



ST LEONARDS SOUTH PRECINCT SECTION 7.1.1 DEVELOPMENT CONTRIBUTIONS PLAN

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St Leonards South Precinct – Section 7.11 Development Contributions Plan

November 2020

Prepared for

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1. INTRODUCTION

1. Introduction

Lane Cove Council (Council) has prepared a master plan for the redevelopment of the St Leonards South Precinct (SLS Precinct). Land within the SLS Precinct is to be rezoned to permit its redevelopment for approximately 1974 new dwellings.

The redevelopment is to be sustained by the provision of new and upgraded Local Infrastructure and other public purposes including new and upgraded roads and stormwater drainage facilities, open space and recreation facilities, community facilities, and affordable housing. Council has developed a dual approach to the provision of this infrastructure in this area:

- Community facilities floor space, through-site pedestrian ways, affordable housing, and some pocket parks will be provided by developers in exchange for bonus floor space.
- New and upgraded roads (with integrated stormwater drainage upgrades), a new local park, and two pocket parks at the southern ends of Holdsworth Avenue and Berry Road will be provided using section 7.11 contributions.

Section 7.11 of the NSW Environmental Planning and Assessment Act 1979 (**EP&A Act**) authorises a consent authority to grant consent to a proposed development subject to a condition requiring the applicant to make contributions toward the provision, extension or augmentation of Local Infrastructure (or towards recouping the cost of their provision, extension or augmentation). These contributions may be in the form of land, money or works. Where the consent authority is a council or an accredited certifier, a Local Infrastructure contribution may be imposed on a development only if it is of a kind allowed by and determined in accordance with a contributions plan, such as this plan.

This plan authorises the Council or an accredited certifier to impose conditions on development consents or complying development certificates (**CDCs**) requiring section 7.11 contributions from residential accommodation development situated in the SLS Precinct that would, when completed, result in a net increase in the number of dwellings on the land.

The contributions that are made by developers will be applied by the Council to deliver the schedule of infrastructure land and works shown in **Appendix A** to this plan. This plan has been prepared in accordance with the NSW EP&A Act and NSW Environmental Planning and Assessment Regulation 2000 (**EP&A Regulation**); and having regard to the latest practice notes issued by the NSW Department of Planning and Environment.

This plan includes the following:

- A schedule of contribution rates for various classes of developments.
- Information on how the contribution rates were calculated.
- Council's policies on how and when developers can settle their contributions obligations, including opportunities for developers to provide land and works 'in kind'.
- Specific provisions on the role of accredited certifiers in imposing and collecting development contributions.
- Various other provisions related to the fair and transparent administration of development contributions received under this plan.

2. PLAN SUMMARY

2. Plan summary

2.1 How to use this plan

This plan has been broken up into the following sections to allow easy navigation by Council staff, developers and private certifiers. A brief description of each section is provided below:

Section 2 – Plan Summary

This section identifies both the land and developments that this plan applies to, as well as the contributions rates that apply to these developments.

Section 3 – How are the contributions rates calculated?

This section explains how the contributions for development in the SLS Precinct are calculated. The expected development is described as well as the basis for determining the list of Local Infrastructure that will be required to meet that development. It also provides the formulas and approach for how the contribution rates have been calculated.

Section 4 – How and when will contributions be imposed on development?

This section explains how conditions of consent will be used to collect contributions levied under this plan and provisions to index the contributions payable to reflect changes in land acquisition and construction costs. It also describes accredited certifiers' obligations to address the requirements of this plan in the issuing of construction certificates and CDCs.

Section 5 – How and when a contribution requirement can be settled?

This section explains how consent conditions requiring the payment of contributions can be settled, typically by cash payment. It also provides Council's requirements for considering alternative means to satisfy contribution requirements under this plan through the use of Voluntary Planning Agreements and Works In Kind arrangements.

Section 6 – Other administration matters

This section outlines other administrative arrangements surrounding the operation of this plan.

Appendices

The appendices include a schedule and location map of the Local Infrastructure that is to be delivered under the plan, as well as the quantity surveyor's report that informed the infrastructure costs.

2.2 Dictionary

Words and phrases used in this plan have the same meaning as the terms defined in Lane Cove Local Environmental Plan 2009 or the NSW EP&A Act, except as provided for below.

In this plan, the following words and phrases have the following meanings:

CDC means complying development certificate.

Consent authority has the same meaning as in the EP&A Act but also includes an accredited certifier responsible for issuing a complying development certificate.

Council means Lane Cove Council.

IPART means Independent Pricing and Regulatory Tribunal

LGA means local government area.

Local Infrastructure means public amenities and public services that are traditionally the responsibility of local government, excluding water supply or sewerage services.

NSW EP&A Act means the NSW Environmental Planning and Assessment Act 1979.

NSW EP&A Regulation means the NSW Environmental Planning and Assessment Regulation 2000.

SLS Precinct means St Leonards South Precinct.

Residential Accommodation has the same meaning as contained in Lane Cove Local Environmental Plan 2009.

2.3 Name and commencement of plan

This plan is called St Leonards South Precinct Section 7.11 Contributions Plan.

This plan commences on the date on which public notice was given under clause 31(2) of the EP&A Regulation or the date specified in that notice if it is a different date.

2.4 What are the purposes of this plan?

The primary purpose of this plan is to authorise:

- the Council, when granting consent to an application to carry out development to which this plan applies; or
- an accredited certifier, when issuing a CDC for development to which this plan applies,

to require a contribution under section 7.11 of the NSW EP&A Act to be made towards the provision, extension or augmentation of Local Infrastructure that are required as a consequence of development in the SLS Precinct, or which were provided in anticipation of, or to facilitate, such development.

Other purposes of this plan are as follows:

- To operate in concert with the bonus floor space provisions in the Lane Cove Local Environmental Plan so that the full range of infrastructure and public purposes envisaged in St Leonards' South can be delivered
- To provide the framework for the efficient and equitable determination, collection and management of section 7.11 contributions in SLS Precinct.
- To establish the relationship between the expected development and proposed Local Infrastructure to demonstrate that the contributions required under this plan are reasonable.
- To allow the opportunity for Local Infrastructure to be provided by land developers as works in kind in lieu of paying a monetary contribution.
- To allow the opportunity for the dedication of land by landowners at no cost to Council in lieu of a monetary contribution.
- To ensure that the broader Lane Cove community is not unreasonably burdened by the provision of Local Infrastructure required as a result of development in the SLS Precinct.

2.5 What land and development does this plan apply to?

Subject to **Section 2.6**, this plan applies to the SLS Precinct, the extent of which is shown in **Figure 1**.

This plan applies to:

- Residential Accommodation development that would result in a net increase in dwellings on the land.
- Other development that would, in Council's opinion, create a net increase in demand for the Local Infrastructure items to be provided under this plan.

This plan only includes contribution rates for Residential Accommodation development, as this is the most likely group development type to occur in the SLS Precinct. Contributions for other development would be determined on a case by case basis.

Figure 1: Land affected by this plan



2.6 What development is exempted?

This plan does not apply to the following types of developments:

- Development proposed by or on behalf of the Council.
- Development for the purposes of any form of seniors housing defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that is provided by a social housing provider.
- Development exempted from section 7.11 contributions by way of a direction made by the Minister for Planning.

2.7 What Local Infrastructure will be provided under this plan?

The Local Infrastructure to be provided by contributions from developers received under this plan are listed below:

- Land, site preparation and embellishment costs associated with a new local park to be located between Park Road and Berry Road.
- Embellishment of land at the southern (closed) ends of Berry Road and Holdsworth Avenue to create two new pocket parks.
- Upgrades / reconstruction of Berry Road and Holdsworth Avenue between Marshall Avenue and the proposed pocket parks, including replacing existing road, kerb and guttering, and associated stormwater drainage infrastructure.
- Upgrading, reconfiguring and resurfacing of Canberra Avenue (north of Newlands Park) and Duntroon Avenue, including replacing existing road, kerb and guttering, and associated stormwater drainage infrastructure.
- Widening of River Road for potential shared pathway
- Resurfacing of the half of Park road and Marshall Avenue that interfaces with the precinct.
- Closure and landscaping of southern portion of Canberra Ave adjoining Newlands Park to expand the parkland
- Fitout of 1,200 square metres of floor space for the purpose of community facilities on land identified as Area 5 and Area 17 in the Lane Cove Local Environmental Plan. These works are not 'essential works' as defined in IPART's relevant Practice Note and will not be able to be funded using section 7.11 contributions if the contributions plan is reviewed by IPART

The costs of administering this plan will also be met by contributions imposed under this plan.

A summary of the costs of Local Infrastructure to be met by development approved under this plan and predecessor contributions plans is shown in **Table 1**.

More details on the demand for Local Infrastructure, the relationship of the Local Infrastructure with the expected development, and specific facilities to be provided are included in **section 3** and **Appendix A** of this plan.

Table 1: Summary of infrastructure costs

Local Infrastructure type	Subcategory	Cost to SLS Precinct development
Essential works*		\$45,372,743
Social infrastructure (open space)	Land	\$29,214,755
	Works	\$6,041,700
Roads & drainage	Land	\$0
	Works	\$9,877,500
Plan administration		\$238,788
Non-essential works		\$3,004,214
Community services (fit out of multipurpose facilities)	Works	\$3,004,214
Total		\$48,376,957

*refer to Revised Local Development Contributions Practice Note For the assessment of Local Contributions Plans by IPART (February 2014) for the definition of essential works

2.8 What are the contribution rates required for Local Infrastructure?

Table 2 summarises the contribution rates for the various categories of Local Infrastructure in this plan. Section 3 of this plan discusses how the contribution rates have been derived.

Table 2: Summary of contribution rates¹

	Infrastructure cost	per resident*	per studio or 1 bed dwelling	per 2 bed dwelling	per 3 or more bed dwelling
Essential works					
Open space - land	\$29,214,755	\$8,052	\$11,273	\$16,104	\$24,962
Open space - works	\$6,041,700	\$1,665	\$2,331	\$3,330	\$5,162
Transport - land	\$0	\$0	\$0	\$0	\$0
Transport - works	\$9,877,500	\$2,722	\$3,811	\$5,445	\$8,440
Plan administration	\$238,788	\$66	\$92	\$132	\$204
Essential works total	\$45,372,743	\$12,506	\$17,508	\$25,011	\$38,767
Non-essential works					
Community fac - works	\$3,004,214	\$828	\$1,159	\$1,656	\$2,567
Non-essential works total	\$3,004,214	\$828	\$1,159	\$1,656	\$2,567

* rate is used to calculate the contributions for residential accommodation that is boarding houses, group homes, and hostels.

¹ At the time this plan was prepared, consent authorities could not impose a monetary contribution on residential development that exceeded \$20,000 per lot or dwelling. This restriction is due to a direction made by the Minister for Planning on 21 August 2012. Because of the significant funding shortfall that would result if the rates remained capped, Council intends to seek the Minister's approval to the higher contribution rates shown in this plan. Refer to Section 4.3 of this plan for more details.

3. HOW ARE THE CONTRIBUTION RATES CALCULATED?

3. How are the contribution rates calculated?

This part of the plan explains the expected development in the SLS Precinct, the infrastructure necessary to support this development, and the way the contributions for Local Infrastructure included in this plan have been calculated.

3.1 Expected demand for Local Infrastructure

Area context

The SLS Precinct is situated south-west of St Leonards Railway Station and bound by Marshall Avenue, Canberra Avenue, Park Road and River Road. Much of the land slopes to the south and east.

The area enjoys excellent access to rail, road and regional open space networks which has led to the State Government and Council designating it as a priority location to accommodate future population growth.

The area was rezoned in August 2020 (to take effect from 1 November 2020) to create a high-amenity residential precinct close to public transport, with community facilities, shared green open space, improved road connections, east-west pedestrian / cycle connectivity and affordable housing.

This plan consolidates the requirements for the precinct following Council resolutions in 2015 and 2020 and spreads apportioned costs over the area.

The existing character of the precinct is that of low-density residential development. This development takes the form of detached and semi-detached dwellings along quiet residential streets. There were 115 detached dwelling houses and 20 semi-detached dwellings in the SLS Precinct when the land was proposed for rezoning for higher intensity development.

Lower density housing forms predominate on land further west and south of the precinct.

Land to the north of the site fronting Marshall Lane and closer to the St Leonards commercial and transport hub has already been redeveloped to accommodate for medium to high density (up to 29 levels) residential development. Medium to high density developments up to 7 levels high are also existing to the east between Duntroon Avenue and the North Shore Railway.

Expected development

The general vision for the desired future character of the South St Leonards Precinct, as described in Council's DCP, is for a liveable, walkable, connective, safe, dense, transit-oriented precinct which builds upon the transit and land use opportunities of St Leonards Station and commercial centre.

The future development of the SLS Precinct is expected to have the following characteristics:

- High density residential use including provision for affordable housing. Developments up to 19 storeys are proposed in the northwest of the precinct which is closest to St Leonards station. Building heights will grade down to 4-6 storeys in the south of the precinct on the lands fronting River Road and Park Rd and Canberra Ave south.

- Community spaces within future residential buildings on 'Area 5' and 'Area 17'.
- Road, pedestrian and cycling links to surrounding networks.
- An open space network and public domain network focused on existing and new parks and pedestrian paths and green spines through the area.

The expected maximum development potential in the SLS Precinct is shown in **Table 3**.

Table 3: Development potential

Dwelling type	Assumed split	Number of dwellings
Studio or 1-bedroom dwelling	30%	590
2-bedroom dwelling	50%	987
3 or more-bedroom dwelling	20%	397
Total	100%	1,974

Expected population

The demand for local infrastructure to support the SLS Precinct arises from both the developments themselves and the populations that will live in them. Contributions for Local Infrastructure are therefore based on the population expected to be accommodated in each development and the ultimate population of the entire precinct.

Table 4 shows the estimated net additional population of the SLS Precinct that has in turn been based on occupancy rates for the different dwelling types recorded for Lane Cove LGA at the 2016 Census. It is reasonable to use these rates to determine the future population of the development.

Table 4: Estimated net additional population

Dwelling type	Number of dwellings	Occupancy rate (2016 Census)	Estimated population
Expected development			
Studio or 1-bedroom dwelling	590	1.4	826
2-bedroom dwelling	987	2	1,974
3+ bedroom dwelling	397	3.1	1,231
Subtotal	1,974		4,031
Existing development			
Separate house	115	3.1	356
Semi-detached dwelling	20	2.3	46
Subtotal	135		402
Expected net additional population			3,629

Demographic characteristics

The demographic characteristics of a development area are important in understanding the future social infrastructure needs of that area. A major change in land use, such as the change from low density residential to high density residential will generate new social infrastructure demands relevant to the characteristics of the expected population.

Council has undertaken an assessment of the likely characteristics of the future population of the SLS Precinct based on the overall demographic trends in the suburb of St Leonards. A summary of these characteristics follows:

Lane Cove has a higher percentage (53%) of apartments compared to the North District average. It is important to note that because Lane Cove Council is an infill (developed) Lower North Shore area, the bulk of new housing is (and will be) provided by new flats or apartments.

- The area is currently mainly occupied by working age residents. Persons aged under 15 years make up 10% of the resident population. The median age for residents in St Leonards in 2016 was 30. The primacy of these age groups will not materially change over time, with these groups still anticipated to comprise over 70% of the population in 2036.
- Compared to the Greater Sydney average, the St Leonards area in 2016 had significantly fewer numbers of school-age children, older workers, empty nesters and retirees; and had significantly greater numbers of young workers and tertiary students.
- Child-less couples are the dominant household type, with lone person and group households also significantly represented. The dominance of couple-only, single person and group households is expected to continue throughout the development horizon.
- In 2016 the average household size was 2 persons per dwelling.
- 63% of dwellings in the St Leonards area in 2016 were in rented dwellings, compared to the Sydney average of 31%.
- The area is largely made up of residents born in Australia. Other than Australian, the dominant cultural groups are Indian, Chinese, Japanese, British and Hong Kong. This cultural diversity is likely to increase in the future.
- The resident population is comparatively highly educated, with 84% having completed year 12.
- 53% of households own one or more motor vehicles with 47% not owning any motor vehicle.²

This social profile points to a need to provide the precinct development with accessible and multi-purpose open space, open space linkages and community facilities suitable for a population that has a predominance of young working age people, with some having young children.

² ABS Census

Multi-faceted approach to infrastructure delivery

Existing public amenities and services have essentially been designed to cater for the low density residential population that exists in the area. To support the full re-development of the precinct, significant augmentation and upgrading of existing infrastructure and public amenities is required. Council also identified a need to provide affordable housing as part of the redevelopment of the precinct.

Council proposes that the necessary amenities and services that are required for the SLS Precinct will be delivered using three planning mechanisms, as outlined in **Table 5**.

Table 5: Planning mechanisms to deliver SLS Precinct infrastructure

Planning mechanism	Infrastructure to be provided by this mechanism
Section 7.11 contributions (Developer either pays a monetary contribution to Council, or provides the land and / or works in the plan and receives a contribution offset)	<ul style="list-style-type: none"> Road closure at the southern end of Canberra Avenue for 3,500 square metres of land for new open space New local park on approximately 3,500 square metres of land between Park Road and Berry Road 2 new pocket parks at the southern (closed) ends of Berry Road and Holdsworth Avenue Upgrade and reconstruction of Berry Road and Holdsworth Avenue, including drainage Shared pedestrian and cycling paths along one side of Park Road, Berry Road, Holdsworth Road, Canberra Avenue and Marshall Avenue Resurfacing of perimeter streets including drainage
Bonus floor space and building height provisions in LEP (Developer directly provides the public purposes on the development site)*	<ul style="list-style-type: none"> Affordable housing where the development is in Area 1, 2, 3, 4, 6, 12, 13, 14 or 17 New local road connecting Park Road and Berry Road Pocket parks fronting Marshall Avenue where the development is in Area 1, 2 or 12 – ownership and management of these areas is to rest with the owners of the developments on these sites Multi-purpose community floor space (minimum 600 m²) in a ground level stratum with adjoining play space (minimum 450 m²) where the development is in Area 5 and 17 15m wide path linking Canberra Avenue and Holdsworth Avenue where the development is in Area 5 or 6 6m wide, path linking Canberra Avenue and Holdsworth Avenue where the development is in Area 11 15m wide path linking Berry Road and Holdsworth Avenue where the development is in Area 15 or 16 6m wide path linking Berry Road and Holdsworth Avenue where the development is in Area 20

Planning mechanism	Infrastructure to be provided by this mechanism
Conditions of consent (Developer directly undertakes the works which are either on or adjacent to the development site)	<ul style="list-style-type: none"> • Consistency with St Leonards South Landscape Master Plan, including provision of 'Green Spines' on private land • Replace footpaths and landscaping within verge of existing roads and some road reserve reconfiguration as necessary • Connections to existing water, sewer, energy, telecommunications and other utility services • All utility services within a public road reserve are to be placed underground for the total frontage of each site • All utility services within each site are to be placed underground or encapsulated within the building.

This plan is only concerned with the delivery of infrastructure using section 7.11 contributions. **Section 3.2** of this plan summarises the cost of land and works required for each of the section 7.11 Local Infrastructure items, the nexus between the development and those items, and how the contribution rates are calculated.

3.2 Infrastructure schedule and nexus

The delivery of new Local Infrastructure to support the increased density in the precinct will include the acquisition of land and carrying out of capital works. Council is also anticipating future expenditure in administering this plan so that it remains valid and the contribution rates remain reasonable.

The following sections describe the scope and total costs of the various items of Local Infrastructure that is included in this plan. Further detail on specific items, their estimated costs and staging, and location maps are included in **Appendix A** and **B**.

Open space and community services

In this plan 'social infrastructure' includes Local Infrastructure that is required to sustain the social life of, and community wellbeing in, the SLS Precinct. The community will require the fit-out of community facilities floor space, however this infrastructure category is not deemed to be essential works. The social infrastructure levied under this plan is thus limited to land and works for open space and recreation facilities. Council will fund the community facilities fit-out works from other sources.

Objectives (open space)

The objectives for open space and recreation facilities in the SLS Precinct are as follows:

- (a) Create a network of diverse, active and passive recreation spaces to support the residential populations of the Precinct.
- (b) Provide safe, accessible, sustainable, well-used and designed public open spaces within the Precinct.³

³ St Leonards South Draft Development Control Plan

Needs assessment and infrastructure strategy

The anticipated open space demands for the SLS Precinct development were assessed as part of the preparation of the St Leonards South Masterplan.⁴

There are few existing open space areas in the locality – Newlands Park with an area of 1.01 hectares is the largest of these. More significant open space – Gore Hill Oval and Cemetery - is located further to the north in the Willoughby LGA. However, access to this open space is frustrated by potential users having to cross the busy Pacific Highway.

With increased development (and population) there will be an increased demand for open space in terms of amount, distribution and quality and for improved connectivity within the Precinct (particularly east-west to / from Newlands Park and to / from the station).⁵

This masterplan considered various options for the provision of open space to serve the future residents of the precinct, including 'consolidated open space' and 'staggered shareways' options.

The masterplan noted that there was considerable support among stakeholders for the consolidated open space option, but recommended the staggered shareways option because of the former option's high acquisition cost and long lead time for acquisition.⁶

Council ultimately decided that a hybrid of the centralised park and staggered shareway options should be pursued for the precinct. The current location is central to the entire study area and links centrally with Newlands Park. In recognition of the masterplan consultant's concerns about cost and timing, Council reduced the planned land-take of the centralised open space from 16 to the equivalent of 8 regular house lots.⁷

It is noteworthy that the masterplan consultant assumed the acquisition of the land for the originally conceived centralised local park would cost in the order of \$50 million. By reducing the size of the park, Council has been able to reduce this cost to around \$30 million, making its provision much more achievable.

The size of the planned centralised park is minimal having regard to:

- the need to accommodate a minimum amount of local recreation facilities to serve the new population, and
- existing rate of provision of publicly owned developed open space enjoyed by the current populations in the Lane Cove LGA and in the study precinct.⁸

The prevailing rates of provision in these two areas are 1.86 hectares per 1,000 residents (LGA-wide) and 1.19 hectares per 1,000 residents (existing precinct), respectively.⁹

⁴ St Leonards South Draft Masterplan, prepared by Annand Associates Urban Design, December 2014, (P45)

⁵ Ibid., p41

⁶ Ibid., p 45

⁷ The final delineation of the proposed park area includes 10 house lots, 4 of which are narrow lots containing semi-detached dwellings (i.e. effectively 8 regular-sized house lots)

⁸ The broader precinct comprising the area bounded by Pacific Highway, Greenwich Road, River Road and the North Shire Rail Line

⁹ St Leonards South Draft Masterplan, p19

By comparison, the provision of the new central local park with an area of 3,804 square metres will reflect a rate of provision of 0.94 hectares per 1,000 new residents in SLS Precinct. The inclusion of the publicly accessible pocket parks (approximately 4,000 square metres) and landscaped east-west connections (approximately 2,350 square metres) would increase the rate of provision to 0.21 hectares per 1,000 new residents.

The inclusion of a road closure for open space at the southern end of Canberra Ave (approximately 3,500 m²) will increase the rate of provision to 0.28 hectares per 1,000 new residents. This road closure for open space will be incorporated into the existing Newlands Park.

The development will, even with the proposed open space in this plan, result in a diminution of the quantum of open space enjoyed by each resident of the surrounding area. However, this reduction in the rate of provision of open space has to be weighed with the advantages of providing substantial additional housing opportunities close to public transport. In this case, Council has decided that the reduced provision is reasonable given the following additional provisions.

Council's approach to meeting future open space demands in the precinct, consistent with the DCP and the Landscape Master Plan, is as follows:

- Council to acquire and embellish 0.38 hectares of land for a centralised local park in the west of the precinct as a recreation destination for nearby developments and as a western anchor to the east-west pedestrian connections.
- Provide new east-west pedestrian access ways (0.24 hectares) to enable future residents to easily access the existing eastern park. These connections will be provided by various developers in exchange for granting of bonus floor space on the residual developable portion of their land.
- Council to close and embellish for landscaping the southern portion of Canberra Avenue (0.35 ha) to expand the existing adjoining open space.
- Council to embellish 0.24 hectares of land at the southern end of Holdsworth Avenue and Berry Road to create new pocket parks.
- Developers will provide 0.17 hectares of pocket parks at the northern end of the precinct in exchange for granting of bonus floor space on the residual developable portion of their land.
- Developers will provide 24-metre-wide 'Green Spines' in the rear setbacks of apartment buildings with reciprocal rights of pedestrian access between developments. This privately-managed, publicly accessible pedestrian network is designed to complement the existing streets to create a more permeable north-south pedestrian network.
- The developers will provide 450 square metres of recreation areas adjacent to the community facilities of Areas 5 and 17 in exchange for granting bonus floor space. This area is privately accessed by the childcare facilities.

In addition, open space is currently or planned to be available at:

- 0.5-hectare rail plaza
- 1-hectare Newlands Park
- 3.3-hectare Gore Hill Oval
- 2.1-hectare Smoothey Park
- 0.09-hectare Propsting Reserve

Proposed concept plans and outline specifications of the proposed open spaces to be delivered using section 7.11 contributions are included in the St Leonards South Landscape Master Plan, and in the quantity surveyor's report in **Appendix B**.

Nexus and apportionment

The demographic characteristics of a development area are important in understanding the future social infrastructure needs of that area. A major change in land use, such as the change from low density residential to high density residential will generate new social infrastructure demands relevant to the characteristics of the expected population (**Section 3.1.4**)

The need for the proposed social infrastructure included in this plan is generated by the expected development in the SLS Precinct. The contribution rates for social infrastructure are therefore calculated on the assumption that the full cost of the infrastructure is shared among the expected development.

Contribution rates calculation

Table 6 below summarises the social infrastructure costs and contributions. A detailed breakdown of these costs can be found in **Appendix B**.

Table 6: Summary of social infrastructure costs and contributions

	Cost	Contribution per additional resident
Land acquisition	\$29,214,755	\$8,052.13
Works (essential works)	\$6,041,700	\$1,665.21
Works (non-essential works)	\$3,004,214	\$828.02

Contribution rates are calculated on the expected net additional resident population in the area. This involves dividing the total costs of land acquisition and capital works by the projected total number of residents that are expected will live in the SLS Precinct.

The contribution formula for social infrastructure can be expressed as:

$$\text{Contribution per resident (\$)} = \sum \left(\frac{\$INF}{P} \right)$$

Where:

$\$INF$ = the estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the social infrastructure items required to meet the development of the SLS Precinct (refer **Table 6**).

P = The expected total number of residents that will generate the demand for the social infrastructure, that is, 3,629 residents.

To determine the total contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents in the proposed development.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in **Table 4**.

Roads and drainage

Objectives

The objectives for planning for access in the precinct are as follows:

- (a) Achieve a more permeable network promoting greater connectivity and integration between residential and the station and commercial precincts
- (b) Achieve a safe and convenient pedestrian environment that encourages walkability, public transport use and social interaction
- (c) Create additional streets and paths that will:
- (d) Reduce pressure on the existing road and pedestrian infrastructure
- (e) Provide new opportunities for pedestrian connectivity.¹⁰

Needs assessments and infrastructure strategy

The access strategy is focused on providing effective pedestrian and cycle connections to and from the surrounding areas, particularly the St Leonards Station transport hub and the adjoining Newlands Park to the east.

Planning for the future traffic needs of the precinct are essential to meet the demand associated with the increased residential density.

An assessment of the traffic impacts of planned SLS Precinct and other anticipated developments in the surrounding area was carried out by TEF Consulting.¹¹ That assessment concluded that 'the modelling results indicate that a number of relatively minor improvements would be required as a result of general growth of network traffic, LEP 2009 developments and the proposed St Leonards South Master Plan development'.¹²

Two of the recommended traffic improvements in the SLS Precinct are:

- the removal of the roundabout at the corner of Berry Road and Marshall Avenue
- a new link road connecting Berry and Park Roads.

The removal of the roundabout at the corner of Berry Road and Marshall Avenue is included as part of the Berry Road upgrade included in this plan's works schedule. The new link road is not included in this plan's works schedule. Instead, it is included in the LEP to be delivered under bonus floor space provisions.

¹⁰ St Leonards South Development Control Plan

¹¹ St Leonards South – A Report on Traffic Impacts of Large Scale Developments on Pacific Highway, prepared for Lane Cove Council by TEF Consulting, 24 April 2017

¹² Ibid., p20

The TEF assessment was primarily concerned with the satisfactory functioning of the road network, and not the ability for existing road assets to accommodate increased traffic loads over time.

Council staff have reviewed the likely impacts on existing roads that will be subject to a wholesale redevelopment of a relatively concentrated area. They have identified that:

- Daily traffic loads on the street network within the SLS Precinct are likely to increase from around 1,100 to 8,400 vehicles per day at full development¹³
- Elevated numbers of heavy vehicles disproportionately impacting on the condition of the road pavements throughout the construction period.

These likely impacts will require the reconstruction of the pavements in Holdsworth Avenue and Berry Road and resurfacing of Canberra Avenue and Duntroon Avenue.

To achieve the objectives for safe and convenient access for the SLS Precinct developments, the following will be required to be provided:

- Upgrading and reconstruction of existing roadways
- Removal of roundabout at junction of Marshall Avenue and Berry Road
- A new link road connecting Berry Road and Park Road
- Accommodation of additional alternative transport modes on roadways, such as bicycles etc.
- Closure and embellishment of the southern portion of Canberra Avenue for new public open space.

The infrastructure will be provided by various planning mechanisms, as described in **Table 5**.

Section 7.11 contributions imposed and collected under this plan will be used to:

- reconstruct the streets that service land in the centre of the precinct, which will be the focus of much of the redevelopment activity, including north-south roads narrowing
- resurface streets on the eastern perimeter of the precinct, that will also serve the redevelopment sites
- close and embellish the southern portion of Canberra Avenue for new public open space, to expand the existing adjoining public open space.

The new access road will have a profile similar to that shown in Council's DCP.

Nexus and apportionment

The anticipated SLS Precinct development should be accountable for the full cost of delivering the new street environments because the works are needed to provide extra capacity for the additional population and to mitigate the impact of the new development and the significantly increased population in the area.

¹³ Based on daily traffic generation of 8.5 vehicle trips per dwelling house and 3.5 vehicle trips per high density apartment – rates that are generally consistent with the NSW RTA Guide to Traffic Generating Developments 2002

The sections of Berry Road and Holdsworth Avenue south of Marshall Avenue need to be reconstructed because the existing road is very old, was not built for high density urban development, and will likely be extensively damaged when building proposed dwellings and laying augmented underground service road crossings.

The scope for the reconstruction works includes traffic and pedestrian management, demolition of the existing road from kerb to kerb, demolition of the existing roundabout on Berry Road, 10.5m wide road corridor including road bases, asphaltic concrete, kerb and gutter, stormwater drainage, subsoil drainage, street lighting and parking blisters.

The perimeter streets - Canberra Avenue, Duntroon Avenue, Marshall Avenue and Park Road - need to be resurfaced because of the extra traffic that will result from the redevelopment. The scope for this work includes drainage, milling and re-sheeting 40mm asphaltic concrete.

For the Canberra Avenue road closure at the southern end, a layer of topsoil will be needed to establish it for open space purposes then embellished. The existing footpath along Canberra Avenue will then be upgraded to a 2.5-metre-wide shared path.

The need for all the access infrastructure is generated by the expected development in the SLS Precinct. The contribution rates are therefore calculated on the assumption that the full cost of the infrastructure is shared among the expected development.

Contribution rates calculation

Table 7 below summarises the roads, traffic and drainage infrastructure costs and contributions. A detailed breakdown of these costs can be found in **Appendix B**.

Table 7: Summary of roads, traffic and drainage infrastructure costs

	Cost	Contribution per additional resident
Land acquisition	\$0	\$0
Construction	\$9,877,500	\$2,722.42

Contribution rates are calculated on the expected residential population in the area. This involves dividing the total costs of land acquisition and capital works by the projected total number of residents that are expected will live and work in the SLS Precinct.

The contribution formula for roads, traffic and drainage infrastructure can be expressed as:

$$\text{Contribution per resident (\$)} = \sum \left(\frac{\$INF}{P} \right)$$

Where:

$\$INF$ = the estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the roads, traffic and drainage infrastructure items required to meet the development of the SLS Precinct (refer **Table 7**).

P = The expected total number of residents that will generate the demand for the roads, traffic and drainage infrastructure, that is, 3,629 residents.

To determine the total contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents in the proposed development.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in **Table 4**.

Plan administration

Objectives

The section 7.11 contributions plan will likely take many years to implement. There will be a need to monitor and update the assumptions underpinning this plan so that the contribution rates remain reasonable.

Strategy

This plan has been prepared to allow contributions to be levied on development so that infrastructure demands can be satisfied. The costs that Council has incurred in this regard include the commissioning of external experts to prepare the plan text and works schedules.

Additionally, Council is required to manage, monitor and maintain the contributions plan. The effective coordination and administration of the plan will involve many tasks, some of which include the following:

- Monitoring the receipt of contributions
- Recommending to Council the appropriate management and expenditure of funds in accordance with the adopted works schedules
- Monitoring and programming works identified in the works schedules
- Determining the appropriate time for provision of public facilities having regard to the works schedule, the availability of funds, demand generated by development, the time funds have been held, expected additional funds, alternative and supplementary funding sources and maintenance implications

- Assessing whether a credit or reassessment of the contribution may be appropriate and how that may be determined
- Reviewing and determining the suitability of any works in kind and material public benefits proposed by a developer
- Preparing and making available the accountability information as required by the EP&A Regulation
- Providing advice to applicants and the general public regarding the operation of the plan
- Commissioning of consultant studies and advice in relation to the efficacy of the development and demand assumptions of the contributions plan.

Nexus, apportionment and contribution rates calculation

As plan administration costs arise directly as a result of the future development, it is reasonable that the costs associated with preparing and administering this plan be recouped through contributions from development in that area. Costs associated with the ongoing administration and management of the contributions plan will be levied on all applications that are required to make a contribution under this plan.

Costs included in this plan for management and administration are determined based on the IPART benchmark¹⁴ of an allowance equivalent to 1.5% of the cost of construction works identified in this plan.

Table 8: Summary of plan administration costs and contributions

	Cost	Contribution per additional resident
Plan administration costs (1.5% of the total works schedule cost that is apportioned to development in the plan - IPART benchmark)	\$238,788	\$65.81

To determine the total contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents in the proposed development.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in **Table 4**.

¹⁴ Independent Pricing and Regulatory Tribunal of New South Wales (2014), *Local Infrastructure Benchmark Costs*, page 63

3.3 Infrastructure costs

The following sources have been used to determine the estimated costs of Local Infrastructure included in this plan:

- Updated Feasibility Analysis by HillPDA to reflect late-2020 land values, which includes open space land values
- 'St Leonards South Precinct – Section 7.11 Contributions Estimate' prepared by Mitchell Brandtman and dated 11 November 2020
- 'St Leonards South Landscape Master Plan Report' prepared by Oculus and dated October 2020
- Lane Cove Council, road reserve, typical detail drawings
- Local Infrastructure Benchmark Costs Final Report prepared by IPART and dated April 2014.¹⁴

3.4 Infrastructure staging

Once an infill area is zoned for redevelopment there are very limited mechanisms to regulate the location or timing of individual developments.

Sales of sites will take place at different rates, and site amalgamation which is critical to the realisation of the overall SLS Precinct infrastructure scheme will proceed at different and variable rates. The timing of section 7.11 contributions that are made as development proceeds is thus uncertain.

Because of the above, it is difficult for the Council to determine with any certainty the various items of Local Infrastructure included in this plan will be delivered.

The following represent Council's views on timing and priority at the time the plan was prepared:

- Land acquisitions will preferably be pursued by negotiation with respective landowners. Compulsory acquisition will only be used if all negotiation avenues are exhausted
- A high priority will be assigned to the gradual acquisition of the land required for the local park. It is expected that sufficient funds to embellish the local park land will not be available until the development has achieved at least 1,500 dwellings
- The proposed road reconstruction and resurfacing works will be programmed to the latter stages of the SLS Precinct development when peak construction activity and the movement of heavy vehicles associated with development construction has passed
- Other considerations such as utilities' properties (Sydney Water; Energy Australia), availability of acquisition funds, undergrounding of services, construction traffic, land sales, road reconstruction, etc.

4. HOW AND WHEN WILL CONTRIBUTIONS BE IMPOSED ON DEVELOPMENTS?

4. How and when will contributions be imposed on developments?

4.1 Monetary contributions

This plan authorises the Council or an accredited certifier, when determining an application for development or an application for a CDC, and subject to other provisions of this plan, to impose a condition requiring a contribution under section 7.11 of the EP&A Act on that approval for:

- the provision, extension or augmentation of Local Infrastructure to be provided by Council, and / or
- the recoupment of the previous costs incurred by Council in providing existing Local Infrastructure.

Accredited certifiers should also refer to **Section 4.6** of this plan as to their obligations in assessing and determining applications.

4.2 Land contributions

This plan authorises the consent authority, other than an accredited certifier¹⁵, when granting consent to an application to carry out development to which this plan applies, to impose a condition under section 7.11 (1) of the EP&A Act requiring the dedication of land free of cost to Council for the provision, extension or augmentation of Local Infrastructure to be provided by Council.

Wherever land required under this plan (refer **Table 9**) is situated within a development site, the consent authority will generally require the developer of that land to dedicate the land required under this plan free of cost.

The value of this land will be considered in determining the total monetary contributions required to be made by the development under this plan. Council may at its discretion offset the value of the land against the total monetary contributions. Only land ascribed a value under this plan shall be entitled to an offset.

¹⁵ Note: the EP&A Act does not allow an accredited certifier other than a Council to impose a condition requiring the dedication of land free of cost.

Table 9: Summary of land required for Local Infrastructure

Street address	Real property description
Local park	
16 Park Road, St Leonards	Lot 48, Section 3, DP 111237
18 Park Road, St Leonards	Lot 1, DP 586272
18A Park Road, St Leonards	Lot 2, DP 586272
19 Berry Road, St Leonards	Lot 15, DP 814988
20 Park Road, St Leonards	Lot 46, DP 1103247
21 Berry Road, St Leonards	Lot 16, Section 3, DP 111237
22 Park Road, St Leonards	Lot 1, DP 195104
23 Berry Road, St Leonards	Lot 17, DP 1214016
24 Park Road, St Leonards	Lot 45, DP 76740
25 Berry Road, St Leonards	Lot 1, DP 85378

4.3 Cap on monetary section 7.11 contributions for residential development

On 21 August 2012 the Minister for Planning issued a Direction to Council that caps section 94 (now 7.11) contributions for residential development.

The Direction requires, in terms of residential developments proposed on land in the SLS Precinct:

A council (or planning panel) must not grant development consent ... subject to a condition under section 7.11 (1) or (3) of the Environmental Planning and Assessment Act 1979 requiring the payment of a monetary contribution that:

- in the case of a development consent that authorises one or more dwellings, exceeds \$20,000 for each dwelling authorised by the consent, or
- in the case of a development consent that authorises subdivision into residential lots, exceeds \$20,000 for each residential lot authorised to be created by the development consent.

The contribution rates for larger dwellings in the SLS Precinct will exceed this cap. If the cap is applied to all of the expected development in the precinct, the anticipated shortfall in funding of essential works would be approximately \$9.1 million in 2017 dollars.

The State Government announced in June 2017 that it will be removing the cap on section 7.11 contributions. The Acting Secretary of the Department of Planning and Environment has advised councils¹⁶ that:

- a threshold will be established consistent with the existing caps at \$30,000 in greenfield areas and \$20,000 in infill areas

¹⁶ DPE Planning Circular PS 17-02, dated 27 July 2017

- in areas where a contributions plan is proposed that exceeds the thresholds, the council will be able to have the plan assessed by IPART which will assess the contributions rates for essential works
- Once the assessment is finalised, the council has adopted a final plan, and the Minister for Planning (or the Minister's delegate) has advised the council of the outcome, a council will be able to charge the full contribution amount as a condition of development consent.

4.4 Contributions to only reflect net increase in infrastructure demands

In order for contributions to be reasonable, the consent authority shall only impose a section 7.11 contribution on a development that reflects the net increase in the demand for Local Infrastructure included in this plan.

The net increase in infrastructure demand is calculated by determining the subtracting the existing resident population of the development site from expected resident population of the proposed development using the assumptions contained in **Table 4** of this plan. Any existing resident population on a development site shall be assumed to have an infrastructure demand credit.

4.5 Latest rates to be used

The section 7.11 contribution imposed on a development will reflect the latest, indexed contributions rates authorised by this plan.

The monetary section 7.11 contribution rates shown in **Table 2** reflect the contribution rates at the date that this plan commenced. These rates are regularly adjusted for inflation and fluctuations in land values (see **Section 6.3**).

Applicants and accredited certifiers should inquire at the Council for information on the latest contribution rates.

4.6 Obligations of accredited certifiers

Complying development certificates

This plan requires that, in relation to an application made to an accredited certifier for a CDC:

- the accredited certifier must, if a CDC is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this plan
- the amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this section
- the terms of the condition be in accordance with this section.

Procedure for determining the contribution amount

The procedure for an accredited certifier to determine the amount of the section 7.11 monetary contribution for complying development is as follows:

1. If, and only if specified in writing in the application for a CDC, the applicant has requested a credit under section 7.11 (6) of the EP&A Act such as that envisaged in **Section 4.4** of this plan, or an exemption or part or the whole of the development under **Section 2.5** of this plan, the accredited certifier must:
 - (a) make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and
 - (b) in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the CDC refuse the applicant's request.
2. Determine the unadjusted contributions in accordance with the rates included in **Table 2** of this plan taking into account any exempted development specified in **Section 2.5** and any advice issued by the Council under paragraph 1(b) above.
3. Adjust the calculated contribution in accordance with **Section 6.3** to reflect the indexed cost of the provision of infrastructure.
4. Subtract any infrastructure demand credit advised by the Council under paragraph 1(b) for any assumed Local Infrastructure demand relating to existing development.

Terms of a section 7.11 condition

The terms of the condition required by this section are as follows:

Contribution

The developer must make a monetary contribution to Lane Cove Council in the amount of \$[insert amount] for the purposes of the Local Infrastructure identified in the St Leonards South Precinct Section 7.11 Contributions Plan.

Social Infrastructure (open space and recreation)	- Land	\$[insert amount]
	- Works	\$[insert amount]
Roads Infrastructure	- Land	\$[insert amount]
	- Works	\$[insert amount]
Plan administration		\$[insert amount]

Indexation

The monetary contribution must be indexed between the date of this certificate and the date of payment in accordance with the following formula:

$$\frac{\$C_C \times CPI_P}{CPI_C}$$

Where:

$\$C_C$ is the contribution amount shown in this certificate expressed in dollars

CPI_P is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the payment of the contribution

CPI_C is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician which applied at the time of the issue of this certificate

Note: The contribution payable will not be less than the contribution specified in this certificate.

Time for payment

The contribution must be paid prior to any work authorised by this complying development certificate commences, as required by section 136L of the Environmental Planning and Assessment Regulation 2000.

Deferred payments of contributions may be accepted in certain circumstances and will need to be secured by bank guarantee. Refer to the contributions plan for Council's policy on deferred payments.

Works in kind agreement

This condition does not need to be complied with to the extent specified in any planning agreement of works in kind agreement entered into between the developer and the Council.

Construction certificates

It is the responsibility of an accredited certifier issuing a construction certificate for building work or subdivision work to ensure that each condition requiring the payment of a monetary contribution before work is carried out has been complied with in accordance with the CDC or development consent.

The accredited certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with section 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

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

4.7 Variation to contributions authorised by this plan

The consent authority, other than a private accredited certifier, may, after considering a written application, reduce the section 7.11 contribution otherwise calculated in accordance with the provisions of this plan.

A developer's request for variation to a contribution calculated in accordance with this plan must be supported by written justification included with the development application. Such request will be considered as part of the assessment of the application.

An accredited certifier other than the Council cannot vary a section 7.11 contribution calculated in accordance with this plan, without Council's written approval.

5. HOW AND WHEN CAN A CONTRIBUTION REQUIREMENT BE SETTLED?

5. How and when can a contribution requirement be settled?

5.1 Timing of payments

A monetary contribution required to be paid by a condition imposed on the development consent in accordance with this plan is to be paid at the time specified in the condition.

Generally, the condition will provide for payment as follows:

- For development where no further approvals are required – before the development consent is issued
- For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (line plan)
- For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate for any works authorising construction above the floor level of the ground floor
- For works authorised under a CDC, the contributions are to be paid prior to any work authorised by the certificate commencing, as required by section 136L of the EP&A Regulation.

At the time of payment, it will be necessary for monetary contributions amounts to be updated in accordance with the relevant indexes (see **Section 6.3**).

5.2 Process for deferred payments

Council may accept a written request for the deferred or periodic payment of a section 7.11 contribution if the applicant (including any other person entitled to act upon the relevant consent) satisfies Council that:

- Compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case, or would cause the applicant undue hardship, and
- Deferred or periodic payment will not prejudice the timing or the manner of the provision of the Local Infrastructure for which the contribution was required.

The decision to accept a deferred or periodic payment is at the sole discretion of Council.

Council may, if it decides to accept the deferred or periodic payment of a contribution, require the applicant to provide a bank guarantee by an Australian bank for the amount of the contribution, or the outstanding balance, plus any interest or charges required by Council, on condition that:

- (a) the bank guarantee requires the bank to pay the guaranteed amount unconditionally to Council if the applicant has defaulted on the payment of the contribution, or any instalment of the contribution (including interest and Council charges), under the terms of their deferred or periodic payment agreement with Council,

- (b) the bank's obligation under the guarantee is discharged:
 - i. when payment is made to Council in accordance with the terms of the bank guarantee, or
 - ii. if the related consent lapses, or
 - iii. if Council otherwise notifies the bank in writing that the bank guarantee is no longer required, and
- (c) the applicant pays to Council:
 - i. interest on the contribution, or the outstanding balance, at the overdraft rate on and from the date when the contribution would have been otherwise payable, and
 - ii. an administration charge of 1% on the contribution, or the outstanding balance, at the end of each six-monthly period,

such payments to be made when each instalment of the contribution is due.

Where Council agrees to a request for deferred or periodic payment, the applicant will be required to lodge a section 4.55 application to modify the development consent to specify the new payment arrangements.

5.3 Can the contribution be settled by dedicating land or undertake works?

A person may make an offer to the Council to carry out works or provide another kind of material public benefit or dedicate land, in part or full satisfaction of a section 7.11 contribution required by a condition of consent imposed under this plan.

If a developer wishes to deliver infrastructure that is included in this plan instead of the Council delivering that infrastructure, then the developer can approach this either one of two ways:

- (a) The developer may offer to enter into a planning agreement to undertake works, make monetary contributions, dedicate land, or provide some other material public benefit. Planning agreements are the most appropriate mechanism for offers made prior to the issue of a development consent for the development.
- (b) If the developer has already received a development consent containing a condition requiring a section 7.11 contribution, the developer may offer to undertake works in kind through a works in kind agreement, or offer to dedicate land through a land dedication agreement.

Any offer of works or land should be consistent with the LEP and DCP for St Leonards South as associated with this Plan.

Note: where dedications/works are made in exchange for bonus FSR as part of a planning agreement, such dedications and/or works-in-kind do not reduce s.7.11 contributions.

Offers and agreements generally

Any offer for works in kind or other material public benefit shall be made in writing to the Council prior to the commencement of any works proposed as part of that offer. Retrospective works in kind agreements will not be accepted.

Works in kind or the dedication of land will be accepted by Council only under the following circumstances:

- Council will generally only accept offers of works or land that are items included in the schedule of Local Infrastructure in this plan; and
- Council determines that the works in kind are, or the land to be dedicated is, appropriate; and
- The value of the works to be undertaken or the land to be dedicated is at least equal to the value of the contribution assessed in accordance with this plan, or where the value of the proposed works in kind or the land to be dedicated is less than the monetary value of the contribution, the difference will be met by way of a monetary contribution.

In assessing the request, Council will consider the following:

- Consistency with the detailed design of the facilities, as agreed to by Council
- The proposed works or land dedication will not constrain the future provision of facilities identified in the works schedule, or conflict with what Council has prioritised.

Plans and cost estimates of the proposed works, or a valuation by a registered valuer of the land to be dedicated, are to be prepared and submitted by the applicant.

Should an offer of works in kind or land dedication be accepted, Council will negotiate with the applicant, as relevant, the following:

- An acceptable standard for workmanship and materials
- Timing of inspection of works in progress
- A program for completion of the works or dedication of the land
- An appropriate defects liability period.

The decision to accept settlement of a contribution by way of works in kind or the dedication of land is at the sole discretion of Council.

Reimbursement of land and works values in excess of contribution requirements

Council will consider reimbursing an applicant who provides works in kind in excess of the monetary contribution payable by their development, under the following circumstances:

- The works in kind provided by the development are for a facility that is identified in this contributions plan and for which the development would have been required to pay a contribution
- The amount of the reimbursement is limited to the value of the facility identified in the contributions plan, adjusted to reflect cost changes over time as allowed by this plan
- The reimbursement will be drawn only from the monies available in the same contributions fund from which the facility would have normally been funded (i.e. monies available in the St Leonards South Precinct Section 7.11 Contributions Plan).

Where Council agrees to reimburse an applicant over a period of time the applicant will be required to enter into a deed of agreement with Council to establish the arrangements under which the reimbursement will be made.

6. OTHER ADMINISTRATION MATTERS

6. Other administration matters

6.1 Relationship of this plan to other contributions plans

The Lane Cove Section 94 Contributions Plan 1996 does not apply to land to which this plan applies.

This plan however does not affect development consents applying to land in the SLS Precinct containing requirements for developments to make contributions under Lane Cove Section 94 Contributions Plan 1996.

Contributions imposed on developments under Lane Cove Section 94 Contributions Plan 1996 and paid to Council will be applied to the specific Local Infrastructure described in that plan.

6.2 Savings and transitional arrangements

This plan applies to a development application or application for a CDC that was submitted but not yet determined on the date on which this plan took effect.

6.3 Adjustment of contributions to address the effects of inflation

To ensure that the value of contributions for the construction and delivery of infrastructure is not eroded over time by inflation or significant changes in land values, this plan authorises that contribution rates and the contribution amounts included in consents will be adjusted over time.

Contribution rates in this plan

Council will - without the necessity of preparing a new or amending contributions plan - make changes to the contribution rates set out in this plan to reflect quarterly movements in the value of land acquisition and works.

The Consumer Price Index (All Groups Index) for Sydney, as published by the Australian Bureau of Statistics, will be used to update the contribution rates for works and for land that has already been acquired by the Council in anticipation of development.

The Established House Price Index for Sydney, as published by the Australian Bureau of Statistics, will be used to update the contribution rates for land that is yet to be acquired by the Council.

Contribution amounts in consents

A monetary contribution amount required by a condition of development consent imposed in accordance with this plan will be indexed between the date of the grant of the consent and the date on which the contribution is paid in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

6.4 Pooling of contributions funds

This plan authorises monetary contributions paid for different purposes in accordance with development consent conditions authorised by this plan and any other contributions plan approved by the Council to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this plan are the priorities for works as set out in **Section 3.4** of this plan.

6.5 Accountability and access to information

In accordance with the EP&A Act and EP&A Regulation a contributions register will be maintained by Council and may be inspected upon request.

The register will be maintained at regular intervals and will include the following:

- Particulars sufficient to identify each development consent for which contributions have been sought
- Nature and extent of the contribution required by the relevant condition of consent
- Name of the contributions plan under which the condition of consent was imposed
- Date the contribution was received, for what purpose and the amount.

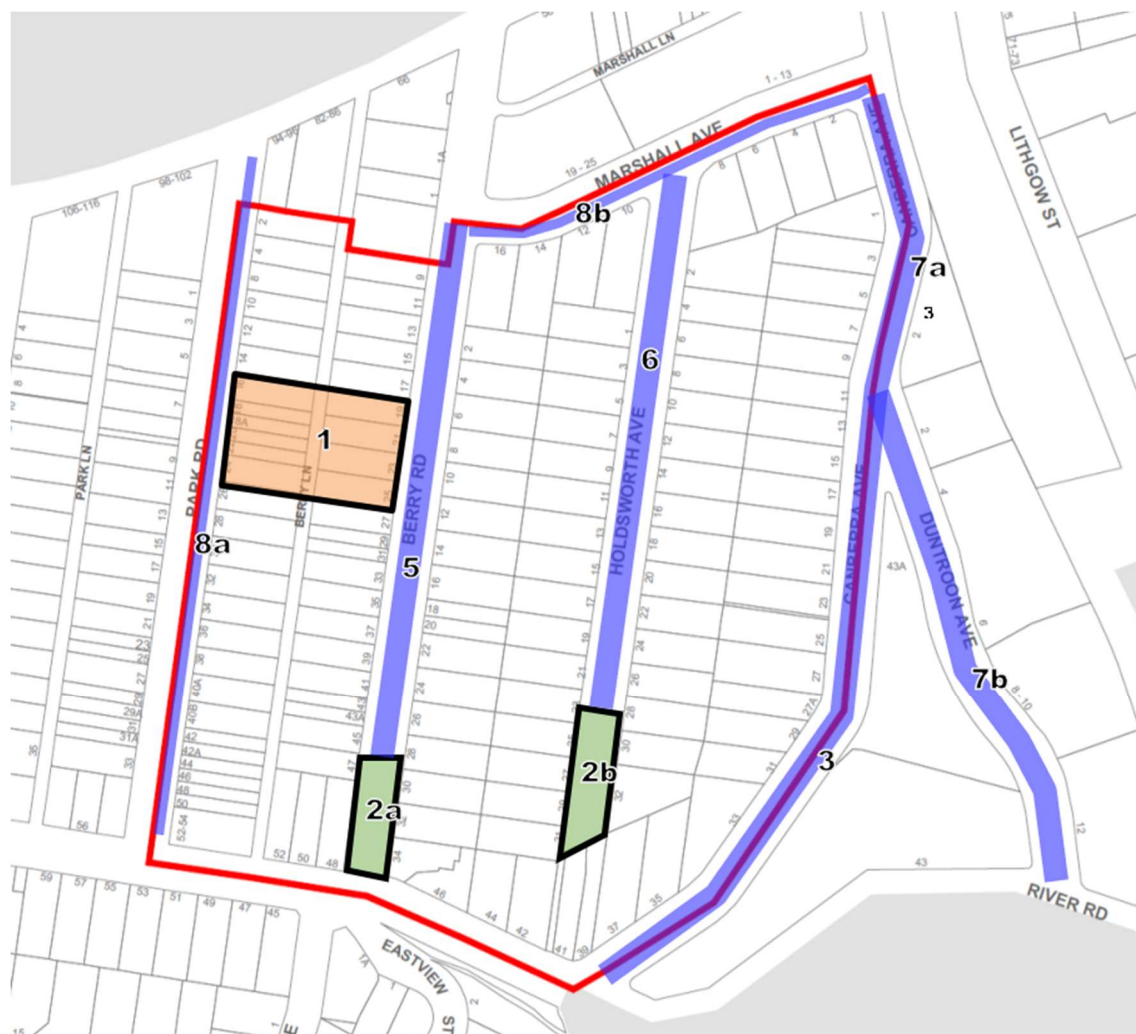
Separate accounting records will be maintained for each contribution type in this plan and published every year in Council's financial accounts. They will contain details concerning contributions received and expended, including interest for each service or amenity to be provided. The records are held at Council's Administration Office and may be inspected upon request.

APPENDIX A INFRASTRUCTURE SCHEDULE AND LOCATION MAP



Table A1: Infrastructure schedule

Item	Description	Qty	Unit	Rate	Direct Construction Costs	Indirect Construction Costs & Margin	Design, Professional Fees and Council	Contingency	Total
Land Acquisition									
1a	New local park - acquisition of land for new local park	3,403	m ²	\$ 8,500	\$ 28,925,500	N/A	1% \$ 289,255	N/A	\$ 29,214,755
	Sub Total				\$ 28,925,500	\$ -	\$ 289,255	\$ -	\$ 29,214,755
Works									
<u>Open space</u>									
1b	New Local Park - embellishment of acquired land	3,500	m ²	\$ 635	\$ 2,223,302	14% \$ 311,262	15% \$ 380,185	10% \$ 291,475	\$ 3,206,224
2a, 2b	New Pocket Parks (x2) - embellishment of acquired land	2,345	m ²	\$ 425	\$ 996,293	14% \$ 139,481	15% \$ 170,366	10% \$ 130,614	\$ 1,436,754
3	Newlands Park Expansion - closure of Canberra Ave adjoining Newslands Park and conversion to parkland to expand Newslands Park	3,500	m ²	\$ 277	\$ 969,920	14% \$ 135,789	15% \$ 165,856	10% \$ 127,157	\$ 1,398,722
<u>Community facilities</u>									
4	New Community Facilities (x4) - fit-out to cold shells (built by others) for 2 new 450m ² child care centres and 2 new 150m ² community facilities	1,200	m ²	\$ 1,635	\$ 1,962,000	16% \$ 313,920	20% \$ 455,184	10% \$ 273,110	\$ 3,004,214
<u>Roads</u>									
5	Berry Rd upgrade - including replacement of existing road, kerb and guttering	320	m	\$ 5,811	\$ 1,859,607	16% \$ 297,537	15% \$ 323,572	15% \$ 372,107	\$ 2,852,823
6	Holdsworth Ave upgrade - including replacement of existing road, kerb and guttering	310	m	\$ 5,584	\$ 1,730,890	16% \$ 276,942	15% \$ 301,175	15% \$ 346,351	\$ 2,655,358
7a, 7b	Canberra Ave (north of Newslands Park) and Duntroon Ave upgrade - including replacing existing road, kerb and guttering	720	m	\$ 1,626	\$ 1,170,471	16% \$ 187,275	15% \$ 203,662	15% \$ 234,211	\$ 1,795,619
8a, 8b	Park Rd and Marshall Ave upgrade - including replacing existing road, kerb and guttering	465	m	\$ 1,961	\$ 911,761	16% \$ 145,882	15% \$ 158,646	15% \$ 182,443	\$ 1,398,732
9	Shared paths - including demolition of existing footpaths and new shared pedestrian/cycling path to one side of Park Road, Berry Road, Holdsworth Road, Canberra Avenue and Marshall Avenue.	1,575	m	\$ 486	\$ 765,900	16% \$ 122,544	15% \$ 133,267	15% \$ 153,257	\$ 1,174,968
	Sub Total				\$ 12,590,144	\$ 1,930,632	\$ 2,291,913	\$ 2,110,725	\$ 18,923,414
Total				\$ 41,515,644	\$ 1,930,632	\$ 2,581,168	\$ 2,110,725	\$ 48,138,169	

Figure A1: Infrastructure location map



Key

-  Open space items
-  Transport items



Item numbering shown on map - per Table A1: infrastructure schedule

Items from Table A1 not shown on map:

- 4 – location to be determined
- 9 – locations as described in Table A1

APPENDIX B

DETAILED COST ESTIMATES REPORT

