

# Local Planning Policy No. 6.4

## ROAD, FOOTPATH AND CYCLE NETWORK

### UPGRADING CONTRIBUTIONS

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#### 1. HEAD OF POWER

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to development across the whole of the City.

#### 2. PURPOSE

##### 2.1 Introduction

These provisions set out the City's approach to assessing the need for and scale of contributions required from developers towards the upgrading of the City's road and other transport infrastructure. The provisions provide for an efficient, equitable and transparent approach to the assessment, securing and application of developer contributions to the upgrading of our transport infrastructure, to help ensure that our transport networks continue to operate in a safe and efficient manner, despite the significant population, economic and traffic growth being experienced in the City.

The provisions replace former *Council Policy 143/3 – Road Contributions Policy and Guidelines* and former *Council Policy 186/3 - Footpath and Dual Use Path Contributions and Construction Requirements in Urban Subdivisions*. The provisions need to be read in conjunction with the rest of the relevant planning framework, especially the other aspects of this *Local Planning Policy 6: Development Contribution Policy Provisions* and *Local Planning Policy 2C: Traffic Assessments Provisions*. The provisions have also been prepared with due regard to principles relating to developer contributions established in common law and as set out in *State Planning Policy 3.6: Development Contributions for Infrastructure (SPP3.6)*. Users of these provisions should also be aware of other requirements that may arise from the town planning scheme and/or development guide plans or detailed areas plans, as well as the potential for public open space and school site contribution requirements in association with residential subdivision, and costs associated with providing other basic infrastructure, such as power, water, sewer and telecommunications.

##### 2.2 Background

The population of the City of Busselton is growing rapidly. That growth is resulting in an increase in the volumes of traffic on the City's road network, as well as an increase in the numbers of people using and relying on the City's footpaths and cycle networks. In order to ensure the continued safe and efficient operation of our transport networks, we need to undertake progressive and ongoing upgrades. Based on projections of traffic growth and assessments of the capacity of the existing road network, the City has developed a 10 year road works programme. The City has also developed medium-term plans for the upgrading of our footpaths and cycle networks.

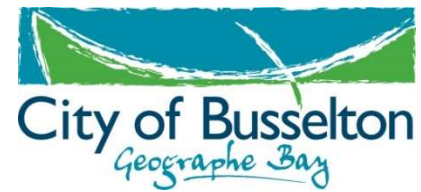
The preparation of the 10 year road works programme has been assisted by initiatives of Main Roads WA and the WA Local Government Association. In particular, the document *Roads 2025 – Regional Road Development Strategy 2007 South West* outlines appropriate road development strategies for critical road infrastructure in the City of Busselton.

The preparation of the 5 year footpath and cycle network upgrade programme has been guided by extensive consultation, including through the preparation of the City's adopted Cycle Plan and 2011 Community Survey, which indicates that 90% of the community thinks that footpath and dual-use path networks are extremely or

# Local Planning Policy No. 6.4

## ROAD, FOOTPATH AND CYCLE NETWORK

### UPGRADING CONTRIBUTIONS



very important. This is a rolling 5 year programme, but, at current rates of growth, investment and identified need, a more than 14 year programme could be prepared.

The City has essentially three sources of funding for its road, footpath and cycle network upgrading programmes – grants from State and/or Federal Governments, rates and developer contributions. These provisions seek to ensure that a fair and reasonable proportion of the funds comes from developer contributions.

Requirements for developer contributions towards the upgrading of infrastructure are well established in planning law and practice.

In particular, a context for developer Contribution in WA is set out in *State Planning Policy 3.6: Development Contributions for Infrastructure (SPP 3.6)*, which was prepared and adopted by the Western Australian Planning Commission in November 2009. SPP 3.6 supersedes and incorporates the earlier *Planning Bulletin 18 Developer Contributions for Infrastructure (1997)* and *Planning Bulletin 41 Draft Model Text Provisions for Development Contributions (2000)*. The objectives of SPP 3.6 are:

- To promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development;
- To ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided;
- To ensure consistency and transparency in the system for apportioning, collecting and spending development contributions;
- To ensure the social well-being of communities arising from, or affected by, development.

In terms of roads, the focus of the provisions is on funding improvements to the ‘distributor’ road network that serves broad catchment areas. On those roads there is expected to be long-term and ongoing traffic growth as a result of the cumulative impact of development across the City. As a result, upgrades will be required to ensure the continued safe and efficient operation of the road network. The roads identified are roads like Fairway Drive or Cape Naturaliste Road, but not local roads, which usually carry relatively small and stable traffic volumes. They are also not major roads managed by the State Government Mains Roads Department, paid for by the State and carrying significant amounts of regional traffic. Roads which primarily carry tourist traffic have also not been included. That is because growth in traffic on those roads is not principally driven by new residential development in this City.. Inclusion of those roads would also significantly increase the scale of the contributions required.

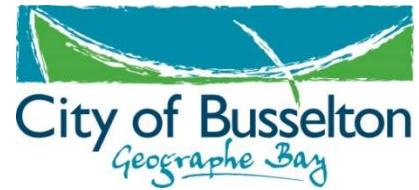
The estimated cost of the planned upgrades is approximately \$48M. Table 1 in contains a list of the roads identified and the estimated costs of upgrading those roads over the next 10 years.

In terms of footpaths and cycle networks, the focus of the provisions is on funding improvements to the footpath and cycle networks in, mostly, the older urban areas of the City. These areas are experiencing redevelopment pressures, and footpath and pedestrian/cycle networks are often not adequate to cope with the increased demands arising from population growth.

Footpaths and cycle networks that have a regional/City-wide and/or tourism/recreational focus, such as the planned completion of the Busselton to Dunsborough dual-use path, or the planned completion of the Busselton to Augusta ‘Rails-to-Trails’ path, are not included. That is because contributions towards the Busselton to Dunsborough dual-use path are captured in *Local Planning 6D: Community Facilities Contributions Provisions*, and the need for and benefits of the Busselton to Augusta ‘Rails-to-Trails’ path are not seen as being reasonably linked with new development in this City.

# Local Planning Policy No. 6.4

## ROAD, FOOTPATH AND CYCLE NETWORK UPGRADING CONTRIBUTIONS



The works to be undertaken are all within the Dunsborough, Busselton, Broadwater and Geographe precincts, as illustrated on Figure 1. The estimated cost of the planned upgrades over ten years is approximately \$7.5M, and mostly consists of a large number of relatively small projects.

The provisions apply to all development or subdivision for residential or tourism purposes (with some exceptions), other than where a single house is being built on an existing lot, or where it is taking place in some of our major, 'greenfields' growth areas. In some greenfields areas, roads and traffic issues have either been addressed as an integral part of the planning that has already taken place, and costs associated with upgrading the distributor road network embedded in the cost of the lots (including via the building of entirely new distributor roads), or contributions are being secured via other mechanisms.

For roads, the greenfields exemptions apply to development in the Yalyalup (Provence Estate etc.), Ambergate North, Vasse and Commonage Precincts. In addition, the footpath and cycle network upgrading provisions do not apply in the Rural Remainder precinct, as there is not seen to be a sufficiently clear connection between development in rural parts of the City and the need to upgrade footpath and cycle networks in our main urban areas.

The focus on residential and tourism uses reflects the fact that those kinds of development are the 'sources' of traffic and hence their development is the key reason for overall traffic growth. Commercial, industrial and institutional (such as schools and hospitals) developments may result in increased traffic along particular roads, but in the main results in the redirection of existing traffic, rather than increasing overall traffic levels. In accordance with accepted, long standing planning principles, however, development of those kinds of uses will require an assessment of their local traffic impacts and, where necessary, contributions towards, or the actual undertaking of, localised road upgrades.

In addition, risk-based requirements for the actual connection of new residential and tourism development to the local footpath network, either as a cash contribution or, preferably, via an in-kind contribution as works undertaken by the developer, are set out. Where such contributions are required, the footpath and cycle network contribution that would otherwise be required will be discounted by an amount equivalent to the cost of the works.

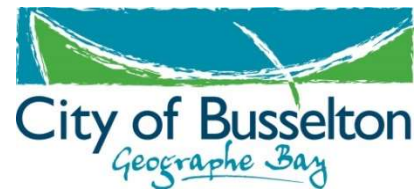
The provisions seek to ensure that, wherever development or subdivision will increase traffic on the overall road and pedestrian/cycle networks, a contribution towards upgrading of the networks is made. It should be noted that over 95% of the planned cost of the identified upgrades will still be met from rates, grants and other sources, and under 5% from developer contributions. Incremental and ongoing improvements on many other local roads will also be funded from rates, grants and other sources, and more significant upgrades to the major road network will be funded by the State Government. If the full costs of upgrading the local road network to reflect demands created by new development were being met from developer contributions, the level of contributions would be significantly higher than what is proposed.

The provisions establish that, for each additional lot or dwelling in the identified precincts, a contribution of \$943, at 2011 prices, will be required towards the upgrading of the City's distributor road network. The approach that has been used to calculate the contribution level is as follows –

- The total cost of the ten year works programme for upgrading of the City's distributor roads, other than tourist oriented roads, is approximately \$48M, however, other works to extend the distributor road network will also occur in greenfields development areas;

# Local Planning Policy No. 6.4

## ROAD, FOOTPATH AND CYCLE NETWORK UPGRADING CONTRIBUTIONS



- Two-thirds of this cost will be met from State and Federal Government grants, leaving approximately \$16M to be met from rates and developer contributions;
- A majority of those works would be undertaken even with no growth, but the scale of the works planned has been scaled up to reflect projected growth; and
- In 2021 there are projected to be 17,00 identified precincts (there are estimated to be approximately 13,800 now), meaning that the per dwelling cost for all dwellings in 2021 of upgrades between now and 2021 is \$757.

The provisions establish that, for each additional lot or dwelling in the identified precincts, a contribution of \$497, at 2011 prices, will be required towards the upgrading of the footpath and cycle networks in the identified precincts. The approach that has been used to calculate the contribution level is as follows –

- The total estimated cost of upgrading of the footpath and cycle networks in the identified precincts, other than regional/City-wide and tourism/recreational focused works, is approximately \$7.5M;
- Less than 5% of this cost will be met from State and Federal Government grants, leaving approximately \$7.2M to be met from rates and developer contributions;
- A majority of those works would be undertaken even with no growth, but the scale of the works planned has been scaled up to reflect projected growth; and
- In 2021 there are projected to be 14,500 dwellings in the identified precincts (there are estimated to be approximately 11,500 now), meaning that the per dwelling cost for all dwellings in 2021 of upgrades between now and 2021 is \$497.

One bedroom dwellings, tourism units, and dwellings for aged or dependent persons, because they are expected to place lower demands on the City's road system per unit, will be required to pay only 50% contributions.

Note that both works programmes are reviewed annually, and periodic reviews of these provisions will be undertaken to reflect reviews of the programmes. Significant year-to-year fluctuations, however, do not occur, and these provisions do not need to be reviewed annually (review will occur every 3-5 years). The contribution rates will also be indexed in accordance with the Local Government Cost Index and contributions, including interest earned on those contributions, will only be applied to the purposes set out in the policy.

Where larger, individual developments or subdivisions, especially those for commercial, industrial or institutional purposes, require specific upgrades to ensure the continued safe and efficient operation of the transport network, then additional requirements are established to ensure the necessary works are completed. The framework for assessing and implementing those requirements is set out in *Local Planning Policy 2C: Traffic Assessments Provisions*.

### 3. INTERPRETATION

N/A

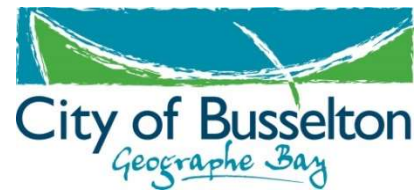
### 4. POLICY STATEMENT

#### 4.1 Liability for contributions

- 4.1.1 For each additional lot created, or dwelling or tourism unit developed, in the Dunsborough, Busselton, Broadwater, Geographe and Rural Remainder precincts illustrated on Figure 1, a cash contribution of \$943 shall be made towards the upgrading of the distributor road network in the City.

# Local Planning Policy No. 6.4

## ROAD, FOOTPATH AND CYCLE NETWORK UPGRADING CONTRIBUTIONS

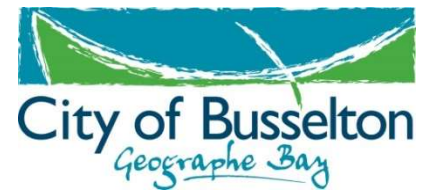


- 4.1.2 For each additional lot created, or dwelling or tourism unit developed, in the Dunsborough, Busselton, Broadwater and Geographe precincts illustrated on Figure 1, a cash contribution of \$497 shall be made towards the upgrading of footpath and cycle network infrastructure within or adjacent to the precinct in which the development or subdivision is occurring.
- 4.1.3 The contribution amounts set out in these provisions will be adjusted in accordance with a three year rolling average of quarterly movements in the Local Government Cost Index (LGCI) for WA (ABS) commencing 1 January 2011 (so, for instance, the contribution rate would be the quoted figure, multiplied by the average LGCI for all quarters between the second quarter of 2009 and the first quarter of 2012, divided by the average LGCI for all quarters between the first quarter of 2008 and the last quarter of 2010).
- 4.1.4 Where a development or subdivision site is not, at the time of determination of the application, connected to the local footpath network and is located in the Dunsborough, Busselton, Broadwater or Geographe precincts illustrated on Figure 1, a condition of approval will be applied or requested to be applied by the WAPC in the case of subdivision, requiring the connection of the site to the local footpath network in the following circumstances -
- If the number of lots or dwellings is three or four and the closest part of the site is no more than 50 metres from the local footpath network; or
  - If the number of dwellings or lots is five to nine, or the number of tourism units is ten or more, and the closest part of the site is no more than 100 metres from the local footpath network; or
  - If the number of dwellings or lots is ten or more, or the number of tourism units is 20 or more, and the closest part of the site is no more than 200 metres from the local footpath network; or
  - If otherwise identified as necessary following a traffic assessment as set out in *Local Planning Policy 2C: Traffic Assessments Provisions*.
- 4.1.5 Where a development or subdivision site is more than the specified distances from the local footpath network, a risk assessment, including consideration of a road safety audit to be provided by the applicant, will be undertaken to determine whether, given the nature of the development, and the levels of traffic and nature of the road network, a complete connection is required, or whether a contribution equivalent to the cost of 50, 100 or 200 metres of footpath, at a standard cost of \$130 per linear metre, will be considered sufficient.
- 4.1.6 Additional requirements for the upgrading of transport infrastructure may arise following an assessment of traffic impacts consistent with *Local Planning Policy 2C: Traffic Assessments Provisions*.
- 4.1.7 Where works or a contribution is required pursuant to 1.4, 1.5 and/or 1.6 above, the contribution that would otherwise be payable pursuant to 1.1 and 1.2 above will be discounted by an amount equivalent to the value of the works or contribution required pursuant to 1.4, 1.5 and 1.6 above, and the value of any footpath works undertaken will be assessed at a standard cost of \$130 per linear metre.
- 4.1.8 Requirements for payment of contributions will be requested by the City to be imposed by the WAPC as a condition of subdivision approval and will be imposed by the City of Busselton as a condition of planning consent. The liability of developers to satisfy their cost contribution arises prior to whichever of the following two things occurs first -
- In the case of subdivision, where contributions have not already been paid in relation to dwelling/s developed on the lot/s, the City endorsing a deposited plan for clearance of the

# Local Planning Policy No. 6.4

## ROAD, FOOTPATH AND CYCLE NETWORK

### UPGRADING CONTRIBUTIONS



relevant condition prior to the WAPC endorsing its approval on the deposited plan relating to the subdivision of the developer's land; or

- In the case of development, where contributions have not already been paid in relation to the subdivision of the lot/s on which dwelling/s are to be developed, prior to the commencement of the development (and the City shall apply conditions to planning consent notices requiring that contributions are made prior to the commencement of the development).

4.1.9 There is no liability to pay a contribution for the development of a single house or outbuildings associated with that single house on an existing lot.

4.1.10 Contributions will be calculated at the rate of a contribution for each lot, dwelling and/or tourism unit, less a one lot/dwelling credit reflecting each of the pre-existing lot/s, dwelling/s and/or tourism unit/s.

4.1.11 For single bedroom dwellings, aged or dependent person's dwellings, or tourism units, the cost contribution will be 50% of the normal contribution.

4.1.12 For the purposes of these provisions -

- 'dwelling' or 'dwellings' includes park home or caravan sites intended for unrestricted length of stay purposes (i.e. permanent, or residential occupation, where occupancy by a single party for greater than 3 months in any given year is permissible); and
- 'tourism unit' includes tourist accommodation units (such as serviced apartments) or chalets, with each 'key' counting as a unit, park home sites and caravan sites for short-term occupancy only, lodging houses and guesthouses, but, other than for the purposes of 1.4, 1.5 and 1.7 above, does not include camping sites, caravan sites for short-term occupancy, lodging houses, or hotel or motel rooms.

#### 4.2 Administration of funds

The City will establish and maintain an account in accordance with the *Local Government Act 1995* into which contributions will be credited. All contributions, including any interest earned thereon, shall only be applied to the purposes set out in these provisions.

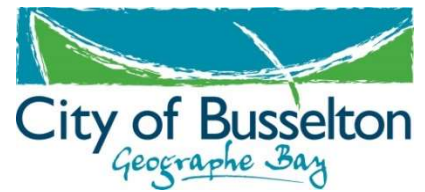
#### 5. REVIEW DETAILS

<b>Review Frequency</b>	2 yearly		
<b>Council Adoption</b>	<b>8/2/2012</b>		<b>C1202/016</b>
<b>Previous Adoption</b>	<b>10/3/2010</b>		<b>C1003/069</b>

\* Policy number changed from LPP 6Eto LPP 6.4 on the 11th May 2020. The change is administrative only, no resolution by Council required.



# Local Planning Policy No. 6.4 ROAD, FOOTPATH AND CYCLE NETWORK UPGRADING CONTRIBUTIONS



## APPENDIX 1

**TABLE 1 – URBAN DISTRIBUTOR ROAD UPGRADES IN CURRENT 10 YEAR WORKS PROGRAMME**

<b>Road</b>	<b>Estimated cost of works</b>
Bussell Highway	17,160,000
Albert Street	672,000
Causeway Road	3,498,000
Barlee Street	636,000
West Street	1,944,000
Strelley Street	1,536,000
Fairway Drive	3,564,000
Cape Naturaliste Road (Urban)	4,656,000
Naturaliste Tce	2,544,000
Layman Road	6,516,000
Marine Tce	5,376,000
<b>Total</b>	<b>48,102,000</b>

# Local Planning Policy No. 6.4 ROAD, FOOTPATH AND CYCLE NETWORK UPGRADING CONTRIBUTIONS



## APPENDIX 2

