



Department of Planning,
Lands and Heritage



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Western Australia.*

Draft
State Planning Policy 3.6
Infrastructure Contributions

July 2019

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1 CITATION

This is a draft State Planning Policy made under Part Three of the *Planning and Development Act 2005*. This policy can be cited as State Planning Policy 3.6 Infrastructure Contributions (SPP 3.6).

2 POLICY INTENT

The careful planning and coordination of infrastructure is fundamental to the economic and social well-being of any community. New development and redevelopment need to ensure the cost-efficient, and appropriately-timed provision of infrastructure and facilities such as roads, public transport, water supply, sewerage, electricity, gas, telecommunications, drainage, open space, schools, health, community and recreation facilities.

The provision of essential infrastructure influences the standard of living, mobility and lifestyle choices of a community and underpins the ability to achieve compact, connected and consolidated urban growth. The delivery of essential infrastructure requires a co-ordinated commitment from State and local government, in partnership with the private sector.

The purpose of this policy is to set out the principles and requirements that apply to infrastructure contributions in new and established urban areas. It also provides a system that enables the coordination and delivery of infrastructure that will provide opportunities for development of new communities in greenfield locations, infill locations, activity centres, corridors and high-frequency public transport routes, industrial nodes and station precincts.

3 BACKGROUND

In Western Australia, contributions for infrastructure are an established part of the planning system. They may be levied by local governments under local planning schemes towards the cost of infrastructure necessary to accommodate urban growth. Contributions are generally levied directly through the subdivision and development process, or where there are multiple landowners, through Development Contribution Plans (DCPs).

Infrastructure contributions are just one of a number of ways that can be used to meet the physical and social infrastructure needs of growing urban communities. Where contributions are sought beyond the standard requirements for infrastructure, mechanisms such as DCPs may be considered in cases where other mechanisms and funding streams cannot achieve a co-ordinated approach to the delivery of necessary infrastructure.



4 APPLICATION OF THE POLICY

The policy applies throughout Western Australia across all development settings, including greenfield growth areas and existing urban areas; industrial areas; regional towns; and other land identified through strategic planning instruments to accommodate and facilitate population and economic growth.

The policy is supplemented by supporting Infrastructure Contribution Guidelines that provide additional information regarding the preparation and operation of DCPs in areas where coordinated development of infrastructure and cost-sharing is required.

5 POLICY OBJECTIVES

The objectives of this policy are:

- to promote the efficient and effective provision of public infrastructure and facilities that are essential to meet the demands arising from population growth and development
- to provide a system for the coordinated delivery of infrastructure necessary to facilitate new urban growth opportunities to achieve compact, consolidated towns and cities
- to ensure that the requirements for infrastructure contributions cater to all development settings to enable the development of sustainable communities
- to provide clarity on the acceptable methods of collecting and coordinating contributions for infrastructure
- to establish a system for apportioning, collecting and spending contributions for infrastructure that is transparent, equitable, accountable and consistent.

6 POLICY MEASURES

6.1 Principles underlying infrastructure contributions

Contributions for all infrastructure must be levied in accordance with the following principles:

- a) **Need and the nexus:** The need for the infrastructure must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).
- b) **Transparency:** Both the method for calculating the infrastructure contribution and the manner in which it is applied should be clear, transparent, and simple to understand and administer.
- c) **Equity:** Infrastructure contributions should be levied equitably from all identified stakeholders within a contribution area.
- d) **Certainty:** The scope, timing, and priority for delivering infrastructure items, and the cost of infrastructure contributions and methods of accounting for escalation, should be clearly identified and agreed.
- e) **Consistency:** The system for infrastructure contributions for apportioning, collecting and spending contributions should be consistent, efficient and transparent.
- f) **Accountable:** That there is accountability in the manner in which infrastructure contributions are determined and expended.



6.2 Types of Local Infrastructure

Local Infrastructure is fundamental to the economic and social wellbeing of any community. For the purposes of this policy, local infrastructure includes:

- a) *Development Infrastructure* – infrastructure required to facilitate development and to support the orderly development or redevelopment of an area.
- b) *Community Infrastructure* – infrastructure required for communities and neighbourhoods to function effectively.

6.3 Where infrastructure contributions can be sought

Contributions can be sought from developers and landowners for infrastructure items to support the orderly development of an area to cater to additional demand from increased population, or to facilitate development and redevelopment of areas identified in strategic planning instruments for consolidated urban growth. This includes:

- a new item of infrastructure
- land for infrastructure
- an upgrade in the standard of provision of an existing item of infrastructure
- an extension to an existing item of infrastructure to avoid unnecessary duplication of facilities to meet the additional demand of new residents in a defined catchment
- the total replacement of infrastructure once it has reached the end of its economic life
- other costs reasonably associated with the preparation, implementation and administration of a DCP.

The contributions are for the initial capital requirements only and not for ongoing maintenance or operating costs of the infrastructure, beyond that required of developers through the subdivision and development process.

6.4 Scope

Infrastructure contributions for local infrastructure can be sought for the following:

- a) *Development Infrastructure*: may be imposed through the subdivision and development process without the need for a DCP; items are listed in Schedule 1: Development Infrastructure - Standard Infrastructure Contribution Requirements. Standard Infrastructure items may be included in a DCP when cost-sharing arrangements are proposed.
- b) *Community Infrastructure*: items that may be considered for inclusion in a DCP are listed in Schedule 2: Community Infrastructure: Items for inclusion in a Development Contribution Plan.

6.5 Form of infrastructure contributions

An infrastructure contribution may be provided by one or any combination of the following methods:

- ceding land for roads, public open space, primary school sites, drainage and/or other reserves
- constructing infrastructure works to be transferred to a relevant Government agency on completion (in-kind contributions)
- monetary contributions, to be used by the local government or Government agency or utility provider to acquire land or undertake works (either directly through the subdivision and development process, or through a DCP)

- some other method acceptable to the relevant Government agency or infrastructure provider
- a combination of the above.

6.6 Variable and maximum costs levied

Costs levied are either variable or capped, depending on the type of infrastructure:

- a) For *Development Infrastructure* – where a DCP applies, costs may be variable depending on the infrastructure requirements and location of the development area. Costs should be established based on industry benchmarks for specifications and standards for infrastructure items, where applicable.
- b) For *Community Infrastructure* – a maximum levy for local infrastructure of \$2,500 per dwelling shall apply, with items to be justified through a Community Infrastructure Plan. Where district and/or regional infrastructure is also proposed, consideration may be given to increasing the maximum levy by an additional \$1000 per dwelling, to a total of \$3,500 for a combination of local, district and regional Community Infrastructure, subject to adequate justification and the support of the Western Australian Planning Commission (WAPC).

A lesser amount may be imposed where infrastructure costs do not require the maximum amount to be applied, however, any amount exceeding the maximum levy cannot be imposed.

Local governments will be required to set priorities, following consultation with the community, on the delivery of Community Infrastructure to meet the demands of a growing population. It is expected that additional funding to deliver the full range of required



Community Infrastructure will come from other sources including general local government revenue, and State and Federal funding.

6.7 Imposition of infrastructure contributions

Contributions for Local Infrastructure are generally calculated and applied via the following mechanisms:

- a) *Standard Contributions* – consistent with the requirements of this policy (refer Schedule 1 for Standard Infrastructure Contribution requirements) and applied directly via standard conditions of subdivision, strata subdivision or development, or other methods detailed in the local planning scheme.
- b) *Development Contribution Plans* – where cost-sharing arrangements are proposed to deliver Development or Community Infrastructure consistent with the requirements of this policy (refer Schedule 1 for standard Development Infrastructure contribution requirements; and Schedule 2: Community Infrastructure items).
- c) *Developer Agreements* – in limited circumstances, and pursuant to a request from the landowner or developer.

6.7.1 Standard contributions

Standard contributions are made by developers, or landowners, for new or upgraded infrastructure and may relate to the requirements of public utility providers, State Government requirements and the requirements of local government.

This includes the accepted standard requirements for infrastructure contributions levied through the subdivision and development process (refer Schedule 1 - Standard Development Infrastructure Contribution requirements) including:

- land contributions for public open space, foreshore reserves, primary schools and roads
- infrastructure works for public utilities and roads
- monetary contributions for standard servicing and utility charges.

In existing urban areas, identified in strategic or statutory planning instruments to accommodate increased densities, upgrades to roads and streets may include infrastructure necessary to deliver integrated multi-modal transport and land use development outcomes. This includes infrastructure to support sustainable transport and streetscape upgrades, as defined in Schedule 1.

6.7.2 Development Contribution Plans

6.7.2.1 When a DCP is required

DCPs are an arrangement between a local government and a specified landowner(s) to share the costs involved with delivering new infrastructure within a specific area (Development Contribution Area or DCA).

Where a local government seeks infrastructure contributions beyond the standard development infrastructure outlined in Schedule 1, or where cost-sharing arrangements are proposed, it must be supported by a DCP. Standard infrastructure items can be included in a DCP where costs are to be equitably shared across landowners.

Infrastructure contributions can only be for the provision of capital items. The costs associated with design and construction of infrastructure (including land costs) and the cost of administration are considered capital items and can be included in the DCP.

6.7.2.2 Timing of DCPs to align with comprehensive planning

Where a structure plan, or similar planning instrument, has been prepared and cost-sharing arrangements are identified as being required to deliver infrastructure necessary for development, a DCP should be prepared concurrently with, or within six (6) months following approval of the structure plan, to ensure that the DCP has been prepared ahead of subdivision and development, and that all parties are aware of cost liabilities associated with the delivery of necessary infrastructure.

If cost-sharing arrangements are identified in a district structure plan, the timing of the preparation of the DCP will align with the preparation of a more detailed local structure plan, as the DCP preparation will require a sufficient level of detail usually contained in a local structure plan to identify the proposed shared infrastructure.

6.7.2.3 Requirements of a DCP

DCPs are to ensure:

- a) there is a clear and sound basis with linkages to the local government's strategic and financial planning processes - infrastructure items must be included in a local government strategic community plan and capital works program



- b) the need for that infrastructure, based on an analysis of the demand generated, and the nexus, and where the relationship between the need for infrastructure and the new development is clearly established
 - c) there is justification for the infrastructure and construction standards identified in the DCP, and the authority responsible for providing the infrastructure must be identified
 - d) the costs of infrastructure must be transparent, appropriate and reviewed at least annually
 - e) estimated costs of infrastructure should be based on the recommended reference rates, or indices, detailed in the policy and supporting guidelines, and relevant references or industry standards used in estimating costs are stated in the DCP Report
 - f) there is a commitment to providing the infrastructure in a reasonable period, and other commitments to funding are detailed in the DCP
 - g) the DCA to which the DCP applies must be appropriate and within an identified growth area or location identified in a strategic planning document
 - h) cost-sharing arrangements between owners in the DCP area must be transparent, fair and reasonable.
- d) the method and formula to be applied in determining the cost contribution of each property owner in the DCA (or unit of charge as determined in the DCP)
 - e) the priority and timing of staging and delivery of each item of infrastructure including the responsibility for delivery of infrastructure
 - f) the term for which the DCP is to have effect
 - g) the applicable review process for the DCP, the DCP Report, and infrastructure cost estimates, including the method to be used, indexing mechanisms for credits accrued by a developer or property owner, and land valuations
 - h) the policies, plans and other supporting documents providing justification for the infrastructure items proposed for inclusion in the DCP.

To ensure consistency in the application of the development contribution system across Western Australia, and to provide certainty for system users, the DCP template in Schedule 3 should be used and will be incorporated into the local planning scheme. Any departure from the model format will need to be justified based on individual circumstances.

The content of each DCP shall be as specified in Schedule 4, including the setting of maximum contingencies, and must be accompanied by a Capital Expenditure Plan (CEP), a Cost Apportioning Schedule (CAS), and a DCP Report. Templates for DCP Reports and the CAS are included in the Guidelines for Infrastructure Contributions.

6.7.2.4 Form and content of a DCP

The DCP shall include or specify the following:

- a) the DCA to which the DCP applies including details of land or development to be excluded
- b) the infrastructure and administrative items to be funded through the DCP
- c) details of funding, including the percentage being funded by the DCP, and the percentage from other funding sources

6.7.2.5 Management and administration of a DCP

The local government is to establish and maintain an interest-bearing reserve account, that will operate as the Development Contribution Fund (DCF), in accordance with the *Local Government Act 1995* for each DCA, into which cost contributions for that DCA will be credited, and from which all payments for the infrastructure and administrative items within that DCA will be made. The purpose of the reserve account and the use of money in the reserve account must be limited to the application of funds for the DCA.

Information on the interest earned on reserve accounts shall be made available to the public by the local government upon request, and any interest earned on cost contributions credited to a reserve account should be applied in the DCA to which the reserve account relates.

Administrative items may be included as a DCP item; however, they must relate directly to the work local government must do to prepare and implement the DCP. All administration items shall be individually itemised in the DCP.

Costs that may be included are detailed in the Schedule 4 and may include: technical consultant fees for other studies, plans, reports, and project management associated with the development of land if required to inform the preparation of the DCP

6.7.2.6 Consultation requirements

Prior to undertaking advertising and consultation as part of the statutory requirements for an amendment to the local planning scheme, early consultation on the proposed content of the DCP should be undertaken with



relevant stakeholders, including key landowners in the DCA, providers of any infrastructure to be included in the DCP, and State Government planning agencies.

To ensure the principles of transparency and equity are maintained, the DCP Report, including the CAS, that provide detail of the infrastructure costs and estimates, and the priority and timing of the delivery of each item of infrastructure, shall be formulated and advertised concurrently with the Scheme Amendment Report.

6.7.2.7 Operative Scheme Provisions

A DCP does not have effect until it is incorporated into a local planning scheme. Prior to (or concurrent with) identification of the first DCA within a local government area, and associated formulation of a DCP, operative scheme provisions must be included in the relevant local planning scheme to provide the framework for formulating and implementing a DCP, as provided in the Planning and Development (Local Planning Schemes) Regulations 2015.

6.7.2.8 Delivery of infrastructure

Identification of infrastructure as a contribution item in a gazetted DCP implies an agreement by local government to deliver that infrastructure, and should align with the local government's long-term (10 year) financial plan. While it is acknowledged that some level of flexibility in delivery timeframes is a realistic requirement, it is important that local government adheres to the estimated delivery timeframes for infrastructure for which development contributions have been made to ensure that the principles of equity and accountability are upheld.

6.7.2.9 Prioritisation of infrastructure in a DCP

A DCP may identify infrastructure that:

- a) needs to be actioned with the first development in a DCA, such as a major road extension/connection
- b) is predominantly located on the property owners' land, such as construction of a recreation facility, or acquisition of public open space, to service the larger DCA.

6.7.2.10 Early acquisition of public purpose sites

The DCP should give priority to the acquisition of land for public purposes early in the development process, to ensure that those landowners whose land has been identified for a public purpose, such as public open space, are not disadvantaged or unduly impacted by the rate of development.

In the case of primary school sites, early consultation with the Department of Education is required through the local structure plan process to establish commitment to timing of purchase of the land. It is noted that primary school sites are not included in DCPs as the acquisition of land is a separate process undertaken by the Department of Education.

Consideration is to be given by the local government to requests from landowners for early acquisition of land in cases of hardship, where land is identified for public open space in the DCP area.

The Department of Planning, Lands and Heritage (Department) may, in certain circumstances, pre-fund a DCP for the purposes of acquiring land in hardship cases where the local government has provided evidence to the Department that it does not have the funds to acquire

the land. Once funds are available in the DCP fund, the Department will be reimbursed for the cost of acquiring land with interest.

6.7.2.11 Cost contributions based on estimates

The determination of infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.

Where a cost apportionment schedule contains estimated costs, such estimated costs are to be prepared and reviewed at least annually by the local government.

A local government shall provide all available information upon request, including: the DCP Report, the CAS, and supporting information such as valuation advice, all calculations and methodology used to determine the costs, or adjustment of costs.

When an owner objects to the amount of a cost contribution, the owner may give notice to the local government within 28 days after being informed of the cost contribution, and this must be accompanied by supporting evidence prepared by a suitably qualified person detailing the basis of the objection, and include proposed alternative costs for consideration. The review of the amount of the cost contribution shall be undertaken by a suitably qualified person (independent expert) agreed by the local government and the owner, at the owner's expense.

If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined by either any method agreed between the local government and the owner;



or if the local government and the owner cannot agree on a method, by arbitration in accordance with the Commercial Arbitration Act 1985, with the costs to be shared equally between the local government, on behalf of the DCP, and owner.

6.7.2.12 Contribution credits

Where a developer has pre-funded infrastructure within a DCA, or land has been ceded to allow early infrastructure delivery, the following shall apply:

- a) Where an owner has agreed, or been required to pre-fund an item of infrastructure, or to cede land early to allow early infrastructure delivery, this pre-funding is to be held as a credit against future contributions due from that owner, and the local government and an owner must negotiate a fair and reasonable outcome in relation to this credit.
- b) Where a developer has other land holdings in the development contribution area, the credit is held by the local government until it is required to be used by the developer to offset future contributions.
- c) Where a developer has no further holdings in the DCA, the amount is held by the local government as a credit to the developer until payments into the DCP are received from subsequent developers to cover the credited amount. The credit is then reimbursed to the developer as soon as circumstances permit.
- d) Where the DCP fund is in credit from developer contributions already received, the credit should be reimbursed as soon as the circumstances permit on completion of the works/ceding of land and having regard to the priority and timing of DCP works.

- e) Contribution credits applied as a result of a pre-funding arrangement for the cost of the infrastructure item shall be:
 - i) as identified in the CEP and CAS
 - ii) based on the infrastructure being constructed to the same standard as was costed in the CEP.
- f) The provision of infrastructure to a higher standard than this will require the relevant Government agency, or developer if on a voluntary basis, to meet the gap in costs.
- g) If the actual amount of expenditure incurred when pre-funding an infrastructure item unexpectedly varies significantly from that identified in the CEP and CAS, the local government shall:
 - i) establish why the variation exists and whether such costs are justified
 - ii) determine whether the CEP and CAS need to be reviewed.
- h) If a review of the CEP and CAS is required as a result of the cost contribution per unit of charge changing significantly, a formal review of the DCP is required to ensure the principle of equity is upheld.
 - i) The reimbursement of pre-funded works, and early ceding of land for acquisition, through the DCP should be given priority according to timing that the infrastructure was delivered, as soon as adequate funds have been collected in the DCP having regard to the priority and timing of DCP works.
- j) Where a developer seeks to prefund works in advance to the priorities and scheduling identified in the DCP, there should be a broader demonstrated benefit to the DCP for indexation to be applied to

such works and applied to other owners' liabilities within the DCP. Indexation of pre-funding works should be discussed with the local government and detailed in the DCP report.

- k) Credits are only available for infrastructure items included as an item in a DCP, including land acquisition.
- l) Indexing shall apply to contribution credits to incorporate escalation. At the time the credit/liability is calculated, the index agreed between the parties should be used until the liability is paid in full.

6.7.2.13 Review of infrastructure cost estimates

A review of infrastructure cost estimates should be undertaken at least annually.

An annual review may be undertaken by:

- i) applying the recommended Indexes detailed in this policy, or as published by the WAPC
- ii) reviewing each DCP component and undertaking a full annual review of cost estimates.

The method of the review of cost estimates should be detailed in the DCP.

The review of cost estimates and/or application of indexing should be undertaken by a suitably qualified professional.

There may be circumstances where there is a substantial reduction in the cost contribution liability, due to factors including an overestimation of contingencies



and component costs. In such cases, including where a liability has been paid in full, the local government, on behalf of the DCP fund shall:

- i) reconcile and adjust the liability for each unit of charge, and refund excess monies to owners that paid over the adjusted amount, as soon as circumstances permit
- ii) in cases where it is not reasonably practicable to identify owners and issue their entitled amount of refund, any excess in funds shall be held in the DCP fund until all cost contributions have been made or accounted for and applied to the provision of additional facilities or infrastructure improvements in that DCA.

6.7.2.14 Indexation

Indexing ensures cost contributions remain consistent with changing infrastructure costs. To achieve consistency in the use of indexing across local governments, the following indices are to be used, where appropriate, as reference rates for DCP components including administration, development and community infrastructure, and land.

Indexation may be used in the annual review of cost estimates and/or as applied to credits and shall be detailed in the DCP. Indexation may be used for updating final cost contributions as required after gazettal of the DCP. The WAPC, from time to time, may approve the use of alternative indexing to those listed in this policy.

Community Infrastructure

- Australian Bureau of Statistics (ABS) Producer Price Index for Non-Residential Building Construction
- Australian Bureau of Statistics (ABS) Construction Work Done, Australia

- WALGA Local Government Cost Index (Non-Residential Building Construction)

Development Infrastructure

- Australian Bureau of Statistics (ABS) Producer Price Index for Road and Bridge Construction
- Australian Bureau of Statistics (ABS) Engineering Construction Activity
- WALGA Local Government Cost Index (Road and Bridge Construction)

Land

- Valuation advice from a licenced valuer

Credits

- As per relevant index as, detailed above; or
- Reserve Bank of Australia (RBA) - Cash Rate

If a local government considers that the indexation isn't keeping pace with the true costs of a particular item, then the local government should revise the cost estimates for that component/item, with the approval of the WAPC.

6.7.2.15 Monitoring and reporting

In addition to the annual review/ updating of costs, an annual report, or status report, is to be prepared by the local government providing an overview of progress of the delivery of infrastructure specified in the DCP including:

- the timing and estimated percentage delivery of an infrastructure item against that stated in the DCP, arising from review of the local government's Capital Expenditure Plan

- the financial position of the DCF (an audited annual statement of accounts for each DCA reserve account as soon as practicable after the statement becomes available) including interest that has been accrued in the DCF
- a summary of the review of the estimated costs in the CAS, including any changes in funding and revenue sources, and include relevant indexation.

A model template for the annual report is provided in Schedule 5. It is intended that the annual reporting provide a snapshot, or high-level summary, of the progress of the DCP.

The annual report shall be published by the local government on its website; a copy is to be held at the offices of the local government; and the annual report and any supporting documentation will be made available for inspection by the Minister for Planning, the Department of Local Government or the Department of Planning, Lands and Heritage upon request.

6.7.3 Developer Agreements

Contributions may also be implemented in limited circumstances through Developer Agreements or by a voluntary agreement between a landowner or developer and the relevant local government, pursuant to a request from the landowner or developer. Limited circumstances include large-scale, single ownership projects with a long development timeframe, or in regional areas where a formal DCP is not considered by local government and contributing owners to be necessary to achieve desired infrastructure delivery outcomes.



Notwithstanding that Developer Agreements do not form part of the scheme, infrastructure contributions prepared under this arrangement should be consistent with the principles outlined in this policy and any decision to deviate from these principles, including the provision of facilities of a higher quality or specification than standard, should be a voluntary decision by all parties to the agreement.

6.8 Infrastructure contributions not to be imposed as a condition of rezoning

Local governments are not to impose infrastructure contributions beyond the scope of WAPC policy as conditions or prerequisites for rezoning. Infrastructure contributions must be formulated through an open and transparent process, with the opportunity to provide comment, or through DCPs or voluntary agreements that are transparent and follow the due planning process.

6.9 Transitional arrangements

The following transitional arrangements apply:

- Existing DCPs will continue to remain valid for the lifespan of the DCP, however, all DCPs regardless of the approval dates, shall adhere to all operational, monitoring and reporting requirements of the LPS Regulations and SPP 3.6.
- Existing DCPs that do not have a lifespan or review period shall be amended no longer than three (3) years after this policy comes into effect, to include the anticipated lifespan of the DCP and priority and timing for delivery of infrastructure.

- DCPs that have been prepared prior to the gazettal of this policy and are considered a seriously entertained proposal having been submitted to the WAPC for approval, are deemed to be DCPs prepared under the 2009 version of SPP 3.6.
- Any DCP prepared on, or after the day of gazettal of this policy will be subject to the standards detailed in this policy.

6.10 Implementation

Implementation of this policy will be primarily through statutory instruments including, structure plans, local planning schemes or improvement schemes and the day-to-day consideration of scheme amendment, subdivision, strata subdivision and development proposals and applications, together with the actions and advice of agencies in carrying out their responsibilities.

7 REVIEW OF POLICY

This policy shall be reviewed within three (3) years of the date that it is published in the Government Gazette.

8 DEFINITIONS/ INTERPRETATIONS

Definitions and interpretations for Infrastructure Contributions and DCPs, unless otherwise stated in a local planning scheme, should be as per the definitions and interpretations contained in the Planning and Development (Local Planning Schemes) Regulations 2015, Part 1, Part 7 and Schedule 1 Model Provisions.



SCHEDULES

SCHEDULE 1: DEVELOPMENT INFRASTRUCTURE – STANDARD INFRASTRUCTURE CONTRIBUTION REQUIREMENTS

Infrastructure items that may be required as an infrastructure contribution in any development setting imposed through the subdivision and development process, or contained within a Development Contribution Plan in cases where cost-sharing arrangements are proposed.

	ITEM	STANDARD REQUIREMENT	DELIVERY METHOD
Public purposes			
1	Land for Public Open Space (Local and District)	Public open space equivalent to 10% of the gross subdivisible area, or as proposed in approved Structure Plan or other adopted planning instrument, or alternatively, a cash-in-lieu contribution, in accordance with WAPC policies and the <i>Planning and Development Act 2005</i> .	Land <u>or</u> monetary contribution
2	Development of Public Open Space	Basic Development – Development of public open space consistent with the requirements of Liveable Neighbourhoods – including full earthworks, basic reticulation, grassing of key areas, pathways that form part of the overall pedestrian and/or cycle network, trees, drainage, lighting, basic seating, and maintenance for two summers, and post water monitoring and establishment period of infrastructure such as living streams where required by WAPC policy Additional facilities for public open space may be provided at the discretion of the landowner/developer and may include provision of basic playground equipment, water fountains/ features, litter bins. Upgrading of existing POS areas where comprehensive planning has been undertaken and public realm upgrade requirements are set out in Structure Plan, or similar planning instrument, to align with objectives of strategic planning instruments.	Construction of infrastructure <u>or</u> monetary contribution
3	Foreshore reserves	Land for foreshore reserves on the coast, rivers and lakes in accordance with WAPC policies	Land (ceded free of cost to the State as per WAPC policy) <u>or</u> If included in a DCP, monetary contribution based on need/nexus
4	Foreshore reserve management plan and/or upgrades	As part of development of public open space	Delivery by and at discretion of developer/relevant government agency <u>or</u> If included in a DCP, monetary contribution based on need/nexus



	ITEM	STANDARD REQUIREMENT	DELIVERY METHOD
5	Wetlands	<p>Note: Wetlands are not suitable for inclusion in a DCP purely for environmental protection purposes. Such land should provide a community recreation benefit to be considered for inclusion, and any valuation of the land should reflect the lack of development potential resulting from its environmental constraints.</p> <p>Inclusion in a DCP can only be for recreation purposes as part of the overall public open space network consistent with the provisions of Liveable Neighbourhoods.</p> <p>May include initial rehabilitation works and costs for maintenance/ management that are required of landowners/ developers through the subdivision and development process.</p>	<p>Land (ceded free of cost to the State as per WAPC policy or as part of allowable 2% restricted public open space, if useable for recreational purposes)</p> <p>or</p> <p>monetary contribution based on demonstrated need/nexus</p>
6	Primary schools	Land for government primary schools identified in approved structure plan.	<p>Land (ceded free of cost to the State as per WAPC policy)</p> <p>or</p> <p>pro-rata contribution by landowners in catchment via condition of subdivision</p>
Movement network			
7	Primary distributor roads (proposed)	<p>Land for primary distributor roads including primary regional roads and railway reserves only where justified by a new subdivision/ development i.e. in special circumstances where super-lots are created on the urban fringe to allow for future subdivision.</p> <p>In other circumstances, land to be acquired by appropriate authority.</p>	Delivery by relevant government agency
8	District distributor roads (proposed) - including intersection treatments	<p>Where district distributors abut or are included within an area of subdivision or are required to connect to existing major roads outside the subdivision area but within the same landholding.</p> <p>Construction including earthworks for the whole road reserve, the construction of one carriageway comprised of two lanes and associated drainage works and shared paths or other works if shown in the structure plan.</p>	<p>Land <u>and</u> Construction of infrastructure</p> <p>or</p> <p>monetary contribution based on infrastructure demand</p>
9	Local /neighbourhood distributor and local roads (proposed)	Land for new local streets where required. All roads and traffic works required within a subdivision and linked to a constructed public road, including intersection treatments, and drainage. These roads provide access to individual lots and allow utility services to be reticulated in the road reserves.	<p>Land <u>and</u> Construction of infrastructure</p> <p>or</p> <p>monetary contribution based on infrastructure demand</p>
10	Existing roads (land for widening)	<p>Where the proposal induced additional traffic movements and/ or benefits from it; and or where development is a significant traffic generator.</p> <p>In other circumstances, land to be acquired by appropriate authority.</p>	<p>Land (ceded free of cost to the State as per WAPC policy, or acquired by relevant government agency, or subject to injurious affection)</p> <p>or</p> <p>monetary contribution based on infrastructure demand.</p>



	ITEM	STANDARD REQUIREMENT	DELIVERY METHOD
11	Existing roads (upgrades including intersection treatments)	Where existing roads are inadequate to accommodate traffic generated by proposal; and or where development is a significant traffic generator. Upgrading, construction and widening of existing roads and laneways to accommodate additional demand generated by a subdivision or development.	Construction of infrastructure <u>or</u> monetary contribution based on infrastructure demand
12	Shared paths/cycle paths/footpaths/PAWs	Required as part of items 6-9, or if included in approved Structure Plan, or similar planning instrument.	Land <u>and</u> Construction of infrastructure <u>or</u> monetary contribution based on infrastructure demand
13	Sustainable transport	For existing urban areas and only where comprehensive planning has been undertaken and requirements are set out in Structure Plan, or similar planning instrument, and to align with objectives of strategic planning instruments: <ul style="list-style-type: none"> • includes works and undertakings for the purpose of providing public transport infrastructure and associated walking and cycling infrastructure, including public transport stops and shelters, signs and signals, public transport lanes, and any associated works/ designs • streetscape and public realm upgrades - includes street furniture, trees, landscaping, planting, other elements to transition to 'Complete Streets' model 	Land <u>and</u> Construction of infrastructure <u>or</u> monetary contribution based on infrastructure demand
14	Grade separated and at grade pedestrian crossings	Only in limited circumstances where set out in Structure Plan for the area.	Land <u>and</u> Construction of infrastructure <u>or</u> if included in a DCP, monetary contribution based on
Utilities and services			
15	Public utilities (on site infrastructure)	Infrastructure for – <ul style="list-style-type: none"> • water • sewerage • drainage works • electricity supply infrastructure – initial provision and upgrades to existing services This covers on-site works as well as off-site capital works such as major pump stations, trunk sewers or transmission lines that are necessary to, or contribute to, the subdivision and/or development, and the planning and implementation of urban water requirements.	Land <u>and</u> Construction of infrastructure <u>or</u> if included in a DCP, monetary contribution based on infrastructure demand Note that these works are in addition to monetary charges by the Water Corporation and Western Power for off-site major infrastructure.



	ITEM	STANDARD REQUIREMENT	DELIVERY METHOD
16	Public utilities (off-site infrastructure works)	<p>Where not pre-funded by government agency. Standard water, sewerage and drainage headworks charges for off-site major infrastructure works.</p> <p>Offsite wastewater supply infrastructure may include buffers.</p> <p>If an area is in fragmented ownership, monetary or in-kind contributions can be required in lieu of land or infrastructure works with reimbursement for other owners where costs are shared.</p>	<p>Land <u>and</u> Construction of infrastructure</p> <p><u>or</u></p> <p>if included in a DCP, monetary contribution based on infrastructure demand</p>
17	Other contributions as provided for in WAPC policies.		



SCHEDULE 2: COMMUNITY INFRASTRUCTURE: ITEMS FOR INCLUSION IN A DEVELOPMENT CONTRIBUTION PLAN

Contributions for infrastructure items sought beyond *Development Infrastructure: Standard Infrastructure Contribution Requirements* (refer Schedule 1) where the demand for such facilities, and the need and nexus can be demonstrated. Contributions for Community Infrastructure can be levied up to a maximum of \$2,500 per dwelling for local infrastructure, with consideration given to increasing the maximum levy by an additional \$1000 per dwelling, to a total of \$3,500 for a combination of local, district and regional community infrastructure, subject to adequate justification and the support of the WAPC. Community infrastructure requires the preparation of a Development Contribution Plan.

	ITEM	STANDARD REQUIREMENT	DELIVERY METHOD
1	Specialist sporting facilities	For exclusive use by specialist sport or recreation club eg lawn bowls, aquatic centre, gymnasium, surf club, golf course, boating facilities.	Delivery by and at discretion of developer/relevant government agency <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand
2	Local sports grounds and facilities (at local / neighbourhood parks)		Land <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand Note: Land for Public Open Space is a Standard Infrastructure Item under Schedule 1
3	Foreshore reserves		Land <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand Note: Land for Public Open Space is a Standard Infrastructure Item under Schedule 1
4	Multi-purpose district sport grounds and facilities and/ or pavilion/building (at district open space)	Sports grounds – including grassed playing surfaces, multipurpose hard surface outdoor courts, lighting and fencing) Buildings/pavilion - including toilets, change rooms, basic kiosk facilities	Land (in some circumstances as part of provision of public open space) <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand Note: Land for Public Open Space is a Standard Infrastructure Item under Schedule 1.



	ITEM	STANDARD REQUIREMENT	DELIVERY METHOD
5	Multi-purpose District Community building and basic facilities	Includes meetings rooms, indoor recreation rooms, small scale flexible performance space, kitchen facilities, toilets	Land (in some circumstances as part of provision of public open space) <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand Note: Land for Public Open Space is a Standard Infrastructure Item under Schedule 1.
6	District library building and basic facilities	Excluding specialist interior fit-out and technology	Land (in some circumstances as part of provision of public open space) <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand
7	Indoor sports facilities		Land (in some circumstances as part of provision of public open space) <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand
8	Child care/after school centre buildings and basic facilities	Community-run centres only, excluding interior fit-out and technology	Land (in some circumstances as part of provision of public open space) <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand



SCHEDULE 3: DEVELOPMENT CONTRIBUTION PLAN TEMPLATE

Reference No.	DCPX
Area name	DCA XX
Relationship to other planning instruments	The development contribution plan generally conforms to the Plan for the Future, the 10 year Financial Management Plan and the Community Infrastructure Plan.
Infrastructure and administrative items to be funded	<ol style="list-style-type: none"> 1. District community centre <ul style="list-style-type: none"> • Single storey, xm^2, plot ratio floor area building with x parking spaces situated on lot x, x street, x suburb <ol style="list-style-type: none"> i. planning and design ii. site acquisition iii. earthworks and site (including servicing) iv. construction of facility (including associated tender) v. associated parking vi. associated landscaping 2. Administrative costs including: <ul style="list-style-type: none"> • costs to prepare and administer the plan during the period of operation (including legal expenses, valuation fees, proportion of staff salaries, computer software or hardware for purpose of administering the plan) • costs to prepare Annual Report and monitoring • costs to prepare and review cost estimates and the cost apportionment schedule • valuation costs
Method for calculating contributions	<p>The contributions outlined in this plan have been based on the need for community infrastructure and/or non-community infrastructure generated by additional development in the development contribution plan. The local government's Community Infrastructure Plan identifies the community infrastructure needs that impact on the development contribution plan. The method for calculating contributions excludes the:</p> <ul style="list-style-type: none"> • demand for a facility that is generated by the current population • demand created by external usage - the proportion of use drawn from outside of the main catchment area • future usage – the proportion of usage that will be generated by future development outside of the development contribution plan timeframe <p>$C = [ID \times CR] \times I$,</p> <p>Where</p> <p>C = Cost Contribution</p> <p>ID = Infrastructure Demand – calculated using cost Apportionment Schedule</p> <p>CR = Contribution Rate - as set out in the Cost Apportionment Schedule</p> <p>I = Indexation factor.</p>



Reference No.	DCP X
Period of operation	X years
Timing and priority	A summary of the estimated timing and priority for the delivery of each item of infrastructure - details to align with the Development Contribution Plan Report and the Council's long-term strategic plan and infrastructure plan
Review process	<p>The plan will be reviewed five (5) years from the date of gazettal of the local planning scheme or amendment to the local planning scheme to incorporate the plan, or earlier should the local government consider it appropriate having regard to the rate of development in the area and the degree of development potential still existing.</p> <p>The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by the qualified person undertaking the certification of costs.</p>
Reporting requirements	An annual report must be prepared by the responsible authority each financial year and published no later than three (3) months after the end of the financial year reported on in accordance with the template in Schedule 5.



SCHEDULE 4: DEVELOPMENT CONTRIBUTION PLANS – REQUIRED INFORMATION

SCHEDULE 4 – REQUIREMENTS AND CONTENT OF A DEVELOPMENT CONTRIBUTION PLAN	
Required Information for all DCPs	<p>A DCP must be accompanied by a DCP Report which is to contain a Capital Expenditure Plan (CEP) and a Cost Apportioning Schedule (CAS), and, which between them:</p> <ul style="list-style-type: none"> • identify the strategic basis for inclusion of each infrastructure item in the DCP • specify the details of priority, staging and timing for the provision of infrastructure • detail the methodology for land valuation, and or basis for a standard or specification used for items of infrastructure • set out in detail the calculation of the cost contribution for each owner, or other unit to be charged such as per dwelling, in the DCA, based on the methodology provided in the development contribution plan • include all supporting documentation, such as technical reports, that support or justify any aspect of the DCP to be included as Appendices to the DCP Report <p>These documents do not form part of the scheme but provide important justification for the content of each DCP. Templates are provided in the Infrastructure Contribution Guidelines detailing the recommended form and content of the DCP Report and CAS.</p> <p>The DCP Report (and Appendices) and CAS must be adopted for advertising to all owners at the same time the related scheme amendment is advertised for comment.</p>
Documentation to support Community Infrastructure items	<p>Where a local government is seeking contributions for community infrastructure, these need to be supported by:</p> <ul style="list-style-type: none"> • a community infrastructure plan for the area, identifying the services and facilities required over the next 5-10 years (supported by demand analysis and identification of service catchments) • a capital expenditure plan (with at least five (5) out years) which identifies the capital costs of facilities and the revenue sources (including capital grants) and programs for provision • projected growth figures, including the number of new dwellings to be created at catchment level (suburb or district) • a methodology for determining the proportion of costs of community infrastructure to be attributed to growth and the proportion to be attributed to existing areas.
Documentation to support Sustainable Transport items	<p>Where a local government is seeking contributions for Sustainable Infrastructure including public transport facilities, and streetscape upgrades, these need to be supported by:</p> <ul style="list-style-type: none"> • evidence that the subject area has been identified to accommodate consolidated growth and aligns with local or state strategic planning instruments • evidence that the comprehensive planning necessary for coordination of development or redevelopment has occurred <p><i>Where planned growth for an area is in accordance with the State Planning Framework and identified as a public transport priority route supporting higher densities, then consideration should be given to the transport modelling already undertaken prior to a request for additional modelling.</i></p>



SCHEDULE 4 – REQUIREMENTS AND CONTENT OF A DEVELOPMENT CONTRIBUTION PLAN

<p>Lifespan</p>	<p>A DCP must specify the period of operation.</p> <p>For DCPs in a greenfield development setting, lifespan should be linked to completion of development or subdivision, and a maximum lifespan of 10 years applies. A lifespan of longer than 10 years for DCPs in greenfield settings will only be considered in limited circumstances, if justification for such a timeframe can be demonstrated and linked to a capital works and staging program, and subject to the principle of equity being upheld.</p> <p>For DCPs in an infill development setting, a lifespan of 10 years applies. A longer lifespan may be considered in limited circumstances for the delivery of city-wide community infrastructure or specific strategic urban projects, which will have a longer timeframe for delivery.</p> <p>Selected timeframe shall correspond with any related strategic and infrastructure planning, and financing cycles; reflects anticipated development growth rates; and provide certainty that the identified infrastructure items can be delivered within the stipulated timeframe of the DCP.</p>
<p>Infrastructure items considered inappropriate for inclusion in a DCP</p>	<p>Infrastructure items considered inappropriate for inclusion in a DCP, and where other funding mechanisms should be sought include:</p> <ul style="list-style-type: none"> • regional drainage • wetland management (including any rehabilitation) – note that maintenance/ management costs may be included as required of developers by Council’s through the subdivision and development process. • high school + other education - land acquired by relevant government agency or provider • technical college (TAFE)/ university - land acquired by relevant government agency or provider • non-government schools - land acquired by relevant or provider • administration costs associated with office accommodation and facilities for staff undertaking DCP administration shall not be included • marketing features (eg estate boundary walls or fencing, entry statements, public art, signage, artificial lake or waterway with no drainage function) – an exception to this includes Industrial DCPs which may include features such as entry statements and signage in DCP costs • other – CCTV and business incubator units • regional sports grounds and facilities (at ‘regional open space’ designated in Region Scheme) - for local governments that are not subject to a region scheme, infrastructure at ‘regional sports grounds’ may be considered as ‘district’ grounds and facilities for the purposes of this policy • specialist community facilities (for exclusive use by specialist organisations eg interest/hobby clubs, performing arts facilities, health centre) • council offices / civic centre



SCHEDULE 4 – REQUIREMENTS AND CONTENT OF A DEVELOPMENT CONTRIBUTION PLAN

<p>Infrastructure items considered inappropriate for inclusion in a DCP</p>	<p>Administrative items may be included as a DCP item, however, must relate directly to the work local government must do to prepare and implement the DCP:</p> <ul style="list-style-type: none"> • costs to prepare and review DCP cost estimates • costs to prepare DCP cost apportionment schedule • costs for undertaking valuations for DCP • fees for professional services directly linked to preparation and implementation of DCP (eg legal and accounting fees) • costs for computer software and/or hardware upgrades necessary to enable DCP preparation • proportion of staff salaries directly related to DCP administration – ‘management fees’ should directly relate to the cost of labour to manage the DCP, rather than a percentage of total DCP costs • financial institution fees and charges associated with administration of DCP funds • interest charged on loans taken out to pre-fund items included in DCP (established based on lending rates at the time DCP is prepared)
<p>Infrastructure items considered inappropriate for inclusion in a DCP</p>	<p>Consistent with industry standards, the estimated cost of items may include the following maximum contingency amounts for construction:</p> <ul style="list-style-type: none"> • community and recreation construction items – 15% of the estimated project cost • construction of roads or road intersections – 15% of the estimated project cost • construction of bridges – 20% of the estimated project cost.



SCHEDULE 5: ANNUAL REPORT TEMPLATE FOR DEVELOPMENT CONTRIBUTIONS PLANS

Name of DCP -

Report date -

Financial Year –

Table 1: Summary of delivery of infrastructure

Item of infrastructure	Scheduled delivery/ priority in DCP	Progress/status (% complete)	Expected delivery	Reasons for delay (if applicable)

Table 2: Financial position of DCF

	Received /value contributions collected or land area	DCP funds expended/ value	Current balance of DCF	Value of credits	Interest earned on DCP funds (if applicable)
Monetary component in levies (\$)					
Works in kind					
Land contribution					
TOTAL					

Has the DCF account be independently audited (Yes/No) (Insert date)

Has a review of Cost Apportionment Schedule (CAS) and Cost Estimates been undertaken (Yes/No)
 (Frequency/ insert date)