

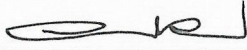
Local Planning Scheme No. 21

VASSE DEVELOPMENT AREA DEVELOPER CONTRIBUTION AND STAGING PLAN

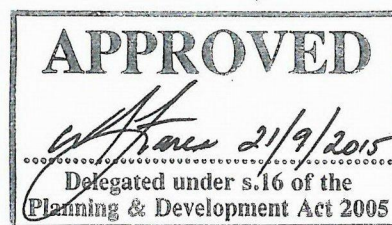
JULY 2015

This Developer Contribution and Staging Plan outlines developers' responsibilities for contributing towards community infrastructure and facilities relating to the development of the Vasse Development Area.

Adopted by the City pursuant to the City of Busselton Local Planning Scheme No. 21


for City of Busselton

22-7-2015
Date



CITY OF BUSSELTON
VASSE DEVELOPMENT AREA
DEVELOPER CONTRIBUTION AND STAGING PLAN (DCSP)

JULY 2015

1. Introduction

- 1.1 This Developer Contribution and Staging Plan (DCSP) applies to the development of the Vasse growth area and provides for developer contributions towards the provision of community infrastructure and facilities. Contributions take the form of a mix of actual works and cash contributions towards future works. The Vasse Development Area DCSP area is shown at Figure 1. The current version of the corresponding DGP, as of July 2015, is included as Figure 2.
- 1.2 The DCSP has been prepared to comply with the requirements of the City of Busselton Local Planning Scheme No. 21 ('the Scheme'). Clause 1.8.6 of Schedule 11 of the Scheme requires that; *"Prior to the subdivision or development of land, the proponent is to prepare a developer contribution and staging plan to the satisfaction of the Council and Commission to ensure the proponent's appropriate and timely contribution toward service infrastructure, distributor roads and community facilities on a progressive and staged basis"*. The WAPC will be requested to impose a condition requiring the preparation and implementation of the DCSP on subdivision approvals which relate to those landholdings located within the DCSP area identified in Figure 1.
- 1.3 The land subject of this DCSP is currently zoned 'Vasse Development' or 'Deferred Vasse Development'. The DCSP area now includes the original Vasse townsite, Lot 250 Kaloorup Road, which is located within the 'Deferred Vasse Development' zone and subject of a DGP in separate ownership, and Lots 9506 Heritage Drive and 27 Rendezvous Road, referred to locally as 'Heron Lake'. The DCSP also now includes those 14 allotments constituting the 'original Vasse townsite' on Bussell Highway
- 1.4 Developer contributions are a mix of cash contributions required on a per lot basis at clearance stage and requirements for ceding of land or development of infrastructure in association with specified stages of subdivision. Portions of the cash contributions may be reimbursed to developers following the delivery of infrastructure in accordance with the requirements of the DCSP.
- 1.5 The estimated total lot yield in the DCSP area is currently expected to be 2,191 - of which approximately 825 allotments have already been created and developer contributions already paid – leaving a balance of some 1,366 lots remaining to be created. In addition, there is also estimated to be 170 retirement village units (attracting a 50% developer contribution) and 36 residential units (at Dawson) remaining to be created.

- 1.6 The DCSP relates to the provision of community infrastructure and facilities. It does not include items of infrastructure that are usually provided by developers as they proceed with subdivision and development, such as local roads, utility services, public open space and primary school sites. It should also be noted that there is a separate Main Roads WA Contributions Plan requirement pursuant to the DGP.
- 1.7 The DCSP is a stand-alone document but is to be read in conjunction with all other relevant plans and/or policies. In the event of any inconsistency between the DCSP and any other local government policy which requires developer contributions, the provisions of the Plan shall prevail.

2. Purpose of the DCSP

- 2.1 The purpose of the DCSP is to:
- apply development contributions beyond the standard provisions required by WAPC policy on the subdivision of land, for the development of new/upgrading of existing community infrastructure required as a result of demand generated by the development including a contribution to district facilities;
 - ensure that contributions are reasonably required as a result of the subdivision and development of the land in the development contribution area; and
 - co-ordinate the timely provision of infrastructure.
- 2.2 Developers will be responsible for their proportionate contributions in accordance with the DCSP, together with other statutory and policy requirements, and agreements, as is relevant to their particular portion or stage of development.

3. Period of the Plan

The period for the operation for the DCSP is 10 years or until completion of the subdivision and development if sooner. After 10 years the DCSP will be reviewed. In the meantime, the DCSP will be reviewed when appropriate having regard to the rate of development.

4. Basis of the plan

- 4.1 The current DCSP has been prepared having regard to:
- Demographics analysis and projections (Appendix 1);
 - The DGP;
 - *State Planning Policy 3.6: Development Contributions for Infrastructure* (2009);
 - *Local Planning Policy 6D: Community Facilities Contribution Provisions*;
 - *Shire of Busselton Leisure Services Plan* (2005); and
 - Guidelines on community facilities and recreation provision prepared by the Shire (Appendix 2).

- 4.2 *Local Planning Policy 6D: Community Facilities Contribution Provisions* prescribes development contributions required for future development in the City based on a needs assessment. It takes into account the recommendations of the current, endorsed 'Leisure Services Plan'. The Policy introduces a district contribution apportioned to existing development (from rates and other sources and to new development on a per lot/dwelling basis) for district wide facilities. The Policy also requires a precinct contribution for precincts in the City, apportioned between existing development and new development based on need. For the Vasse Development Area, the Policy requires a specific developer contributions plan.

5. Principles

- 5.1 Developer contributions are applied in accordance with the following principles set out in *State Planning Policy 3.6: Development Contributions for Infrastructure*:
- need and nexus;
 - transparency;
 - equity;
 - certainty;
 - efficiency;
 - consistency;
 - right of consultation and review; and
 - accountable.
- 5.2 The key principle is that the 'beneficiary pays'. Developers within the DCSP area will contribute to funding of both local and district community infrastructure and facilities. The developer's local and district contributions will be determined in accordance with the above principles pursuant to this DCSP.

6. Developer Contributions

- 6.1 The developer contributions consist of cash contributions required on a per lot basis at clearance stage and requirements for ceding of land or development of infrastructure in association with specified stages of subdivision.
- 6.2 The cash contribution payable under this DCSP includes a component to meet the provision of community facilities and services within the local Vasse Development Area, and a component to meet the demand generated by this development for the provision of district facilities. The cash contribution for local facilities is \$1,620 per lot, with a further contribution to district facilities of \$880 per lot, making a total of \$2,500 per lot. This contribution amount will be adjusted in accordance with movements in the Local Government Cost Index for WA commencing 1 January 2015

NOTE: The cash contributions for local facilities was adjusted upwards as part of a DCSP review undertaken by the City in early 2015. As a result of that review, some 'in kind' contributions were converted to cash contributions.

- 6.3 As at May 2015, with interest accrued, the total value of cash contributions expected to be collected by the City over the life of the current DCSP is expected to be approximately \$3.05 million, of which approximately \$1.97 million (or 64.8%) is expected to be raised for the provision of local facilities and \$1.07 million (or 35.2%) for the provision of district facilities.
- 6.4 The district facilities contribution rate is based on the district contribution rate pursuant to the City's Community Facilities Implementation Policy (2008), less a number of offsets for facilities already provided, or partly provided for, within the Vasse Development Area pursuant to the DCSP.
- 6.5 Requirements for ceding of land or development of infrastructure in association with specified stages of subdivision are in accordance with Schedule 1.
- 6.6 No clearances for any subdivided lots within the DCSP area, as indicated on Figure 1, shall be issued until such time as all infrastructure/land items specified in Schedule 1 and relating to that stage have been delivered, or, at the discretion of the City, subject of bonding agreements in accordance with relevant City policy at the time clearance is sought.

7. Liability for Cash Contributions

- 7.1 Cash contribution requirements shall be satisfied by the payment of a contribution in accordance with the requirements of this Plan.
- 7.2 Requirements for and payment of development contributions will be imposed by the WAPC as a condition of subdivision or by the City of Busselton as a condition of development. The liability of developers to satisfy their cash contribution arises prior to whichever of the following two things occurs first with respect to any particular parcel of land within the DCSP area:
- the City endorsing a deposited plan for clearance of the relevant conditions prior to the WAPC endorsing its approval on the deposited plan relating to the subdivision of the developers land; or
 - the commencement of the development of land, other than for the purposes of subdivisional works (with cash contributions to be paid prior to the issue of a building licence for development).
- 7.3 There is no liability to pay a cash contribution for the development of the first single house or outbuildings associated with that first single house on an existing lot where the cost contribution for that lot has been paid on the subdivision of the land which created that lot.
- 7.4 In the case of grouped or multiple dwelling developments, cash contributions will be calculated at the rate of 100% contribution for each dwelling less a one lot credit for the creation of the parent lot if a contribution was paid with respect to the creation of the parent lot.
- 7.5 For aged or dependent person dwellings, or dwellings to be used for tourist accommodation purposes, the cash contribution will be 50% of the normal contribution.

- 7.6 In the case of commercial or industrial development, cash contributions will not be payable if a contribution was paid with respect to the creation of the lot on which development is proposed. Cash contributions are not payable as a result of strata subdivision for commercial or industrial purposes.

8. Administration of Funds

- 8.1 The City of Busselton will establish and maintain an account in accordance with the *Local Government Act 1995* for the DCSP area, into which cash contributions will be credited. The purpose of the account is to ensure that the expenditure of funds from development contributions is limited to the purposes set out in the DCSP. Interest earned on cash contributions will be credited to the account.
- 8.2 Cash contributions for district level facilities which are not being provided in the DCSP area will be held in an account established by the City under the *Local Planning Policy 6D: Community Facilities Contribution Provisions* and will be expended only on works specifically identified under that Policy or amendments thereto.

9. Disposal of land before subdivision or development

- 9.1 If a developer disposes of land within the DCSP area prior to subdivision or development, the subsequent landowners will be liable for any outstanding development contributions for that land and are to be made aware of their responsibilities pursuant to the DCSP by the vendor.
- 9.2 If a developer dispose of land such that the whole of the undeveloped portion of the DSCP area are no longer in a single ownership, it is the responsibility of the parties to negotiate appropriate arrangements to ensure delivery of contributions in accordance with the DCSP.

10. Reimbursement of cash contributions for works undertaken or land transferred and crediting of in-kind contributions

- 10.1 When a developer provides infrastructure identified in Schedule 1 and;
- the City has approved the design of the infrastructure;
 - a contract has been awarded for the construction of the infrastructure;
 - an invoice for the works constructed under that contract has been certified by the Superintendent for the Works; and
 - the City certifies that the works have been undertaken in accordance with the approved design;

the City will reimburse that developer for each and every claim made during and up to the completion of the works up to the amount specified in Schedule 1 that is, at that time, held by the City and as otherwise agreed by the City prior to approving the design of the infrastructure.

- 10.2 Where the infrastructure is situated on land owned by that developer that is not transferred to the City at that time, a licence agreement between the developer and the City will be required to allow for the use of the facilities pending the transfer of the land to the City.
- 10.3 Where a developer has transferred land or provided any infrastructure item ahead of the City having received all contributions relating to that infrastructure item and subsequent cash contributions are made, the City will transfer funds, in accordance with what has been agreed pursuant to 10.1, to the developer that undertook the works within 3 months of the receipt of such funds. The amount of reimbursement is to be the amount contributed, plus any cost indexation prior to the contribution having been made and interest earned on the contribution once it was made. If a developer undertakes works to provide any of the infrastructure specified in the Schedules and the cost of the works exceeds the value specified in Schedule 1 plus any indexation or interest component, the City is not required to reimburse the developer for any of the excess.
- 10.4 Whilst the City does not currently intend to do so, subject to prior consultation with the owner of the land in the stage with which the infrastructure is associated, the City may apply funds towards the development of infrastructure specified in Schedule 1 and up to the maximum value specified in Schedule 1

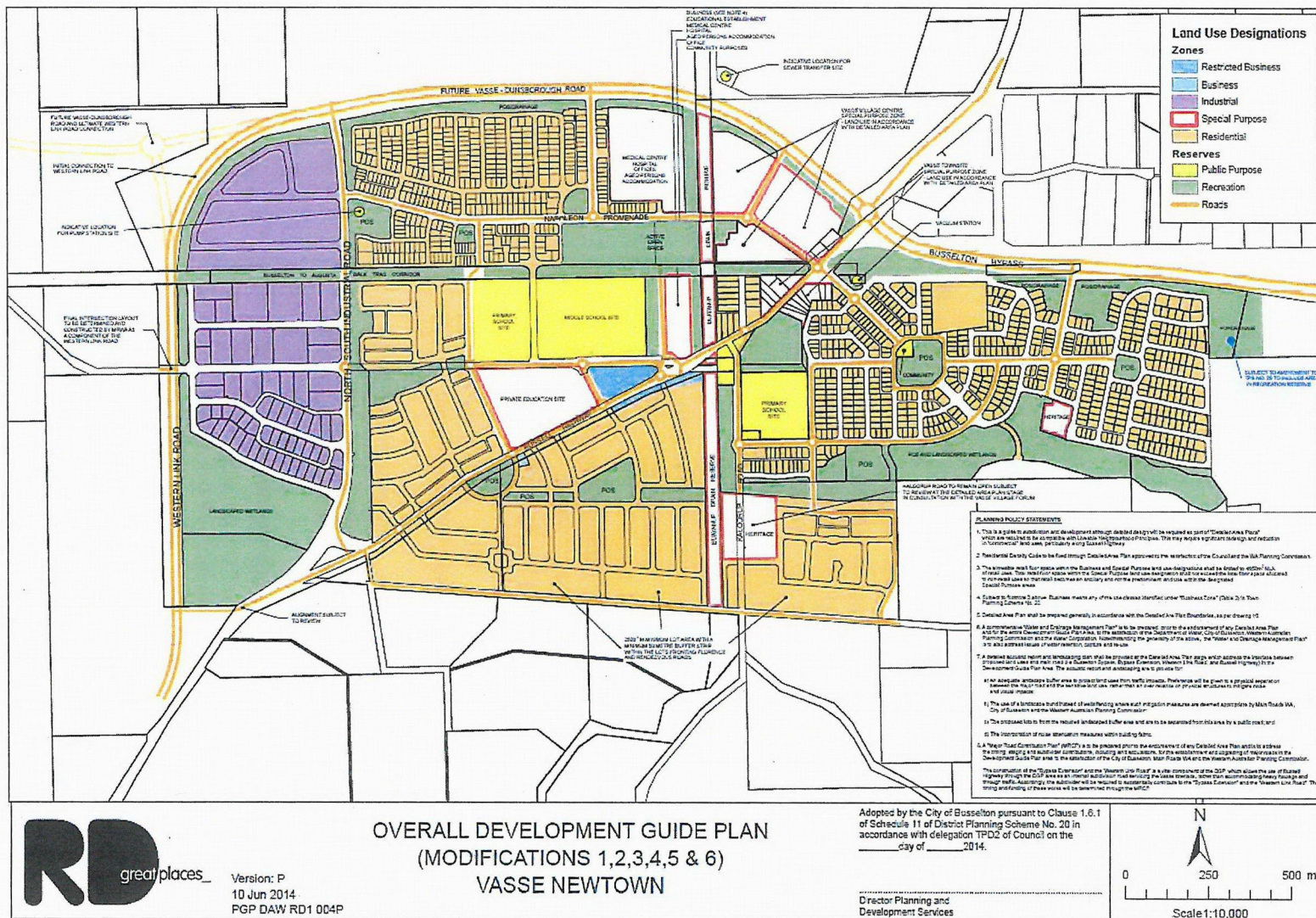
11. Surplus funds

If there are surplus funds when all cash contributions have been made and all specified infrastructure delivered, the City is to apply the surplus funds to the provision of additional facilities to meet the needs of the Vasse Community.

12. Arbitration

Any dispute between a developer and the City of Busselton in connection with the contributions required to be made by the developer may be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*. This clause shall not impact upon any right of a review to the State Administrative Tribunal pursuant to overarching legislation.

Figure 2 Vasse Development Area Development Guide Plan



Schedule 1 Infrastructure

Infrastructure/land item	Details	Value for purposes of clause 10
1. Upgrading of Newtown Oval	To be determined following consultation with representatives of the Vasse community, including the Vasse Recreational Facilities Working Group	\$150,000
2. Development of a consolidated and integrated active open space facility adjacent to Cape Naturaliste College to be known as the 'Vasse Community and Recreation Precinct' (VCRP)	<p>It is envisaged that the VCRP will be able to comprise:</p> <ul style="list-style-type: none"> Two (2) north-south oriented AFL ovals <u>PLUS</u> one (1) 'incorporated' (separately line-marked and posted) <i>full competition-sized</i> AFL oval generally oriented on an east-west axis across the same, contiguous grassed areas; One (1) north-south oriented, senior cricket oval, 'incorporated' seasonally within the same contiguous grassed area accommodating the AFL ovals (as described above); Two (2) soccer/rugby pitches, 'incorporated' seasonally and/or through sporting club scheduling within the same contiguous grassed area (as described above); Three (3) multi-purpose (basketball/netball/tennis) courts; Two (2) competition-standard bowling greens; A clubroom and changing room facilities; Multi-purpose community rooms; Associated car parking for sports participants and spectators; Landscaped pedestrian linkages. 	<p>\$3.05 million MINUS the value of that portion of land remaining to be transferred by the developer for integration into the proposed VCRP that is <i>residual</i> to the 7,000m² required to be ceded for 'Community Purposes' [see following]</p> <p>[\$7.65 million estimated cost of works]</p>
3. Community purposes site adjacent to the Village Centre	Minimum 7,000m ² site to be ceded to the Crown at no cost in fee simple in a location to be agreed with the City as part of the Village Centre DAP process. This site to be ceded as soon as practicable after WAPC endorsement of the	N/A

Infrastructure/land item	Details	Value for purposes of clause 10
	Vasse Development Area DGP and Vasse Development Area DCSP and prior to the clearance of any additional lots.	
		Approx. \$3.2million (MINUS per note at 2))