9.6 of the scheme do not apply to Development Contribution Plan 4. The following variations apply to the acquisition of land for Infrastructure Works, calculation of costs and valuation of land within Development Contribution Area 4.</p> <p>4.4.4 Compulsory Acquisition</p> <p>Where land has been compulsorily acquired and a lawful claim for compensation has been served on the Council, the Council may claim compensation for betterment under Section 184 of the Planning and Development Act 2005 and the value attributed to the betterment of the land the subject of the claim shall be set off against any compensation otherwise payable to the claimant under the Land Administration Act 1997 or any re-enactment of its provisions related to compulsory acquisition and compensation.</p> <p>4.4.5 Assessed Value</p> <p>a) The Council may at any time ascertain the value of any land in Development Contribution Plan 4 for the purpose of estimating Infrastructure costs, payments and cost contributions.</p> <p>b) If it is necessary, for any purpose to ascertain the value of any land, such value should be determined by two licensed valuers appointed from time to time by the local government herein referred to as “the Valuation Panel”. The members of the Valuation Panel may confer as to value, and if they are unable to arrive at a consensus value, they shall confer with the Chief Executive Officer of the local government (“CEO”) or the officer to whom the CEO delegates that function from time to time. If the valuers with the officer cannot arrive at a consensus value then the officer shall select a value which represents the median value between the two values nominated by the valuers on the Valuation Panel and will be advertised under the next following paragraph (c) (“the Assessed Value”).</p> <p>The Valuation Panel may determine more than one Assessed Value in the Development Contribution Plan area, where the local government or the Panel identifies that there are significant differences in land values within Development Contribution Area 4.</p> <p>c) As soon as possible after the Assessed Value or Assessed Values have been ascertained it should be advertised for a period of not less than 28 days to allow for submissions to be made in regard to the proposed Assessed Value or Assessed Values. Assessed Values may be advertised concurrently as</p>
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		<p>part of a Development Contribution Plan 4 review carried out in accordance with Clause 4.8.1 of Development Contribution Plan 4.</p> <p>An owner who lodges an objection under this clause shall submit with the objection supporting evidence from a suitably qualified person in the specific field being objected to.</p> <p>d) The local government shall as soon as possible consider all submissions made on an Assessed Value and may refer any submission to the Valuation Panel for comment, but where a submission is accompanied by expert valuation advice based on the valuation principles contained in Development Contribution Plan 4, it should be referred by the local government to the Valuation Panel for comment.</p> <p>Having considered the submissions and any comment from the Valuation Panel, the local government shall fix upon the Assessed Value or Assessed Values to be applied under Development Contribution Plan 4 and Infrastructure Cost Schedule until the next Assessed Value or Assessed Values has been determined.</p> <p>e) It is intended that any Assessed Value or Assessed Values should apply for no more than 13 months but while an Assessed Value remains current it shall stand as the value of land within Development Contribution Plan 4 and Infrastructure Cost Schedule for all purposes under Development Contribution Plan 4 and Part 5A of the scheme and the Infrastructure Cost Schedule.</p> <p>f) Where land is ceded or acquired for a Infrastructure Work, otherwise than by compulsory taking, for the purpose of determining the amount to be paid to the owner from whom the land is acquired, the value of the land shall be calculated according to the same Assessed Value as was applied to the Cost Contribution paid or payable by that owner on the clearance by the local government of the subdivision of land in the same deposited plan as contains the land acquired.</p> <p>4.4.6 Valuation Principles</p> <p>In ascertaining the Assessed Value or Assessed Values under Development Contribution Plan 4, all land shall be valued in its broad acre form as depicted on 1 January 2019, ignoring any services or infrastructure provided in-accordance with the provisions of the relevant Local Structure Plan and applying the following principles:</p> <ul style="list-style-type: none">i. regard is to be had to the land classifications and zonings existing at the date of valuation;ii. the date of valuation is to be the date on which the local government nominates;iii. ignoring any improvements or works on the land;iv. the land should be valued without regard to the Infrastructure work and the purpose for which the land is acquired shall not
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		<p>be taken into consideration;</p> <ul style="list-style-type: none">v. in selecting relevant sales evidence, regard should be had first to values derived from land in the same area, and if there is not adequate evidence, from nearby or similar land in the area, in priority to any other sales evidence; andvi. the method of valuation shall otherwise be in accordance with normal fair market valuation principles. <p>4.4.7 Variance and Solatium</p> <ul style="list-style-type: none">a) When calculating or reviewing Contribution Costs and the Infrastructure Cost Schedule, the local government will have regard to the value of the land required for Infrastructure and include an amount of 10% over and above the Assessed Value of such land, to ensure that the local government has or will receive sufficient funds in Development Contribution Plan 4 account to acquire land for Infrastructure to meet its obligations for appropriate payment to such owners, and ensure the Infrastructure can be completed in a manner that minimises the need for external borrowing. The local government may also apply a further amount above the Assessed Value to recognize any compulsory taking of land, compensations and/or acquisition of structures.b) Where land is acquired in the circumstances contemplated in subclause 4.4.5 (f) of Development Contribution Plan 4, the Council shall pay to the owner an additional amount not more than 10% of the amount calculated under that Clause. <p>4.4.8 Acquisition Prior to Gazettal</p> <p>Where land required for Infrastructure is ceded to the Crown or acquired by the local government prior to the Minister granting final approval and publication of the Development Contribution Plan 4 Amendment in the Government Gazette, the appointment of the Valuation Panel by the local government under of Development Contribution Plan 4 or adoption of the Infrastructure Cost Schedule by the Council, the land shall be valued in-accordance with the clauses 4.4.3 to 4.4.7 of Development Contribution Plan 4 by the Valuation Panel and the date of valuation shall be the date the land for the Infrastructure Work is acquired by the local government or the local government issues its clearance to the deposited plan that contains the Infrastructure land, whichever is the earlier.</p> <p>4.4.9 Provision of Land for Infrastructure Works</p> <p>Where the Infrastructure Cost Schedule includes a land component for a Infrastructure on the relevant lot for which a Cost Contribution is due, an Owner shall cede to the Crown or transfer to the local government the required Infrastructure land at the first stage of subdivision and/or development for that particular landholding or by prior agreement at an alternative date agreed by the local government. The value of the land will be determined in accordance with Development Contribution Plan 4 and Owners will be paid once the land is ceded to the Crown or transferred to the local government and is already included in Development Contribution Plan 4 and sufficient funds have been collected in the Development Contribution Plan 4</p>
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	<p>account and / or having regard to the timing and priority of infrastructure works.</p> <p>4.5 - Period of Operation</p> <p>4.5.1</p> <p>Development Contribution Plan 4 is proposed to operate for a period of 12 years from the date of gazettal of the town planning scheme amendment that introduces Development Contribution Plan 4 into the Scheme, by which time development within Development Contribution Area is expected to be largely complete. The proposed timeframe aims to account for uncertainty regarding the staging and completion of development across the entire area.</p> <p>The City may in the future consider extending the period of operation, through an amendment to the Scheme, in the event that growth does not occur as rapidly as expected, or if new growth areas occur. The City may also terminate the Development Contribution Plan 4 earlier, through an amendment to the Scheme, if growth occurs quicker than expected and all contributions have been settled.</p> <p>All land within the Development Contribution Area is subject to the requirements of the Development Contribution Plan 4 until the plan expires or revoked.</p> <p>4.6 - Excess in Contributions</p> <p>4.6.1</p> <p>Clause 5A.8.2 of the scheme does not apply to Development Contribution Plan 4. If there is an excess in the total of Cost Contributions when all Cost Contributions have been made or accounted for in the Development Contribution Area, the local government is to refund the excess funds to the contributing owners and or use all or some of the excess funds for improvements to infrastructure included in Development Contribution Plan 4 and subject to agreement from the majority of the contributing Owners.</p> <p>If, however, it is not reasonably practicable to identify Owners and their entitled amount of refund and consult with Owners, any excess in funds shall be applied to the provision of additional improvements to Infrastructure included in Development Contribution Plan 4.</p> <p>The local government should make information publically available regarding any spend of excess funds.</p> <p>4.7 - Timing and priority</p> <p>4.7.1</p> <p>The Local Government will use its best endeavours to provide Infrastructure, including the acquisition of land for infrastructure, as soon as possible taking into considering the Local Government's Corporate Business Plan, the rate of development in Development Contribution Area 4 and funds collected in Development Contribution Plan 4.</p> <p>4.8 - Review and Prefunding Process</p>
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	<p>4.8.1 Review</p> <p>Development Contribution Plan 4 will be reviewed at least every 5 years from the date of gazettal or when considered appropriate having regard to the rate of development in the area since the last review and the degree of development potential still existing.</p> <p>The estimated Infrastructure Costs, Assessed Values and Infrastructure Cost Schedule will be reviewed and updated at least annually. The Review will reflect changes in material prices, design costs, design requirements, specifications, labour requirements, Assessed Values and other expenditure associated with Development Contribution Plan 4 and actual and forecast future development patterns in the area. In some instances the costs will be indexed based on the Local Government Cost Index (LGCI) or another appropriate index and they may be reviewed and certified by a suitably qualified person. The local government's priority and timing for infrastructure will also be reviewed at least annually.</p> <p>Reviews of Development Contribution Plan 4 or Infrastructure Cost Schedule, including Assessed Values shall be undertaken in accordance with the provisions contained within the Development Contribution Plan 4 Report and applicable Local Government Local Planning Policy. In the absence of an applicable Local Government Local Planning Policy the provisions contained in the Development Contribution Plan 4 Report shall solely apply.</p> <p>4.8.2 Prefunding of Infrastructure</p> <p>An owner of land within the Development Contribution Area may, with the prior written approval of the local government, undertake implementation of any Infrastructure referred to in Clause 4.3 of Development Contribution Plan 4.</p> <p>Where an owner wishes to undertake implementation of Infrastructure works, with the exception of land required for a Infrastructure work, the owner shall, before commencing to carry out such works, first lodge a prefunding agreement application for the Infrastructure works with the Local Government, which reserves the right to review and approve with or without conditions or refuse the prefunding agreement application, and to permit or prevent the owner from carrying out the works until such time as the owner's prefunding agreement application has been approved. The local government will endeavour to respond to an owner's prefunding application within sixty (60) days.</p> <p>An Owner who undertakes the implementation of any Infrastructure works should lodge a first and final claim for credit or reimbursement that includes relevant records within one year of completing the agreed works, unless agreed otherwise by the local government. If a claim for credit or reimbursement is not lodged within one year, the local government may determine that the time period for claiming credit or reimbursement has expired and it is no longer liable for payment of the prefunded works or land.</p> <p>Prefunding and claim applications made by Owners shall be treated in accordance with the provisions contained within the Development Contribution Plan 4 Report and applicable Local Government Local</p>
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	<p>Planning Policy. In the absence of an applicable Local Government Local Planning Policy the provisions contained in the Development Contribution Plan 4 Report shall solely apply.</p> <p>4.9 Prior Cost Contribution Payments</p> <p>Any stages of subdivision and/or development for which interim Cost Contribution payments have been made, in accordance with a Draft DCP and or under an Interim Contributions Agreement made between the Local Government and an Owner and prior to this Development Contribution Plan 4 coming into effect, will be required to pay any additional Cost Contribution that may be required or be refunded any additional Cost Contribution paid, as if those interim payments had been made under the final Development Contribution Plan 4 gazetted as part of the Scheme.</p>
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B. Amend Clause 5A.9.1 (a) of by changing the word “Plan” to “Plans” and adding “and No.4” after “No.3” where they occur.

- 2. Determines the Amendment is complex under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason(s):**
 - It is an amendment to identify a development contribution area and prepare a development contribution plan.**
- 3. Authorise the Mayor and Chief Executive Officer to execute the Amendment documents**
- 4. Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Transport and Planning grant final approval to the amendment.**
- 5. Endorse the comments made in this report and the Schedule of Submissions regarding the submissions received on this scheme amendment and to be forwarded to the Western Australian Planning Commission.**
- 6. Advise the submitters of its decision.**
- 7. Adopt the attached draft Development Contribution Plan 4 Report and Infrastructure Cost Schedule to form the basis for interim contribution arrangements with owners, subject to DCP 4 being modified to include the High Pressure Gas Main.**

**Moved Cr D M Shaw
MOTION CARRIED**

(7/0)

SUMMARY TABLE OF ISSUES RAISED DEVELOPMENT CONTRIBUTION PLAN NO. 4 - ANSTEY-KEANE URBAN PRECINCT FORRESTDALE		
SUMMARY OF ISSUES RAISED	COMMENT	MODIFICATION TO AMENDMENT REQUIRED (Y or N) / RECOMMENDATION
<p>1. Cost Contribution: Three submissions were received from existing landowners within the proposed DCP area raising the issue of the proposed cost contribution being too costly for existing residents who do not intend to develop their land.</p>	<p>The need for infrastructure within the DCP arises as a result of the increased demand being generated by the proposed future urbanisation of the area, from which all owners will benefit. An owner's liability to pay contributions occurs in accordance with clause 5A.5 of TPS 4 and generally only arises at the subdivision / development stage. Under clause In accordance with Clause 5A.5 of TPS 4, an owner's liability to pay contributions to the City arises on the earlier of</p> <ol style="list-style-type: none"> a) prior to the local government confirming to the Commission that conditions of subdivision or strata approval supervised by the local government and imposed on an application to subdivide, strata title or amalgamate the Owner's land within the Development Contribution Area have been complied with; b) prior to the Commission endorsing its approval on the relevant plan or deposited plan (Diagram of Survey) of the amalgamation, subdivision, survey strata or strata subdivision of the Owner's land within the Development Contribution Area; c) the time of carrying out any development or commencing any new or extended use on the Owner's land within the Development Contribution Area; d) at the time of applying to the Local government or Commission for approval of any new or extended use, or any other development on the Owner's land within the Development Contribution Area; e) prior to the Local government providing written advice to the Commission confirming that conditions relating to a survey strata or strata subdivision within a Development Contribution Area have been complied with; f) prior to the issue of a Building Permit or Building approval Certificate for any development (including land use) on the land of an owner within a Development Contribution Area have been complied with; or g) on the expiry of the Development Contribution Plan. 	Not Required
<p>2. Land Value: A submission has raised concern that the proposed value for land to be acquired in the Draft DCP ICS is too low.</p>	<p>An independent licenced land valuer was engaged by the City to undertake a preliminary broad acre valuation of land within the DCP 4 area to establish an allocation within the Draft DCP ICS for advertising. Further land valuations will be undertaken during the final approval stage for the DCP ICS to provide up-to-date land acquisition costs to be included in the DCP calculated in accordance with DCP 4 provision. Land acquisition payments are also currently proposed to include a 10% solatium amount that would be applied to land's value. For</p>	Not Required

SUMMARY TABLE OF ISSUES RAISED DEVELOPMENT CONTRIBUTION PLAN NO. 4 - ANSTEY-KEANE URBAN PRECINCT FORRESTDALE		
SUMMARY OF ISSUES RAISED	COMMENT	MODIFICATION TO AMENDMENT REQUIRED (Y or N) / RECOMMENDATION
	<p>example, the advertised broad acre value would be \$91.87 plus 10% per m2 (i.e. \$101.06 per m2). The submission did not include justification or valuation advice in relation to the land value in the area.</p>	
<p>3. Public Open Space and Community and Sporting Facilities: Two submissions questioned the size of the community facilities proposed and suggested that the facilities should be smaller. One submission also questioned the costs being included in the DCP for some elements of the proposed sporting and community buildings and structures (Item 1C).</p>	<p>The proposed size, scope and scale of the sporting and community facilities being provided to service the AKUP is consistent with the standards of provision set out in the WAPC's Liveable Neighbourhoods policy and the City's Community Infrastructure Plan. Based on current information, it is estimated that all four precincts will introduce approximately 4256 new residents when fully developed. The community infrastructure required within the Anstey Keane development has been established through the application of benchmarks and criteria set out within the City's Standards of Provision for Community Infrastructure. The Standards of Provision for Community Infrastructure require the provision of a local level senior sized playing field (including an associated sports pavilion and change rooms) and a local level community centre at a ratio of 1:4 000 persons as specified in the DCP report. The proposed 4.9ha site is also part of the mandatory minimum 10% POS allocation for the area at subdivision.</p> <p>The cost estimates for the proposed sporting and community buildings and structures (Item 1C) have been informed by an independent quantity surveyor who was engaged by the City and this estimate was advertised with the amendment in the draft DCP report. The size, scope and scale of the facilities proposed within the AKUP from which these cost estimates have been based are commensurate with the standards of provision for this community infrastructure as set out in the City's Community Infrastructure Plan, and consistent with facilities provided in other areas. Other points to note:</p> <ul style="list-style-type: none"> • Public Art - Despite Public Art being included in the QS estimate, this item was deliberately excluded from the draft DCP ICS as the City did consider this appropriate for inclusion in this DCP. • Loose Furniture and IT / AV Equipment - An amount of \$175,000 was allocated for loose furniture and audio visual costs in the advertised draft DCP ICS but this has now been changed. The proposed community facility is planned to be multiple purpose to provide the best value for money for contributors and importantly provide the highest possible benefits to the local community. Notwithstanding this, the City has reviewed this item and noted that the estimate included \$175,000.00 for loose 	<p>Not explicitly required, but a minor modification has been made to the infrastructure category / item description under clauses 4.3.1, 4.3.2 and 4.3.3 to improve the clearness of the description so it is more clearly understood that the Community and Sporting Facilities also make up the minimum POS for the area.</p>

SUMMARY TABLE OF ISSUES RAISED DEVELOPMENT CONTRIBUTION PLAN NO. 4 - ANSTEY-KEANE URBAN PRECINCT FORRESTDALE		
SUMMARY OF ISSUES RAISED	COMMENT	MODIFICATION TO AMENDMENT REQUIRED (Y or N) / RECOMMENDATION
	<p>furniture and equipment and Audio visual and IT. After further internal consultation the City has changed the scope and cost for this line item to Loose Furniture and Equipment with a reduced allocation of \$40,000.00. This amount is based on the Rossiter Pavilion completed in 2018 that included loose furniture such as tables and chairs and kitchen equipment such as fridges. These items are considered a basic need connected to individual facilities where they will be required and used.</p> <p>All other line items included in the DCP for Item 1C are considered fair and reasonable costs that will be reviewed at final approval stage of the ICS and annually thereafter once the DCP is operational to ensure they remain up to date.</p> <p>A wide range of factors have been taken into consideration as part of the zoning scheme amendment and structure planning processes for the precinct where factors such as fauna, flora and vegetation are considered. The DCP scheme amendment process is completely separate to these other planning processes.</p> <p>The development potential of Precinct 3 is currently unknown in the absence of any comprehensive planning being undertaken for the Precinct. Notwithstanding, the City has assumed 2.8887ha within this Precinct 3 is likely to be developed based on reasonable factors such as access, lot size, shape and configuration and existing development.</p> <p>2.8887ha of developable land within Precinct 3 equates to approximately 86 dwellings and a new population of 268 people. Based on latest information, the three other precincts combined will create approximately 1275 dwellings and a new population of 3978. It is currently estimated that all four precincts will result in a new introduced population of approximately 4246. (3.12 persons per dwelling { Informed Decisions, 2016. Average Household Size Study})</p> <p>The estimated contribution from Precinct 3 is considered equal to the likely demand to be created from Precinct 3. The City has treated all land within precincts that is likely to create demand in a consistent and uniform manner. This demonstrates alignment with the consistency and other principles in SPP 3.6.</p> <p>It should also be noted that once the amendment is approved and during the DCPs operation, the cost apportionment schedule will be regularly reviewed, and any additional contributions</p>	
4. Environmental: A submission suggested that the removal of trees will negatively affect support for Carnaby Black Cockatoo habitat.		Not required
5. Precinct 3 Developable Area: A submission has suggested that the extent of land within Precinct 3 that the DCP is considering as developable land for the purposes of determining cost contributions in the DCP is too low and should be increased.		Not required

SUMMARY TABLE OF ISSUES RAISED DEVELOPMENT CONTRIBUTION PLAN NO. 4 - ANSTEY-KEANE URBAN PRECINCT FORRESTDALE		MODIFICATION TO AMENDMENT REQUIRED (Y or N) / RECOMMENDATION
SUMMARY OF ISSUES RAISED	COMMENT	
	beyond what the DCP currently estimates can be integrated into the DCP at that time, as detailed in the definition for Developable Area in the amendment.	
6. Anstey Road: A submitter has requested that the latest design and land requirements for Anstey Road upgrade be included in the DCP.	The City has used its best endeavours to ensure the accuracy of the costing and other information for Anstey Road is as up to date as possible based on information available and provided by developers. This item within the Infrastructure Cost Schedule will be reviewed again at final approval of the Infrastructure Cost Schedule after the amendment is approved.	Not required
7. Other Funding Sources: A submission has suggested that the DCP should consider funding from other external sources towards the proposed sporting and recreational facilities, and this funding should be deducted from the total cost apportioned to landowners in the DCP.	<p>The DCP is only capable of considering external funding sources if these are known to be available at the time that the DCP is prepared. Latter stage developers / contributors would otherwise run the risk of being unfairly and disproportionately burdened with higher costs if external funding sources cannot be obtained and DCP costs rise. The availability of external funding sources to contribute towards the cost of these items is currently unknown, cannot be realistically considered for several years and thus should not be included in the DCP.</p> <p>If grants or like are obtained in the future they may need to be used to upgrade the community facility to the necessary standard / specification and beyond that included in the DCP as opposed to offsetting DCP costs.</p> <p>For example, a grant may be used as a contribution towards fit out of the facility to enhance its multiple use function beyond the basic specifications included in the DCP. It should also be noted that additional funding from external sources such as Lotterywest and Department of Local Government, Sport and Cultural Industries is becoming harder to obtain, and federal funding opportunities are ad hoc and cannot be adequately forecast and planned for. It is not sound practice to assume funding that is becoming more and more unlikely to obtain and doing so would go against principles that underlie the development contributions system.</p> <p>Once the DCP has been approved via the gazettal of the scheme amendment, the City should within 90 days adopt the DCP report and ICS. The ICS will be reviewed during this period to ensure that all administration costs within the DCP are as current and accurate as possible and itemised. Work is already underway to ensure this occurs, including the consideration of a pre-funding application for administration costs that has been submitted by Cedar Woods. It should be noted that the DCP administration costs are for the life of the DCP as opposed to Administration Costs developers are seeking reimbursement for, which relate to costs incurred for assisting with the preparation of the DCP over a finite shorter period. The City's</p>	Not required
8. DCP Preparation / Admin Costs: A submitter requested that the cost schedule in the DCP should be updated to better reflect actual costs borne by applicable developers in the preparation of the DCP.		Not required

SUMMARY TABLE OF ISSUES RAISED CONTRIBUTION PLAN NO. 4 - ANSTEY-KEANE URBAN PRECINCT FORRESTDALE		
SUMMARY OF ISSUES RAISED	COMMENT	MODIFICATION TO AMENDMENT REQUIRED (Y or N) / RECOMMENDATION
	administration costs will also be reviewed annually and reimbursed from to the DCP based on actuals. The DCP currently includes Administration Costs as an estimate only.	
9. Existing and retained dwellings within Precinct 2: A submitter has requested that the AKUP DCP be modified to require that DCP contributions are obtained from several properties where existing dwellings are to be retained within Precinct 2 (portion of Lot 52 East, portion of Lot 52 West and portion of Lot 54). The submission suggests that the responsibility for payment of these DCP contributions should be borne by the City.	The demand for new infrastructure included in the DCP is not being generated by virtue of subdividing to facilitate the creation of homestead lots with retained dwellings or from any other existing development or residents in the area. The demand for new infrastructure within the Anstey Keane precinct is generated solely through the new development being proposed. An owner's liability to pay cost contributions is generated by part 5A.5 of TPS4 and if landowners have concerns regarding the payment or timing of liabilities they can negotiate private arrangements with other landowners. For example, the City assumes that the statutory fees (such as DCP costs) can be considered in negotiations for the purchase of any land in the area and is a matter where the DCP should not be relied on as an equity mechanism resulting in the City being asked to administer the DCP a safety net for landowners.	Not required
10. POS: A submitter has requested AKUP DCP be modified to combine Precincts 2 & 3 for the purpose of calculating POS contributions as they believe this would result in a more equitable approach to the sharing of costs for contributing towards the required POS for the area	The proposed DCP approach within Precinct 2 is considered to meet the principles set out under SPP 3.6 and the structure plan design is an accurate reflection of what is required to facilitate development of the precinct. The precinct is also being provided with benefits from the proposed community facility and playing field. The overall proportionate DCP liability to be incurred by landowners is considered practical, fair and equitable and also helps ensure that the overall quantum of costs borne by the DCP is not unnecessarily inflated, thus minimising the risks associated with overburdening the DCP with unnecessary upfront costs and creating the risk of other more essential infrastructure not being delivered in a timely and effective way. The proposed DCP approach also still allows for POS within Precinct 3 to be dealt with in accordance with WAPC policy if subdivision occurs.	Not required
11. Access Street: A submitter has suggested that an additional infrastructure item should be included in the DCP, being an access street at the rear of the Precinct 3 lots fronting Armadale Road, which effectively aligns with the boundary between Precinct 2 and 3.	The City considered the merits of including this item in the DCP in the early drafting stages prior to Amendment 102 being formally considered by Council for consent to initiate. The City ultimately determined that the inclusion of this item in the DCP was unwarranted given the availability of a more appropriate cost recovery / sharing mechanism through Section 159 of the Planning and Development Act 2005 – " <i>Subdivider may recover portion of road costs from later subdivider</i> ". It is also open for landowners to enter into private arrangements for cost sharing outside of a local government managed DCP. These arrangements are quite common given that local roads are generally not considered as common infrastructure in accordance with SPP 3.6. Additionally, the inclusion of local roads or other lower order infrastructure items in a DCP that are normally associated with individual developments	Not required

SUMMARY TABLE OF ISSUES RAISED		MODIFICATION TO AMENDMENT REQUIRED (Y or N) / RECOMMENDATION
DEVELOPMENT CONTRIBUTION PLAN NO. 4 - ANSTEY-KEANE URBAN PRECINCT FORRESTDALE	COMMENT	
SUMMARY OF ISSUES RAISED		
	creates the risk of other more essential common infrastructure not being delivered in a timely and effective manner. The DCP should not be relied on as an equity mechanism resulting in the City being asked to administer the DCP as a safety net for landowners.	
12. Shared Path Network: A submitter has questioned the nexus between the shared path network and the far eastern end of the precinct. Additionally, the submitter considers that the costs for constructing the shared path network abutting the proposed primary school site should be partially funded by the Department of Education.	The entire AKUP area will derive benefit from the proposed shared path network by virtue of the interconnected nature of the overall movement network. It is open for landowners to construct any portion of the shared path network that abuts their respective property and claim credit/reimbursement from the DCP. In this regard, the DCP takes a neutral approach to ensure equity and fairness by not differentiating between landowners and land uses. At this stage it is not appropriate to assume funding from the Department of Education as the path may be required prior to the school being developed. The DCP ICS will be reviewed annually and any future contributions from DoE can be considered at that stage.	Not required
13. POS: A submitter has sought clarification in the DCP report regarding the distribution and amount of POS	The provision of POS throughout the AKUP area is coordinated through the structure planning framework to ensure that the WAPC minimum requirement for 10% POS is achieved. Part 3.5.2 of the DCP report only describes the minimum POS requirement for the precinct.	Not required
14. Local Drainage: A submitter has requested that the proposed local drainage reserve on Lot 10 Keane Road should be removed from the DCP's developable area.	The provision of local drainage infrastructure to service the development of Lot 10 is considered a necessary component of the development and thus the exclusion of this land for the purposes of calculating the developable area is considered inappropriate and not in keeping with standard DCP practices and the approach adopted for DCP 4. If a landowner has concern regarding future drainage being discharged onto their property they can raise that directly with the other applicable landowners. Drainage issues are assessed as part of the planning approval process.	Not required
15. Drainage: A submitter has suggested that Baileys Branch Drain does not service all of the lots within Precinct 2 and as such, there is no need and nexus to justify contributions towards POS and drainage being provided by landowners that are not benefiting from the drain.	The upgrade and reconfiguration works to Baileys Branch Drain do not replace or supplement the requirements for individual developments to contain and dispose of local drainage generated as a result of the development. If a landowner has concern regarding future drainage being discharged onto their property they can raise that directly with the other applicable landowners. The contribution under Item 3a is representative of POS not being provided from five lots within Precinct 2 and the construction of POS along the surrounds of Baileys Branch Drain. In light of this point, it is recommended that the wording of the scheme text and DCP 4 report is updated to better reflect the scope of this item as its reference to	Not explicitly required, but a minor modification is proposed to the wording of the scheme text and DCP 4 report to better reflect the scope of

SUMMARY TABLE OF ISSUES RAISED DEVELOPMENT CONTRIBUTION PLAN NO. 4 - ANSTEY-KEANE URBAN PRECINCT FORRESTDALE		
SUMMARY OF ISSUES RAISED	COMMENT	MODIFICATION TO AMENDMENT REQUIRED (Y or N) / RECOMMENDATION
	<p>drainage seems to have created some ambiguity. The scope and cost of this item is not changing. It is also recommended that the deduction, "Non-Residential Land" is changed to "Industrial Business Area" which is land to which this deduction relates.</p>	<p>this item as its reference to drainage appears to have created some ambiguity. The scope and cost of this item is not changing. It is also recommended that the deduction, "Non-Residential Land" is changed to "Industrial Business Area" which is land to which this deduction relates.</p>
<p>16. POS Land: A submitter has advocated for prioritisation of the acquisition of the community / playing field land at the earliest opportunity in order to disburden the landowners impacted and requested that the City considers prefunding of community / playing field items. The submitter also advocates for the prioritising of construction of the sports field and community facilities.</p>	<p>As stated in Part 6.0 of the DCP Report, the Local Government will use its best endeavours to provide Infrastructure, including the acquisition of land for Infrastructure, as soon as necessary and possible. The DCP 4 Forward Financial Plan will accordingly be reviewed at least annually taking into consideration the rate of development in Development Contribution Area 4, costs to date, availability of land, funds collected in Development Contribution Plan 4, the need for infrastructure and other applicable forecasting, including the Local Government and Developers ability to prefund infrastructure. The City can progress this matter once the DCP is approved, but will also consider the timing and priority of works as part of any interim arrangement prior to final approval of DCP 4.</p>	<p>Not required</p>
<p>17. Timeframe: A submitter considers that the proposed 10 year operation of the DCP may be too short given challenging state of the market for residential land and housing and should therefore be extended.</p>	<p>Upon further consideration of the current real estate environment and the progress of planning for the area, the City agrees with the submitter and will be increasing the proposed lifecspan of the DCP to 12 years as part of the final approval.</p>	<p>Yes, Period of Operation changed to 12 years.</p>

Schedule of Modifications – Amendment 102 to City of Armadale TPS No. 4 – DCP 4			
Provision Number	Original Wording	Modification	Justification
4.3.1	<p>Infrastructure Item 1a - Sporting and Community Facilities - Senior Size Playing Field – Land Acquisition:</p> <p>Full costs to acquire land for a minimum of 4.9ha of Public Open Space at a location approved by the City within Development Contribution Area 4.</p>	<p>Infrastructure Item 1a - Public Open Space and Sporting and Community Facilities - Senior Size Playing Field – Public Open Space Land Acquisition:</p> <p>Full costs to acquire land for a minimum of 4.9ha of Public Open Space at a location approved by the City within Development Contribution Area 4.</p>	<p>Minor modification. “Public Open Space” added to title and infrastructure category to improve clearness of description.</p>
4.3.2	<p>Infrastructure Item 1b - Sporting and Community Facilities - Senior Size Playing Field – Construction:</p> <p>Full costs to construct a minimum of 4.9ha of public open space, including a senior sized multi use playing field area, to the specifications and dimensions approved by the City and at a location approved by the City within Development Contribution Area 4 minus contributions from other sources if and when they become available.</p>	<p>Infrastructure Item 1b - Public Open Space and Sporting and Community Facilities - Senior Size Playing Field – Construction:</p> <p>Full costs to construct a minimum of 4.9ha of public open space, including a senior sized multi use playing field area, to the specifications and dimensions approved by the City and at a location approved by the City within Development Contribution Area 4 minus contributions from other sources if and when they become available.</p>	<p>Minor modification. “Public Open Space” added to infrastructure category to improve clearness of description.</p>
4.3.3	<p>Infrastructure Item 1c - Sporting and Community Facilities - Sporting and Community Buildings and Structures – Construction:</p> <p>Full costs to construct sporting and community buildings and structures at the public open space included under Infrastructure Items 1a and 1b minus contributions from other sources if and when they become available.</p>	<p>Infrastructure Item 1c - Public Open Space and Sporting and Community Facilities - Sporting and Community Buildings and Structures – Construction:</p> <p>Full costs to construct sporting and community buildings and structures at the public open space included under Infrastructure Items 1a and 1b minus contributions from other sources if and when they become available.</p>	<p>Minor modification. “Public Open Space” added to infrastructure category to improve clearness of description.</p>
4.3.7	<p>Infrastructure Item 3a – Local Precinct Drainage and POS – Baileys Branch Drain Realignment</p> <p>Fixed maximum contribution to the realignment and construction of the Baileys Branch Drain</p>	<p>Infrastructure Item 3a – Local Precinct Drainage Baileys Branch Drain Surrounds – Betterment of the Baileys Branch Drain Surrounds Realignment</p>	<p>The contribution under Item 3a is representative of POS not provided from five lots within Precinct 2 and the surrounds and concentration of POS along the surrounds of Baileys Branch Drain. It is recommended that the wording of the scheme text is modified to</p>

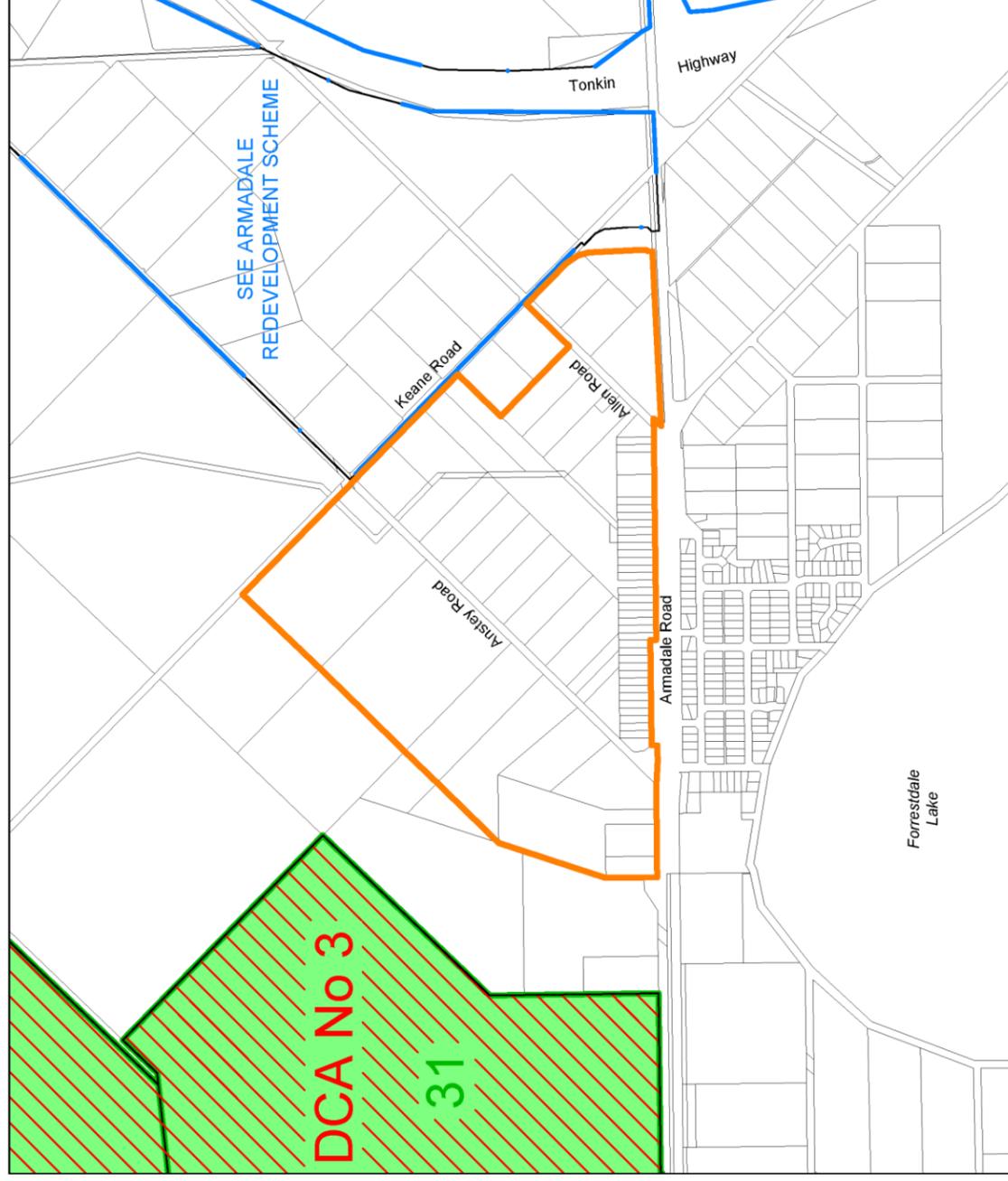
Schedule of Modifications – Amendment 102 to City of Armadale TPS No. 4 – DCP 4			
Provision Number	Original Wording	Modification	Justification
4.3.9	<p>within a multiple use corridor as detailed in the Development Contribution Plan Report and Infrastructure Cost Schedule.</p> <p>Nil</p>	<p>Fixed maximum contribution to the realignment and construction of the Baileys Branch Drain within a multiple use corridor. Partial contribution only towards improvements to the Baileys Branch Drain immediate surrounds that deliver a multiple use corridor as detailed in the Development Contribution Plan Report and Infrastructure Cost Schedule.</p> <p>4.3.9 ATCO Main Gas Pipeline: Contribution towards the upgrade of the ATCO Gas Pipeline in Anstey Road as it pertains to the Anstey Keane Precinct (Forrestdale).</p>	<p>better reflect the scope of this item as its reference to drainage seems to have created some ambiguity based on the submissions received. The scope and cost of this item is not changing and was not intended to include the full cost of the works</p> <p>The ATCO Pipeline is considered significant infrastructure located within the Anstey Road and is required to be upgraded to meet residential development standards. The upgrade itself is critically tied to the upgrade of Anstey Road and is therefore considered a common infrastructure item that can be included in the DCP.</p>
4.3.10	<p>Administration Costs: Full costs associated with preparing and administering Development Contribution Plan 4. Infrastructure Items per hectare calculation</p>		<p>Minor Modification – new Clause Reference</p>
4.4.2.1	<p>a) Calculation for entire Development Contribution Area Base Rate</p> <p>Infrastructure Items per hectare base rate calculated as follows:</p> <p>Cost of infrastructure items where the costs are to be shared across the entire Development Contribution Area 4 as detailed in the Infrastructure Cost Schedule + (plus) Administrative Costs / (divide) total Developable Area (ha) for Development Contribution Area 4.</p> <p>b) Calculation for additional rate for areas within Development Contribution Area 4</p>	<p>Infrastructure Items per hectare calculation</p> <p>a) Calculation for entire Development Contribution Area Base Rate</p> <p>Infrastructure Items per hectare Base Rate (E) calculated as follows at each review of the Infrastructure Cost Schedule and to remain applicable from the approval of one review to approval of the next:</p> <p>Cost of infrastructure items where the costs are to be shared across the entire Development Contribution Area 4 as detailed in the Infrastructure Cost Schedule (A) + (plus) Administrative Costs (B) minus base rate contributions collected (C) / (divide) total</p>	<p>This modification is proposed so that calculation of the DCP levy as described in the Scheme can more accurately reflect actual contributions collected and land area deductions between reviews of the ICS and so any surpluses or shortfalls in contributions collected versus those forecast over the period preceding a review can be accommodated. The aim is to better ensure the DCP remains on target to collect the correct amount of contributions needed to accurately cover costs included in the ICS.</p> <p>The modifications align with the existing purpose and intent of the provision and simply provide a clearer description on how the per hectare rates are calculated.</p> <p>The modification will result in better accuracy, certainty, transparency, consistency and accountability.</p>

Schedule of Modifications – Amendment 102 to City of Armadale TPS No. 4 – DCP 4			
Provision Number	Original Wording	Modification	Justification
	<p>Infrastructure Items per hectare Additional Rate calculated as follows:</p> <p>Cost of infrastructure items where the costs are to be shared across part of Development Contribution Area 4 as detailed in the Infrastructure Cost Schedule / (divide) total Developable Area (ha) for the part of Development Contribution Area 4 over which the costs are to be shared.</p>	<p>Developable Area remaining (ha) for Development Contribution Area 4 (D):</p> $A + B - C / D = E$ <p>b) Calculation for Additional Rate (I) for applicable areas within Development Contribution Area 4</p> <p>Infrastructure Items per hectare Additional Rate calculated as follows at each review of the Infrastructure Cost Schedule and to remain applicable from the approval of one review to approval of the next:</p> <p>Cost of infrastructure items where the costs are to be shared across part of Development Contribution Area 4 as detailed in the Infrastructure Cost Schedule (F) minus additional rate contributions collected (G) / (divide) total Developable Area remaining (ha) for the part of Development Contribution Area 4 over which the costs are to be shared (H).</p> $F - G / H = I$	<p>This modification aligns with the existing purpose and intent of the provision and simply provides a clearer description on how the Cost Contribution Due is calculated.</p>
4.4.2.2	<p>Cost Contribution Due</p> <p>a) The Cost Contribution due by owners shall be based on the Developable Area of an owners land parcel and calculated as follows:</p> <p>i. Cost Contribution due for the entire Developable Area within Development Contribution Area 4:</p>	<p>Cost Contribution Due</p> <p>a) The Cost Contribution due by owners shall be based on the Developable Area of an owners land parcel and calculated as follows:</p> <p>i. Cost Contribution due by owners that is applicable to all for the entire Developable Area within Development Contribution Area 4:</p>	

Schedule of Modifications – Amendment 102 to City of Armadale TPS No. 4 – DCP 4			
Provision Number	Original Wording	Modification	Justification
	<p>Developable Area (ha) of an owners land parcel x (multiply) Infrastructure items per hectare Base Rate.</p> <p>ii. Additional Cost Contribution due for parts of the Development Contribution Area 4 where an additional rate applies as specified in the Infrastructure Cost Schedule calculated as follows:</p> <p>Developable Area (ha) of an owners land parcel where an additional Cost Contribution applies x (multiply) Infrastructure items per hectare Additional Rate.</p>	<p>Developable Area (ha) of an owners land parcel x (multiply) Infrastructure items per hectare Base Rate.</p> <p>ii. Additional Cost Contribution due by owners that is applicable to Developable Area within for parts of the Development Contribution Area 4 where an additional rate applies as specified in the Infrastructure Cost Schedule calculated as follows:</p> <p>Developable Area (ha) of an owners land parcel where an additional Cost Contribution applies x (multiply) Infrastructure items per hectare Additional Rate.</p>	
4.4.5 c)	<p>...review carried out in accordance with Clause 4.9.1 of Development Contribution Plan 4.</p>	<p>...review carried out in accordance with Clause 4.9.1 4.8.1 of Development Contribution Plan 4.</p>	<p>Minor Modification - Clause Reference was Incorrect</p>
4.4.9	<p>...The value of the land will be determined in accordance with Development Contribution Plan 4 and Owners will be paid once the land is ceded to the Crown or transferred to the local government and is already included in Development Contribution Plan 4.</p>	<p>...The value of the land will be determined in accordance with Development Contribution Plan 4 and Owners will be paid once the land is ceded to the Crown or transferred to the local government and is already included in Development Contribution Plan 4 and sufficient funds have been collected in the Development Contribution Plan 4 account and or having regard to the timing and priority of infrastructure works.</p>	<p>This minor modification has been made to align with the purpose and intent of the provision in practice and accordingly provide certainty and consistency on how the payment for land is made.</p>
4.5.1	<p>Development Contribution Plan 4 is proposed to operate for a period of 10 years from the date of gazettal of the town planning scheme amendment that introduces Development Contribution Plan 4 into the Scheme, by which time development Contribution Area is within Development Contribution Area is</p>	<p>Development Contribution Plan 4 is proposed to operate for a period of 10 12 years from the date of gazettal of the town planning scheme amendment that introduces Development Contribution Plan 4 into the Scheme, by which time development within Development</p>	<p>As detailed in a submission received from a major landowner / developer in the area and upon further consideration by the City, the proposed 10 year operation of the DCP is considered too short given challenging state of the market for residential land and housing and the progress of planning for the area.</p>

Schedule of Modifications – Amendment 102 to City of Armadale TPS No. 4 – DCP 4			
Provision Number	Original Wording	Modification	Justification
	<p>expected to be largely complete. The proposed timeframe aims to account for uncertainty regarding the staging and completion of development across the entire precinct.</p>	<p>Contribution Area is expected to be largely complete. The proposed timeframe aims to account for uncertainty regarding the staging and completion of development across the entire precinct area.</p>	<p>A minor modification is now proposed to include a 12 year initial lifespan for the DCP. There is also a minor change to the word “area” in the last sentence given the clauses refer to the Development Contribution Area.</p>
4.8.1 (last paragraph last sentence)	<p>In the absence of an applicable Local Government Local Planning Policy the provisions contained in the Development Contribution Plan 4 Report shall apply.</p>	<p>In the absence of an applicable Local Government Local Planning Policy the provisions contained in the Development Contribution Plan 4 Report shall solely apply.</p>	<p>Minor Modification / Clarification</p>
4.8.2 (last paragraph last sentence)	<p>In the absence of an applicable Local Government Local Planning Policy the provisions contained in the Development Contribution Plan 4 Report shall apply.</p>	<p>In the absence of an applicable Local Government Local Planning Policy the provisions contained in the Development Contribution Plan 4 Report shall solely apply.</p>	<p>Minor Modification / Clarification</p>

EXISTING ZONING - SPECIAL CONTROL AREA MAP 3



LEGEND

-  Development Area (Structure Plan) (Schedule 8)
-  Development Contribution Area (Schedule 9A & 9B)
-  Environmental Conditions (Schedule 6)
-  Armadale Redevelopment Area Boundary

NOTE: The reservations are shown diagrammatically and do not purport to represent the road reservations shown in the Metropolitan Region Scheme and information in respect to road widening requirements for these roads should be obtained from the Department of Planning



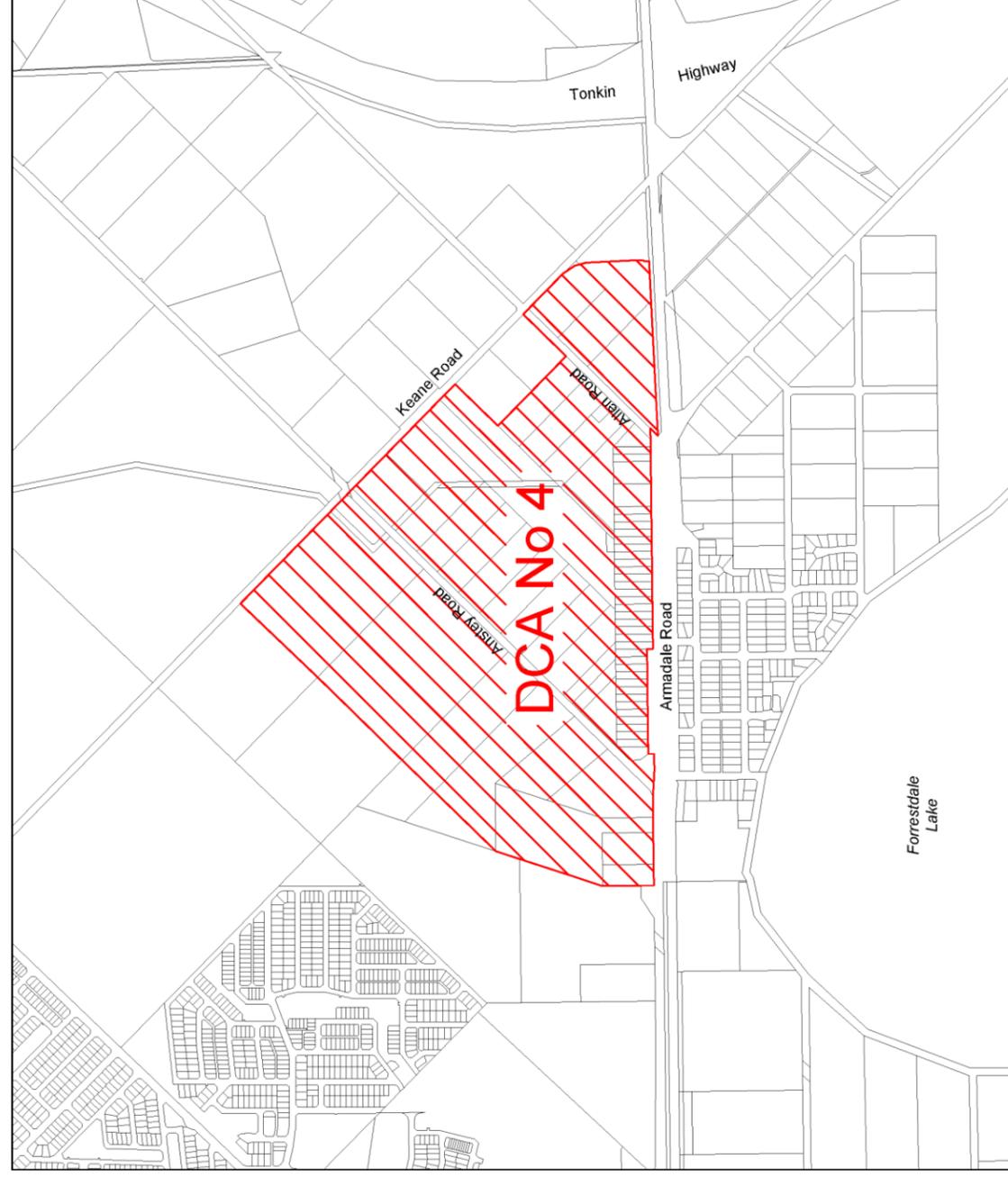
SCALE 1 : 15000

Based on information provided by and with the permission of the Department of Planning, Perth, Western Australia. Aerial photograph supplied by Landlog, Perth, Western Australia.



CITY OF ARMADALE

PROPOSED ZONING - SPECIAL CONTROL AREA MAP 3



AMENDMENT No. 102

City of Armadale Town Planning Scheme No. 4

Special Control Area Map 3

DATE 31 January 2019 - REVISION 1901

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Draft DCP 4 Report

See Separate Attachment