



ADOPTION OF A DEVELOPER CONTRIBUTIONS AND STAGING PLAN PLAN (PORT GEOGRAPHE DEVELOPMENT GUIDE PLAN)

FILE No.: 16283SUB
AUTHOR: Paul Needham – Manager Strategic Planning and Sustainability
ZONING: Residential
SCHEME AREAS: Port Geographe Development
PROPOSAL: Adoption of a Developer Contributions and Staging Plan (Port Geographe Development Guide Plan)
ATTACHMENTS: A: Port Geographe Development Guide Plan
B: Proposed Developer Contributions and Staging Plan

PRÉCIS

The preparation of a Developer Contributions and Staging Plan for 'Phase 2' of the Port Geographe development is a requirement of the Port Geographe Development Guide Plan and is a condition of the Western Australian Planning Commission subdivision approval relating to that development. A draft plan has now been developed in consultation between Shire staff and the proponents.

The Developer Contributions and Staging Plan (PGDCSP) is considered to be consistent with the Port Geographe Development Guide Plan, and is sufficient, upon completion of the obligations relating to particular stages, to allow for clearance of conditions 25 and 42 of WAPC approval 128326, to the extent that those conditions relate to the PGDCSP.

BACKGROUND

The subject land is mostly zoned 'Residential', with smaller portions in the 'Recreation' and 'Public Purposes' reserves, is located within the 'Port Geographe Development' area and is subject of an endorsed DGP. Planning Policy Statements 28 and 29 of the DGP set out that -

28. Prior to the issue of subdivision approval for any lots or development of any kind, the Subdivider shall submit a 'subdivision staging plan' that clearly indicates the likely staging of lots, public open space (including the 'lakes'), pedestrian bridge, conservation reserve, waterfowl centre and café, and other relevant works all to the satisfaction of the Shire of Busselton.

29. Prior to the issue of subdivision approval for any lots or development of any kind, the Subdivider shall submit to the Shire of Busselton, a 'subdivision contributions plan' that, among other things, clearly identifies the community contributions of the Subdivider associated with a Betterment Fund for the whole Port Geographe development, or other area as agreed to by the Shire of Busselton, and the Subdivider, contributions associated with the development of future link road/s and public access ways in the locality, and contributions

towards the establishment of a 'waterfowl study centre', all to the satisfaction of the Shire of Busselton.

These planning policy statements are reflected in Conditions 25 and 42 of WAPC subdivision approval 128326, which relates to the land.

The proposed developer contributions and staging plan has been developed over a number of years in consultation between Shire staff and the proponents and provides for -

1. If approved, a freshwater lake and a range of access opportunities around the lake including, but not necessarily limited to, boardwalks, paved pathways and native foreshore vegetation, with the public access ways to be vested in the Shire.
2. Creation of a 'Betterment Fund' based on a cash contribution of \$1,660 per lot created (approximately \$1,000,000). These funds shall be applied toward community facilities in the Port Geographe area at the discretion of the Shire, but including, unless otherwise decided by the Shire, floodlighting of the active open space.
3. Contribution of an additional \$550 per lot sold (approximately \$340,000) at the time of settlement of lots and, in relation to the final stage of subdivision, at the clearance of that stage, towards the early construction of Ford Road to link the locality of Geographe with Bussell Highway.
4. A serviced community purpose site of 2,000m² to be created and transferred to the Shire in fee simple.
5. An active public open space area be developed with at least 2 senior soccer pitches and transferred to the Shire of Busselton free of cost.

The water fowl study centre contribution identified in Planning Policy Statement 29 of the DGP has not been included within the scope of the plan, as it will be adequately secured via conditions of subdivision and a separate agreement between the proponent and the Department of Environment and Conservation.

The proposed plan is also consistent with the Port Geographe Development Deed.

CONSULTATION

Consultation with the community is not required as part of the process of clearing conditions of subdivision and there is also no requirement that endorsement of the plan be subject of community consultation.

STRATEGIC IMPLICATIONS

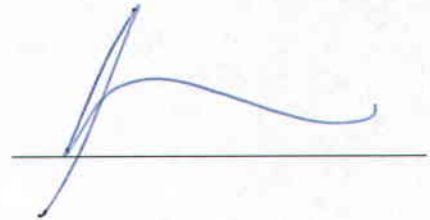
The adoption of the plan is consistent with the 'Strategic Priority' of the Strategic Plan 2006-2011 to 'Strengthen the Shire's ability to negotiate developer contributions to community facilities'. The adoption of the plan is also consistent with the 'Strategic Objective' to 'Support the provisions of a range of healthy recreation, entertainment and lifestyle facilities' and the 'Strategic Initiative' to 'support and facilitate leisure information and sporting activities'.

OFFICER COMMENT

The proposed plan will deliver a range of community benefits that would not otherwise be possible, unless funded directly by the Shire, and which are consistent with the requirements of the relevant planning framework. Accordingly, it is recommended that the proposed plan is adopted.


MANAGER'S RECOMMENDATION

I, Paul Needham, Manager, Strategic Planning and Sustainability advise that the proposed Port Geographe Developer Contributions and Staging Plan (PGDCSP) is consistent with the Port Geographe Development Guide Plan, and is sufficient, upon completion of the obligations relating to particular stages, to allow for clearance of conditions 25 and 42 of WAPC approval 128326, to the extent that those conditions relate to the PGDCSP. Accordingly, I recommend that the plan be approved.

A handwritten signature in blue ink, appearing to be 'P. Needham', written over a horizontal line.

DIRECTOR, LIFESTYLE DEVELOPMENT ACTION

I, Nigel Bancroft, being Director, Lifestyle Development, ~~ADOPT/DO NOT ADOPT~~ the attached proposed Port Geographe Developer Contributions and Staging Plan (PGDCSP) as it is consistent with the Port Geographe Development Guide Plan, and is sufficient, upon completion of the obligations relating to particular stages, to allow for clearance of conditions 25 and 42 of WAPC approval 128326, to the extent that those conditions relate to the PGDCSP, on the 17th day of March 2009.

A handwritten signature in blue ink, appearing to be 'Nigel Bancroft', written over a horizontal line.

ATTACHMENT B



District Town Planning Scheme No. 20

PORT GEOGRAPHE

Developer Contributions and Staging Plan

Applying to the Port Geographe Development Area

This is the Developer Contributions and Staging Plan prepared to the satisfaction of the Shire of Busselton pursuant to the Port Geographe Development Plan (2004).
Adopted 17th March 2009


for Shire of Busselton

1. Introduction, Context and Intent

This document is prepared to meet the requirements of Planning Policy Statements 28 and 29 of the Port Geographe Development Plan ('PGDP') endorsed pursuant to District Town Planning Scheme No. 20 ('the Scheme') for a Developer Contributions and Staging Plan ('the Plan') for the Port Geographe development ('the Project'). The PGDP requires that this Plan be prepared prior to subdivision or development.

The Plan outlines the provision of contributions by the developer on a staged basis toward a range of community facilities. The Plan also outlines how the Project will be staged. The developer contributions will be in the form of cash for some components and works in-kind for others.

2. Relationship to Other Plans and Policies

The Plan is a stand-alone document but is to be read in conjunction with all other relevant plans and/or policies. In the event of any inconsistency between the Plan and any other local government policy which requires developer contributions, the provisions of the Plan shall prevail. In the event of any inconsistency between the Plan and the Port Geographe Development Deed ('the Deed'), however, the provisions of the Deed shall prevail.

Notwithstanding the above, the Shire retains the ability to impose developer contributions as a condition of development approval for individual lots for group housing or tourist developments in accordance with the Shire's Community Facilities Implementation Policy, or any amendments thereto or replacements thereof.

3. Relevant Statutory Provisions

Clause 32 of District Town Planning Scheme No. 20 requires that all development in Port Geographe be in accordance with a series of requirements outlined in the Scheme. These include compliance with the PGDP.

The Plan reflects and summarises the various commitments found in the PGDP.

Specifically, Planning Policy Statements 28 and 29 of the PGDP state -

28. Prior to the issue of subdivision approval for any lots or development of any kind, the Subdivider shall submit a 'subdivision staging plan' that clearly indicates the likely staging of lots, public open space (including the 'lakes'), pedestrian bridge, conservation reserve, waterfowl centre and café, and other relevant works all to the satisfaction of the Shire of Busselton.

29. Prior to the issue of subdivision approval for any lots or development of any kind, the Subdivider shall submit to the Shire of Busselton, a 'subdivision contributions plan' that, among other things, clearly identifies the community contributions of the Subdivider associated with a Betterment Fund for the whole Port Geographe development, or other area as agreed to by the Shire of Busselton, and the Subdivider, contributions associated with the development of future link road/s and public access ways in the locality, and contributions

towards the establishment of a 'waterfowl study centre', all to the satisfaction of the Shire of Busselton.

The Plan is intended to meet the requirements of both these Planning Policy Statements.

4. Scope of Developer Contributions

The Plan requires the making of the following developer contributions at the times and subject to the additional detail specified in Attachment 2 -

4.1 If approved, a freshwater lake will be established and maintained (through a formal agreement with the Shire), providing opportunities for recreation, birdlife and habitat and incorporating lakeside parks and access points. The developer will fund, over and above the contributions specified elsewhere in the Plan, a range of access opportunities around the lake including, but not necessarily limited to, boardwalks, paved pathways and native foreshore vegetation, with the public access ways to be vested in the Shire.

4.2 Creation of a 'Betterment Fund' based on a cash contribution of \$1,660 per lot created (approximately \$1,000,000). The contribution will be made at the subdivision clearance stage and is to be indexed from 1 July 2008 in accordance with the general construction industry index for Western Australia or should that index be replaced or cease to be produced, by the most appropriate alternative index. These funds are to be paid into an account established by the Shire for this purpose and the funds, including any interest earned thereon, shall be applied toward community facilities in the Port Geographe area at the discretion of the Shire, but including, unless otherwise decided by the Shire, floodlighting of the active open space.

In the event clearances have been issued for the subdivision of lots in the DCSP area before the DCSP is endorsed by the Shire, any shortfall in the value of contributions that would have attached to that clearance had the DCSP been endorsed by the Shire, is to be settled with the Shire no later than the next clearance of lots.

4.3 Contribution of an additional \$550 per lot sold (approximately \$340,000) at the time of settlement of lots and, in relation to the final stage of subdivision, at the clearance of that stage, towards the early construction of Ford Road to link the locality of Geographe with Bussell Highway.

These funds, including any interest accrued thereon, shall be applied to the construction of Ford Road only and are subject to construction commencing within 10 years of the settlement of the first lot in the Project. If the construction of Ford Road has not commenced by 6 October 2018, any funds collected, including any interest earned thereon, are to be

returned to the developer that made the payment. The funds are to be placed into an account created specifically for the Ford Road project.

In the event lots in the DCSP area have settled before the DCSP is endorsed by the Shire, any shortfall in the value of contributions that should have been paid at settlement had the DCSP been endorsed by the Shire, is to be settled with the Shire no later than the next clearance of lots.

- 4.4 A serviced community purpose site of 2,000m² is to be created and transferred to the Shire in fee simple and is additional to the Betterment Fund. This community purpose site is acknowledged to be an 'unrestricted public open space' component of the developers public open space provision/contribution liability.
- 4.5 An active public open space area is to be developed with at least 2 senior soccer pitches and transferred to the Shire of Busselton free of cost. "Developed" in this context means that the site will be graded, turfed, irrigated and fenced. This is additional to the Betterment Fund, however monies in the Betterment Fund shall, unless otherwise decided by the Shire, be used at this time to provide for floodlighting (as a minimum to meet the standards set out in AS/NZS2560.2.3-2002 Lighting for Soccer [50lux - Ball and Physical Training]) at the same time as the other aspects are developed and could also be used to provide any additional facilities desired.

5. Staging

While a single subdivision application has been lodged for the Project, this is to enable earth working across the site, service provision and the realignment of Layman Road, and the lots will be created over a number of different stages.

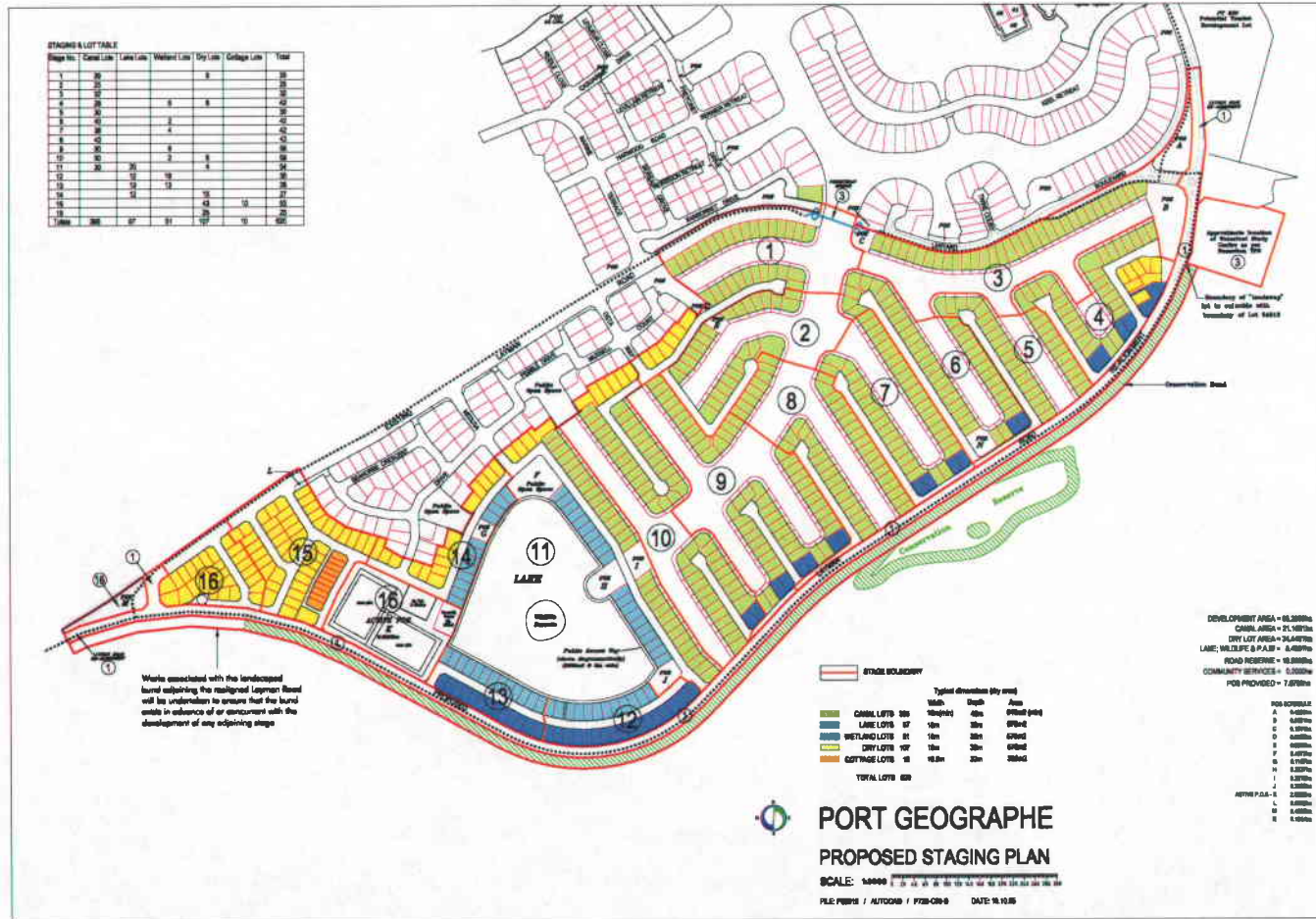
Attachment 1 is a plan showing the planned staging of development of the Project in terms of lot production. Where the actual staging varies from that shown on Attachment 1, unless otherwise agreed by the Shire, clearance shall not be given for any land located within a particular stage as identified on Attachment 1 unless the contributions attached to that stage or any earlier stage on Attachment 1 have been made.

6. Interpretations

Port Geographe Development Deed means a deed dated 23 January 1991 made between Port Geographe Pty Ltd (1), Shire of Busselton (2) and the Minister for Transport (3).

Community Facilities Implementation Policy means the *Community Facilities Implementation Policy 2008* adopted on 14 May 2008 as a local planning policy pursuant to the *Shire of Busselton District Town Planning Scheme No. 20*.

Attachment 1
Staging Plan



Attachment 2
Staging of Contributions and Additional Details

No.	Summary of Contribution	Timing of Contribution/Works
1.	If approved, establish and maintain a freshwater lake incorporating lakeside parks and access opportunities including, but not necessarily limited to, boardwalks, paved pathways and native foreshore vegetation. The public accessway around the lake will be vested in the Shire of Busselton.	If approved, the lake and associated works will be created in Stage 11 with the lake/accessway vested at that time. Maintenance of the lake itself will be in accordance with the environmental approvals issued at the time and will also be specified in an Establishment and Maintenance Agreement with the Shire prior to clearance of lots in Stage 11 . Maintenance of the lake itself, works around the lake and of the public accessway(s) will be for the minimum period established under the Port Geographe Development Deed.
2.	A Betterment Fund will be created based on a contribution of \$1,660 per lot created for local community facilities.	The per lot contribution will be paid upon the clearance of each subdivision stage . Funds shall be applied to the provision of additional facilities associated with the active open space area and/or the development of community facilities on the community purpose site, or the development of other community facilities in the Port Geographe area at the discretion of the Shire.

3.	The developer will contribute an additional \$550 per lot created toward the early construction of Ford Road to link East Busselton with Bussell Highway.	<p>This contribution is subject to the Shire proceeding with the Ford Road project within 10 years of the settlement of the first lot in the project area. The per lot contribution will be paid upon the sale and settlement of each lot and, in the case of the final stage, upon the clearance of that subdivision stage. The logistical arrangements for this contribution are:</p> <ol style="list-style-type: none"> 1. The developer will provide payment of contributions and a schedule of all lots sold at 6 month intervals following clearance of the first stage of development; 2. The Shire will reconcile the schedule provided against Shire records of property settlements and, if a discrepancy exists, will invoice the developer for any outstanding contributions; 3. The developer will pay to the Shire all contributions for all remaining lots, whether sold or not, prior to Shire clearance of the final stage of subdivision; 4. The Shire will hold the funds in an account for the sole purpose of the construction of Ford Road; and 5. In the event that the construction of Ford Road has not been substantially commenced within 10 years of the date of the clearance of the first stage of subdivision the Shire will refund the contributions plus interest earned by the account to the developer that made the contribution. If the contributing developer with respect to any of these funds ceases to exist, then the Shire may retain the funds for the development of community facilities in the Port Geographe area at the discretion of the Shire.
4.	A community purpose site as shown on the PGDP is to be transferred to the Shire.	The site is located in Stage 16 but will be developed and transferred in fee simple to the Shire prior to clearance of Stage 9 . Prior to transfer, sewer, water, power and telecommunications shall be provided

		for the site.
5.	An active open space area as shown on the PGDP is to be developed with at least two senior soccer pitches and transferred to the Shire.	The active open space area is located in Stage 16 but will be developed and transferred to the Shire prior to clearance of Stage 9 . The active open space area will be maintained for 3 years after completion or in accordance with Shire policy on maintenance. Prior to transfer, sewer, water, power and telecommunications shall be provided for the site.