

**3.1 - INITIATION OF DEVELOPMENT CONTRIBUTION PLAN 4 - TPS
AMENDMENT NO.102 - ANSTEY KEANE PRECINCT FORRESTDAL**

WARD : LAKE
FILE No. : M/762/18
DATE : 12 February 2019
REF : CM / RS
RESPONSIBLE : EDDS
MANAGER

Tabled Items

Nil.

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.

In Brief:

- This proposed Scheme Amendment No.102 will 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.
- The amendment is to be 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. These are to be circulated as a separate attachment to the main DSC agenda.
- This report also recommends endorsement of the requirement for a community and sporting facility within the Anstey Keane Urban Precinct and list for consideration for inclusion of the community and sporting facility in the next review of the Long Term Financial Plan and Community Infrastructure Plan.
- Recommend that Council:
 - Initiate Complex Amendment No.102 in accordance with the process set out Planning and Development (Local Planning Schemes) Regulations 2015.
 - Adopt the Development Contribution Plan 4 Report and Infrastructure Cost Schedule for Advertising with Amendment No.102.
 - Endorse the requirement for a community and sporting facility within the Anstey Keane Urban Precinct and list for consideration for inclusion of the facility in the next update of the LTFP and CIP.

Legislation Implications

Planning and Development Act 2005

Town Planning Scheme 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 upon the development or subdivision of their land, 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. This will require further consideration by Council, prior to occurring.

DCPs enable a user pays approach to the provision of required facilities under a need and nexus approach. Items included in DCPs have a connection between development and the demand created.

A community and sporting facility is required in the Anstey Keane Precinct and is the main item in DCP 4 that would need to be funded by the Local Government if a DCP isn't established. Owners would still need to coordinate construction of the other items in the DCP, but having these items in the DCP enables an accepted equitable mechanism to share cost between landowners to support the orderly, proper and timely planning and development of the area.

Securing funding for the proposed community and sporting facility is the priority for the City given the demand that will be created from the proposed development and the need to provide such a facility within the precinct. This demand cannot be catered for through existing facilities, which are already at or beyond capacity and existing funding sources are limited for additional facilities.

Given the Anstey Keane Precinct urban occurred sooner than anticipated and since the City's CIP is under review, the proposed facility and its ongoing costs are not currently included in the City's LTFFP. However, it will be recommended that the facility is listed for consideration for inclusion in the next review of the LTFFP and CIP.

It is currently proposed that DCP 4 cover the full cost of the community and sporting facility, but the City will be required to cover the 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 prefund items in a DCP to enable construction prior to actual income being received through a DCP.

Consultation

1. Development Contribution Plans are regarded as complex amendments and are advertised for public comment in accordance with the Regulations for a period of no less than 60 days.
2. Developers and the City have been liaising through regular meetings of the Anstey Keane Planning and Liaison group meetings that are chaired by the City.
3. At the March 2018 DSC meeting during planning for DCP 4, the Committee was briefed and had the opportunity to provide comment on the planned Contribution Arrangements. The briefing included a presentation detailing what was being considered for DCP 4.

BACKGROUND

The portion of the Anstey Keane Precinct located west of Anstey Road was rezoned from Rural to Urban by the Cedar Woods Developments sponsored Metropolitan Region Scheme (MRS) Amendment 1290/57 (20 September 2016). The initial planning work was followed on by the PRM Property / Housing Authority Joint Venture sponsored MRS Amendment 1321/57 for the land east of Anstey Road (16 February 2018).

Both MRS amendments were supported by Council (D36/9/16 & D28/6/14) and the local scheme amendment Amendment No.96 to rezone the area from “Rural” to “Urban Development” zone under TPS No.4 was subsequently initiated by Council on 28 May 2018 (D32/5/18) and together with public review submissions, is considered for final adoption as a separate item on the current February 2019 DSC Agenda. On 28 May 2018 Council also endorsed (resolution D31/5/18) a Preferred Location Scenario Plan (Revision 1801 Dated May 2018) for a senior sized active recreation public open space (inclusive of sporting field and related community use buildings/facilities), together with a preferred location for a Government Primary School.

In planning for the Anstey Keane Precinct, the City identified that a community and sporting facility was required to meet the demand created by development of the precinct. This requirement was the impetus for a DCP being considered for the precinct and resulted in the City and major landowner’s considering other common infrastructure items that may be acceptable for inclusion in a DCP. 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. The City is required to consider the drafting of DCPs against the requirements of State Planning Policy 3.6 - Development Contributions for Infrastructure (SPP 3.6).

Following the City identifying the need for a DCP, ongoing discussions followed with Cedar Woods and PRM (now LWP) who engaged TBB planning consultants to coordinate the preparation a draft DCP, including the preparation of the various inputs. Other landowners and stakeholders have also been advised on progress of the DCP through Planning and Liaison group meetings and other reporting and meetings that have occurred.

TBB have proposed a draft DCP framework for the City to consider. The City, in consultation with the major landowners also identified a site for development of a community and sporting facility that is to be included in DCP 4. The site was endorsed by the Council at its 28 May 2018 meeting (D31/5/18).

An interim Legal Agreement for the initial stages of subdivision and development has also been prepared between the City and the prospective early developers. The Legal Agreement will allow these major developers to commence implementation of works approvals for initial stages, consistent with the intent of the proposed DCP 4. Other developers will also be asked to enter into the same agreement if timescales dictate that being necessary to help ensure development can occur in an orderly manner. Once advertised it is expected that the City will be able to apply subdivision conditions to applications when lodged requiring contributions to be made prior to final approval of DCP 4 based on draft DCP 4.

DETAILS OF PROPOSAL

Introduction

This proposed Scheme Amendment No.102 will 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 is to be prepared in accordance with Part 5A of Town Planning Scheme No.4 and State Planning Policy (SPP) 3.6 and will be 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.

DCP 4 has been prepared in conjunction with the major Owners in the area. The information provided by the Owners has been used to help inform the preparation of DCP 4 including consideration of items to be included.

Also included is a Draft DCP report and Draft Infrastructure Cost Schedule, which will be advertised with the proposed scheme amendment. The DCP is a report appurtenant to the Scheme and DCP 4, and contains information and instructions on the operation of DCP 4, as periodically reviewed. The Infrastructure Cost Schedule (ICS) is a schedule appurtenant to the Scheme and DCP 4. The ICS calculates the cost contributions due and contains the estimated cost of Infrastructure and Administration of DCP 4, land area deductions and land area summary. The ICS is periodically reviewed in accordance with Development Contribution Plan 4.

Development Contribution Area

The Development Contribution Area (DCA) will be shown on the Scheme Special Control Area Map 3 as DCA 4 and will be commonly known as the Anstey Keane Precinct, Forrestdale Development Contribution Area. The area is bound by Keane Road to the north-east, Armadale Road to the south and Bush Forever Site No.342 to the north-west.

DCP 4 is intended to apply to all land within the Anstey Keane Precinct / DCA 4 which is capable of supporting residential development. Owners will be required to contribute to infrastructure that is attributable to the development of their land.

Contributions will be made through monetary payment or, at the discretion of the City, offset by undertaking works-in-kind or ceding land. The requirement to provide a contribution is triggered by the development or subdivision, pursuant to Part 5A of the Scheme.

DCP costs will be apportioned either over entire Anstey-Keane Precinct or over a delivered precinct/s within DCA 4, depending on whether the subject infrastructure item benefits all of the owners or just those within the defined structure planning precinct, having regard to the principles underlying development contributions described in SPP 3.6. For operational / cost apportionment purposes, the DCA has been divided into 4 precincts within the DCP report. These DCP precincts correspond with the structure planning areas for the Anstey Keane precinct.

Purpose

The urbanisation of the Precinct requires the effective and efficient provision of infrastructure and facilities, such as utilities, roads, open space and sporting and community facilities. This physical and social infrastructure greatly benefits the standard of living, mobility and lifestyle choices of the community.

The purpose of DCP 4 will be 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 will be generally consistent with the Southern River Forrestdale Brookdale Wungong District Structure Plan, draft structure plans for the precinct and the City's community infrastructure planning, Local Planning Strategy, Corporate Business Plan and Strategic Community Plan, as periodically reviewed.

Period of Plan

DCP 4 is proposed to operate for a period of 10 years from the date of gazettal of the town planning scheme amendment that introduces DCP 4 into the Scheme, by which time development within Development Contribution Area 4 is expected to be largely complete. The proposed timeframe aims to account for uncertainty regarding the staging and completion of development across the whole precinct.

The City may in the future need to 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 DCP 4 earlier, through an amendment to the Scheme, if growth occurs quicker than expected and all contributions have been settled. All land within Development Contribution Area 4 is subject to the requirements of the DCP 4.

The City is committed to providing the Infrastructure items, including the acquisition of land for Infrastructure, as soon as feasible taking into considering the rate of development and funds collected in Development Contribution Plan 4.

Principles

As per State Planning Policy 3.6, DCP 4 has been prepared in accordance with the following principles. These principles are set out in detail within the DCP Report and SPP 3.6.

Overall Principles:

1. Need and Nexus
2. Transparency
3. Equity
4. Certainty
5. Efficiency
6. Consistency
7. Right of Consultation and Arbitration
8. Accountable

Infrastructure Items

TBB / major Owners within the precinct proposed the following list of Infrastructure items for consideration for inclusion in DCP 4. Not all the items listed below have been recommended for inclusion in the DCP or have been amended.

Public Open Space and Sporting and Community Facilities:

- a. Infrastructure Item 1a – Sporting and Community Facilities – Senior Size Playing Field - Land Acquisition
- b. Infrastructure Item 1b – Sporting and Community Facilities – Senior Size Playing Field – Construction
- c. Infrastructure Item 1c – Sporting and Community Facilities – Sporting and Community Buildings and other Structures – Construction
- d. Infrastructure Item 1d – Precinct 2 POS and Drainage
- e. Infrastructure Item 1e – Precinct 3 POS and Drainage

Movement Network:

- f. Infrastructure Item 2a – Anstey Road - Neighbourhood Connector A – Armadale Road to Primary School
- g. Infrastructure Item 2b – Anstey Road - Neighbourhood Connector A - Undergrounding of Power Lines adjacent to POS
- h. Infrastructure Item 2c – Anstey Road Part Removal
- i. Infrastructure Item 2d – Access Street - Rear of Armadale Road Lots
- j. Infrastructure Item 2e – Keane Road Intersections
- k. Infrastructure Item 2f – Shared Path Network

Utilities:

1. Infrastructure Item 3a – Pump Station Site

Administrative Costs:

- m. Administrative Costs

Method for Calculating Contribution

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:

Infrastructure Items per hectare calculation

1. Calculation for entire Development Contribution Area Base Rate

Infrastructure Items per hectare base rate calculated as follows:

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.

2. Calculation for additional rate for areas within Development Contribution Area 4

Infrastructure Items per hectare Additional Rate calculated as follows:

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.

Cost Contribution Due

The Cost Contribution due by owners shall be based on the Developable Area of an owners land parcel and calculated as follows:

1. Cost Contribution due for the entire Developable Area within Development Contribution Area 4:

Developable Area (ha) of an owners land parcel x (multiply) Infrastructure items per hectare Base Rate.

2. 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:

Developable Area (ha) of an owners land parcel where an additional Cost Contribution applies x (multiply) Infrastructure items per hectare Additional Rate.

The forecast cost contribution due for each lot within the Anstey Keane precinct is shown in the attached draft Infrastructure Cost Schedule. In summary, the draft DCP is proposed to have a total value of \$20,207,413 with a Base Rate of \$272,831.87 per hectare and an Additional Rate of \$7,093.32 per hectare that applies to Precinct 2 only and is in addition to the Base Rate. The total costs are detailed in the attached ICS and summarised under the Infrastructure Items in the following section of this report.

COMMENT AND ANALYSIS

The infrastructure items proposed in this report for inclusion in DCP 4 are set out in detail below, including the scope, need and nexus and cost for each. The costs of some items are subject to change as structure plans and final designs are not yet finalised / approved. Notwithstanding, the estimates are considered to be at a suitable level of accuracy for inclusion in the draft DCP for advertising purposes.

INFRASTRUCTURE ITEMS RECOMMENDED FOR INCLUSION IN DCP 4:

A. Community Infrastructure - Sporting and Community Facilities - Senior Size Playing Field - Land Acquisition

Proposal

The local government's Community Infrastructure Plan (CIP), including its updates and interim reviews, classifies the facilities required to service the City's population over the next twenty years through a detailed analysis of population growth and settlement patterns, community profile and trends, existing community facility provision, facility service catchments and locally appropriate facility provision standards.

Appropriate justification for the Sporting and Community facilities proposed for development within the Anstey Keane Precinct is provided in this report and previous reports to Council and will be the basis for consideration of an update to the City's CIP and LTFP.

A local level senior sized playing field and multiple use community and sporting facilities will be required to serve the needs of the proposed Anstey Keane Precinct. More specifically, a sporting and recreation open space with one senior sized playing field and multiple use community and sporting buildings and structures and associated facilities.

The proposal includes land acquisition, construction of the playing field and multiple use sporting and community pavilion, and the construction of associated supporting infrastructure and structures such as sports lighting, landscaping, paths, car parking, play spaces, multiple games area, practice cricket nets and seating.

Need and Nexus

Fit-for-purpose community infrastructure is an important element of a community's urban fabric and quality of life. Community infrastructure has the ability to enhance sense of place, contribute to the built form, provide physical activity and recreation opportunities, improve community cohesion and create safer neighbourhoods. The provision of quality community infrastructure is particularly important in new developments such as the Anstey Keane Precinct where higher density smaller lots will be prominent and there is a greater reliance on community spaces to accommodate activities that were previously accommodated within private properties.

The following analysis provides further justification for the provision of local level community infrastructure within the Anstey Keane Precinct. The need for community infrastructure is based upon standards of provision within City of Armadale's CIP 2011-2031 (2010) and the Western Australian Planning Commission's Liveable Neighbourhoods (2015). The standards derived from these documents have been applied to the urban development within the Anstey Keane Precinct to determine the community infrastructure required.

Demographic Profile

The Anstey Keane Precinct is set to yield between 1,300 and 1,400 dwellings which when applying the average forecast household size of similar City of Armadale growth areas (3.12 persons per dwelling {Informed Decisions, 2016. Average Household Size Study}), equates to a population of between 4,056 and 4,368.

The Anstey Keane Precinct is located within the suburb of Forrestdale which in 2016 had a population of 1,115 persons living in 428 dwellings. By 2036, the Forrestdale population is forecast to grow to 5919. That's over a 400% increase and the population growth within Forrestdale is attributable to the Anstey Keane Precinct. Therefore, it is important that adequate and fit-for-purpose community and sporting infrastructure is delivered within the precinct in response to development of the Precinct and to cater specifically for the Precinct's future community.

Site Context

The Anstey Keane Precinct is bound by Armadale Road, Keane Road, Forrestdale Business Park, and Bush Forever site No.342. Armadale Road is a primary regional road with an average daily traffic count of 19,377 vehicles and Keane Road is expected to cater for high industrial traffic volumes as the Forrestdale Business Park develops. Both roads are significant transport routes. Due to the size and heavy vehicular transport focus of both roads, they have poor pedestrian legibility and pedestrian accessibility in and out of the Anstey Keane Precinct will be restricted. In order to provide the future Anstey Keane community with accessible community infrastructure, it should be located within the Anstey Keane Precinct.

Existing Community Infrastructure

Analysis found that sporting provision in the surrounding suburbs of the Anstey Keane Precinct is at capacity and cannot accommodate additional growth. The closest existing community infrastructure to the Anstey Keane Precinct is the Forrestdale Sports Hub (Alfred and William Skeet Playing Fields) located south of Armadale Road. The sports clubs and playing fields within the Hub are reaching capacity, and are unable to accommodate the Anstey Keane population.

In addition to the Hub reaching capacity, its distance and separation by Armadale Road to the Anstey Keane Precinct restricts its ability to meet the needs of the future Anstey Keane Precinct community.

Anstey Keane Population Demand

Future population growth within Forrestdale can be attributed almost solely to the Anstey Keane precinct within the short to medium term. Given the location of the precinct and inability of existing infrastructure to cater for an increased population demand, an adequate and fit for purpose community infrastructure must be provided within the precinct.

The City provides major community infrastructure such as open space and community buildings through a variety of mechanisms including development contributions. Community infrastructure also relates to smaller scale community infrastructure such as play spaces, shared use pathways and recreation open spaces.

The City's CIP 2011-2031 together with the Western Australian Planning Commission's Liveable Neighbourhoods are significant inputs into the requirements for major community infrastructure within the municipality. The Community infrastructure Plan 2011-2031 categorises community infrastructure into four distinct levels:

Hierarchy	Population Catchment	Distance Catchment
Local	5,000 people	3km/5 minute drive
District	5,000- 20,000 people	<5km/5-10 minute drive
Municipal	Entire City of Armadale	Entire City
Regional	Beyond the City's boundaries	Beyond boundaries

The Anstey Keane Precinct forecast population of 4,500 to 5,000 people will require community infrastructure on a local level.

Scope

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 requires the provision of a local level senior sized playing field (including associated sports pavilion and change rooms) and local level community centre at a ratio of 1: 4 000 persons. The required community infrastructure to be located within the site will be similar to Piara Waters and Rossiter Pavilions and includes:

- **Infrastructure Item 1a - Sporting and Community Facilities - Senior Size Playing Field - Land Acquisition**

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 minus contributions from other sources if and when they become available.

- **Infrastructure Item 1b - Sporting and Community Facilities - Senior Size Playing Field – Construction**

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 and including, fill and earthworks; service relocation or reconfigurations; sports flood lighting to Australian Standards; irrigation; drainage; turf; landscaping; toilets; off-street car parking; cricket nets; multi-use games area; play space; shelters; 1.0m of perimeter road pavement widening and on-street car bays; technical reports; project management; design; and other associated project costs.

- **Infrastructure Item 1c - Sporting and Community Facilities - Sporting and Community Buildings and other Structures – Construction**

Full costs minus contributions from other sources if and when they become available to construct sporting and community facilities to a scope and specification approved by the City at the public open space included under Infrastructure items 1a and 1b, including a multi-use community and sporting facility with a minimum 1200m² floor area and including, Club Rooms; Activity / Function Spaces; Meeting Rooms; Kitchen Facilities; Kiosk; Bin Store; Car parking; Change Rooms & Toilets; Umpire Room; First Aid Room; Internal Storage Spaces; External Storage Spaces; Covered Terrace and Veranda Areas; Technical reports; Project management; Design; and other associated project costs.

Cost - Items 1a, 1b and 1c: \$14,037,381.42* (refer to attached ICS for detailed breakdown)

*Fill and drainage requirements to be confirmed. These matters are currently being considered as part of structure planning and LWMS assessments.

B. Movement Network – Anstey Road Widening and Construction

Proposal

Currently Anstey Road is a local road (classified as an Access Road) providing local access within the Anstey-Keane Precinct. It is constructed as a single carriageway, two-lane rural road. Discussions between the Metropolitan Redevelopment Authority (MRA) and City of Armadale in relation to the Forrestdale Business Park West, has seen agreement to Anstey Road being closed off south of Keane Road, to avoid industrial traffic travelling through the urban precinct.

Preliminary analysis of future traffic volumes indicates that about half the length of Anstey Road, north of Armadale Road (up to the southern boundary of the proposed primary school site) is likely to carry more than 3,000vpd. Consequently, this section will be upgraded to Neighbourhood Connector A (NCA) standard. Anticipated volumes diminish from this point, to less than 1,000 vpd, to the point where Anstey Road is to be closed off.

The scope of works for this infrastructure item has been undertaken for the portion of Anstey Road which extends from Armadale Road to the primary school site.

Need and Nexus

The upgrading of Anstey Rd is a requirement of the urban development of the Anstey-Keane Precinct based on traffic modelling undertaken for the Precinct.

Scope

The following works apply to the section of Anstey Road which extends from Armadale Road to the Primary School site:

- a) Land acquisition for 1.45m of road widening on each side of the road;
- b) Construction to a Neighbourhood Connector A standard;
- c) 2 x roundabouts (RAB);
- d) Landscaping;
- e) 1.8m Footpath on eastern side (2.5m shared path on western side included under separate item)
- f) Relocation of Services, including Water Reticulation (excludes Serpentine Canning Link Main DN1400), Atco Gas Main (excludes High Pressure Gas Main) and Telstra;
- g) Closure and landscaping of redundant portion
- h) Undergrounding of power lines adjacent to playing field (undergrounding of the remainder of the powerlines is to be funded by abutting landowners).

Cost - \$4,094,153.95*

*Final design not yet approved. Additional road widening may be required and construction costs may change.

C. Movement Network – Keane Road Widening and Construction

Proposal

The Keane Road intersection treatments comprise of a round-about at Allen Road and a left-in left-out intersection further north. The round-about at Allen Road is to be constructed by Metropolitan Redevelopment Authority (MRA) / LandCorp. A contribution from DCA 4 is required towards both intersection treatments to cover the increased standard generated by the Precinct.

Need and Nexus

Keane Road will be used by vehicles from the Anstey-Keane Precinct based on traffic modelling undertaken for the Precinct. Refer to traffic modelling for Anstey-Keane Precinct.

Scope

A fixed maximum contribution to the Keane Road intersection, including the acquisition of land at Lot 43 Keane Road Forrestdale for road widening.

Cost - \$102,194.02 (refer to attached ICS for detailed breakdown)

D. Movement Network – Shared Path Network

Proposal

A 2.5m shared path is required to connect future residents with community infrastructure (school and open space) within the Anstey Keane Precinct and externally, as identified on the attached Shared Use Path Plan. The shared path will be located within the pipeline corridor through to Armadale Road and within the relocated Bailey's Drain Corridor, also extending to Armadale Road. Shared paths will also be constructed as part of the Neighbourhood Connector road network.

Need and Nexus

The need is generated by the residential subdivision and development of the Anstey Keane Precinct. The path network is required to provide access to key destinations within the precinct and to the wider area and for enhanced amenity for the areas future community. The network has been designed to provide an easily legible and convenient loop within the precinct and direct access onto the external network and provides for a network over constrained and fragmented land.

Scope - A 2.5m – 3.0m wide shared path as detailed in the attached Shared Use Path Plan.

Cost - \$718,053.24

E. Local Precinct Drainage and POS – Baileys Branch Drain Realignment

Proposal

In the course of preparation of a structure plan and accompanying LWMS for this Precinct it became evident that a coordinated POS, drainage and earthworks strategy was required to facilitate subdivision and development, including reconfiguration of the existing Water Corporation Bailey's Branch Drain to accommodate drainage and integration within a residential environment. This resulted in the preparation of a structure plan, supporting concept plan and technical reports which consolidated the 1 year, 5 year and 100 year storm water events within a generally 30m - 40m wide Baileys Branch Drain corridor which widens further in some areas to accommodate drainage requirements from within the structure plan area. This has created an unequal arrangement of POS and drainage areas across Precinct 2.

In the absence of a coordinated POS and drainage strategy, there may be a risk that numerous small unusable areas of POS will be provided by individual landowners and the existing Water Corporation Bailey's Branch Drain will be retained in its current unsatisfactory state for a residential environment. The DCP represents an opportunity to help deliver a more equitable approach to POS and drainage for the benefit of the future development of the entire precinct.

Within Precinct 2 the majority landowner is the Department of Housing who is developing the land in partnership with developer LWP. The DoH / LWP landholdings accommodate the bulk of the POS and drainage required to serve Precinct 2, this results in DoH / LWP over supplying POS and drainage and some others not providing POS and not needing to accommodate drainage onsite. In order to address this inequity, it is proposed that a mechanism is included in the DCP to reimburse LWP / DoH for their provision of drainage for Precinct 2 and its oversupply of POS.

In order to ensure a fair and equitable arrangement for the provision of land for POS and drainage in Precinct 2, it is proposed to include a requirement in DCP 4 for a contribution towards the realignment and construction of the Baileys Branch Drain within a multiple use corridor. The contribution towards this item is only proposed to come from landowners within Precinct 2, with POS in other precincts being dealt with and or distributed appropriately through structure planning and in accordance with relevant requirements.

Need and Nexus

Overall Precinct Public Open Space Requirements

It was demonstrated in the preliminary POS calculations for Precinct 2 (dated 14 November 18), that the following POS is to be provided within the overall Precinct based on a 10% requirement:

- Required POS (10%) - 8.47ha
- Unrestricted POS - minimum 80% - 6.78ha
- Restricted POS - maximum 20% - 1.69ha

POS Calculation

- A 4.91ha senior sized oval equates to approximately 5.8% unrestricted POS of the required 10% POS contribution for the overall Precinct.
- Each LSP area is therefore required to provide and develop 4.2% POS in addition to the senior sized oval which may consist of a minimum of 2.2% unrestricted POS and a maximum of 2% restricted POS, as determined by specific site characteristics.

As detailed in the LWMS, there is a need to consolidate land along the realigned Bailey's Branch Drain corridor to accommodate drainage for Precinct 2. The consolidation of this land will also help deliver a more useable multiple use corridor that will assist to enhance areas amenity for residents within the precinct.

Scope

A fixed maximum contribution towards the realignment and construction of the Baileys Branch Drain within a multiple use corridor located within Precinct 2 of DCA 4. The contribution is based on the cost and development of land that would otherwise be provided on lots with a shortfall of POS located within Precinct 2 as detailed in the table below:

Lot	POS Deficit (m²)
Lot 6	836
Lot 8	84
Lot 84	382
Portion of Lot 52 (existing dwelling lot)	199
Portion of Lot 52 (existing dwelling lot)	175
Portion of Lot 54 (existing dwelling lot)	83
Total	1759

Cost - \$278,573.00 (refer to attached ICS for detailed breakdown)

F. Waste Water Pump Station Land

Proposal

The Balannup WWPS – L – Type 90 is required to pump waste water from the whole of the Precinct. As the land requirement for pump stations is not included in the Water Corporations headworks charge, the Developers have requested that there be certainty on the funding of the site. Whilst not Local Government infrastructure, the WWPS is required to facilitate / allow subdivision and development.

Need and Nexus

The pump station is required to facilitate residential subdivision and development and will service the whole Anstey Keane Precinct. It will be located central to the Anstey Keane Precinct and accessible to all future subdividers, subject to arrangements to be made between landowners.

Scope - A 1,483m² land acquisition comprising for a WWPS.

Cost - \$149,867.53 (refer to attached ICS for detailed breakdown)

G. Administration Costs

Administration Costs for DCP 4, as specified in the Infrastructure Cost Schedule, will be recoverable by the City.

In the 2018 Workforce Plan an additional 1.0 FTE (Senior Project Officer Contribution Arrangements) was approved to assist with the administration of DCPs at the City. Funding for this additional 1.0 FTE was approved from reserve funds (via loans) until applicable DCPs become operational, then this position will be fully funded by DCPs, including DCP 4, and the City's seed (reserve / loan) funding will be refunded. No additional staff resources are therefore proposed to administer DCP 4 with existing approved resourcing within the Planning Department being able to meet the administrative need. The Project Manager Contribution Arrangements position is also funded from DCPs.

Upon funding being received into DCP 4, reimbursements can be made available to the City from DCP 4 to cover the cost of planning and administration of DCP 4 to date.

Cost - \$1,454,600.00 (refer to attached ICS for detailed breakdown)

ITEMS PROPOSED BY TBB / OWNERS BUT NOT RECOMMENDED FOR INCLUSION IN DCP 4:

A. Local Access Road at the Rear of Precinct 3

TBB / Owners proposed that a subdivision road that is within Precinct 2 but at the rear of the Precinct 3 and the upgrading of a portion of Allen Road extending south towards Armadale Road be included in the DCP.

This item has not been recommended for inclusion in the DCP as there is no need for the road to be included in the DCP given there is another cost recovery / sharing mechanism already available to Owners through Section 159 of the Planning and Development Act 2005 – *"Subdivider may recover portion of road costs from later subdivider"*.

Including the road in the DCP would simply transfer management of the issue and the associated risks onto the City to manage without any clear justification or need for this to occur, given there is other mechanisms.

B. Precinct 2 POS

It was proposed by the TBB / LWP that POS for Precincts 2 and 3 be included in the DCP due to fragmented landownership and the unequal distribution of POS, as discussed under Point E above – *Drainage – Baileys Branch Drain Realignment*. The City's overarching approach has been to minimise costs and risks on the DCP while also recognizing that were no other reasonable mechanism exists, SPP 3.6 principles will be upheld and efficient administration by the City is achievable, utilizing the DCP to support cost sharing arrangements can be considered.

The City supports in principle LWP's over-provision of POS within Precinct 2 being addressed and has accordingly proposed an item (*Drainage – Baileys Branch Drain Realignment*) within DCP 4 that is in line with the approach proposed by TBB.

Based on the City's assessment of the applicant's proposed POS options to equitably share the costs of POS within Precinct 2, it was chosen to address the POS issue within Precinct 2 only and exclude other precincts from the DCP POS arrangements. There is no worthwhile benefit including any other precincts in the DCP POS / Bailey's Branch Drain cost sharing arrangements, as the other precincts will be able meet POS requirements at subdivision in accordance with WAPC requirements and taking into consideration the distribution of POS through the entire Anstey Keane Precinct. Reasons for the City's decision are further listed below:

- The proposed Precinct 2 only POS cost share option meets the principles set out under SPP 3.6.
- The proportionate liability to be incurred by the landowners is considered the fairest and most equitable.
- The overall quantum of costs borne by the DCP is in line with the inequity and not unnecessarily inflated, thus minimising the risks associated with overburdening the DCP with unnecessary costs.
- This option is practical, transparent and can be efficiently administered.
- It still allows for POS within other Precincts to be dealt with in accordance with WAPC policy and taking into consideration the distribution of POS through the entire Anstey Keane Precinct.

As shown above, the City has supported all except one item proposed by TBB / Major Owners and discussed with the City in the planning for DCP 4.

The items proposed for inclusion in DCP 4 will help facilitate development of the area, the equitable sharing of costs of common infrastructure items and ultimately see important benefits delivered to the future community of the area.

Financial Management

The City will act as the administrator of DCP No.4. The developer Contribution Costs are determined by the subsequent ICS which will include a budget to cover the costs incurred by the City in managing the DCP. The City will aim to facilitate completion of Common Infrastructure Works in a timely manner and aim to ensure budgets remain up to date through Annual reviews of the ICS that will assist to monitor risks. Annual reviews of the ICS will also help ensure equity within the contributions payable amongst developers.

Variables that can affect the DCP's aims and objectives include the accuracy of cost estimates and project scoping and the Cost Contributions paid. Council's ability to provide financial and project management support at critical times is another variable that needs to be considered.

The accuracy of predicted costs and scope will be maximized to the greatest extent practicable particularly as projects approach execution. The ICS should be reviewed at least annually and the cost estimates reassessed at this time. As projects identified in the ICS are completed, they will become fixed costs.

Clause 5A.8.1 of Town Planning Scheme No.4 provides that any shortfall in infrastructure costs after collection of all contributions may be made good by raising loans, entering into agreements with owners to fund the shortfall, or by the City funding the shortfall from its municipal fund.

The City's active management of DCP No.4 through annual reviews of the ICS will assist in preventing any significant shortfall occurring or minimise any additional costs or unexpected risk consequences being imposed on the City.

OPTIONS

1. Council may initiate the Scheme Amendment (with or without modifications).
2. Council may decline the initiation of the Scheme Amendment if it considers the proposed rezoning to be contrary to the orderly and proper planning of the area or for any other reason.

CONCLUSION

Adoption of DCP 4 will assist in the timely, orderly and proper of the Anstey Keane Precinct by helping to facilitate the provision of key infrastructure items. Delivery of community infrastructure which is needed to serve the future community of the precinct is of particular importance and was the main impetus that resulted in major landowners and the City working together to draft DCP 4. Further consultation will occur through advertising of DCP 4, which will need to occur for a minimum of 60 days.

DCP 4 has been prepared in accordance with Part 5A of Town Planning Scheme No.4 and State Planning Policy (SPP) 3.6 and is accompanied by a DCP Report and ICS that 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 administration of DCP 4.

The final DCP 4 draft was also prepared taking into consideration the proposals and inputs from the major landowners. The DCP being proposed is consistent with that put forward by the major landowners, with the only main item excluded in the City's draft being the local road at the rear of Precinct 3. This road was proposed for inclusion in the DCP by one major landowner (LWP / DoH), but has been deemed unacceptable for inclusion in the DCP.

The draft DCP will have a total value of \$20,016,053 with a Base Rate of \$269,974.17 per hectare and an Additional Rate of \$7,535.83 per hectare that applies to Precinct 2 only and is in addition to the Base Rate.

It is considered that Draft DCP 4 is satisfactory for advertising and option 1 is recommended.

ATTACHMENTS

1. Separate Attachment - Draft Development Contribution Plan 4 Report

Committee Discussion

Committee amended Part 4 of the recommendation to read as follows:

4. *Adopt the attached Development Contribution Plan 4 Report and Infrastructure Cost Schedule for Advertising with Amendment No.102, subject to the amendments detailed in the Executive Director's memo dated 19 February 2019 and the 'Preparation Cost Prefunded by Landowners' being modified to \$250,000 in the documents for advertising purposes, whilst further investigation is undertaken on the reimbursement amount.*

The Executive Director Development Services provided a memo to Councillors at the Councillor briefing on 19 February 2019 regarding the change to the apportionment of Open Space and Drainage costs within Precinct 2 of proposed Development Contribution Area 4. The proposed change results in these costs being apportioned across Lots 6 Allen, 8 Allen, 84 Anstey, 86 Anstey and 87 Anstey Road as opposed to all of Precinct 2 to address the over provision / inequitable of POS within Precinct 2 between those landowners ceding POS as land and those landowners with no POS land component on their land, based on draft Structure Planning. The following corrections to the Council Report as detailed in the memo and attachments were supported:

- *The total value of the DCP changing from \$20,207,413 to \$20,206,938.*
- *The Additional Rate changing from \$7,093.32 to \$67,313.26 per hectare and applying to Lots 6 Allen, 8 Allen, 84 Anstey, 86 Anstey and 87 Anstey Road only. The Base Rate will be \$272,831.87 per hectare.*
- *A correction to the table on page 36 of the Agenda to the following table:*

Lot	POS Deficit (m²)
<i>Lot 6</i>	<i>836</i>
<i>Lot 8</i>	<i>84</i>
<i>Lot 84</i>	<i>382</i>
<i>Lot 86</i>	<i>248</i>
<i>Lot 87</i>	<i>206</i>
Total	1756

- *The cost of Local Precinct Drainage and POS – Baileys Branch Drain Realignment is changing from \$278,573.00 to \$278,098.00.*

Committee resolved to adopt the changes to the Draft Development Contribution Plan 4 Report, including the Draft Infrastructure Cost Schedule and Draft Forward Financial Plan, as detailed below prior to advertising:

- *The cost of Item 3a is changing from \$278,573.00 to \$278,098.00 based on the change to lots that will be paying a contribution in lieu of providing POS on their land. This should be reflected in the ICS where applicable.*
- *The cost of Item 3a is only to be apportioned over Lots 6 Allen, 8 Allen, 84 Anstey, 86 Anstey and 87 Anstey Road. This in effect apportions the costs over less land and results in the base rate changing from \$7,093.32 to \$67,313.26 per hectare. This should be reflected in the ICS where applicable.*
- *The Forecast Contribution Cost by Lot in the ICS and the Forward Financial Plan within the Development Contribution Plan No. 4 Report is to be changed to reflect the distribution of income from lots changing due to the apportionment of the costs of Item 3a changing and the base rate changing.*

The Development Contribution Plan No. 4 Report text is proposed to change as follows:

- *Point 6 – Consistency on page 6 is to be changed to mention that the cost Local Precinct Drainage and POS – Baileys Branch Drain Realignment is only to be apportioned over Lots 6 Allen, 8 Allen, 84 Anstey, 86 Anstey and 87 Anstey Road.*
- *The last paragraph under Section 3.5.1 is to mention that Lots 6 Allen, 8 Allen, 84 Anstey, 86 Anstey and 87 Anstey Road in Precinct 2 are not providing POS on their land.*
- *The table on page 12 is to change to the following table:*

Lot	POS Deficit (m²)
<i>Lot 6 Allen</i>	<i>836</i>
<i>Lot 8 Allen</i>	<i>84</i>
<i>Lot 84 Anstey</i>	<i>382</i>
<i>Lot 86 Anstey</i>	<i>248</i>
<i>Lot 87 Anstey</i>	<i>206</i>
Total	1756

- *Item 3a under Section 4.1 is to be changed as follows:*
 - *“Cost” to change from \$278,573.00 to \$278,098.00 per hectare.*
 - *“Method of Provision” to change from “A fixed maximum contribution only apportioned across Precinct 2 only of the Anstey Keane Precinct” to “A fixed maximum contribution only apportioned across Lots 6 Allen, 8 Allen, 84 Anstey, 86 Anstey and 87 Anstey Road in Precinct 2 of the Anstey Keane Precinct”.*

Committee also modified the ‘Preparation Cost Prefunded by Landowners’ to \$250,000 in the documents for advertising purposes, whilst further investigation is undertaken by officers on the reimbursement amount. Committee discussed the access road, portion of lots excluded from the DCP for existing houses along Armadale Road, risks associated with the DCP items and certainty over development and the 10 year timeframe, etc.

RECOMMEND

D8/2/19

That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, initiate Amendment No.102 to Town Planning Scheme No.4 as a complex amendment in accordance with Part 5, Clause 34 – complex amendment, subsection (e) of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:
 - 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 (Forrestdale) Urban Development Area as identified on Scheme Special Control Area Map 3	<p>4.1 - Relationship to other plans and other parts of the Scheme</p> <p>The development contribution plan generally conforms to the Southern River Forrestdale Brookdale Wungong District Structure 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</p>

	<p>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 - 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>4.3.2 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>4.3.3 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>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 – Local Precinct Drainage and POS – Baileys Branch Drain Realignment</p> <p>Fixed maximum contribution to the realignment and construction of the Baileys Branch Drain within a multiple use corridor as detailed in the Development Contribution Plan Report and Infrastructure Cost</p>
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	<p>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 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 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 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 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>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> <p>i. Cost Contribution due for the entire Developable Area within Development Contribution Area 4:</p> <p>Developable Area (ha) of an owners land parcel x (multiply) Infrastructure items per hectare Base Rate.</p>
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		<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>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</p>
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		<p>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 part of a Development Contribution Plan 4 review carried out in accordance with Clause 4.9.1 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> <ol style="list-style-type: none"> regard is to be had to the land classifications and zonings existing at the date of valuation; the date of valuation is to be the date on which the local government nominates; ignoring any improvements or works on the land; the land should be valued without regard to the Infrastructure
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		<p>work and the purpose for which the land is acquired shall not 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; and vi. 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.</p>
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		<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 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 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 precinct.</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> <p>4.8.1 Review</p> <p>Development Contribution Plan 4 will be reviewed at least every 5</p>
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	<p>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 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 Planning Policy. In the absence of an applicable Local Government Local Planning Policy the provisions contained in the Development</p>
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	<p>Contribution Plan 4 Report shall 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. Refers the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the Planning and Development Act 2005. Should the EPA advise that the Amendment does not require assessment, the City will forward the Amendment to the WAPC to obtain permission to advertise the Amendment as proposed.**
- Should the WAPC advise that the amendment does not require modification, advertise the Amendment for no less than 60 days.**
- 3. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.**
- 4. Adopt the attached Development Contribution Plan 4 Report and Infrastructure Cost Schedule for Advertising with Amendment No.102, subject to the amendments detailed in the Executive Director’s memo dated 19 February 2019 and the ‘Preparation Cost Prefunded by Landowners’ being modified to \$250,000 in the documents for advertising purposes, whilst further investigation is undertaken on the reimbursement amount.**
- 5. 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.**

Moved Cr D M Shaw
MOTION CARRIED

(7/0)