
Shire of Kalamunda

Special Council Meeting Agenda

Monday 23 April 2012



NOTICE OF MEETING SPECIAL COUNCIL MEETING

Councillors,

Notice is hereby given that a Special Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on:

Monday 23 April, commencing at 6.30pm.

For the benefit of members of the public, attention is drawn to the following requirements as adopted by Council.

Open Council Meetings – Procedures

1. All Council Meetings are open to the public, except for matters raised by Council under Item No. 7.0 of the Agenda.
2. All other arrangements are in accordance with Council's Standing Orders, Policies and decision of the Shire or Council.

James Trail
Chief Executive Officer

18 April 2012

** Dinner will be served at 5.30pm **

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AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this Committee. For the purposes of Minuting, these questions and answers are summarised.

4.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

5.0 DISCLOSURE OF INTERESTS

5.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*.)

5.2 Disclosure of Interest Affecting Impartiality

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

6.0 REPORT TO COUNCIL

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

02. Draft Structure Plan – Stage 1 of the Forrestfield/High Wycombe Industrial Area

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	PG-STU-028
Applicant	Shire of Kalamunda
Owner	Various
Attachment 1	Forrestfield/High Wycombe Industrial Area Locality Plan
Attachment 2	Existing Local Planning Scheme No. 3 Zoning Map
Attachment 3	Draft Stage 1 Structure Plan

PURPOSE

1. To consider whether to endorse a draft Structure Plan (“the Plan”) for land bound by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, with the exception of Lots 497, 498 and 499 Sultana Road West and a portion of Lots 1 and 2 Sultana Road West, Forrestfield for the purpose of public advertising. The subject area represents Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area (“Stage 1”). Refer to the Forrestfield/High Wycombe Industrial Area Locality Plan (Attachment 1).

BACKGROUND

2. Land Details:

Aggregate Land Area:	c. 60 ha
Local Planning Scheme Zone:	Industrial Development
Metropolitan Region Scheme Zone:	Urban

3. In November 2011, the Minister for Planning approved Amendment No. 34 to Local Planning Scheme No. 3 (“the Scheme”) to rezone Stage 1 from Special Rural to Industrial Development.
4. Stage 1 is shown as being a Development Area (“DA”) on the Scheme Zoning Map. Refer to the Existing Local Planning Scheme No. 3 Zoning Map (Attachment 2).
5. The Draft Forrestfield/High Wycombe Industrial Area Design Guidelines (“the Guidelines”) are being prepared so that new development, which Table 1 (Zoning Table) of the Scheme stipulates can be considered on properties

zoned Industrial Development. The intent of the design guidelines is to ensure the proposed industrial area in respect to Built form and landscaping is developed to a high standard, is attractive and functional.

6. Amendments to the Scheme are also being prepared to include developer contribution provisions for Stage 1, under part 6 of the Scheme and Part 3 of Schedule 11 (Development Areas) of the Scheme, and to modify Table 1 (Zoning Table) of the Scheme to show which land uses will be permissible in the Industrial Development zone subject to planning and building approval being obtained from the Shire.

DETAILS

7. A Draft Structure Plan is proposed for Stage 1 which will allow for the orderly and proper planning of the area by establishing the overall design principles for the area. Refer to the Draft Structure Plan (Attachment 3).
8. The objections of the Structure Plan are:
- To provide for a structure plan layout that optimises the existing road layout and existing services infrastructure.
 - To ensure that industrial development does not adversely impact on the amenity and safety of adjoining land uses.
 - To provide a Structure Plan layout that meets the needs of landowners, allowing flexibility in the design of sites and future subdivision and development of industrial land.
9. The Draft Structure Plan will permit the development and subdivision (minimum lot size of 1ha) of the land for light industrial purposes, typically logistics and transport related activities.
10. The Structure Plan identifies the preferred land use arrangements and associated lot sizes and configurations, future road layout, traffic management measures and developer contribution items relevant to the structure planning area. The design elements include:
- Subdivision – No subdivision of lots less than 1 hectare will be permitted and no battle axe subdivisions or development of land accessing battle axe legs will be accepted unless provided for in the Structure Plan.
 - Development Criteria – Land use permissibility, built form, vehicle access, landscaping and design guidelines.

-
11. A number of detailed investigations have been undertaken as part of the preparation of the Structure Plan in regards to environmental, hydrology, transport and servicing considerations. Further detailed investigations will be undertaken as part of the preparation of subsequent plans of subdivision and/or development proposals.
 12. The draft structure plan has been prepared in conjunction with the draft Forrestfield/High Wycombe industrial guidelines with the aim to promote a high quality industrial development.

STATUTORY AND LEGAL IMPLICATIONS

13. Section 6.2.4 of the Scheme stipulates the procedure to be followed when preparing a Structure Plan. If Council resolves to adopt the proposed amendment, then ultimately it will be determined by the WA Planning Commission.
14. Clause 4.2.4 (Industrial Zones) stipulates that the following are objectives of the Industrial Development zone:
 - To provide for orderly and proper planning through the preparation and adoption of a Structure Plan establishing the overall design principles for the area.
 - To permit the development of the land for industrial purposes and for commercial and other uses normally associated with industrial development.
15. Existing approved land uses on properties zoned Industrial Development which were approved under the provisions for the previous Special Rural zoning, will be permitted to remain, subject to complying with the conditions of approval, as non-conforming uses.
16. Clause 4.8 of the Scheme stipulates that a non-conforming use can continue indefinitely, but if the development was not used for a period exceeding 6 months or is destroyed to more than 75% of its value, then it loses its non-conforming use status and would be required to comply with the requirements of the new zoning.
17. Clause 6.2.2 of the Scheme stipulates that the purpose of DAs is the following:
 - “(a) To identify areas requiring comprehensive planning prior to subdivision and development; and*
 - (b) To coordinate subdivision, land use and the development in areas requiring comprehensive planning.”*

-
18. Clause 6.2.2.1 of the Scheme stipulates that the Shire requires a Structure Plan for a DA, or for any particular part or parts of a DA, before recommending subdivision or approving development of land within the DA.
 19. Schedule 11 of the Scheme describes the DAs and sets out the purpose and particular requirements that may apply to the DA.
 20. Landowners are not permitted to subdivide or develop land which falls within a DA without paying the Developer Contribution in accordance with Schedule 11 of the Scheme.

POLICY IMPLICATIONS

Draft Structure Plan Preparation Guidelines (August 2011)

21. The draft Structure Plan has been prepared in accordance with local structure plan requirements of the WA Planning Commission's Draft Structure Plan Preparation Guidelines ("the Guidelines").

PUBLIC CONSULTATION/COMMUNICATION

22. Section 6.2.4 of the Scheme stipulates the procedures relating to preparing Structure Plans. If Council decides to approve the proposal, then ultimately it will be determined by the WA Planning Commission. If the matter proceeds to the Minister's determination, there is no Right of Review (appeal), irrespective of the Minister's decision.
23. Should Council endorse the draft Structure Plan, the formal advertising (which will last 21 days) will involve a local public notice in a paper circulating the District and letters being sent to all affected landowners within Stage 1 of the Forrestfield/High Wycombe Industrial Area.
24. A copy of the Structure Plan will also be forwarded to the WA Planning Commission for its information in accordance with clause 6.2.4.6 of the Scheme.

FINANCIAL IMPLICATIONS

25. Costs associated with the preparation of the document and public consultation/advertising will be met through the Development and Infrastructure Services budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

26. Stage 1 is referenced in the State Government's Key Strategic Policy document Directions 2031 and Beyond (2010) and was originally identified under the Kewdale Hazelmere Integrated Master Plan (2006) as future

development areas given their key strategic location adjacent to Perth Airport, Forrestfield Marshalling Yards/Container Depot and key road freight routes of Roe Highway, Dundas Road, Abernethy Road and Tonkin Highway.

27. It is understood that the Forrestfield/High Wycombe Industrial area has been included as a key strategic Industrial site in the soon to be released draft Industrial Development Strategy (2010).

Sustainability Implications

Social Implications

28. The planned development of Stage 1 for industrial land use activity through the preparation of a Structure Plan will enable some landowners to progress with the development of the land independently of others.

Economic Implications

29. The planned industrial area will have economic benefits for future developers given the proximity of the land to existing industrial and commercial areas and associated infrastructure and utilities. The area will also be beneficial for the Shire in respect of its economic development, creation of jobs and demand for housing in surrounding suburbs.

Environmental Implications

30. Lots 497, 498, 499 and a portion of Lots 1 and 2 Sultana Road West are identified as Bush Forever area and therefore set aside for Regional Park. Those lots have been excluded from the proposed Industrial Development Zone.

OFFICER COMMENT

31. The draft Structure Plan is consistent with Amendment No. 34 to Local Planning Scheme No. 3 and the Scheme objectives of the Industrial Development zone.
32. The draft Structure Plan has been prepared in accordance with local structure plan requirement Guidelines and represents an appropriate strategic response to maximising new opportunities for strategically located Industrial land.
33. The draft structure plan for stage 1 represents the first of three stages for the Forrestfield/High Wycombe Industrial area. The Plan has been prepared in response to the Shire's intent to oversee the development of a high standard sustainable industrial area which will attract a range of business activities keen to locate in a key strategic industrial location.
34. In light of the above, it is recommended that Council endorses the draft structure plan for the purpose of public advertising.

OFFICER RECOMMENDATION (SCM 02/2012)

That Council:

1. Endorses the Draft Structure Plan (Attachment 3) for Stage 1 of the Forrestfield/High Wycombe Industrial Area for the purpose of public advertising.

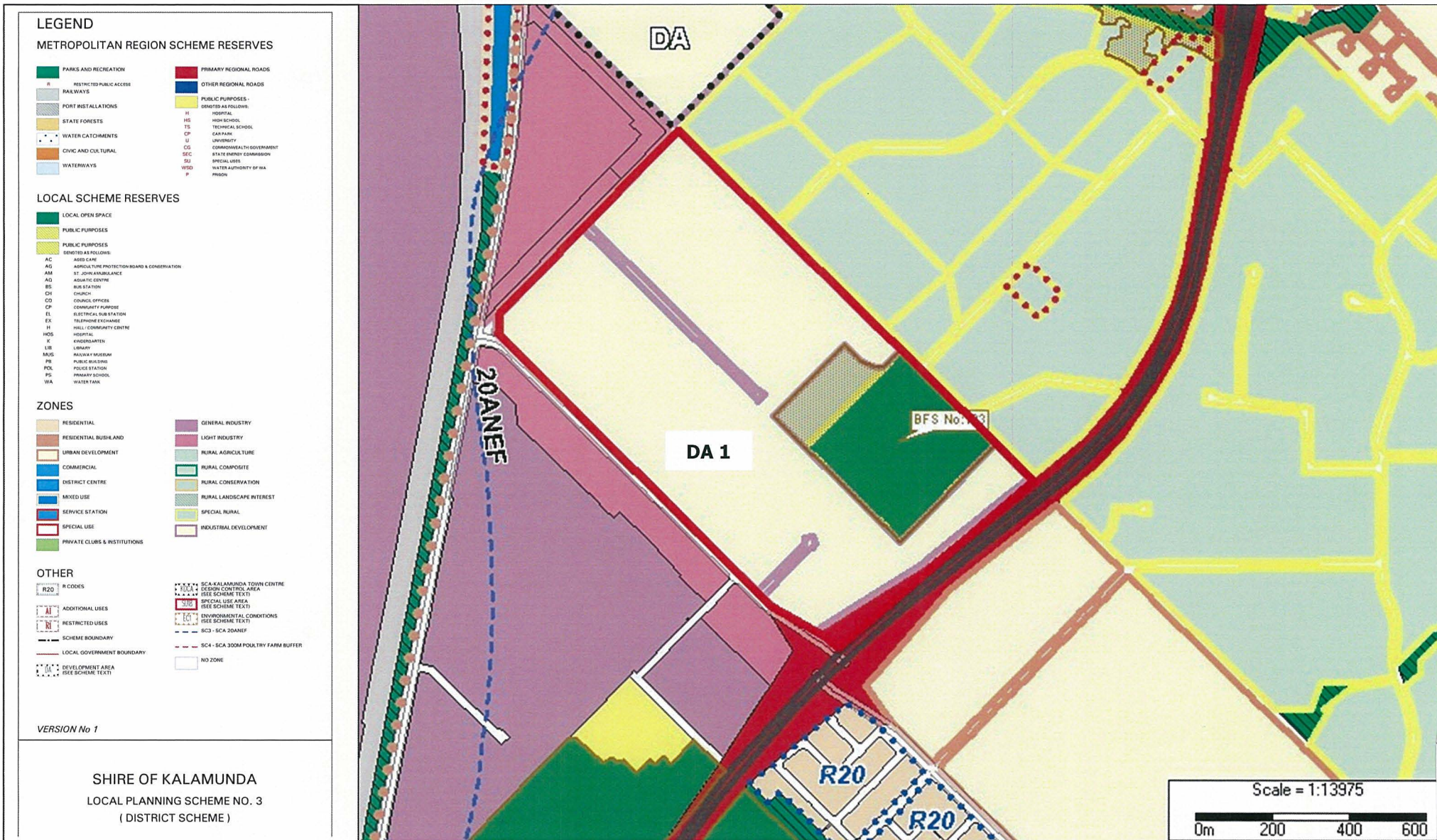
Moved:

Seconded:

Vote:



Draft Structure Plan – Stage 1 of the Forrestfield/High Wycombe Industrial Area
Forrestfield/High Wycombe Industrial Area Locality Plan



Draft Structure Plan – Stage 1 of the Forrestfield/High Wycombe Industrial Area
Existing Local Planning Scheme No. 3 Zoning Map





Structure Plan Notes

Subdivision, strata titling and design requirements

General

1. Notation A denotes the closure of Milner Road at the intersection of Berkshire Road to alleviate potential traffic conflicts with the nearby Dundas Road intersection and the creation of a replacement cul-de-sac head with industrial vehicle specification.

Lot Size

2. Industrial subdivision is to meet the requirements of the Scheme and WAPC Policy DC4.1 - Industrial Subdivision unless otherwise specified.
3. A minimum lot size of one (1) hectare applies to any subdivision within the Structure Plan area.

Battleaxe Development

4. Notation B denotes that no battleaxe subdivision will be supported (unless otherwise depicted on the Structure Plan Map).
5. Notation C denotes that a single industrial shared battleaxe leg is permitted to service existing Lots 50, 51 and 52 Sultana Road West as depicted on the Structure Plan Map, subject to appropriate shared access arrangements being entered into by the relevant landowners to the satisfaction of the Shire.
6. No further subdivision will be permitted on Lots 50, 51 and 52 Sultana West Road based on a shared battleaxe leg access arrangement.

Industrial Strata Titling

7. Industrial unit strata titling will only be supported in circumstances where a management statement is imposed as a condition of strata approval to the satisfaction of the Shire that ensures appropriate management arrangements and ongoing compliance with all development criteria as contained with the Scheme, this Structure Plan, any supporting planning policy or design guidelines, or any other requirements specified by the Shire.

Development Criteria and Requirements

Land Use Permissibility

8. Although the permissibility of uses is as set out in Table 1 in the Scheme, the Structure Plan intent is to facilitate land uses that take advantage of the lands strategic location in respect to major transport infrastructure, including Perth Airport, Roe Highway and Tonkin Highway. On this basis, logistics and other transport based industries are preferred land uses to take advantage of the lands locational attributes.
9. When considering development applications for 'D' and 'A' uses under the Scheme, consideration will be given to the extent that the proposed use supports the Structure Plan intent in accordance with (a) above.

Built Form

10. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, any wall or building facing any street is to be painted or otherwise treated to ensure an appropriate standard of visual amenity to the satisfaction of the Shire.
11. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, service areas, bin and storage areas and services such as air conditioners and other machinery are to be screened such that they are not visible from the street.

Vehicle Access and Movement

12. With the exception of Lots 50, 51 and 52 Sultana West Road, no vehicular access for non-residential development will be permitted via existing battleaxe legs.
13. Except as otherwise specified in 12, vehicular access for all non-residential development is to be taken directly from a gazetted and constructed public road.
14. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, internal driveways and car parks are to be designed to ensure slow speeds. Lengths of driveway or car parks exceeding 50 metres are to incorporate speed control devices including minor level changes.

Pedestrian Movement and Amenity

15. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, footpaths are to be provided connecting car parking areas to buildings to the satisfaction of the Shire.

Landscaping

16. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, landscaping is to be provided within any development site of a sufficient quality to ensure an attractive well-landscaped environment.
17. Landscaping within car parks throughout the Structure Plan area is to be in accordance with the requirements of the Scheme, any applicable planning policy and design guidelines.
18. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, the tree species implemented, when not used for screening purposes, shall be of a type having high branch free stems to facilitate surveillance and visibility of building fronts and with a large canopy to achieve adequate shading of car parking areas.

Signage

19. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, signage is to relate directly to the building containing the use or service and any associated products for advertising purposes, and is not to be excessive or unnecessary. Third party signage is not permitted.

Energy Efficiency

20. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, building openings should be orientated to benefit from passive climatic heating and cooling opportunities to reduce fixed energy consumption.
21. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, all new buildings should incorporate energy saving design and technology where practical to do so.

Design Guidelines

22. For additional development criteria and requirements applicable in the Structure Plan area, refer to the Forrestfield/High Wycombe Industrial Area Design Guidelines.

LEGEND			
	Structure Plan Boundary		Existing Road
	Metropolitan Region Scheme Reserve - Parks and Recreation		New Road
	Local Planning Scheme No. 3 - Industrial Development Zone		Roe Highway
	Pedestrian Path		New road connection/intersection
	Dual Use Path		10 metre Setback Line (Minor Street)
	On Road Cycle Path		8 metre Landscaped Buffer to Sultana West Road
	20 metre setback line (main street)		6 metre Landscaping Strip
	Bush Forever Interface Treatment		

This concept has been prepared for the purpose of meeting client specifications. The drawing does not constitute an invitation, agreement or contract (or any part thereof) of any kind whatsoever. Although care has been taken in the compilation of this drawing by The Planning Group WA Pty Ltd, all parties associated with the proposed property development disclaim all responsibility for any errors or omissions. The right is reserved to change the plan at any time. Liability is expressly disclaimed by The Planning Group WA Pty Ltd for any loss or damage which may be sustained by any person acting on any visual impression gained from this drawing.

Forrestfield/ High Wycombe Industrial Area
Stage 1 - Local Structure Plan Map
Shire of Kalamunda

Date: 16th April 2012
Scale: 1: 5000 @ A3
Drawing No. 710-135 S11C 100412.dwg

Designer: MC
Drawn: PR



Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

03. Amendment to Local Planning Scheme No. 3 - Provisions Relating to Developer Contributions, Modifications to the Zoning Table and Additional Land Use Definitions

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	PG-LPS-003
Applicant	N/A
Owner	N/A
Attachment 1	Forrestfield/High Wycombe Industrial Area Locality Plan
Attachment 2	Modified Zoning Table
Attachment 3	Developer Contribution Items
Attachment 4	Proposed Developer Contribution Cost Schedule
Attachment 5	Proposed Development Contribution Area Provisions

PURPOSE

- To consider whether to initiate an Amendment to Local Planning Scheme No. 3 (“the Scheme”) to insert provisions relating to:
 - Developer contribution items for Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area.
 - A new Industrial Development zone and land use permissibility into Table 1 (Zoning Table) of the Scheme.
 - Additional land use definitions into Schedule 1 (Land Use Definitions) of the Scheme.

Refer to the Forrestfield/High Wycombe Industrial Area Locality Plan (Attachment 1).

BACKGROUND

- In November 2011, the Minister for Planning approved Amendment No. 34 to the Scheme to rezone the land bound by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, with the exception of Lots 497, 498 and 499 Sultana Road West and a portion of Lots 1 and 2 Sultana Road West, Forrestfield, from Special Rural to Industrial Development. The subject area represents Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area (“Stage 1”).
- Amendment No. 34 to the Scheme required Schedule 11 (Development Areas) of the Scheme to be modified to include the following provision so that

Stage 1 became a Development Area (DA 1), thus, allowing specific developer contribution provisions to be included:

“Part 3 – Forrestfield/ High Wycombe Industrial Area DA1.

In respect of the Industrial Development zone generally bounded by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, identified as Development Area 1, the structure plan for this area is to ensure that general and heavy industrial uses are not permitted.”

DETAILS

4. It is proposed that Table 1 (Zoning Table) of the Scheme be modified to include the Industrial Development zone and the land uses Logistics Centre and Research and Technology Premises. Refer to the Modified Zoning Table (Attachment 2).
5. It is proposed that the following land use definitions be included in Schedule 1 (Land Use Definitions) of the Scheme:

“Logistics Centre -

means land within which all activities relating to transport, logistics, warehousing and the distribution of goods are carried out and includes premises on the same land used for:

- (a) *the work of administration or accounting;*
- (b) *the provision of amenities for employees, incidental to any of those logistics operations.*

Research and Technology Premises -

Means premises used for the purpose of scientific research related to electronics, computer hardware peripherals, computer software, scientific instrumentation, optics research and development, medical research and development, radio and telecommunications, fibre optics componentry, advanced materials research and development, aerospace componentry, biotechnology development, robotics development and the like which would have no impact on uses in the vicinity by reason of the emission of noise, odour, steam, smoke vapour or any other form of air pollution or the escape of any liquid or other solid wastes from the land.”

6. It is proposed that Developer Contribution Items for Stage 1 be inserted under Part 3 of Schedule 11 (Development Areas) in the Scheme. Refer to the Proposed Developer Contribution Items (Attachment 3). The proposed Developer Contribution Cost Schedule (Attachment 4), establishes the cost contribution and apportionment for each landowner.
7. Prior to properties being redeveloped and/or amalgamated, landowners within DA1 will be required to make a proportional contribution to the cost of

common infrastructure such as road upgrades and modifications, land acquisition for road Reserves, dual use paths and costs to administer the cost sharing arrangements.

8. It is also proposed that provisions on the administration of development contribution areas be included under clause 6.5 and Schedule 11 of the Scheme. Refer to the proposed Development Contribution Area provisions (Attachment 5).
9. The Developer Contribution Item table established the infrastructure and administrative items to be costed as part of the Developer Contribution Plan.

STATUTORY AND LEGAL IMPLICATIONS

10. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
11. Table 1 (Zoning Table) of the Scheme indicates, subject to the various provisions of the Scheme, the uses permitted in the Shire in the various zones.
12. Schedule 11 of the Scheme describes the DAs and sets out the purpose and particular requirements that may apply to the DA.
13. Landowners are not permitted to subdivide or develop land which falls within a DA without paying the Developer Contribution in accordance with Schedule 11 of the Scheme.
14. Part 6 – Special Control Areas of the Scheme establishes Development Areas on the scheme maps as “DA” with a number and included in Schedule 11.

POLICY IMPLICATIONS

State Planning Policy No. 3.6 – Development Contributions for Infrastructure

15. State Planning Policy No. 3.6 – Development Contributions for Infrastructure (“the Policy”) sets out the principles underlying development contributions and the form, content and process for the preparation of a development contribution plan (“DCP”).
16. The Policy stipulates that DCPs do not have effect until they are incorporated into a local planning scheme and require that:

“There is adequate consultation with the owners affected by the development contribution plan and with the wider community, as part of the local planning scheme amendment process.”

PUBLIC CONSULTATION/COMMUNICATION

17. The *Town Planning Regulations 1967* establish the procedures relating to amendments to local planning schemes. If Council decides to approve the amendment, then ultimately it will be determined by the Minister for Planning. If the matter proceeds to the Minister's determination, there is no Right of Review (appeal), irrespective of the Minister's decision.
18. Should Council initiate the amendment, the formal advertising (which will last 42 days) will involve a local public notice in a paper circulating the District and letters being sent to all affected landowners within Stage 1 of the Forrestfield/High Wycombe Industrial Area.

FINANCIAL IMPLICATIONS

19. Costs associated with the preparation of the document and public consultation/advertising will be met through the Development and Infrastructure Services budget.
20. The Shire will administer costs associated with the Developer Contribution Plan and this will be included in the Developer Contribution costing to be met by the developers.
21. The financial risks associated with establishing and implementing DCAs needs to be carefully considered and appropriately managed to ensure there is no financial liability to Council.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

22. Nil.

Sustainability ImplicationsSocial Implications

23. It is important that developer contributions are easily understandable by all stakeholders in terms of what they are. Infrastructure needs to be carefully designed, costed and ultimately delivered to ensure that social impacts are minimised and that benefits are maximised.
24. A timely and coordinated approach to the delivery of infrastructure can assist with meeting the needs of the community and businesses, both existing and into the future.

Economic Implications

25. The planned industrial area will have economic benefits for future developers given the proximity of the land to existing industrial and commercial areas and associated infrastructure and utilities. The area will also be beneficial for the Shire in respect of its economic development, creation of jobs and demand for housing in surrounding suburbs.
26. Developer contribution arrangements (DCAs) have the potential to have a significant impact on the financial position of various stakeholders and the viability of development projects. The financial implications and risks for Council are significant. Local Governments are required to effectively 'underwrite' contribution arrangements and from time to time, make good short falls that have resulted from the operation of a DCA.

Environmental Implications

27. Lots 497, 498, 499 and a portion of Lots 1 and 2 Sultana Road West are identified as Bush Forever area and therefore set aside for Regional Park. Those lots have been excluded from the proposed Industrial Development Zone.

OFFICER COMMENT

28. The proposed amendment is consistent with State Planning Policy No. 3.6 – Development Contributions for Infrastructure. The administrative provisions proposed under clause 6.5 of the scheme will establish the purpose of the Developer Contribution Area and importantly the guiding principles, thus ensuring there is a need and nexus, transparency, equity and accountability in the administrative process. The contribution costing identified in Attachment 4 does not form part of the scheme provision, but once adopted by Council they will be subject to an annual review in accordance with Clause 6.5 of the Scheme. A valuation will be undertaken to confirm the current estimates identified in Attachment 4 to determine the value of the land to be acquired. A separate report will be brought to Council following the finalisation of the amendment seeking Council endorsement of the cost contribution.
29. The land uses which are proposed to be permissible under Table 1 of the Scheme for the proposed Industrial Development zoning will not have a detrimental impact on the environment and the amenity of nearby residents.
30. In determining the land uses that should be permissible in the Industrial Development zone and the level of permissibility (permitted, discretionary etc.), the following issues were taken into account:
- The intent and object of the zone.
 - The compatibility of each of the land uses within the Industrial Development zone.

- The amenity expectations of the Industrial Development zone.
31. The proposed permissible land uses are also consistent with the objectives of the Industrial Development zoning.
32. The proposed amendment will assist with the Shire's development control responsibilities and the administration of the cost sharing arrangement, it is therefore recommended that Council initiates the amendment.

OFFICER RECOMMENDATION (SCM 03/2012)

1. Initiates the amendment to Local Planning Scheme No. 3, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
 SHIRE OF KALAMUNDA
 LOCAL PLANNING SCHEME NO. 3
 AMENDMENT NO.

Resolved that Council, in pursuance of Part 5 of the Planning and Development Act 2005, amends the above Local Planning Scheme as follows:

(a) Modify Table 1 (Zoning Table) of Local Planning Scheme No. 3 to include the Industrial Development zone, and the land uses Logistics Centre and Research and Technology Premises

(b) Insert the following land use definitions into Schedule 1 (Land Use Definitions) of the Scheme:

“Logistics Centre -
means land within which all activities relating to transport, logistics, warehousing and the distribution of goods are carried out and includes premises on the same land used for:

(a) *the work of administration or accounting;*

(b) *the provision of amenities for employees, incidental to any of those logistics operations.*

Research and Technology Premises -
Means premises used for the purpose of scientific research related to electronics, computer hardware peripherals, computer software, scientific instrumentation, optics research and development, medical research and development, radio and telecommunications, fibre optics componentry, advanced materials research and development, aerospace componentry, biotechnology development, robotics

development and the like which would have no impact on uses in the vicinity by reason of the emission of noise, odour, steam, smoke vapour or any other form of air pollution or the escape of any liquid or other solid wastes from the land."

- (c) Insert the Developer Contribution Items table for Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area under Part 3 of Schedule 11 (Development Areas) of Local Planning Scheme No. 3.
- (d) Insert the Development Contribution Area provisions under clause 6.5 of Local Planning Scheme No. 3.

The amendment documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

Moved:

Seconded:

Vote:



Local Planning Scheme No. 3 Amendment
Provisions Relating to Developer Contributions and Modifications to the Zoning Table
Forrestdale/High Wycombe Industrial Area Locality Plan

Amendment to Local Planning Scheme No. 3 –

Provisions Relating to Developer Contributions, Modifications to the Zoning Table and Additional Land Use Definitions

Modified Zoning Table

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Aged/Dependent Dwellings	D	D	P	P	A	X	X	X	D	X	X	X	X	X	X
Aged Residential Care	D	D	A	A	A	X	X	X	P	X	X	X	X	X	X
Agriculture – extensive	X	X	X	X	X	X	X	X	X	D	D	P	D	D	X
Agriculture – intensive	X	X	X	X	X	X	X	X	X	D	D	P	D	D	X
Amusement Parlour	P	P	X	X	X	D	D	X	X	X	X	X	X	X	X
Ancillary Accommodation	D	D	P	P	D	X	X	X	X	D	D	D	D	D	X
Animal Establishment	X	X	X	X	X	D	D	X	X	X	A	A	X	X	X
Animal Husbandry – intensive	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Art Gallery	P	P	D	X	A	D	X	X	D	X	X	X	A	A	X
Bed and Breakfast	D	X	D	D	A	X	X	X	X	D	D	D	D	D	X
Betting Agency	P	P	X	X	X	A	A	X	D	X	X	X	X	X	X

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape <small>Tastevac</small>	Rural Conservation	Industrial Development
Fuel Depot	X	X	X	X	X	P	P	P	X	X	X	D	X	X	D
Funeral Parlour	D	D	A	X	X	D	D	X	D	X	X	X	X	X	X
Garden Centre	P	P	D	X	X	P	P	X	X	X	A	X	A	X	X
Grouped Dwelling	D	D	D	D	X	X	X	X	X	X	X	X	X	X	X
Health/Fitness Centre	P	P	A	X	X	D	D	X	D	X	X	X	X	X	X
Home Business	P	P	P	A	A	X	X	X	A	X	A	A	A	X	X
Home Occupation	P	P	P	P	P	X	X	X	X	P	P	P	P	P	X
Home Store	P	P	A	A	A	X	X	X	X	X	X	X	X	X	X
Hospital	D	D	A	X	X	X	X	X	D	X	X	X	X	X	X
Hotel	D	D	X	X	X	X	X	X	A	X	X	X	X	X	X
Industry	X	X	X	X	X	D	P	X	X	X	X	X	X	X	X
Industry – Cottage	D	D	X	X	A	P	P	X	A	D	D	D	D	D	X
Industry – Extractive	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Industry – General	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X
Industry – Light	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X
Industry – Mining	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Industry – Rural	X	X	X	X	X	P	P	X	X	X	X	P	X	X	X
Industry – Service	D	D	X	X	X	P	P	D	X	X	X	X	X	X	
Lodging House	A	A	A	A	A	X	X	X	A	X	X	A	X	X	X
Logistics Centre	X	X	X	X	X	D	D	X	X	X	X	X	X	X	D
Lunch Bar	P	P	X	X	X	P	P	X	X	X	X	X	X	X	D
Market	A	A	X	X	X	X	X	X	X	X	X	X	X	X	X
Medical Centre	P	P	A	X	X	D	X	X	D	X	X	X	X	X	X

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Rural Pursuit	X	X	X	X	X	X	X	X	X	D	D	P	P	D	X
Salvage Yard	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X
Service Station	P	P	X	X	X	P	P	P	X	X	X	X	X	X	X
Shop	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X
Showroom	P	P	X	X	X	P	P	X	X	X	X	X	X	X	D
Single House	D	D	P	P	P	X	X	X	D	D	P	P	P	P	X
Stable	X	X	X	X	X	X	X	X	D	P	P	P	D	D	X
Storage	X	X	X	X	X	P	P	X	X	X	X	X	X	X	D
Tavern	D	D	X	X	X	D	D	X	X	X	X	X	X	X	X
Telecommunication Infrastructure	D	D	A	A	A	P	P	D	D	D	D	D	D	D	D
Trade Display	D	D	D	X	X	D	D	X	X	X	X	X	X	X	D
Transport Depot	X	X	X	X	X	P	P	X	X	X	X	A	X	X	D
Veterinary Centre	P	P	A	X	X	P	P	X	X	X	A	A	A	X	X
Warehouse	D	D	X	X	X	P	P	X	X	X	X	X	X	X	D
Winery	X	X	X	X	X	X	X	X	X	X	X	A	D	D	X

Amendment to Local Planning Scheme No. 3 –
Provisions Relating to Developer Contributions, Modifications to the Zoning Table and
Additional Land Use Definitions

Developer Contribution Items

Developer contributions within this structure plan are as set out in the following table:

Ref No:	DA1
Area:	Forrestfield Light Industrial Area – Stage 1 (Area bounded by Berkshire Road, Milner Road, Sultana Road West and Roe Highway)
Provisions:	<p>All landowners within DA1 shall make a proportional contribution to the cost of common infrastructure.</p> <p>The proportional contribution is to be determined in accordance with the provisions of the Shire's Development Contributions on Development Areas Planning Policy, contained in the Development Contribution Plan and as stipulated under clause 6.5 of Local Planning Scheme No. 3.</p> <p>Contributions shall be made towards the following items:</p> <ul style="list-style-type: none"> a) 50% to the widening and upgrading of Berkshire Road between Dundas Road and Roe Highway, including the cycling lanes; b) Any required modifications to Milner Road, including the closure procedure and installation of a cul-de-sac at the intersection point with Berkshire Road; c) Upgrading of Nardine Close and Ashby Close; d) 50% of any required modifications to Sultana Road West, including the cycling lane; e) Acquisition of land required for road reserve; f) Land required for the construction and drainage for all internal roads- Water Sensitive Urban Design principles to be incorporated as per the adopted Drainage Strategy; g) Full earthworks; h) Dual use paths (where appropriate at the discretion of the local government); i) Landscaping of verges and entry statements including maintenance; j) Fencing treatment for Bush Forever site; k) Servicing infrastructure relocation where necessary; l) Costs associated with the preparation of the development area framework to meet the statutory requirements and obligations; m) Costs to administer cost sharing arrangements – preliminary engineering drainage design and costings, valuations, annual or more frequent reviews and audits (where identified as appropriate at the discretion of the local government) and administrative costs; and n) Costs for the repayment of any loans raised by the local government for the purchase of any land for

	road reserves or any of the abovementioned works.
Participants and Contributions	In accordance with the Cost Contribution Schedule adopted by the local government for DA1, which will be reviewed annually.

Amendment to Local Planning Scheme No. 3 –

Provisions Relating to Developer Contributions, Modifications to the Zoning Table and Additional Land Use Definitions

Proposed Developer Contribution Cost Schedule

Road	Lot Number	Lot Area m ²	Road Reserve m ²	Net lot Area m ²	Contribution Rate \$/m ² (Net Lot Area)	Development Contribution	Road Reserve Land cost based on \$225/m ²	Net Contribution
Berkshire Rd	8	11,306		11,306	\$25.59	\$289,372.59		\$289,373
	9	10,441		10,441	\$25.59	\$267,233.25		\$267,233
	11	10,397	340	10,057	\$25.59	\$257,404.93	\$76,500	\$180,905
	12	10,032		10,032	\$25.59	\$256,765.06		\$256,765
	13	10,008		10,008	\$25.59	\$256,150.79		\$256,151
	21	10,032		10,032	\$25.59	\$256,765.06		\$256,765
	18	10,008		10,008	\$25.59	\$256,150.79		\$256,151
	25	10,000		10,000	\$25.59	\$255,946.03		\$255,946
	22	10,000		10,000	\$25.59	\$255,946.03		\$255,946
	14	10,000		10,000	\$25.59	\$255,946.03		\$255,946
	17	10,000		10,000	\$25.59	\$255,946.03		\$255,946
	547	40,570		40,570	\$25.59	\$1,038,373.06		\$1,038,373
	223	10,139		10,139	\$25.59	\$259,503.68		\$259,504
	222	10,150		10,150	\$25.59	\$259,785.23		\$259,785
	4	19,046	3296	15,750.0	\$25.59	\$403,115.00	\$741,600	-\$338,485
Milner Road	65	9,149		9,149	\$25.59	\$234,165.03		\$234,165
	64	9,611		9,611	\$25.59	\$245,989.73		\$245,990
	63	10,817	933	9,885	\$25.59	\$252,989.86	\$209,813	\$43,177
	62	10,815	933	9,883	\$25.59	\$252,938.67	\$209,813	\$43,126
	61	10,815	933	9,883	\$25.59	\$252,938.67	\$209,813	\$43,126

	60	10,817	933	9,885	\$25.59	\$252,989.86	\$209,813	\$43,177
	204	9,527		9,527	\$25.59	\$243,839.79		\$243,840
	203	9,557		9,557	\$25.59	\$244,607.63		\$244,608
	202	9,627		9,627	\$25.59	\$246,399.25		\$246,399
	201	9,627		9,627	\$25.59	\$246,399.25		\$246,399
	200	9,619		9,619	\$25.59	\$246,194.49		\$246,194
Nardine Close	205	9,760		9,760	\$25.59	\$249,803.33		\$249,803
	206	9,566		9,566	\$25.59	\$244,837.98		\$244,838
	207	9,567		9,567	\$25.59	\$244,863.57		\$244,864
	208	9,565		9,565	\$25.59	\$244,812.38		\$244,812
	209	9,563		9,563	\$25.59	\$244,761.19		\$244,761
	210	9,562		9,562	\$25.59	\$244,735.60		\$244,736
	211	9,560		9,560	\$25.59	\$244,684.41		\$244,684
	212	9,558		9,558.0	\$25.59	\$244,633.22		\$244,633
	217	9,821	290	10,111.0	\$25.59	\$258,787.04	\$65,250	\$324,037
	218	9,823	844	10,667.0	\$25.59	\$273,017.64	\$189,900	\$462,918
Bush Forever	223	30,816			\$25.59	\$0.00		\$0
	221	10,155		10,155	\$25.59	\$259,913.20		\$259,913
	220	10,150		10,150	\$25.59	\$259,785.23		\$259,785
	16	10,296		10,296	\$25.59	\$263,522.04		\$263,522
	15	10,296		10,296	\$25.59	\$263,522.04		\$263,522
	23	10,295	293	10,002	\$25.59	\$255,989.55	\$65,993	\$189,997
	24	10,295	844	9,451	\$25.59	\$241,906.63	\$189,794	\$52,112
	19	10,286	1168	9,118	\$25.59	\$233,371.59	\$262,800	-\$29,428
	20	10,262	1168	9,094	\$25.59	\$232,757.32	\$262,800	-\$30,043
	1	10,286	1168	9,118	\$25.59	\$233,371.59	\$262,800	-\$29,428
	2	10,262	1168	9,094	\$25.59	\$232,757.32	\$262,800	-\$30,043
	3	10,061	2052	8,009	\$25.59	\$204,989.74	\$461,678	-\$256,688

Total Cost (land and construction)							\$17,768,876	
Red = increase in lot area								

Local Planning Scheme No. 3 Amendment

Provisions Relating to Developer Contributions and Modifications to the Zoning Table

Proposed Development Contribution Area Provisions

6.5 DEVELOPMENT CONTRIBUTION AREAS (DCA)

6.5.1 Interpretation

In clause 6.5 unless the context otherwise requires –

'Administrative costs' means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

'Administrative items' means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

'Cost apportionment schedule' means a schedule prepared and distributed in accordance with clause 6.5.10.

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

'Development contribution area' means an area shown on the scheme map as DCA with a number and included in schedule 11.

'Development contribution plan' means a development contribution plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of this clause 6 of the scheme (as incorporated in schedule 11 to this scheme).

'Development contribution plan report' means a report prepared and distributed in accordance with clause 6.5.10.

'Infrastructure' means the standard infrastructure items (services and facilities set out in appendix 1 of State Planning Policy 3.6 'Development Contributions for Infrastructure') and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of State Planning Policy 3.6 'Development Contributions for Infrastructure'.

'Infrastructure costs' means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

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

6.5.2 Purpose

The purpose of having development contribution areas is to –

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

6.5.3 Development contribution plan required

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

6.5.4 Development contribution plan part of scheme

The development contribution plan is incorporated in Schedule 12 as part of this scheme.

6.5.5 Subdivision, strata subdivision and development

Refuse to approve a development application solely for the reason that a development contribution plan is not in effect, and/or no contribution has been received for the provision of infrastructure.

6.5.6 Guiding principles for development contribution plans

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

- (a) Need and the nexus

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

- (b) Transparency

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

- (c) Equity

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

(d) Certainty

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

(e) Efficiency

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

(f) Consistency

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

(g) Right of consultation and review

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

(h) Accountable

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

6.5.7 Recommended content of development contribution plans

The development contribution plan is to specify –

- (a) The development contribution area to which the development contribution plan applies;
- (b) the infrastructure and administrative items to be funded through the development contribution plan;
- (c) the method of determining the cost contribution of each owner; and
- (d) the priority and timing for the provision of infrastructure.

6.5.8 Period of developer contribution plan

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

6.5.9 Land Excluded

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

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

6.5.10 Development contribution plan report and cost apportionment schedule

6.5.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.

6.5.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.

6.5.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 6.5.11.

6.5.11 Cost contributions based on estimates

6.5.11.1 The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.

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

- (a) in the case of land to be acquired, in accordance with clause 6.5.12; and
- (b) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

- 6.5.11.3 The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested.
- 6.5.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government -
- (a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
 - (b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.
- 6.5.11.5 Where an owner's cost contribution is adjusted under clause 6.5.11.4, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.
- 6.5.11.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.
- 6.5.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined -
- (a) by any method agreed between the local government and the owner; or
 - (b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the local government and owner.

6.5.12 Valuation

- 6.5.12.1 Clause 6.3.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.
- 6.5.12.2 In clause 6.5.12 –
- (a) on the basis that there are **no buildings, fences or other improvements** of a like nature in the land;
 - (b) on the assumption that **any rezoning necessary** for the purpose of development has come into force; and
 - (c) taking into account the **added value of all other improvements** on or appurtenant to the land.

'Value', in all other development contribution plans, means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction

for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule 13. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.

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

6.5.12.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the

6.5.12.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the value sit be determined -

(a) By any method agreed between the local government and the owner;
or

(b) if the local government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

6.5.13 Liability of cost contributions

6.5.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan contained in the provisions of clause 6.3.

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

(a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;

(b) the commencement of any development on the owner's land within the development contribution area;

(c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or

(d) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.

The liability arises only once upon the earliest of the above listed events.

6.5.13.3 Notwithstanding clause 6.5.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or commercial building associated with that first single house or commercial building on an existing lot which .has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.

6.5.13.4 Where a development contribution plan expires in accordance with clause 6.3.8, an owner's liability to pay the owner's cost contribution under the development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

6.5.14 Payment of cost contribution

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

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

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

6.5.14.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government constitutes full and final discharge of the owner's liability under the development contribution plan and the local government shall provide certification in writing the owner of such discharge if requested by the owner.

6.5.15 Charge on land

6.5.15.1 The amount of any cost contribution for which an owner is liable under clause 6.5.13, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

6.5.15.2 The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 6.5.15.1 to permit dealing and may then re-lodge the caveat to prevent further dealings.

6.5.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 6.5.15.

6.5.16 Administration of funds

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

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

6.5.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6.5.16.1 is to be applied in the development contribution area to which the reserve account relates

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

6.5.17 Shortfall or excess in cost contributions

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

- (a) make good the shortfall;
- (b) enter into agreements with owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution, but nothing in paragraph 6.5.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

6.5.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

6.5.18 Powers of the local government

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

- (a) acquire any land or buildings within the scheme area under the provisions of the *Planning and Development Act 2005*; and
- (b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance

with the law and for such purpose may make such agreements with other owners as it considers fit.

6.5.19 Arbitration

Subject to clauses 6.5.12.3 and 6.5.12.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

7.0 MEETING CLOSED TO THE PUBLIC

8.0 CLOSURE