

contributions plan

No.17

section **7.11**

Quakers Hill Commercial Precinct

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1. Introduction and administration of the contributions plan

1.1 Name of the plan

This contributions plan is called 'Section 7.11 Contributions Plan No. 17 – Quakers Hill Commercial Precinct'.

1.2 Purpose of plan

This contributions plan outlines Council's policy regarding the application of Section 7.11 of the *Environmental Planning and Assessment Act, 1979* in relation to the provision of intersection upgrading of Quakers Hill Parkway and Eastern Road, and the junction of Eastern Road and Douglas Road.

The need for the original contributions plan was generated by the anticipated development of mixed residential/commercial developments in the Quakers Hill Commercial Precinct. The abovementioned intersection upgrading will accommodate the additional traffic volumes generated by potential developments as reported in the 2004 Traffic Impact Assessment, prepared by Thompson Stanbury Associates.

The initial contributions plan was originally approved by Council on 13 September 2006 and came into force on 27 September 2006.

This contributions plan was first reviewed in June 2008 due to proposed relocation of services in the left-hand slip lane from Eastern Road to Quakers Hill Parkway. The first revision of the contributions plan came into force on 17 December 2008.

This plan was reviewed again in January 2016, coming into force on 15 June 2016. The reason for this second revision is due to the intersection works at Quakers Hill being identified in the Transport and Access Strategy Report prepared by AECOM Australia Pty Ltd in June 2011, as also being required for inclusion in the *Section 7.11 Contributions Plan No. 24 Schofields Precinct*, and thus the need for apportioning of the costs between the two contribution plan areas.

This plan has been prepared in accordance with the *Environmental Planning and Assessment (EPA) Act, 1979*, the Environmental Planning and Assessment (EPA) Regulation, 2021, and IPART's 2018 Assessment of Blacktown City Council's Contribution Plan No. 24 – Schofields Precinct¹.

The Section 7.11 contributions contained in this plan have been determined on the basis of a "Contribution Catchment". This is the area over which a contribution for a particular item is levied. Within the catchment there is an identifiable "list" of works, which are scheduled for provision. The catchment area for these revised contributions plan has also been amended to align with Council's other contribution plans and with the zoning of the Quakers Hill Commercial Precinct.

Council applies contribution formulae to the catchment for the purpose of calculating the contribution rates applicable to that catchment. The formulae consider the cost of works to be undertaken and the size of the catchment area. The total cost of providing the works is distributed over the total catchment on an equitable basis.

1.3 Commencement of this plan

This plan takes effect from the date on which public notice is/was published, pursuant to clause 31 (4) of the EPA Regulation.

1.4 Principles of Section 7.11

Section 7.11 permits a council to require persons or entities developing land to pay monetary contributions, provide capital works (works in kind), and/or dedicate land in order to help fund the

¹ <https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/Reviews/Contributions-Plan/Review-of-Blacktown-City-Councils-Contributions-Plan-no-24-Schofields-Precinct>

increased demand for public amenities and public services (amenities and services) generated through their developments.

The three general principles in applying Section 7.11 contributions are:

1. A contribution must be for, or relate to, a planning purpose.
2. A contribution must fairly and reasonably relate to the subject development.
3. The contribution must be such that a reasonable planning authority, duly applying its statutory duties, could have properly imposed.

Council may either:

- require a dedication of land
- require a monetary contribution
- accept a material public benefit (works in kind)
- accept a combination of some or all of the above.

One of the fundamental responsibilities of any Council in imposing Section 7.11 contributions is to ensure that the contributions levied are reasonable. That is, the works and facilities to be provided must be as a direct consequence of the development on which the contributions are levied. In keeping with this responsibility, Section 7.11 contributions levied on development as a result of this plan are limited to providing amenities and services to the minimum level necessary to sustain an acceptable form of urban development.

1.5 Aims and objectives of the plan

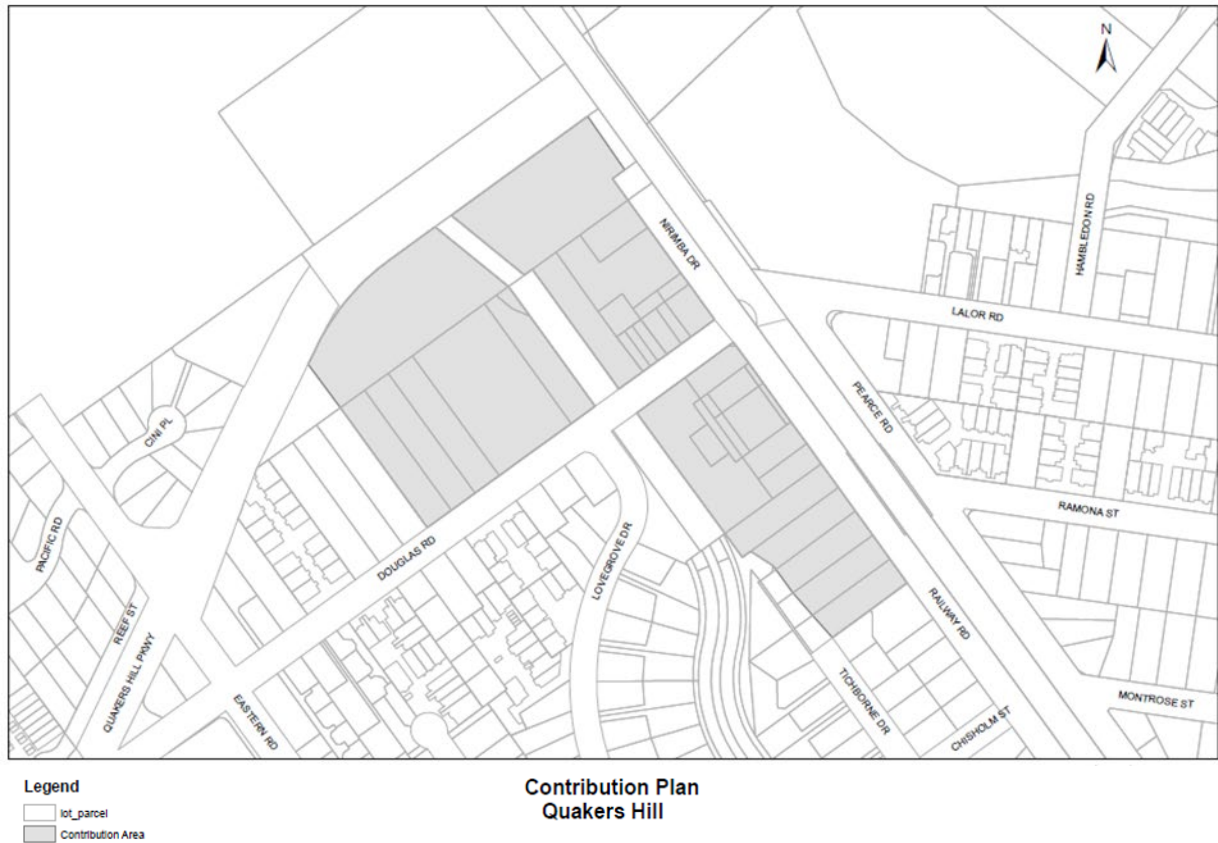
The aims and objectives of this plan are to:

- ensure that Section 7.11 contributions levied on development within the Quakers Hill Commercial Precinct are reasonable;
- ensure that the method of levying Section 7.11 contributions is practical
- employ a user pays policy for the funding of infrastructure within the Quakers Hill Commercial Precinct so that the existing residents of Blacktown City are not subsidising new urban development
- ensure that the amenities and services provided are not for the purpose of making up shortfalls in other areas
- ensure infrastructure is provided in an orderly manner
- make clear Council's intentions regarding the location and timing of infrastructure provision within the Quakers Hill Commercial Precinct.

1.6 Land to which the plan applies

The land to which this plan applies is shown by the shaded areas on the map on the following page.

Quakers Hill Commercial Precinct



1.7 Development to which the plan applies

This plan applies to all developments occurring within the Quakers Hill Commercial Precinct catchment area that requires the submission of a development application or an application for a complying development certificate, including the intensification of use of a site involving expansion of area occupied by a development and/or the addition of population.

1.8 Construction Certificates and the obligations of Accredited Certifiers

In accordance with section 7.21 of the *EP&A Act* and Clause 146 of the *EP&A Regulation*, a certifying authority must not issue a construction certificate for building work or subdivision under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with clause 142(2) of the *EP&A Regulation*. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by Council. In such cases, Council will issue a letter confirming an alternative payment method.

1.9 Complying Development and the obligations of Accredited Certifiers

In accordance with Section 7.21(1) of the *EP&A Act*, accredited certifiers must impose a condition requiring monetary contributions in accordance with this contributions plan, which satisfies the following criteria.

The conditions imposed must be consistent with Council's standard section 7.11 consent conditions and be strictly in accordance with this contributions plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the section 7.11 condition correctly.

1.10 Relationship to other plans

Environmental Planning Instruments and controls apply to the Quakers Hill Commercial Precinct. These include:

- Blacktown Local Environmental Plan 2015
- Blacktown Development Control Plan 2015
- Contributions Plan No. 24 – Schofields Precinct
- Contributions Plan No. 19 – Blacktown Growth Precinct

1.11 Monitoring and review of this plan

This plan will be subject to regular review by Council. Council's Section 7.11 Finance Committee considers the need for reviews of all of Council's contributions plans when they meet monthly. Council generally aims to have contributions plans reviewed annually in fast-growing release areas. The final review timetable is approved by Council's Executive Management Committee

The purpose of any review is to ensure that:

- contribution levels reflect current land acquisition costs
- the level of provision reflects current planning and engineering practice and likely population trends
- work schedules are amended if development levels and income received differ from current expectations. Substantive planning proposals are also likely to lead to a review of this plan.

Any changes to the plan must be prepared in accordance with the Act and Regulation and placed on public exhibition for a minimum period of 28 days. The nature of any changes proposed and the reasons for these will be clearly outlined as part of the public participation process. Council welcomes the comments of interested persons in relation to this plan at any time.

1.12 Timing of provision of Items

The Environmental Planning and Assessment Regulation, Part 4, Division 1C, Clause 27 (h) states that a contributions plan must contain:

*a map showing the specific public amenities and services proposed to be provided by the council, supported by a works schedule that contains an estimate of their cost **and staging (whether by reference to dates or thresholds)**.*

This contributions plan provides indicative timing of works in 5-year thresholds in Appendix A. These are only indicative at the time of preparation of the plan and are updated upon each review of the plan.

1.13 Provision of Infrastructure

Notwithstanding section 1.12 above, the provision of the individual items contained in this plan has been prioritised.

The priority attached to providing each item has been determined having regard for:

- Existing development trends. For example, the provision of parks in faster growing residential areas will have a higher priority than slower growing areas.
- Anticipated revenue. Council's ability to forward fund Section 7.11 works is limited. As such the timing of works is very much dependant on the receipt of adequate Section 7.11 funds. The work schedules in the appendices of this plan have been formulated having regard for existing funds available to each of the catchment areas and projected income.

There are also other factors that influence the provision of infrastructure that may change the proposed timing of the delivery of infrastructure under this plan.

1.14 Works-in-Kind Agreements and Voluntary Planning Agreements

Council is responsible for the delivery of infrastructure listed in this plan. However, from time to time developers may propose to deliver infrastructure through Works-In-Kind agreements or Voluntary Planning Agreements. Each proposal is considered by Council on its merits to determine whether the proposal provides a public benefit. This may result in a developer delivering infrastructure earlier than proposed in this contributions plan.

1.15 Planning proposals

Are documents that explain the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. They are used and read by a wide audience including those who are responsible for deciding whether the proposal should proceed, as well as the general community. They must be concise and written in language that is clear and easy to understand. It They must also be technically competent and include an accurate assessment of the likely impacts of the proposal. They should be supported by technical information and investigations where necessary.

Planning proposals may change the timing, nature or size of infrastructure under this plan. Planning proposals when gazetted will trigger reviews to this contributions plan which are likely to change the provision of infrastructure.

1.16 Pooling of funds

This contributions plan authorises monetary Section 7.11 contributions paid for different purposes to be pooled and applied progressively for those purposes. The priorities for the expenditure of pooled

monetary Section 7.11 contributions under this plan are the priorities for works as set out in the works schedules to this plan.

1.17 Financial Information

A separate annual statement is prepared by Council following the end of each financial year. This accounting record contains details of total contributions received; total contributions expended and total interest earned for each plan and is available for inspection free of charge from Council's Finance Section.

1.18 Enquiries regarding this plan

Enquiries in relation to this or any other Contributions Plan can be made either by phoning Council's Information Centre on 9839 6000 between 8.30 am and 4.30 pm Monday to Friday, by visiting the Council's Information Centre on the Ground Floor of the Civic Centre in Flushcombe Road, Blacktown between 8.30 am to 4.30 pm Monday to Friday, or by email to:

Blacktown.Council@blacktown.nsw.gov.au

1.19 Contributions register

A copy of the contributions register is also available for inspection free of charge, and can be viewed at the Information Centre. As this register spans many years, persons wishing to view the whole register (rather than details in relation to a particular property) will need to contact Council's Contributions team in advance to ensure suitable arrangements can be made to view this information.

2 Intersection Upgrade

2.1 Introduction

A Traffic Impact Assessment conducted by Thompson Stanbury Associates for the Quakers Hill Commercial Precinct in 2004, recommended a number of alterations to the surrounding existing traffic infrastructure. This is to ensure that the surrounding road network is capable of accommodating the additional traffic projected to be generated by the proposed increase in urban development to the precinct.

2.2 Nexus

A direct nexus can be drawn between the anticipated development of the land to which the plan applies and the need to provide and apportion the required upgraded traffic management works.

This plan seeks to provide the following works that will accommodate increased traffic movements as a consequence of proposed development in the Quakers Hill Commercial Precinct and Schofields Precinct:

Quakers Hill Parkway and Eastern Road intersection

- Construct an exclusive left turn lane within the eastern Eastern Road approach to provide connectivity to the existing slip lane.
- Extend the right turn lane within the western Quakers Hill Parkway approach by approximately 20 – 30m.

The combination of the abovementioned intersection upgrades in conjunction with the completed Quakers Hill Parkway upgrading works, will improve the ability of the intersections to suitably accommodate the additional traffic projected to be generated by the anticipated developments of the Quakers Hill Commercial Precinct and Schofields Precinct.

2.3 Contribution catchment

The area of the catchment is the total “developable area” in the catchment. In calculating the “developable area”, land, which will never be required to pay a contribution, has been excluded. The “exclusions” in this plan relate only to existing development where a credit is allocated. The purpose of identifying these exclusions is to ensure that only the new development (which is generating the need for amenities and services) pays for their provision.

While the cost of works in the 2006 and 2008 contribution plans was originally “apportioned amongst a catchment area that included three subject development proposals”, all three development proposals referred to did not occur. It is therefore proposed that the contribution catchment area should be amended to include all land within the vicinity of the original catchment area that is classified as being part of the B2 Local Centre Zone. This also brings the contribution catchment area in line with the recommendations contained in the Urban Planning and Design Study for the Quakers Hill Commercial Precinct, July 2005 prepared by JBA Urban Planning Consultants. Areas of existing development that are not expected to redevelop or areas with no development potential are excluded from the S7.11 contributions and infrastructure sizing. The precinct water cycle management report includes catchment plans showing the areas for which new infrastructure will be provided.

2.4 Contribution formula

The following formula is used to calculate the contribution rate. The contribution relates to the required traffic works to the Quakers Hill Commercial Precinct:

$$\text{Contribution rate} = \frac{(C1 + C2 + PA)}{A}$$

WHERE: C1 = The actual cost to Council to date of works constructed indexed to current day values

$C2$ = The estimated cost of future traffic works

PA = Plan administration fee being 2% of construction cost

A = The total developable area in the contribution catchment (hectares)

A more detailed explanation of the components in the contribution formula, ***including the method of indexing to current day values*** is provided in Section 3.

A schedule of works for the contribution catchments is provided in Appendix A.

The values of the components of the contribution formula are contained in Appendix B.

The resultant contribution rates are contained in Appendix B.

3 Explanation of contribution formula components

3.1 Introduction

This Section provides an explanation of the various components of the contribution formulae detailed in Sections 2.

3.2 Explanation of the capital components

Schedules of works to be provided for the various items are detailed in Appendix A together with a map of the catchment showing the location of the works.

In the contribution formula:

- C1 - Represents the actual cost to Council of constructing works already provided in the catchment indexed to current day values using the Consumer Price Index (CPI).
- C2 - Represents the estimated cost to Council of constructing works, which have yet to be provided in the catchment and are based on the most detailed designs that were available at the time of preparing the estimates.

3.3 Explanation of the plan administration component

Contribution plan preparation, management and administration is an expensive task. These costs are distinct from Council's core responsibilities and are the direct result of development.

Council considers that the costs involved with preparing, managing and administering Section 7.11 are an integral and essential component of the efficient provision of amenities and services in the Quakers Hill Commercial Precinct. Therefore, a plan administrative component is included in this plan.

"PA" in the contribution formulae is the plan administrative component. It represents 2% of the total value of works to be funded under this plan.

3.4 Indexation

In the formulae, previous capital expenditure (C1) is indexed to current day values using the Consumer Price Index - Sydney – All Groups Sydney (CPI). This index is published by the Australian Bureau of Statistics on a quarterly basis.

The reason for indexing past expenditure is that every developer pays for a small proportion of the cost of providing each individual item identified in the plan. This means that if/when items are constructed prior to all contributions within a catchment being collected, then "borrowing" (between items) occurs. If retrospective contributions are not indexed this "borrowing" will have occurred without any interest having been paid. This will result in a shortfall of funds when future items are constructed using the "paid back" contributions. What indexing effectively does is to make up the lost interest on the funds that have been borrowed between individual items.

The Consumer Price Index 'All Groups Sydney' is one of the indices recommended for use by the Department of Planning and Environment.

3.5 Base contribution rate

A base contribution rate has been calculated using the formula in Section 2.4 above and components shown in Appendix "B"

The rate is subject to review and indexation. This procedure is outlined in Section 3.4 above.

4 Payment of contributions

4.1 Methods of payment

There are 3 possible methods of payment of Section 7.11 Contributions - monetary contribution, dedication of land and works-in-kind agreements.

Monetary contribution

This is the usual method of payment. When development consent is issued that involves the payment of a Section contribution, it contains a condition outlining the amount payable in monetary terms subject to indexation by the CPI. See section 3.5 for more details on indexation.

Dedication of land

Where appropriate Council will permit Section 7.11 public zoned land to offset the monetary contribution payable. The land that is to be provided must be in accordance with the zonings indicated on Council's planning instruments for the area. The assessment of the suitability of land for such an offset occurs at the development or subdivision application stage.

If consent is issued for a development, and it requires the creation of the Section 7.11 public zoned land then the applicant needs to negotiate the value of the Section 7.11 public zoned land with Council. Upon agreement being formally reached as to the land's value, Council will offset the value of the land against the monetary contribution payable.

It should be noted that Council will not release the final (lien) plan of subdivision which creates the land to be dedicated until a contract for the sale of the land (which confirms the purchase price/amount of compensation) has been entered into.

Works-in-kind agreements

Council may accept the construction of any works listed in the schedules to this plan to offset the monetary contribution payable. The applicant will need to initiate this option by providing Council with full details of the work proposed to be undertaken. Council will then consider the request and advise the applicant accordingly.

The applicant will need to provide Council with suitable financial guarantees (normally by way of a Bank Guarantee). Upon completion of the works to Council's satisfaction the guarantee will be discharged by Council.

All applications will be considered against Council's adopted Works-In-kind Policy.

4.2 Timing of payment

Council's policy regarding the timing of payment of Section 7.11 contributions is as follows:

Approved under the EP & A Act as it existed pre-July 1998 –

- **Development Applications involving subdivisions**

Prior to the release of the "lien plan" of subdivision.

- **Development Applications involving building work -**

Prior to release of the Building Permit.

Note: Applications for combined building and subdivision approval are required to pay contributions upon whichever of these events occurs first.

- **Development Applications where no building approval is required -**

Prior to occupation.

Approved under the EP & A Act as amended on and from July 1 1998 –

- Development Applications involving subdivisions

Prior to release of the Subdivision Certificate or installation approval for a manufactured / relocatable / moveable dwelling or building under section 68 of the Local Government Act 1993 (as applicable).

- Development Applications involving building work

Prior to release of Building Construction Certificate.

- Development Applications where no building approval is required

Prior to occupation or use of the development.

Note: Applications for combined building and subdivision approval are required to pay contributions upon whichever of these events occurs first.

4.3 Adjustment of contributions

Clause 32(3)(b) of the EP&A Regulation allows a contributions plan to revise the rates of Section 7.11 monetary contributions set out in the contributions plan to reflect quarterly or annual variations:

- 3) A council may make the following kinds of amendments to a contributions plan without the need to prepare a new contributions plan:
 - b) changes to the rates of Section 7.11 monetary contributions set out in the plan to reflect quarterly or annual variations to
 - i. readily accessible index figures adopted by the plan (such as a Consumer Price Index), or
 - ii. index figures prepared by or on behalf of the council from time to time that are specifically adopted by the plan.

Essentially, there are 2 ways that Section 7.11 contributions can be adjusted:

- adjustment of the contribution 'base rate' specified in the contributions plan
- adjustment of the amount payable under a condition of development consent between the time of the granting of consent and payment.

Identification of the most appropriate method of indexing contributions is a vital component of the preparation of a contributions plan given the eroding effect on the value of money by inflation and the adverse effects of land value escalation.

A contributions plan needs to specify the type of indexation factor applied and when indexing is to occur being quarterly, six monthly or annually. It is valid for a different, but otherwise appropriate, method of indexation to apply to land values and another to the cost of works.

4.4 Indexation of contributions

Contribution rates are indexed quarterly in accordance with the Consumer Price Index (CPI) – All Groups Sydney.

The method of indexing the contribution rates is to multiply the base contribution rates by the most recently published CPI at the time of payment and in the case of this version of the plan, divide it by the June 2022 CPI (125.7). At all times the contributions payable will not fall below the base rates listed in Appendix B.

4.5 Index used in this plan

Consumer Price Index – All Groups Sydney.

The *CPI - All Groups Sydney* published quarterly by the Australian Bureau of Statistics, is the recommended index by the Department of Planning and Environment for councils to use in contributions plans. The index broadly tracks changes in the prices of 11 categories of goods and services across Sydney.

4.6 Discounting of contributions

Council does not discount contributions both for equity and financial reasons, as it would be inequitable to recoup a discount from remaining development. Discounting would also compromise Council's ability to provide the facilities and would place an additional burden on existing residents to subsidise new development.

4.7 Deferred payment of contributions

Council has a policy (P000543.1) for the deferred payment of Section 7.11 contributions. The policy can be viewed on Council's website at:

<https://www.blacktown.nsw.gov.au/About-Council/Plans-policies-and-reports/Policy-Register>

In summary:

- An applicant requesting deferral needs to apply in writing to Council. This can be done via email to blacktown@blacktown.nsw.gov.au.
- All requests are considered on merit having regard to (but not excluding) the type of work for which the contribution is sought, the rate of development occurring within the area and the impending need to construct the works for which Section 7.11 contributions are being levied.
- Where deferred payment is approved by Council, the period of time for deferring payment will generally be limited to 12 months.
- If Council approves of the request for deferred payment it is conditional upon the applicant providing a suitable Bank Guarantee and entering into a Deed of Agreement.
- Interest is charged on deferred contributions. Council also charges an administrative fee for the deferred payment. The interest rate and administrative fee levied for the deferred payment of contributions are reviewed annually and appear in Council's Goods and Services Pricing Schedule. The schedule can be viewed at:

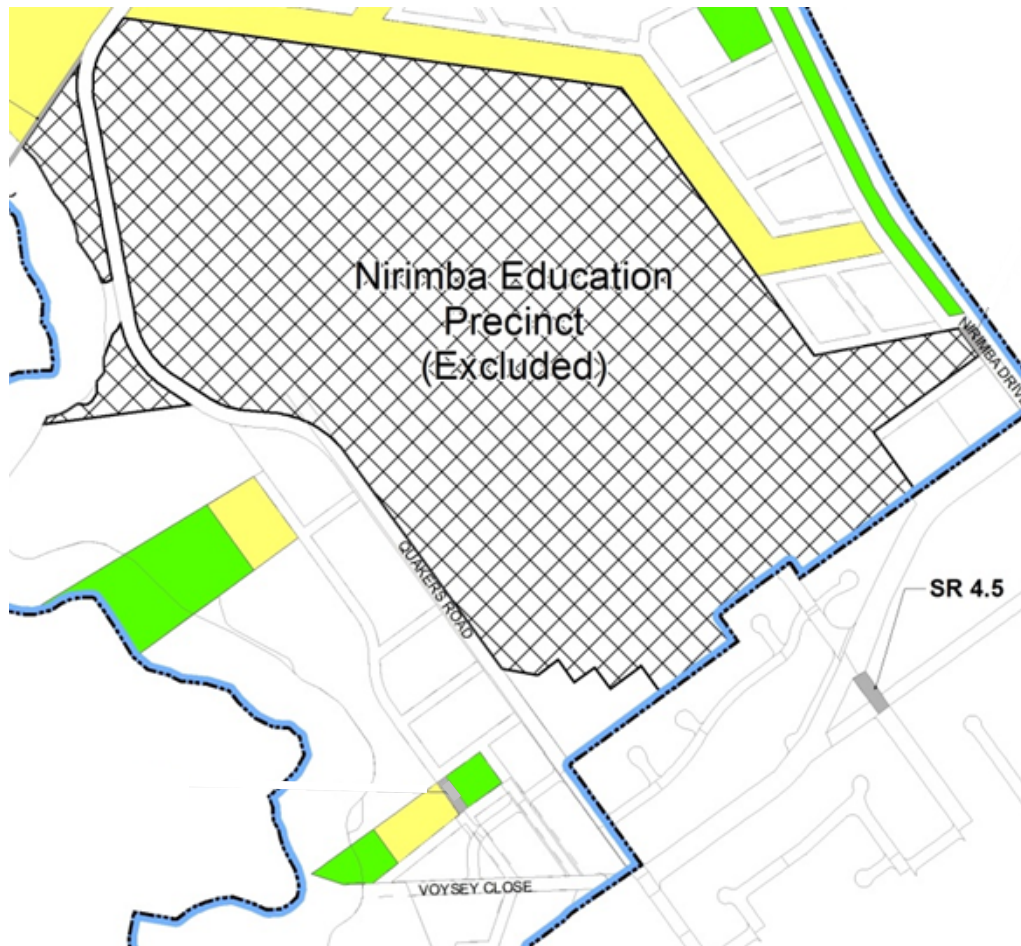
<https://www.blacktown.nsw.gov.au/About-Council/What-we-do/Delivery-Program-and-Operational-Plan/Goods-and-Services-Pricing-Schedule>

- The amount of the bank guarantee shall be the sum of the amount of contributions outstanding at the time of deferring payment plus the expected "interest" accrued over the deferral period. This amount will also represent the amount payable at the end of the deferral period.
- The Deed of Agreement is to be prepared by one of Council's Solicitors at full cost to the applicant.
- Should contributions not be paid by the due date, the bank guarantee will be called up.
- Council has a separate deferral policy specifically for dual occupancies, which are to be occupied by elderly and/or disabled persons (i.e. traditional granny flats).
- Enquiries regarding deferred payments can be made through contacting the Contributions team.

Appendices

APPENDIX A

**QUAKERS HILL COMMERCIAL PRECINCT
INTERSECTION UPGRADE**



Site No.	Description of Works	Estimated Cost & Indicative Timing of Delivery		Total
		2022 - 2027	2028 -2038	
SR4.5	<p>Provide a left hand slip lane into Eastern Road from Quakers Hill Parkway</p> <p>Provide a left hand slip lane from Eastern Road into Quakers Hill Parkway</p> <p><i>Costs have been apportioned (50%) between CP 17 & CP 24 (Total Cost \$324,000)</i></p>		\$162,000	\$162,000

Catchment Area indicative only

Map information is not necessarily up-to-date or correct and Blacktown City Council accepts no responsibility in that regard. As such no reliance on these maps should be made without reference to Council's GIS mapping of catchment zones.

APPENDIX B
SCHEDULE OF VALUES IN THE CONTRIBUTION FORMULA

CATCHMENT	SIZE OF CATCHMENT	ITEMS CONSTRUCTED C1 (\$)	YET TO CONSTRUCT C2 (\$)	PLAN ADMINISTRATION PA (\$)	TOTAL C1+C2+PA (\$)
QUAKERS HILL COMMERCIAL PRECINCT	5.1201	\$0	\$162,000	\$3,240.00	\$165,240

BASE CONTRIBUTION RATES

(Base CPI June 2022 125.7)

CATCHMENT	CONTRIBUTION RATE (\$ per Hectare)
QUAKERS HILL COMMERCIAL PRECINCT	\$32,273

INDEXATION METHOD

The method of indexing the base contribution rate is to multiply the most recently published All Groups Sydney CPI at the time of payment and divide it by the June 2022 All Groups Sydney CPI.

At all times the contributions payable will not fall below the base rates listed above.

APPENDIX C**SUPPORTING TECHNICAL DOCUMENTS AND REPORTS**

The following identifies technical documents, studies, relevant legislation, and reports which have been used for researching this contributions plan:

- **Traffic Impact Assessment Quakers Hill Commercial Precinct**

Prepared by Thompson Stanbury Associates
Transport Planning, Town Planning, and Environmental Consultants - October 2004

- **Urban Planning and Design Study for the Quakers Hill Commercial Precinct**

Prepared by JBA Urban Planning Consultants Pty Ltd - July 2005

- **Transport and Access Strategy Report for Schofields Precinct**

Prepared by AECOM Australia Pty Ltd - June 2011