



City of
Wanneroo

**DISTRICT
PLANNING
SCHEME No. 2**

Amendment No. 178

Planning and Development Act 2005

**RESOLUTION TO ADOPT AMENDMENT TO
LOCAL PLANNING SCHEME**

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 178

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above local planning scheme by amending the percentage of the total cost to acquire and construct Dundebur Road as defined in Schedule 6, Clause 3 of District Planning Scheme No. 2 from 100% to 50%, as per the following:

Cell 3 Dundebur Road (between Griffiths Road and Steven Street)

- * 50% of the total cost to acquire the ultimate road reserve land;
- * 50% of the total cost of constructing the full earthworks, one carriageway and all structures.

The Amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:

- a) Under Regulation 34(e) a complex amendment is "an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan".

Date of Council Resolution 27th August 2019


.....
(Chief Executive Officer)

Dated this 26th day of September 2019

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO 2 - AMENDMENT NO. 178

SCHEME AMENDMENT REPORT

Background

The East Wanneroo Cell 3 Agreed Structure Plan is one of nine East Wanneroo Cells that are subject to cost sharing arrangements in accordance with Part 9 and Schedule 6 of District Planning Scheme No. 2. Cell 3 comprises an area of approximately 49ha in Wanneroo, generally bound by Dundebur Road, Scott Road, High Road and Steven Street – see **Attachment 1**.

At the time of establishing the cell works for Cell 3 in 2001, the land to the north of Dundebur Road (opposite Cell 3) was zoned rural and therefore the Dundebur Road upgrade cost was wholly attributed to Cell 3 as 100% cell cost in DPS2. These works include land acquisition for road widening on the northern side of Dundebur Road, a single carriageway road and a Dual Use Path. In September 2018, the land to the north of Dundebur Road (opposite Cell 3) was re-zoned under the MRS to 'Urban Deferred' and it is anticipated that this land will develop for urban purposes in the short to medium term, as part of the urbanisation of East Wanneroo.

The following represents the general position of Cell 3:

- Cell Area – 48.9 ha;
- Infrastructure Contributions Per Lot (ICPL) received – 450;
- ICPL remaining – 46;
- Remaining Area to be Developed – 9%;
- POS Acquired – 2.67 ha (POS acquisition complete);
- Historic POS Credit remaining (equivalent of 769 m²) - \$148k; and
- Dundebur Road Costs (Acquisition and Construction) – \$2.5 million (currently 100% Cell 3 cost).

Cell 3 is now predominately developed (91%) with all POS areas being acquired. Only a small area of historic POS credit remains to be compensated and will be offset against those remaining landowner's contributions at the time of subdivision. However, based on preliminary work undertaken in relation to Cell 3, a significant increase in the contribution rate (ICPL) of \$29,429 will be necessary (\$14,036 increasing to \$43,465) for the remaining 9% of landowners.

The increase is primarily a result of there being only a small area of undeveloped land remaining to apply cost increases associated with the remaining Dundebur Road acquisition and construction in accordance with the East Wanneroo land requirement plans (\$2.5 million). The upgrading of Dundebur Road is required to bring the road up to an urban standard to accommodate the future development of the area as per the preliminary designs previously endorsed by Council.

It is recommended that an Amendment to DPS2 be initiated to reduce the Cell 3 obligation in respect to Dundebur Road from 100% to 50% and seek the balance of the cost from

developers involved in the future urban precinct to the north of this road that will benefit from these works in the future and are affected by the road widening required.

Detail

The proposal seeks to amend DPS2 by replacing the percentage of the total cost to acquire and construct Dundebur Road as defined in Schedule 6, Clause 3 of DPS2 from 100% to 50%.

SPP 3.6 – Development Contributions for Infrastructure includes a number of principles which development contributions must be levied in accordance with. Particularly relevant are the principles of ‘need and nexus’ and ‘equity’:

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

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

Having regard for the above principles, it is considered reasonable that the cost of upgrading this portion of Dundebur Road should not be totally met by the Cell 3 landowners as is currently the case, but that the cost should be partly met by the future urban precinct to the north of Dundebur Road.

In respect to determining how the road upgrading cost should be apportioned between Cell 3 and a future DCP for the land to the north of the road (having regard to the above equity principle saying that this should be based on relative contribution to road), it is expected that the future preparation of DCP’s for the new East Wanneroo urban area will entail preparation of detailed methodologies for how such cost apportionment should be done.

At this time, with such methodologies not being available, it is considered reasonable to apportion the cost on a 50%/50% basis, on the assumption that the need for this road upgrading will be likely to be approximately equally attributable to the communities living on each side of the road. This is considered a reasonable assumption, given that Dundebur Road (as an east-west road), lies approximately midway between the other main east-west roads to the north and south (Caporn Street and Elliot Road respectively).

Once this DPS2 amendment is gazetted, Administration will complete the annual review of cell costs for Cell 3 (which will include adjustments to costs resulting from the DPS2 amendment) and report to Council on the matter. Until this occurs, the ICPL rate for Cell 3 will remain the same (\$14,036)

Comment

It is anticipated that a reduction (50%) of this Dundebur Road will enable the ICPL for Cell 3 to be maintained at approximately \$16,116 (\$2,000 more than the current ICPL rate – adopted 2006) rather than a substantial increase to \$43,465. This would involve a future Development Contribution Plan (DCP) for the future urban precinct to the north of Dundebur Road after the finalisation of the district structure plan for the East Wanneroo area. The need for the preparation of developer contribution arrangements for the future East Wanneroo urbanised area's is acknowledged by the State Government.

The WAPC is expected to release the draft East Wanneroo District Structure Plan in August 2019 and this is expected to include further information regarding WAPC's expectations for DCP's for East Wanneroo.

The upgrade to Dundebur Road meets the requirements as a reasonable DCP cost based on the current SPP 3.6 Development Contributions for Infrastructure, as well as a draft revised SPP 3.6 in relation to 'development' infrastructure, which has recently been released by the WAPC for comment.

TEXT MODIFICATION FORM

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 178

The City of Wanneroo under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by modifying the percentage of the total cost to acquire and construct Dundebur Road as defined in Schedule 6, Clause 3 of District Planning Scheme No. 2 from 100% to 50%, as per the following:

Cell 3

Dundebur Road (between Griffiths Road and Steven Street)

* 50% of the total cost to acquire the ultimate road reserve land;

* 50% of the total cost of constructing the full earthworks, one carriageway and all structures"

COUNCIL ADOPTION

This Complex Amendment was adopted by resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the 27th day of August, 2019.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the 27th day of August, 2019, proceed to advertise this amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for _____ by resolution of the City of Wanneroo at the Ordinary Meeting of the Council held on the _____ day of _____ and the Common Seal of the City of Wanneroo was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

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DELEGATED UNDER S.16 OF
PD ACT 2005

DATE

Approval Granted

.....
MINISTER FOR PLANNING, LANDS AND
HERITAGE

DATE