

13.5.8 MODIFICATION TO AMENDMENT NO. 108 OF TOWN PLANNING SCHEME NO. 6 - SOUTHERN RIVER PRECINCT 1 DEVELOPMENT CONTRIBUTION ARRANGEMENTS

Author: C Windass
Author's Declaration Nil.
of Interest:
Application No: PF09/00015
Applicant: City of Gosnells
Location: Southern River Precinct 1
Zoning: MRS: Urban
TPS 6: Residential Development
Review Rights: Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission.
Previous Ref: OCM 8 November 2011 (Resolutions 520, 521, 522 and 523)
Appendices: 13.5.8A Southern River Precinct 1 Sub-Precinct Plan
13.5.8B Proposed Scheme Amendment Map
13.5.8C Modified Draft Development Contribution Plan Report

PURPOSE OF REPORT

For Council to consider proposed modifications to Amendment No. 108 to Town Planning Scheme No. 6 (TPS 6).

BACKGROUND

On 8 November 2011 Council resolved to initiate Amendment No. 108 and forward it to the Environmental Protection Authority (EPA) for review and the Western Australian Planning Commission (WAPC) for consent to advertise for public comment.

Amendment No. 108 proposes the establishment of a development contribution arrangement (DCA) for Southern River Precinct 1 (Precinct 1). Precinct 1 is comprised of various Outline Development Plan areas, with six distinct sub-precincts. A plan showing the various sub-precincts is contained in Appendix 13.5.8A.

Around the same time that Council initiated Amendment No. 108, a response was provided by the WAPC to another earlier TPS amendment that proposed the establishment of a DCA elsewhere.

The WAPC indicated that it was prepared to grant consent to the earlier proposal, subject to modifications being made to address the following:

- The method of determining the cost contribution of each owner
- The priority and timing for the provision of infrastructure
- The period during which the DCA is to operate
- An explanation that compensation to owners for the value of improvements will be part of the cost of acquisition of land for a road widening issue.

The modifications were requested to ensure the Amendment is consistent with State Planning Policy 3.6 - Development Contributions. Council endorsed these modifications at its meeting on 28 February 2012.

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As it was anticipated that the WAPC would similarly require Amendment No. 108 to be modified in the same manner as the earlier proposal, Amendment 108 was not forwarded to the EPA or the WAPC.

Simultaneously, an appeal was lodged by a developer seeking a review of approval conditions of a subdivision application relating to land within the Precinct 1 DCA area. The appeal involved issues dealing with road design and traffic management.

The outcome of the SAT appeal resulted in two Common Infrastructure Works (CIW) items being added to the draft DCP report, being the cost of construction of a roundabout proposed at the corner of Holmes Street and Harpenden Street, and the acquisition of land to accommodate the roundabout.

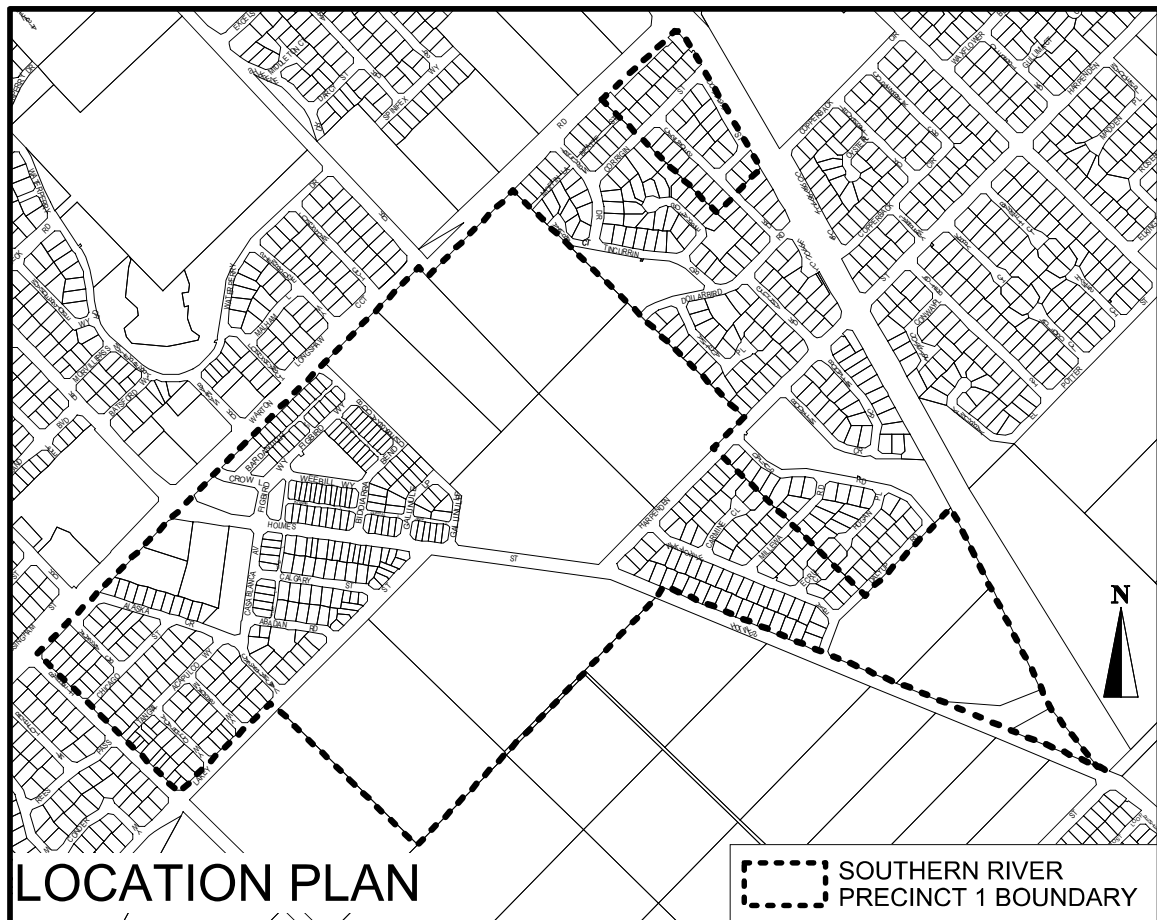
This was deemed appropriate on the basis that it was considered equitable for the cost of these items to be shared among landowners within the DCA area, but would necessitate Amendment No. 108 being modified to incorporate the construction cost of the roundabout as a shared cost.

Council is now required to consider the proposed modifications and determine whether to proceed with the amendment.

Location

Precinct 1 is zoned Urban under the Metropolitan Region Scheme and Residential Development under Town Planning Scheme No. 6. It is comprised of a mix of recently developed residential estates, commercial premises, a community facility and several undeveloped landholdings, some containing areas of high environmental value.

A location plan showing the extent of Southern River Precinct 1 follows:

Item 13.5.8 Continued**DISCUSSION**

The planning history for Precinct 1 and the various aspects considered in the preparation of the arrangement are described in the previous report to Council on 8 November 2011.

Planning ContextTown Planning Scheme No. 6

The establishment of a DCA for Precinct 1 requires an amendment to TPS 6 to formally provide a head of power for its operation.

A DCA must operate in accordance with the provisions of Schedule 12 of TPS 6.

Schedule 12 is currently the subject of an amendment proposal (Amendment No. 122), where the provisions are to be modified to reflect new WAPC Policy, as set out in State Planning Policy 3.6 - Development Contributions for Infrastructure (SPP 3.6).

*Item 13.5.8 Continued***State Planning Policy 3.6 – Development Contributions for Infrastructure**

The WAPC released SPP 3.6 in November 2009, which sets out the principles and considerations that apply to DCA's for the provision of infrastructure in new and redeveloping urban areas.

In particular, SPP 3.6 sets out a model format for TPS provisions and the required content and process for the preparation of a DCP.

Local Planning Policy - Development Contribution Arrangements

On 25 October 2011 Council adopted Local Planning Policy (LPP) 3.4 to guide the establishment and operation of DCAs.

In establishing a DCA the City needs to be satisfied that its involvement is required to facilitate a shared approach to the provision of development infrastructure through developer contributions.

The proposal to establish a DCA for Precinct 1 is consistent with LPP 3.4 policy provisions. As such, certain infrastructure items are required to be funded through the DCA which could not otherwise be equitably or reasonably achieved without it.

Proposed Modifications

The proposed modifications involve the following:

- Provision for a contribution towards the cost of construction of a roundabout at the intersection of Holmes Street and Harpenden Street. The cost allowance for this item is \$300,000 and it is proposed that the DCA fund 100% of the construction cost.
- Provision for the cost of acquiring the land to accommodate the construction of the roundabout. A total area of 210m² of land is required to accommodate the roundabout at an estimated cost of \$1,300,000/ha, resulting in a cost allowance of \$27,300.
- Modifying the amendment map to correctly refer to the proposed contribution area as DCA 8, as shown on the plan contained in Appendix 13.5.8B
- Similar changes as were made to Amendment 110 involving additional Scheme text provisions relating to the period of operation of the DCA, review timeframes, the cost of land acquisition and the intended timing of the provision of common infrastructure and public open space.
- Reformatting the amendment text in a tabular format to reflect the new Scheme provisions being proposed by Amendment 122.

The draft DCP report is also proposed to be modified to reflect these changes, as contained in Appendix 13.5.8C. The changes are highlighted in yellow.

The draft DCP report does not form part of the amendment resolutions but it would be appended to the amendment document to be made available to land owners during the amendment's public consultation period, to assist them to understand the intended operation of the DCA and if necessary make a submission.

*Item 13.5.8 Continued***Development Contribution Arrangement**

It is proposed that the development of land within Precinct 1 will be subject to requirements to make contributions towards CIW items identified as common to developers within the proposed DCA.

Amendment No. 108 (including the proposed modifications) proposes that contributions be collected for the following CIW items:

- Land for widening of Warton Road
- Upgrading of Warton Road between Barrett Street and Garden Street
- Construction of Garden Street, where it abuts the DCA
- Traffic signals at the intersections of Warton Road and Garden Street and Warton Road and Holmes Street
- Two fauna underpasses constructed beneath Holmes Street
- The construction of a roundabout at the intersection of Holmes Street and Harpenden Street
- Land to accommodate the construction of the roundabout at the intersection of the Holmes Street and Harpenden Street
- Costs to administer and operate the DCA.

The draft DCP report sets out the following indicative cost estimates:

TABLE 1: Common Infrastructure Works Costs	
1) Land Acquisition – Warton Road	\$567,6
2) Upgrade of Warton Road	\$1,206,70
3) Construction of Garden Street	\$756,2
4) Traffic Management	\$589,3
5) Fauna Underpasses - Holmes Street	\$100,0
6) Construction of Roundabout - Holmes/Harpenden Streets	\$300,0
7) Land Acquisition - Construction of Roundabout Holmes/Harpenden Streets	\$27,
8) Administration	\$300,0
Estimated total cost for CIW	\$3,847,10

The CIW costs are proposed to be apportioned over the area that is envisaged as developable. The following table details the calculated developable area.

TABLE 2: Calculation of CIW Contribution Area	
Gross Land Area	67.5127 ha
Less	
Bush Forever/Conservation Sites	18.4566 ha
Community Purpose Site	0.4116 ha
Public Open Space	5.8809 ha
Regional Road Widening	0.4366 ha
Land Required for Roundabout	0.0210ha
Net Contribution Area (NCA)	42.3060ha

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Table 1 shows CIW costs within the DCA area as being estimated at \$3,847,100. The division of these costs over the 42.3060ha of land developed or expected to be developed for commercial and residential purposes in Precinct 1 (in Table 2) results in a contribution rate of \$90,935/ha.

The proposed CIW items are of the type that are typically included within such arrangements and are consistent with the requirements of SPP 3.6.

Additional details on the scope of proposed CIW items are provided in the draft DCP report. It is intended that this report, once adopted, will be amended annually to adjust CIW cost estimates in line with any cost escalation.

FINANCIAL IMPLICATIONS

All costs of processing the proposed Scheme Amendment (including the documentation and advertising) will be met by the City Growth operational budget.

STATUTORY IMPLICATIONS

- *Town Planning Regulations 1967* - Amendments to Local Planning Schemes
- *Environmental Protection Act 1986* (Section 48) - Scheme Assessments.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 4) AND COUNCIL RESOLUTION**438 Moved Cr R Mitchell Seconded Cr R Hoffman**

That Council, pursuant to Section 75 of the *Planning and Development Act 2005* (as amended) adopt the following modifications to Amendment No. 108 to Town Planning Scheme No. 6 for the purpose of advertising for public comment, which proposes to:

1. Amend the Scheme Map by applying a Special Control Area - Development Contribution Area 8 to the Southern River Precinct 1 area, as depicted on the Scheme Amendment map contained in Appendix 13.5.8B.
2. Amending the Scheme Text by inserting the modified Attachment H into Schedule 12 of the Scheme as follows:

"ATTACHMENT H - SPECIFIC PROVISIONS RELATING TO THE SOUTHERN RIVER PRECINCT 1A, 1B, 1C, 1D, 1E AND 1F OUTLINE DEVELOPMENT AREAS

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'ATTACHMENT H

Reference No.	DCP 8
Area Name	DCA 8 (Southern River Precinct 1 Outline Development Plan DCA)
Relationship to other planning instruments	This Development Contribution Plan operates in association with the Southern River Precinct 1 Outline Development Plan Area, adopted pursuant to Clause 7.4.15 of the Scheme.
Infrastructure and administration items to be funded	1. Land Acquisition for Arterial Roads 2. Arterial Road Upgrade 3. Arterial Road Construction 4. Traffic Management 5. Fauna Underpasses 6. Roundabout 7. Land Acquisition for Roundabout 8. General Administration and Studies
Method for calculating contributions	As detailed in the Southern River Precinct 1 Outline Development Plan Development Contribution Plan Report.
Period of operation	Five years from the date of gazettal of Amendment No. 108 to Town Planning Scheme No. 6.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required."

CARRIED 9/0

FOR: Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 4) AND COUNCIL RESOLUTION**439 Moved Cr R Mitchell Seconded Cr R Hoffman**

That Council forward Amendment No. 108 with the modifications identified in Recommendation 1 to Town Planning Scheme No. 6 to:

1. The Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the *Planning and Development Act 2005*; and
2. The Western Australian Planning Commission for consent to advertise for public comment;

and subject to no objections being received from the EPA and advertising consent being granted by the Commission, advertise the amendment pursuant to Regulation 25(2) of the *Town Planning Regulations 1967* (as amended) for a period of 42 days to the satisfaction of the Director Planning and Sustainability.

CARRIED 9/0

FOR: Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

*Item 13.5.8 Continued***STAFF RECOMMENDATION (3 OF 4) AND COUNCIL RESOLUTION****440 Moved Cr R Mitchell Seconded Cr R Hoffman**

That Council adopt on an interim basis the modified draft Development Contribution Plan report for the Southern River Precinct 1 area, as contained in Appendix 13.5.8C.

CARRIED 9/0

FOR: *Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

STAFF RECOMMENDATION (4 OF 4) AND COUNCIL RESOLUTION**441 Moved Cr R Mitchell Seconded Cr R Hoffman**

That Council endorse the inclusion of the modified draft Development Contribution Plan report for the Southern River Precinct 1 area, as contained in Appendix 13.5.8C, in the documentation associated with Amendment No. 108 to Town Planning Scheme No. 6, for the purposes of advertising for public comment.

CARRIED 9/0

FOR: *Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*