

**13.2.1 AMENDMENT NO. 110 TO TOWN PLANNING SCHEME NO. 6 - SOUTHERN RIVER PRECINCT 3 DEVELOPMENT CONTRIBUTION PLAN**

Director:	C Terelinck
Author's Declaration of Interest:	Nil.
Property Number:	Various
Application No:	PF09/00022
Applicant:	City of Gosnells
Owner:	Various
Location:	Southern River Precinct 3
Review Rights:	None. However, amendment determination by the WA Planning Commission and Minister for Planning.
Area:	Approximately 272ha
Previous Ref:	OCM 12 November 2013 (Resolutions 459-462) OCM 28 February 2012 (Resolutions 77-80) OCM 22 March 2011 (Resolutions 100-104)
Appendices:	13.2.1A Advertised Amendment No. 110 and draft Southern River Precinct 3 Development Contribution Plan Report 13.2.1B Schedule of Submissions - Landowners 13.2.1C Schedule of Submissions - State Government and Servicing Authorities 13.2.1D Southern River Precinct 3 Guide Plan (2009) 13.2.1E Modified draft Southern River Precinct 3 Development Contribution Plan Report 13.2.1F Southern River Precinct 3 Guide Plan (2019) 13.2.1G Amended Development Contribution Area (DCA) boundary

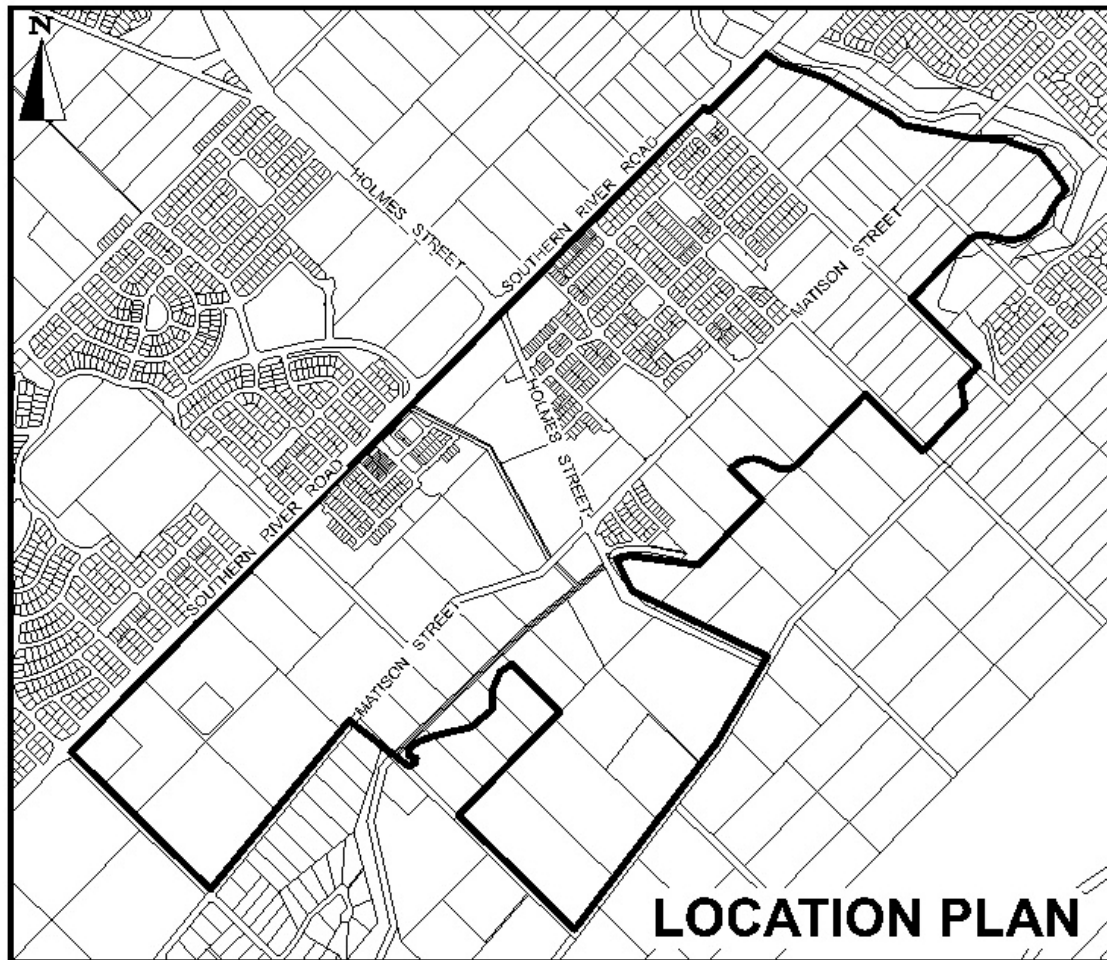
**PURPOSE OF REPORT**

For Council to consider finalisation of Amendment No. 110 to Town Planning Scheme No. 6 (TPS 6) and adoption of the draft Development Contribution Plan (DCP) report for Southern River Precinct 3 (Precinct 3).

**BACKGROUND**

Precinct 3 lies within the area bound by Southern River Road, Ranford Road, the Kennel zone, Passmore Street and the Southern River.

A map showing the location of the proposed amendment area follows.

*Item 13.2.1 Continued*

In March 2011, Council initiated Amendment No. 110 to TPS 6 to establish a DCP to fund the provision of infrastructure in Precinct 3. Council also resolved to include a draft Development Contribution Plan Report (DCPR) in the amendment documentation that sets out how the DCP is intended to operate.

Amendment No. 110 and the draft DCPR were then forwarded to the Environmental Protection Authority (EPA) and the Western Australian Planning Commission (WAPC) for review. The EPA advised that no environmental assessment was required and the WAPC indicated it would grant consent to advertise the proposal subject to minor modifications.

On 22 February 2012 Council adopted the modifications to the amendment and in March 2012 the WAPC granted consent to commence public consultation. Amendment No. 110 and the draft DCPR were advertised for 42 days from April to June 2012.

On 12 November 2013, Council considered the submissions received on Amendment No. 110 and the draft DCPR. Council resolved that the draft DCPR be revised to reflect various matters raised in the public feedback and then be readvertised to affected landowners. The resolution and the amendment was then forwarded to the WAPC seeking approval to readvertise.

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On 13 January 2018, the Minister for Planning directed the City to modify the amendment and update the draft DCPR for the purpose of readvertising.

The delays in the process have been due largely to delays by the Department of Planning, Lands and Heritage (DPLH), including a 50-month period between Council adopting the amendment following consultation in November 2013 and the Minister for Planning directing the City to modify the amendment in January 2018.

The City raised concerns with the DPLH about the Ministerial directive as aspects of the directions were considered to be flawed and sought further clarification on progress. However, it was not until 18 December 2019 that the City received revised directions from the Minister for Planning.

Subsequently the City engaged Wood and Grieve Engineering consultants to design and cost the common infrastructure required to service development of Precinct 3. This process has been essential to obtain high confidence (85% design-level) in the expected infrastructure and servicing costs to inform the updated draft DCPR.

On 23 October 2020, the modified amendment and updated draft DCPR were re-advertised. 17 submissions were made by landowners during the public consultation period. In addition, 10 submissions were received from State Government and servicing authorities. Submissions lodged on the amendment and draft DCPR have been considered and are addressed in this report. The advertised Amendment No. 110 and draft DCPR are contained in Appendix 13.2.1A.

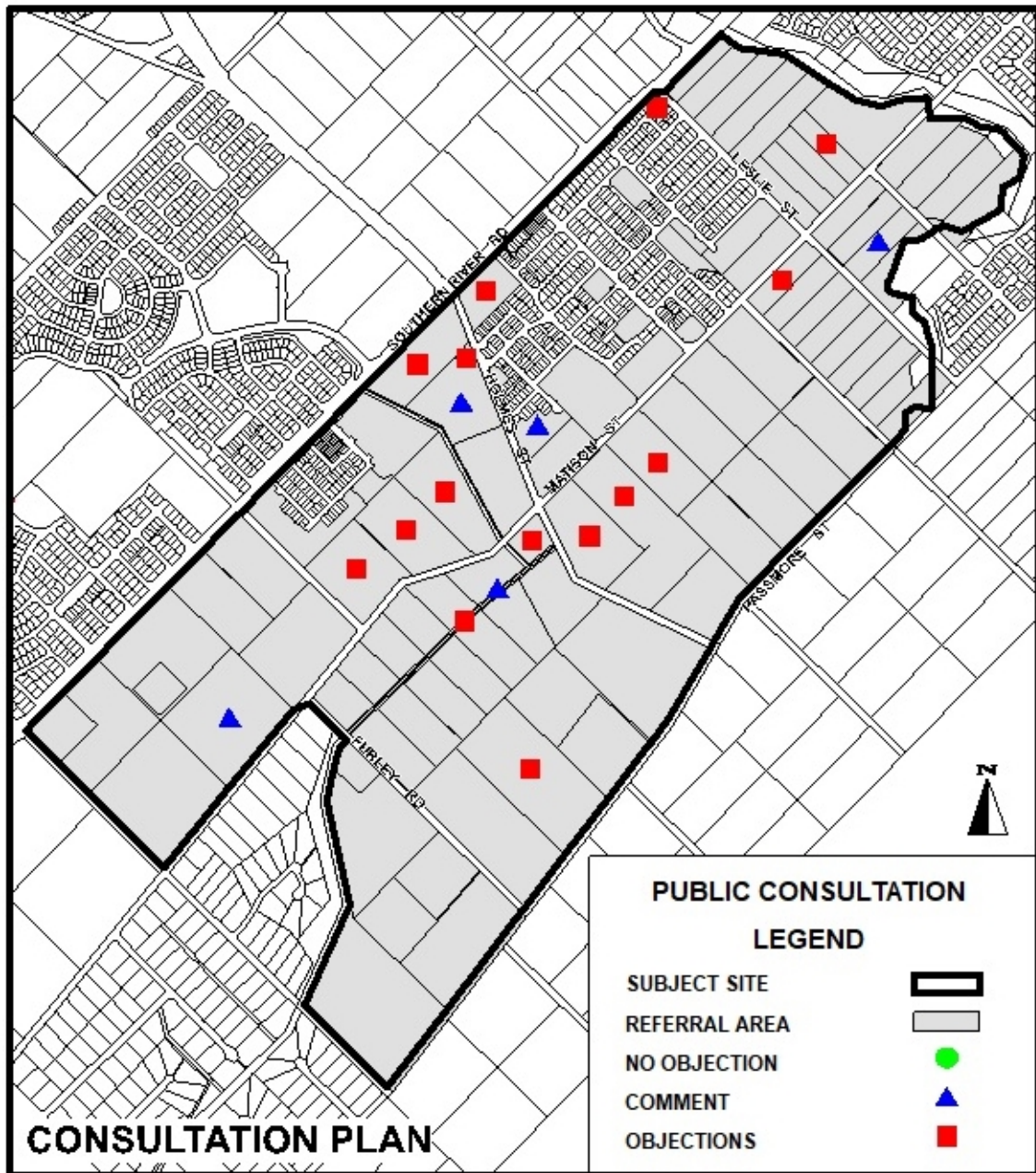
**Consultation**

In accordance with the Ministerial direction dated 18 December 2019, the modified amendment and draft DCPR were advertised for public comment for a period of 42 days, in accordance with Regulation 46(2) (a) of the *Planning and Development Act 2015*, by way of:

- Letters to affected landowners;
- An advertisement placed in *The West Australian* newspaper;
- A notice on the City's website; and
- Public notices at the City's civic centre and libraries.

The City received 17 landowner submissions during the advertising period, 12 objecting to the proposal and 5 providing comments. Some of the submitters own multiple properties within the area, and in those cases each of the lots has been identified on the map of the consultation area that follows.

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Additionally, the City referred the proposal to the State Government and servicing authorities. In response the City received 10 submissions, nine of which provided no objection and one (Department of Education (DoE)) provided an objection to the proposal on the basis of the potential unsuitability of the site nominated for a High School due to environmental constraints and the Kennel zone buffer.

The recent objection by the DoE represents a significant departure from its earlier tacit support of the location included on previous drafts of the Guide Plan (GP). The potential impacts of this change, which affects both the future District Open Space (DOS) and High School sites, is evaluated fully later in the report.

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A summary of the submissions received and comments thereon are included in the Schedule of Submissions contained in Appendices 13.2.1B and 13.2.1C.

**Proposal Overview**Precinct 3

Planning for urban development of the area has involved various challenges resulting from fragmented land ownership, environmental and water management issues, the proximity to the Kennel zone, the need for new infrastructure to be provided and for land to be set aside for public purposes.

In 2009, a Guide Plan (GP) was prepared for Southern River Precinct 3. This GP is shown in Appendix 13.2.1D.

The GP comprises Sub-Precincts 3A (North), 3A (South), 3B, 3C, 3D, 3E and 3F, most of which have undergone significant planning since 2009 by developers through the lodgement of individual Structure Plans (SPs).

The GP has been used to assist consideration of amendments to the Metropolitan Region Scheme (MRS) and TPS 6, SPs and applications for subdivision and development within Sub-Precincts 3A (North), 3A (South), 3C, 3D and 3E. Development in all of the sub-precincts requires the coordination of infrastructure under the draft DCPR.

Amendment No. 110

Amendment No. 110 proposes to:

- Amend the Scheme Map to include a Development Contribution Area (DCA) that applies to Precinct 3 to define the extent of the contribution area; and
- Amend the Scheme text by inserting a modified Attachment E into Schedule 8 to broadly identify items of common infrastructure and associated contribution requirements applicable to the DCA.

This amendment document will enable the City to administer a financial arrangement for Precinct 3.

Draft Development Contribution Plan Report (DCPR)

The draft DCPR outlines the intended operation of the proposed DCP and identifies the Common Infrastructure Works (CIW) and Public Open Space (POS) costs required to service Precinct 3 and the method by which they will be apportioned to developing landowners.

The draft DCPR itemises costs which are considered common to the broader Precinct 3 area and those considered common to specific sub-precincts. This means all developing landowners will be required to pay contributions to the broader Precinct 3 area. However, in some cases, developers will also need to pay contributions to specific sub-precinct DCPs, where there is a need to equalise the burden of infrastructure or open space within a sub-precinct.

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The draft DCPR identifies the following CIW items for Precinct 3:

- Land required for the widening of Southern River Road and Holmes Street.
- Land required for the widening of the Forrestdale and Balannup drains.
- Land required for District Open Space.
- Upgrading of Southern River Road.
- Upgrading of Holmes Street.
- Construction of playing fields and associated pavilion, carpark and lighting on future DOS.
- Construction of roundabouts.
- Construction of shared paths.
- Relocation of services.
- General administration, studies and fees.

**DISCUSSION****Issues arising from consultation**

The submissions received during the advertising period are summarised and responded to in the Schedule of Submissions, contained in Appendices 13.2.1B and 13.2.1C.

A range of issues were raised in the submissions which reflect the complexity of the proposal and significant financial implications for landowners. Some of the issues raised have resulted in the draft advertised DCPR being modified, as contained in Appendix 13.2.1E.

**State Planning Policy 3.6 - Development Contributions for Infrastructure**

State Planning Policy 3.6 - Development Contributions for Infrastructure (SPP 3.6) sets out the principles and considerations that apply to DCPs. Specifically, SPP 3.6 sets out the model format for TPS 6 provisions and the required content and process for the preparation of a DCP. A revised draft SPP 3.6 was advertised for public comment in 2019 to further refine the SPP principles, and this has also been used as a basis for the proposed DCPR, even though it is not finalised as yet.

A key principle of SPP 3.6 is the 'Need and Nexus' principle which requires the need for infrastructure to be clearly demonstrated (need) and the connection between the development and the demand created to be clearly established (nexus).

The infrastructure included in the DCP includes proposed regional roads, drainage and sporting facilities that provide a broad benefit to Precinct 3 and the wider community. These items are critical pieces of infrastructure which are essential to the development of Precinct 3 and therefore have been identified as appropriate for inclusion within the DCP (consistent with SPP 3.6 policy guidance).

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As expected, a number of submissions raised concerns about the imposition of costs on Precinct 3 landowners for infrastructure that also benefits the wider community. The submissions contend that Precinct 3 infrastructure costs should be based on a proportionate share taking into account the demand and future use of various infrastructure elements by the wider community.

In response to these contentions, it is noted that a significant portion of these infrastructure costs will be funded from sources outside of the Precinct 3 DCP. The advertised amendment document (contained in Appendix 13.2.1A) shows the proportion of the costs of infrastructure items to be funded by the DCP. The balance of these costs will be funded by developer contributions from the adjoining Southern River Precinct 2 DCP and the broader community through government grants and municipal rates.

**Precinct 3 Guide Plan**

The 2009 GP provides a broad strategic plan to inform the preparation of amendments, SPs and associated financial arrangements for the provision of shared infrastructure and land for public purposes.

Since 2009, a number of changes to planning frameworks, environmental factors, and spatial elements have occurred in relation to the GP. Most notably, the preferred location of the High School and abutting future DOS has been affected by the changed environmental assessment of land.

As a result of those changes, and the difficulty encountered by the City in securing guidance from the DoE in relation to the suitability of the High School site, on 13 June 2017, Council resolved (Resolution 173) to adopt an updated GP for the purpose of advertising with the following modifications:

- The inclusion of detail contained in both approved and draft SPs for the sub-precincts.
- The removal of the High School designation.
- The removal of District Open Space (DOS) designation.
- Inclusion of Conservation and General Rural designations.

At the conclusion of the advertising period for this GP, State Government environmental agencies, DPLH and the DoE raised concerns in relation to various aspects of the updated GP. These concerns and the City's responses are discussed in detail later in this report.

As a consequence, the following modifications were made to the advertised GP:

- The inclusion of only detail contained in approved SPs for the sub-precincts. The detail involving the draft SPs was removed and replaced with the 2009 GP designations.
- The inclusion of the High School designation on Lots 11, 12 and 1790 Passmore Street, consistent with the Minister's direction and the DoE's request.

*Item 13.2.1 Continued*

- The inclusion of two DOS sites with a combined area of 8.5 hectares, consistent with the Minister's direction. One site (4.34 hectares) is shown on Lots 1789 and 1790 Passmore Street and the other site (4.16 hectares) is shown on Lot 18 Matison Street and Lot 9000 Southern River Road.

On 24 September 2019 Council resolved (Resolution 249) to adopt the GP (with modifications) and forward it to the WAPC for its information. The adopted 2019 GP is contained in the draft DCPR and also attached as Appendix 13.2.1F.

Various submitters to Amendment 110 and the draft DCPR raised concerns in relation to the GP and the appropriateness of this plan being used to inform the draft DCPR. Many of the designations on the GP (such as wetlands, conservation areas and various zonings) have been questioned in relation to their accuracy and whether this plan is appropriate to be used as a basis for the calculation of contribution areas.

The 2019 GP reflects a combination of approved SPs and where no SP approval exists, the designations are consistent with the 2009 GP.

During the 2017 advertising period of the GP, the DPLH and the Department of Biodiversity, Conservation and Attractions (DBCA) raised concerns about the land uses and environmental designations shown in the GP. At the time of advertising, the GP reflected various land uses and environmental designations consistent with draft SPs which had been lodged with the City and were undergoing assessment and processing.

The DPLH and DBCA considered that until such time as the draft SPs had been approved, the land uses and environmental designations should remain unchanged as per the 2009 GP, on the basis that it may otherwise pre-empt resolutions of the draft SPs. The City did not object to this position given the final development outcomes would ultimately be determined by approved SPs and the 2019 GP is simply intended to be used as a guide to inform more detailed structure planning. It is not the appropriate planning framework to consider site-specific environmental constraints.

It should be noted that the environmental status of a property will ultimately be determined through the structure planning process and subsequent development and subdivision approvals process. Affected landowners can seek a review of any potential environmental constraints via separate application to State Government environmental agencies.

It is not uncommon for constraints identified on the GP to be inconsistent with the Government's Geomorphic Wetlands of the Swan Coastal Plain (GWSCP) data set. This is because the environmental investigative studies undertaken for Precinct 3 involved a more detailed level of assessment which refined environmental areas potentially worthy of conservation. Typically, environmental investigative studies undertaken to inform more detailed planning tend to result in the conservation areas being amended to reflect the current environmental status of the area.

In relation to informing the draft DCPR, the GP assists to identify the future development scenario of Precinct 3. This is necessary to understand the net developable area (NDA) on which developer contributions will be calculated.



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The GP is considered a suitable spatial document for this purpose on the basis it has been informed by environmental and other investigative studies. It was therefore considered appropriate for the GP to be used to conservatively inform the calculation of the NDA for the individual sub-precincts not yet covered by approved SPs. The NDA for the individual sub-precincts are contained in Appendix N (Contribution Areas and Plans by Sub-Precinct) of the draft DCPR.

**High School Site**

During the preparation of the 2009 GP, the High School designation was the subject of significant discussion between the City, DoE and the DPLH for the purpose of identifying a suitable site in Precinct 3. The DoE initially preferred a site in Sub-Precinct 3E which was predominantly owned at the time by the Department of Housing (DoH). However, due to the sub-precinct potentially being constrained by wetlands, it was eventually deemed unsuitable by the DoE and subsequently, Sub-Precinct 3D became the focus of a new location.

Consequently, the adopted 2009 GP designated an 11ha High School site in Sub-Precinct 3D on Lots 11, 12 and 1790 Passmore Street. In June 2017, the GP was updated and it was determined that Lot 1790 contained conservation areas and was therefore not suitable to accommodate a High School. As a result, the High School site was reduced in size to 8ha and contained exclusively on Lots 11 and 12 Passmore Street. However, in subsequent discussions, the DoE advised an 8ha site would be inadequate.

In an attempt to move the project forward, a modified GP was advertised in June 2017 that removed the High School with the intention to accommodate an appropriately sized site within Precinct 4, to the east of Passmore Street. This GP designated Lots 11 and 12 Passmore Street as Residential and Lot 1790 Passmore Street as Conservation.

At the conclusion of the advertising period, the DoE indicated that should the High School site be removed from the GP it would need certainty via an adopted SP that a site could be secured elsewhere. If this certainty could not be provided the DoE insisted on the High School site remaining within Precinct 3 until such time as an alternative location could be secured.

After the GP was advertised in 2017, the owner of Lot 1790 Passmore Street initiated environmental investigations to de-constrain a portion of the property of its conservation status. This investigation was successful in that the DBCA removed the environmental classification from a significant part of Lot 1790. In doing so, that portion of the landholding again became suitable for use as a High School in combination with Lots 11 and 12 Passmore Street with the ability to support a 12.65ha High School site.

On 13 January 2018, the Minister for Planning directed that should environmental constraints not prohibit development of Lot 1790 Passmore Street, the retention of this site as a High School and DOS would be required.

The final adoption of the GP (2019) therefore imposed the requirement for Lot 1790 Passmore Street to be designated (in part) as a High School site and DOS with the balance of the land remaining Conservation. Lots 11 and 12 Passmore Street were therefore also designated as a High School in combination with Lot 1790 to establish a 12.65ha site (as shown in Appendix 13.2.1F).

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However, the DoE has since objected to the 12.65ha site on the basis of the possible presence of environmental constraints including a part of the site's location within the buffer to the Kennel zone and suggests the delivery of a standard public secondary school would be impacted by the buffer.

The City has spent a significant amount of time and resources over many years in consultation with the DoE and the DPLH on this issue. Numerous investigations and discussions with the DPLH and DoE have concluded the most suitable location for the High School site is the current designation shown on the 2019 GP.

In the absence of an approved SP for the area, it is not possible to determine the suitability of the site for a High School. It is suggested the DoE approach the owners of Lots 11, 12 and 1790 in relation to obtaining the requisite level of certainty to accommodate a High School on these lots.

Ultimately, should the site be determined as being unsuitable for a High School then the subject properties would most likely be developed for residential. Should this occur, these properties would be required to pay a development contribution under the draft DCPR.

**District Open Space**

The 2009 GP identified 13ha of DOS to be accommodated on Lots 1789 and 1790 Passmore Street. In combination with developing landowners' obligations to provide Local Open Space (LOS), an overall POS provision of 25% was determined for Precinct 3. At this time, structure planning for the area was not well advanced and it was difficult to accurately forecast the quantum of POS provision.

After that time, Lot 1790 was deemed to be constrained by its conservation status. Separately, the City determined sufficient DOS had been provided in the District. Consequently, the 2017 advertised GP removed the DOS from Lots 1789 and 1790 and replaced it with Residential, Conservation and General Rural designations.

After the GP was advertised in 2017, the owner of Lot 1790 Passmore Street initiated environmental investigations to de-constrain a portion of the property of its conservation status. This investigation was successful in that the DBCA removed the environmental classification from a significant part of Lot 1790. In doing so, that portion of the landholding again became suitable for use as DOS in combination with Lot 1789 Passmore Street, with the ability to support a 4.48ha DOS site.

In response (on 13 January 2018), the Minister for Planning directed the City to modify Amendment No. 110 and the draft DCPR to include 8.57ha of land in the total precinct to accommodate DOS. The direction specifically advised that should environmental constraints not prohibit development of Lot 1790 Passmore Street, then it would be required to accommodate part of the total DOS allocation.

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As a result, the 2019 GP made provision for two discrete areas of DOS with a combined area of 8.57ha. The first DOS site (4.48 hectares) is shown on Lots 1789 and 1790 Passmore Street and is contained within the kennel buffer surrounding the Kennel zone. Land within the buffer is limited to development which excludes residential uses. It is considered appropriate to contain DOS within the kennel buffer and connect DOS to a future High School site to facilitate co-location opportunities. The second DOS site (4.09 hectares) is shown on Lot 18 Matison Street and Lot 9000 Southern River Road and is also contained within the kennel buffer. These sites are included in the approved Sub-Precinct 3E SP as 'Subject to Future Planning'.

Over time, structure planning has been undertaken for approximately 80% of the sub-precincts in Precinct 3 and the quantum of POS can now be more accurately determined. The provision of 8.57ha of DOS in Precinct 3, in combination with landowners' LOS obligations, has resulted in an overall POS provision of 12.7%, excluding areas of LOS to be set aside for environmental buffers and conservation. This means that Precinct 3 is essentially over-providing POS by 2.7%, compared to the 10% POS requirement in the *Liveable Neighbourhoods* (LN) guidelines, which is the State Government's operational policy for structure planning.

The structure planning that has occurred in Precinct 3 over a number of years has seen the standard 10% provision of LOS by developers significantly discounted within the sub-precincts for various reasons. One of these reasons is due to the requirement for Precinct 3 landowners to contribute to DOS which has the effect of landowners generally meeting their 10% POS obligation.

With the adoption of interim structure plans for sub-precincts, and the realisation of those urban cells, and allocation of POS, the City now has significantly higher confidence about the development pattern in the area. In fact, it emerges that a total of 12.7% POS will eventuate if the GP is amended as required by the Minister.

Notably, when considering the 2013 draft DCPR, Council deemed the POS provision for Precinct 3 was onerous at 25% and resolved to contribute to 50% of the cost of DOS to reduce some of the burden on developing landowners.

This raises the issue of the appropriateness of the City's 50% contribution when the overprovision of POS has reduced from 25% to 12.7%. Indeed, as the quantum of open space on the modified Structure Plan (12.7%) is significantly closer to the 10% requirement set out in LN than the original 25%, the rationale for the Council's 50% subsidy proposal falls away.

These changes support a review of the Council's proposed contributions within the DCPR. A summary of the POS contributions, with landowners contributing 10% of a 12.7% total, is shown in the following table.

<b>Public Open Space Provision in Precinct 3 (with current provision of 8.57 ha of DOS)</b>	
Gross Subdividable Area (basis for 10% contribution)	140.1795 ha
Area of LOS and DOS (POS)	17.8420 ha (12.7% of GSA)
Landowner's 10% Contribution	14.0179 ha (78.6%)
City's Contribution	3.8241 ha (21.4%)

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For this reason, it will be recommended to the Minister that Amendment No. 110 be modified to specify that 78.6% of the cost of DOS (land and facilities) is to be funded by the Development Contribution Plan, as it would be inappropriate for the City (and therefore the broader community) to pay towards the provision of POS which should be met by developing landowners as a component of their normal 10% contribution.

Further, affected landowners have objected to their properties being designated as DOS on the contention that the land within the kennel buffer is potentially developable for residential development. Should residential development not be achievable, the landowners would prefer to develop the properties for an alternative non-residential land use. This is considered further in the next two sections.

Lot 18 Matison Street and Lot 9000 Southern River Road

The owners of Lots 18 and 9000 have lodged an acoustic report with the City for assessment, seeking in-principle support for residential development within the kennel buffer. This report was referred to the Department of Water and Environmental Regulation's (DWER) Noise Branch for comment. DWER raised concerns about the noise from the Kennel zone adversely impacting on residential development within the kennel buffer. The landowners are currently working through these concerns with a view to understanding all relevant issues prior to resubmitting a revised acoustic report.

As this matter is still under consideration, it is anticipated a request for modification to the sub-precinct SP may be lodged proposing an Urban zoning in the future for these lots. In this regard, the landowners are seeking the City's support for the removal of the 4.09ha of DOS from Lots 18 and 9000 and intend to seek support from the WAPC in its consideration of Amendment No. 110.

Should the DOS be deleted from Lots 18 and 9000, this would have the effect of reducing the provision of POS within Precinct 3 to 10.1%, which generally accords with the requirements of LN. Under this scenario, the City's contribution is relatively minor as demonstrated in the table below.

<b>Public Open Space Provision in Precinct 3 (with reduction of 4.09 ha of DOS)</b>	
Gross Subdividable Area (basis for 10% contribution)	136.0870 ha
Area of LOS and DOS (POS)	13.752 ha (10.1% of GSA)
Landowner's 10% Contribution	13.6087 ha (98.96%)
City's Contribution	0.1433 ha (1.04%)

As such, the City supports the request to remove the DOS from Lots 18 and 9000, on the basis that it will reduce the POS provision within Precinct 3 from 12.7% to 10.1%. Should the Minister approve Amendment No. 110 with a reduced provision of DOS to 4.48ha, the City would simply amend the draft DCPR at the time of final adoption by Council. This would mean the balance of the DOS obligation would exclusively fall to Lots 1789 and 1790 Passmore Street.

*Item 13.2.1 Continued*

It will therefore be recommended that the Minister for Planning approves the amendment with a reduced provision of DOS to 4.48ha and in doing so, amends the contribution so that 98.96% of the provision of DOS (land and facilities) is funded by the Development Contribution Plan. This acknowledges that it would be inappropriate for the City (and therefore the broader community) to pay towards the provision of POS which should be met by developing landowners as a component of their normal 10% contribution.

Lot 1790 Passmore Street

The owner of Lot 1790 Passmore Street has also lodged an acoustic report which was referred to DWER for comment. Similarly, DWER provided advice to the City raising concerns about the noise from the Kennel zone adversely impacting residential development within the kennel buffer zone in this location. Although new planning scenarios may result from further detailed investigations in relation to this property, at this stage it is considered prudent for Council to give priority to the advice from the Minister in regard to the provision of DOS and its intended co-location with the future High School on this site.

Notably, Lot 1790 and surrounding land are not zoned Urban yet, and planning is not as advanced as it is for Lots 18 and 9000. Therefore, the extent of future Urban or DOS land cannot be quantified at this time.

**Forrestdale Main Drain**

The Forrestdale Main Drain (FMD) is managed by the Water Corporation (WC) and extends from Forrestdale to the Southern River. It was initially constructed when much of the catchment was undeveloped. Urbanisation of the catchment necessitates expansion of the drain's capacity to ensure stormwater is contained within the confines of the drainage corridor to avoid flooding in new developments.

The Forrestdale Main Drain Arterial Drainage Strategy (FMDADS) identifies the need for widening along its length, including the area between Phoebe Street and Holmes Street to cater for urban development in the drain's catchment. The widened drain is proposed to be upgraded to a living stream which means the existing drainage channel is retrofitted and upgraded to mimic a natural stream. This is the preferred State Government approach to water management and provides benefits such as improved amenity through attractive natural landscaping, the creation of diverse habitats which can restore environmental characteristics in urban areas and the removal of pollutants.

Several submissions raised concerns in relation to the upgrading costs and land required for widening of the FMD being included as an item in the draft DCPR. The submissions contend it is unreasonable for the cost of this regional drainage infrastructure to be funded across the Precinct 3 area on the basis there is no direct benefit to developing landowners and therefore this cost should be funded by other means.

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There are 12 properties affected by the widening requirement. Six of these properties have limited development potential due to the impact from environmental constraints. Little prospect exists for land acquisition to enable the drainage widening to occur in a timely and co-ordinated manner as a result of individual landowner-led planning proposals for development of these properties. Without a compensatory approach by either the WC or through a DCP, affected landowners would potentially get no compensation for the requirement to cede land for drain widening. Alternatively, the burden could pass to the broader community to meet the cost of compensation resulting from forced acquisition. Neither option is considered acceptable from an equity perspective.

Between 2006 and 2008, the City made various attempts to obtain the WC's agreement to fund the cost of land acquisition associated with widening of the drain. This was pursued as it was recognised the drain is a WC managed asset and its widening would be for the benefit of a catchment substantially larger than the properties affected by the widening. The WC responded by agreeing to manage the physical upgrades to the drain, but would not agree to fund land acquisition.

As a result, the WAPC adopted a resolution in 2009 that provided for any future Precinct 3 DCP to include a contribution to the cost of acquiring land identified in the FMDADS for the widening of the drain. Since this time, it appears the WC's agreement to fund the physical upgrades to the drain has changed. The WC has advised it will now only fund the excavation of the existing 5m wide main drainage channel and will not fund the upgrade of the living stream components (shaping, landscaping, reticulation, footpaths, lighting, etc). The City and developers would therefore be left to fund the living stream component.

The current draft policy on the appropriateness of infrastructure items in DCPs is State Planning Policy 3.6 - Development Contributions for Infrastructure. At the time Amendment No. 110 and the draft DCPR were initiated, this policy provided no guidance on the acceptability of the FMD as a CIW. The draft policy was revised in 2016 and again in 2019. The current policy provisions specify that regional drainage is not acceptable as a CIW item and therefore it could be argued that it should be removed from the DCP. Ultimately the WAPC (on behalf of the Minister for Planning) has determined that the cost of land required to widen the FMD and associated basic landscaping works are to be included in the DCP.

The draft DCPR includes 2.6ha of land required for the widening of the FMD at a cost of \$1,604,617.50 and basic landscaping works (turf and reticulation) associated with the drain widening at a cost of \$443,630.67.

The City has obtained costs for the full upgrade of the FMD which amounts to \$4,054,029.15 (which includes basic landscaping works mentioned previously). These costs will be provided to the WC with an expectation that it will fund the full upgrade requirements. Should the WC decline to implement the full upgrade requirements of the FMD then over-time, it is likely to fail and become problematic from a drainage perspective.

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The FMD is regional drainage infrastructure and ultimately the responsibility of the WC. The City will be required to enter into a legal agreement with the WC to determine the management responsibilities of the FMD. This will involve the City agreeing to manage the living stream component and the WC agreeing to manage the 5m wide drainage channel. Through this process, if the WC does not accept the responsibility of funding the full upgrade of the FMD then the City can essentially refuse to accept any management responsibility. If this scenario eventuates, it could lead to protracted negotiations between the City and the WC and potentially result in adverse drainage consequences for surrounding landowners at some point in the future.

On balance, compensation (under the DCP) for affected landowners required to cede land for widening of the FMD is considered the most equitable and workable approach. This is predicated upon the WC's original commitment to fund the full upgrade requirements of the FMD. In this regard, the City considers the imposition of the full upgrade costs on either the broader community or developing landowners is inappropriate.

**Valuation Advice**

The provision of land for certain public purposes will be a key requirement of the development and subdivision of Precinct 3. The main objective of the DCP will be to facilitate the assembly of land needed for these public purposes in an equitable manner.

An important component of the operation of the DCP is the land valuation basis. The land valuation basis is used to estimate the cost of land for certain public purposes and in turn assist to determine the value of contributions to be collected to fund the acquisition.

The land identified for public purposes within the DCPR is required to be ceded to the Crown as follows:

- Regional road widening (Southern River Road and Holmes Street).
- Forrestdale Main Drain widening (presuming that land acquisition will be required under the Structure Plan).
- Balannup Lake Drain widening.
- Local Open Space (Sub-Precincts 3A North and 3E).
- District Open Space.

The City engaged McGees Property Valuers (MPV) to prepare valuations to estimate the cost of public purpose land identified in the draft DCPR to determine the reimbursement for landowners affected by public purpose reservations. This involved the preparation of two englobo valuations and six site specific valuations. The valuations were revised on 11 March 2021 by MPV and the draft DCPR updated to reflect the revised valuation figures. The change in valuation figures is shown in the table below.

*Item 13.2.1 Continued*

<b>Comparison of Valuation Figures from May 2020 to March 2021</b>		
	<b>May 2020</b>	<b>March 2021</b>
Urban Englobo Valuation	\$125/m <sup>2</sup>	\$132.50/m <sup>2</sup>
Rural Englobo Valuation	\$24/m <sup>2</sup>	\$25/m <sup>2</sup>
Lot 1000 Holmes Street - road widening valuation	\$610,500.00	\$539,000.00
Lot 8 Holmes Street - road widening valuation	\$518,000.00	\$557,700.00
Lot 9000 Southern River Road - DOS valuation	\$691,200.00	\$691,210.00
Lot 18 Matison Street - DOS valuation	\$2,891,105.00	\$2,891,105.00
Lot 1789 Passmore Street - DOS valuation	\$2,398,140.00	\$2,220,500.00
Lot 1790 Passmore Street - DOS valuation	\$626,872.50	\$580,437.50

For convenience, the changes to the valuation figures and associated costs of public purpose land have been highlighted in yellow in the modified draft DCPR. These valuations and the various concerns raised in submissions are described below.

Englobo Valuations

The englobo valuations have been applied to Rural and Urban zoned land for the purpose of assigning values to the widening of regional roads and drainage. A valuation rate of \$132.50/m<sup>2</sup> for Urban zoned land and \$25/m<sup>2</sup> for General Rural zoned land has been established based on valuations undertaken by MPV in March 2021.

Englobo valuations have the benefit of producing a single common value which can then be applied to a large area with multiple landholdings, which would otherwise require multiple site specific valuations. Adopting common land values to inform the draft DCPR is essential in terms of cost, efficiency, fairness and transparency.

Two submissions have raised concerns regarding the valuation amounts. One submission specifically contends the advertised (\$125/m<sup>2</sup>) valuation rate is too high based on their own experience of sales evidence in the locality and has requested a copy of the valuation report. The valuation reports are generally not made available to the public until such time as Council has adopted the draft DCPR. The report will be made available following Council's consideration of this item. It should be noted, MPV are experienced valuers who are currently contracted to provide valuation advice on all of the City's DCPs.

Should the landowners object to the most recent valuation advice, TPS 6 provides for the opportunity to seek a review of the valuation.

Site Specific Valuations - Holmes Street

Two site specific valuations were prepared by MPV for properties affected by the Holmes Street regional road widening which involves the loss of associated improvements, including houses, outbuildings and fencing as follows:

- Lot 1000 Holmes Street - a site specific valuation of \$539,000.00 was received and it is proposed that this amount be used to reimburse landowners for the road widening and loss of improvements.
- Lot 8 Holmes Street - a site specific valuation of \$557,700.00 was received and it is proposed that this amount be used to reimburse landowners for the road widening and loss of improvements.



*Item 13.2.1 Continued*

Both landowners have lodged submissions objecting to the valuation amounts and enquiring as to the timing of reimbursement for the ceding of the land for road widening, which would require the demolition of their houses and other improvements.

It is not possible to accurately predict the timing of civil construction works and there will be staggered acquisition of public purpose land and the completion of CIW's which will depend on the availability of funds and the timing of the assembly of land needed to contain the works.

Given the need to demolish the dwellings on Lots 8 and 1000 Holmes Street and the significant inconvenience caused to these landowners, it is reasonable to prioritise reimbursement for these landowners. This would require the City to undertake the process to cede the land for the road widening and demolish the homes on behalf of the landowners.

In relation to the landowners' objections to the valuation amounts, Part 5 of TPS 6 provides the ability for landowners to object to a valuation within 28 days of adoption by Council of the draft DCPR and seek a review of the valuation. Following a review, should the figure not change or an amended figure not be acceptable to the landowner, an application can be made to the State Administrative Tribunal to seek arbitration.

Site Specific Valuations - District Open Space

Four site specific valuations were prepared by MPV for the landholdings affected by DOS, as shown on the 2019 GP contained in Appendix 13.2.1F. The reimbursement available under the draft DCPR was determined by site specific valuations on the basis the affected land is located with the Kennel zone buffer which restricts development potential.

A value of \$6,383,242.50 for the reimbursement of land provided as DOS has been determined by MPV as follows:

- 472 (Lot 9000) Southern River Road - \$691,200.00;
- 66 (Lot 18) Matison Street - \$2,891,105.00;
- Lot 1789 Passmore Street - \$2,220,500.00; and
- Lot 1790 Passmore Street - \$580,437.50.

The draft DCPR proposes the arrangement will fund 50% of the value of the land required for DOS for reimbursement (ie, \$3,191,621.25). Should the amendment be finalised in its current form, the City would be required to match the remaining 50% for reimbursement to affected landowners based on the valuations in the draft DCPR. Should the amount of DOS be reduced as is recommended, the proportion of DOS to be funded by the DCP would increase.

Three submissions objected to their properties being designated as DOS and questioned the valuation assumptions. The valuations were based on the assumption the landholdings could be rezoned to Mixed Business if it were not for the DOS designation. The valuations also assumed the sites could not be developed for sensitive land uses given their location within the Kennel zone buffer.

*Item 13.2.1 Continued*

In the absence of DWER's endorsement of the acoustic reports it is appropriate for the current assumption (potential future development for Mixed Business as the notional highest and best use of the land) to remain. The draft DCPR is required to be presented to Council for final adoption following Ministerial approval of Amendment No. 110. Should the situation change in relation to development in the kennel buffer for sensitive land uses between now and final adoption of the draft DCPR, the report can simply be amended which would involve the site specific valuations being superseded and the urban englobo valuation being used to determine the value of the DOS sites.

**Local Open Space Equalisation**

There is a need for Local Open Space (LOS) to be set aside to meet local neighbourhood recreational needs and fulfil drainage functions and this will be considered through the preparation of SPs for each sub-precinct.

LOS reimbursement is necessary where the provision of LOS (as land) is not evenly distributed across a SP area. In this instance some landowners are required to provide a substantial proportion of their land for LOS while others do not. Where there is an inequitable distribution of LOS within a SP, a City administered DCP facilitates the equalisation of LOS through developer contributions. Landowners who provide more land than their obligation specified under a DCP can then seek reimbursement for any over-provision of the standard obligation.

Where it is determined that LOS contribution requirements are to be specifically applied within a sub-precinct to address an inequitable distribution of LOS, the draft DCPR will be amended to include details of the contribution arrangements outlined in Appendices C-I. Sub-precinct contributions will be in addition to the contribution obligations required for the broader Precinct 3.

The SP for Sub-Precinct 3A (South) comprises three large lots each with an area of approximately 4ha and one smaller lot with an area of 2,000m<sup>2</sup>. Of the three larger lots, the developing landowners have provided LOS to accommodate individual drainage requirements and recreational purposes. There is no need to equalise LOS given the landowners have addressed their own drainage and recreational requirements on their own lots and have not provided more than the required 10% LOS.

The submitter for Lot 11 Southern River Road objected to there being no LOS equalisation for Sub-Precinct 3A (South) and considers this to be a departure from the earlier draft DCPR previously advertised and presented to Council in 2013. However, the City rejects the submitter's view that the 2013 draft DCPR contemplates the equalisation of LOS for Sub-Precinct 3A (South). In the 2013 draft, it was only contemplated for Sub-Precinct 3A (North).

Further, Lot 11 Southern River Road is zoned Local Centre and has contained its own drainage requirements on the property within land designated as LOS. It should be noted, there is no requirement for a Local Centre to provide recreational LOS given this zoning does not generate demand for the provision of LOS.

*Item 13.2.1 Continued*

### **Administration Cost**

The administration cost includes an allowance for general administration in the 2021 draft DCPR. This includes the cost of the City managing and administering the arrangement and is based on 5% of the total capital cost of CIWs. This cost covers the following activities:

- Managing and collecting contributions
- Landowner negotiations in relation to ceding land for regional roads and drainage
- Managing claims for reimbursement of land for regional roads and drainage
- Managing contribution reserve accounts
- Annual review of contribution rates
- Financial reporting
- Providing customer information
- General expenditure relating to the administration of the DCPR

The administration cost also includes allowances for the cost of project managing infrastructure works, implementation, design, contingencies, and technical consultant fees for studies, plans and reports associated with development of land in Precinct 3. These include the following activities:

- Legal Costs
- Valuation allowance
- Infrastructure Design and Costing Report (Wood and Grieve Engineers)
- Preparation of Southern River Precinct 3 Guide Plan
- Environmental Consultant Fees
- Engineering and Landscaping Consultant Fees
- Geotechnical Consultant Fees
- Water Corporation Fees and Headworks
- Survey for Design Works allowance
- Project Management Costs allowance
- Local Government Supervision Fees
- Road Safety Audit.

Several submissions raised concerns regarding an increase in the administration costs from the 2013 draft DCPR. The increase in the administration costs is a result of an increase in legal fees, valuation fees and the inclusion of technical consultant fees in the 2021 draft DCPR. Each is considered in the following paragraphs.

Legal fees have increased from \$50,000 to \$500,000. This increase is based on legal challenges and experiences in other City-administered DCPRs.

*Item 13.2.1 Continued*

The valuation fees provided in the 2013 draft DCPR were included in general administration and based on the annual update of two valuation reports. In the 2021 draft DCPR this cost is specifically nominated to be \$405,000. This increase is due to the expected need for a greater number of valuations. For instance, in the latest draft DCPR, eight valuations have been prepared at a total cost of \$20,250. Over the potential operational lifespan of the DCPR (20 years), conducting eight valuations per year will cost \$405,000.

It is noted that valuation fees should be based on a forecast of the life of the operation of a DCPR. A 10-year maximum period of operation is imposed by the WAPC in accordance with SPP 3.6. However, the City considers a 10-year timeframe to be manifestly insufficient to allow for the complete development of a DCA and finalisation of an arrangement. As such, a 20-year timeframe is a more realistic timeframe in which the Precinct 3 DCP will remain operational. Consequently, the operational lifespan of the DCPR has been set at 20 years.

The cost allowances for the inclusion of technical consultant fees and studies in the latest draft DCPR are based on estimates provided by engineering consultants (Wood and Grieve) and are considered industry standard. These costs were not included in the 2013 draft DCPR due to the lack of policy guidance from the WAPC at that time.

**Development Contribution Area (DCA)**

The DCA relates to the boundary shown on the Amendment No. 110 scheme map and identifies the contribution area covered by the draft DCPR. Since the inception of Amendment No. 110, the DCA boundary has changed due to structure planning for Sub-Precinct 3C de-constraining land which had previously been set aside for Conservation. The draft DCPR has been prepared taking into account the new amended DCA boundary, however, this has not been formally endorsed by the Minister for Planning.

At the time of the Minister directing the City to modify the amendment in 2018, the structure planning had not been finalised and therefore the actual extent of the boundary-change was unknown. The City has no ability to formally modify the amendment, following de-constraining of the land and can only recommend that the Minister for Planning approve the amendment with a modified DCA boundary, as shown in Appendix 13.2.1G. Following approval by the Minister for Planning, the City will be required to update the amendment document with the new boundary prior to gazettal.

**Administrative Modifications**

Following a review of the draft DCPR, the Sub-Precinct Area Plans and associated land schedules which inform the net contribution areas have been further reviewed for accuracy and refined, resulting in various changes to the draft DCPR. *Table 1: Calculation of DOS Contribution Area for Playing Fields - DCA area* (on page 7), and *Table 3: Calculation of Common Infrastructure Works Contribution Area - DCA area* (on page 12) show changes to the net contribution areas.

*Item 13.2.1 Continued*

The effect of the changes has resulted in a decrease in the net contribution area for DOS from 158.8885ha to 122.3375ha. The significant change in this figure is due to Commercial and Light Industrial zoned land (in Sub-Precinct 3F) not being deducted from the gross land area. This change recognises that Sub-Precinct 3F is not required to contribute to DOS. The balance of the changes is due to minor refinements to the Sub-Precinct Area Plans, associated land schedules, and the valuations being revised.

The effect of the changes has also resulted in a decrease in the net contribution area for CIWs from 165.1528ha to 164.5264ha. The change is due to minor refinements to the Sub-Precinct Area Plans, associated land schedules, and the valuations being revised.

The overall changes to the net contribution tables has resulted in the contribution rate for DOS increasing from \$40,389.95/ha to \$52,263.46/ha and the contribution rate for CIWs increasing from \$150,517.23/ha to \$153,440.92/ha.

As a result of the changes to Sub-Precinct Area Plans, associated land schedules and the valuations being revised, the net contribution areas and contribution rates have also changed for Sub-Precincts 3A North, 3D and 3E. For convenience, the changes which have occurred from the advertised draft DCPR to the latest modified draft DCPR are highlighted in yellow in Appendix 13.2.1E.

A change has been made to the text of the draft DCPR in section 3.0 *Common Infrastructure Works* (on page 11) to provide flexibility in relation to dealing with claims lodged for reimbursement under the draft DCPR. The change simply involved deleting some text at the end of the paragraph in this section.

The modified draft DCPR contained in Appendix 13.2.1E has been updated to reflect the changes.

**CONCLUSION**

It is recommended that Council supports Amendment No. 110 to TPS 6 (as modified by the Minister for Planning) and adopts the updated draft DCPR (with modifications post advertising) as contained in Appendix 13.2.1E and forwards the amendment to the WAPC and the Minister for Planning for final approval.

**FINANCIAL IMPLICATIONS**

As development has proceeded within Precinct 3 in advance of the finalisation of the amendment, the financial integrity of the DCP relies on adjustment of interim contributions previously made under legal agreements. As the City has applied a loading to interim contributions they are sufficient to meet the updated contribution rates in the draft DCPR.

However, should there be a delay between Ministerial approval of the amendment and Council's final adoption of the draft DCPR, such that the rates increase, the possibility arises that the existing interim contributions may fall short of final contributions. It is therefore considered appropriate to require a 10% loading on both the CIWs and POS contributions for future interim contributions that may be required prior to Ministerial approval of the amendment and Council's final adoption of the DCPR.

Item 13.2.1 Continued

## STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6.
- *Planning and Development (Local Planning Schemes) Regulations 2015.*

## VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 8)
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**Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council, pursuant to Section 41(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, notes the submissions received in respect of Amendment No. 110 to Town Planning Scheme No. 6 and endorses the responses to those submissions as contained in this report.

STAFF RECOMMENDATION (2 OF 8)
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**Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council, pursuant to Section 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, supports Amendment No. 110 to amend Town Planning Scheme No. 6 by:

1. Amending the Scheme Map to include a DCA that applies to Southern River Precinct 3 to define the Contribution Area on the Scheme Map, as shown on the amendment plan contained in this report.
2. Amending the Scheme text by inserting the modified Attachment E into Schedule 8 of the Scheme, as shown in the amendment document contained in Appendix 13.2.1A.

STAFF RECOMMENDATION (3 OF 8)
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**Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council recommends that the Minister for Planning modifies the Amendment No. 110 Development Contribution Area 5 (DCA 5) boundary, as shown in Appendix 13.2.1G, to reflect the approved Structure Plan for Sub-Precinct 3C.

*Item 13.2.1 Continued***STAFF RECOMMENDATION (4 OF 8)****Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council recommends that the Minister for Planning modifies Amendment No. 110 to reduce the provision of District Open Space to 4.48 hectares and accordingly modifies the amendment to specify that 98.96% of the cost of District Open Space (land acquisition, earthworks, drainage, turfing, reticulation, and construction of the pavilion and carpark area) is to be funded by the Development Contribution Plan.

**STAFF RECOMMENDATION (5 OF 8)****Moved Cr S Patterson Seconded Cr G Dewhurst**

In the event the Minister for Planning does not support 'Recommendation 4 of 8' then Council recommends to the Minister for Planning that Amendment No. 110 be modified to specify that 78.6% of the cost of District Open Space (land acquisition, earthworks, drainage, turfing and reticulation, and construction of the pavilion and carpark area) is to be funded by the Development Contribution Plan.

**STAFF RECOMMENDATION (6 OF 8)****Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council forwards the amendment to the Western Australian Planning Commission for determination by the Minister for Planning.

**STAFF RECOMMENDATION (7 OF 8)****Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council, pursuant to Section 5.4 of Town Planning Scheme No. 6, adopts the modified draft Development Contribution Plan Report for Southern River Precinct 3, as contained in Appendix 13.2.1E.

**STAFF RECOMMENDATION (8 OF 8)****Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council informs all affected landowners in Southern River Precinct 3 of its decision.

*Item 13.2.1 Continued*

Amendment

*During debate Cr P Abetz moved the following amendment to the staff recommendation:*

*“That the staff recommendation be amended by adding an additional recommendation 9 which reads:*

*“That Council requests the Western Australian Planning Commission to consider the inequitable distribution of local open space across sub-precincts within the Southern River Precinct 3 Development Contribution Plan area and establish a mechanism within the Development Contribution Plan to resolve this issue.”*

*Cr P Abetz provided the following written reason for the proposed amendment:*

*“Previous decisions of the WAPC in relation to development in sub-precincts within the Southern River Precinct 3 Development Contribution Plan area have resulted in the inequitable distribution of local open space. This has led to differing contributions towards local open space by developing landowners.*

*As such, the WAPC should determine how the burden of providing district open space ought to be shared amongst landowners within the Southern River Precinct 3 DCP area.”*

*Cr A Adams Seconded Cr P Abetz's proposed amendment.*

*At the conclusion of debate the Mayor put Cr P Abetz's proposed amendment, which read:*

**Moved Cr P Abetz Seconded Cr A Adams**

That the staff recommendation be amended by adding an additional recommendation 9 which reads:

That Council requests the Western Australian Planning Commission to consider the inequitable distribution of local open space across sub-precincts within the Southern River Precinct 3 Development Contribution Plan area and establish a mechanism within the Development Contribution Plan to resolve this issue.

CARRIED 10/0

**FOR:** Cr P Abetz, Cr A Adams, Cr G Dewhurst, Cr D Griffiths, Cr A Hort, Cr J Jones, Cr S Patterson, Cr O Searle, Cr E Zhang and Cr D Goode.

**AGAINST:** Nil.

*The amendment was put and carried. The Mayor then put the substantive motion as amended, which read:*



Item 13.2.1 Continued

COUNCIL RESOLUTION (1 OF 9)

**82 Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council, pursuant to Section 41(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, notes the submissions received in respect of Amendment No. 110 to Town Planning Scheme No. 6 and endorses the responses to those submissions as contained in this report.

CARRIED 10/0

**FOR:** Cr P Abetz, Cr A Adams, Cr G Dewhurst, Cr D Griffiths, Cr A Hort, Cr J Jones, Cr S Patterson, Cr O Searle, Cr E Zhang and Cr D Goode.

**AGAINST:** Nil.

COUNCIL RESOLUTION (2 OF 9)

**83 Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council, pursuant to Section 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, supports Amendment No. 110 to amend Town Planning Scheme No. 6 by:

1. Amending the Scheme Map to include a DCA that applies to Southern River Precinct 3 to define the Contribution Area on the Scheme Map, as shown on the amendment plan contained in this report.
2. Amending the Scheme text by inserting the modified Attachment E into Schedule 8 of the Scheme, as shown in the amendment document contained in Appendix 13.2.1A.

CARRIED 10/0

**FOR:** Cr P Abetz, Cr A Adams, Cr G Dewhurst, Cr D Griffiths, Cr A Hort, Cr J Jones, Cr S Patterson, Cr O Searle, Cr E Zhang and Cr D Goode.

**AGAINST:** Nil.

COUNCIL RESOLUTION (3 OF 9)

**84 Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council recommends that the Minister for Planning modifies the Amendment No. 110 Development Contribution Area 5 (DCA 5) boundary, as shown in Appendix 13.2.1G, to reflect the approved Structure Plan for Sub-Precinct 3C.

CARRIED 10/0

**FOR:** Cr P Abetz, Cr A Adams, Cr G Dewhurst, Cr D Griffiths, Cr A Hort, Cr J Jones, Cr S Patterson, Cr O Searle, Cr E Zhang and Cr D Goode.

**AGAINST:** Nil.

Item 13.2.1 Continued

COUNCIL RESOLUTION (4 OF 9)

**85 Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council recommends that the Minister for Planning modifies Amendment No. 110 to reduce the provision of District Open Space to 4.48 hectares and accordingly modifies the amendment to specify that 98.96% of the cost of District Open Space (land acquisition, earthworks, drainage, turfing, reticulation, and construction of the pavilion and carpark area) is to be funded by the Development Contribution Plan.

CARRIED 10/0

**FOR:** Cr P Abetz, Cr A Adams, Cr G Dewhurst, Cr D Griffiths, Cr A Hort, Cr J Jones, Cr S Patterson, Cr O Searle, Cr E Zhang and Cr D Goode.

**AGAINST:** Nil.

COUNCIL RESOLUTION (5 OF 9)

**86 Moved Cr S Patterson Seconded Cr G Dewhurst**

In the event the Minister for Planning does not support 'Recommendation 4 of 8' then Council recommends to the Minister for Planning that Amendment No. 110 be modified to specify that 78.6% of the cost of District Open Space (land acquisition, earthworks, drainage, turfing and reticulation, and construction of the pavilion and carpark area) is to be funded by the Development Contribution Plan.

CARRIED 10/0

**FOR:** Cr P Abetz, Cr A Adams, Cr G Dewhurst, Cr D Griffiths, Cr A Hort, Cr J Jones, Cr S Patterson, Cr O Searle, Cr E Zhang and Cr D Goode.

**AGAINST:** Nil.

COUNCIL RESOLUTION (6 OF 9)

**87 Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council forwards the amendment to the Western Australian Planning Commission for determination by the Minister for Planning.

CARRIED 10/0

**FOR:** Cr P Abetz, Cr A Adams, Cr G Dewhurst, Cr D Griffiths, Cr A Hort, Cr J Jones, Cr S Patterson, Cr O Searle, Cr E Zhang and Cr D Goode.

**AGAINST:** Nil.

Item 13.2.1 Continued

COUNCIL RESOLUTION (7 OF 9)

**88 Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council, pursuant to Section 5.4 of Town Planning Scheme No. 6, adopts the modified draft Development Contribution Plan Report for Southern River Precinct 3, as contained in Appendix 13.2.1E.

CARRIED 10/0

**FOR:** Cr P Abetz, Cr A Adams, Cr G Dewhurst, Cr D Griffiths, Cr A Hort, Cr J Jones, Cr S Patterson, Cr O Searle, Cr E Zhang and Cr D Goode.

**AGAINST:** Nil.

COUNCIL RESOLUTION (8 OF 9)

**89 Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council informs all affected landowners in Southern River Precinct 3 of its decision.

CARRIED 10/0

**FOR:** Cr P Abetz, Cr A Adams, Cr G Dewhurst, Cr D Griffiths, Cr A Hort, Cr J Jones, Cr S Patterson, Cr O Searle, Cr E Zhang and Cr D Goode.

**AGAINST:** Nil.

COUNCIL RESOLUTION (9 OF 9)

**90 Moved Cr S Patterson Seconded Cr G Dewhurst**

That Council requests the Western Australian Planning Commission to consider the inequitable distribution of local open space across sub-precincts within the Southern River Precinct 3 Development Contribution Plan area and establish a mechanism within the Development Contribution Plan to resolve this issue.

CARRIED 10/0

**FOR:** Cr P Abetz, Cr A Adams, Cr G Dewhurst, Cr D Griffiths, Cr A Hort, Cr J Jones, Cr S Patterson, Cr O Searle, Cr E Zhang and Cr D Goode.

**AGAINST:** Nil.

Notation

8.45pm Cr O Searle left the meeting and did not return.

8.46pm Cr J Brown returned to the meeting.

**12. REPORTS OF COMMITTEE MEETINGS**

Nil.