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## LOCAL PLANNING POLICIES

# Developer Contributions for Road & Footpath Upgrading



Policy Number:	P3
Relevant Delegation:	Not Applicable
Adoption Details:	19 November 2012
Last Review Details:	19 November 2012

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### Shire of York Local Planning Scheme No. 3

#### **PURPOSE:**

This policy sets the basis for seeking contributions for the upgrading of the Shire's road and footpath network as a result of the subdivision and development of land. The policy will allow a consistent approach to be applied to all subdivisions and relevant development and will provide guidance on Council's decision making. The policy will also provide certainty to the community in estimating the costs of the subdivision and development process.

This policy does not apply to 'greenfield subdivision' sites or subdivisions where developer contribution requirements are specified in the Scheme, Structure or Outline Development Plan or other planning document.

#### **POLICY OBJECTIVE:**

The objectives of the Policy are to:

- To provide a basis for seeking financial contributions to the upgrading of the road and footpath network as a result of the subdivision process.
- To provide a basis for seeking financial contributions to the upgrading of the road and footpath network as a result of development proposals.
- To ensure consistency in the recommendations made to the Western Australian Planning Commission on subdivision applications.
- To provide clear and consistent advice to the community on the Shire's expectations for road and footpath upgrading.

#### **STATUTORY POWERS:**

This Policy relates to determinations made by the Western Australian Planning Commission under the *Planning and Development Act 2005*. This Act gives the Commission the power to require developer contributions as part of the subdivision of land.

Where a development proposal requires the upgrading of the road and or footpath network, Council may require developer contributions under Part 4, Section 27 of the Shire of York's Local Planning Scheme No. 3.

This Policy has regard to the information contained within the Western Australian Planning Commission's State Planning Policy 3.6 – Development Contributions for Infrastructure and is made pursuant to Part 4, Section 27 of the Shire of York Local Planning Scheme No. 3.

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A Local Planning Policy is not part of the Scheme and does not bind the Council in respect of any application for planning approval, but the Council is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

Local Planning Policies are guidelines used to assist Council in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme, they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes.

In considering an application for Planning Approval, the Council must have due regard to relevant Local Planning Policies as required under Part 4, Section 32. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

## **INTERPRETATION:**

Road has the same definition applied to it under the *Road Traffic Act 1974* which includes any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon.

Footpath means any land or thoroughfare used by pedestrians and/or cyclists and shall include pathways, dual use paths and any other walkway designed for this use.

Greenfield subdivision means a property outside an existing urban or subdivision area that requires the extension of services to the subdivision.

## **POLICY:**

- 1.1 All applications for subdivision or development approval made within the Shire of York, where there is an identified nexus between the requirements for a road and/or footpath upgrade and the proposal, will be subject to the provisions of this policy. This policy does not supersede or influence any other requirement for developer contributions as part of the subdivision or development approval process toward other facilities or infrastructure, such as public open space, community facilities, etc.
  - 1.2 In making recommendations to the Western Australian Planning Commission on applications for subdivision where at least one additional lot will be created from the parent lot(s), the Council will consider seeking a financial contribution to be made towards the upgrading of the road and/or footpath network.
  - 1.3 The Council reserves the right to seek a financial contribution towards the upgrading of the road and/or footpath network in the case of boundary rationalisation applications where no additional lots will be created, if it is considered warranted under certain circumstances.
  - 1.4 When determining a development application, if in the opinion of Council, the development generates the requirement for a road and/or footpath upgrade, the Council will seek a financial contribution to be made towards the upgrading of the road and/or footpath network.
  - 1.5 Contributions towards the upgrading of the road and footpath network will be based on the standards contained in Table No. 1 of this Policy. The standards and costs will be reviewed periodically.
  - 1.6 The road and footpath upgrading contribution will be a pro-rata calculation of 50% of the road/footpath as contained in Table No. 1, based on the per kilometre/per metre frontage of the parent lot(s) to the road. Where a secondary street exists, the Council reserves the right to seek a contribution for the secondary street in addition to the primary street
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frontage, however the Council will take into account traffic movements and existing rights of entry.

- 1.7 If a subdivision requires that the created lots be provided with constructed road access that does not currently exist or the road access in existence is not to an acceptable standard, this policy shall not supersede any requirements for the developer to pay the full construction costs and/or upgrading to provide suitable road access as prescribed in Schedule 4, Section 18 of the York Local Planning Scheme No. 3. and any relevant Guidelines.
- 1.8 Nothing in this policy shall prohibit Council from seeking the construction of a footpath network within a subdivision or associated with a development at the developer's expense.
- 1.9 In terms of the expenditure of the financial contributions made as part of the subdivision of land, the following principles shall apply:
- a. Should the applicant not construct the road, the construction and/or upgrading of the road(s) will be included into the Shire's Works Program; and
  - b. The upgrading of any footpath network shall occur within three (3) years following the completion of all subdivisions affecting a particular area, or prior to this date as determined by Council.
- 1.10 The Council may vary the requirements of this policy, where it is considered that full compliance with the policy is impractical, or such variation is warranted in the circumstances of the subdivision or development.
- 1.11 This Policy does not apply to main roads.

#### **PENALTIES:**

Not applicable.

#### **KEY TERMS/DEFINITIONS:**

Not applicable.

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Responsible Officer: Executive Manager Infrastructure & Development Services

Contact Officer: Planner

Relevant Legislation: Not applicable

Review History:

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