

Wollondilly Contributions Plan Main Document

Prepared for

Wollondilly Shire Council



By



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1. Introduction

1.1 Plan summary

Wollondilly Shire Council is located at the south-western fringe of the Sydney metropolitan area, bordered by the Blue Mountains to the northwest, the centres of Camden and Campbelltown to the northeast, Wollongong to the east and Wingecarribee to the south.

In 2016, the Shire had an estimated resident population of around 48,519 living in its 17 towns, villages and peri urban landscapes, from Warragamba and Silverdale in the north to Yanderra in the south. The population has grown at an average annual rate of 1.9% since 2006 (or an average of 287 new dwellings per annum), with a slightly higher rate of growth (2.3%) recorded over the 2011-2016 period. This level of growth is higher than the surrounding LGAs (Penrith, Wollongong, Campbelltown), with the exception of Camden LGA.

Much stronger growth is forecast into the future with the Western City District Plan targeting 184,500 dwellings to 2036.

Based on precinct planning and anticipated development activity, there is forecast growth of 19,729 dwellings in the Wollondilly Shire over the next 20-30 years. The majority of growth is expected in the State-led Wilton Growth Area with local growth anticipated in Tahmoor, Thirlmere, Menangle, Silverdale, Warragamba and Picton. Remaining growth should be otherwise relatively dispersed across the LGA.

Based on growing household sizes, the forecast dwelling yield could see the population of the Wollondilly Shire more than double to 2036 (by some 59,581 to 108,100). There is also forecast to be commensurate growth in local industry and employment opportunities over this period.

Even though there remains a level of unpredictability regarding the precise timing and level of development will actually occur, there is no doubt that a range of new and augmented infrastructure needs to be planned, programmed, funded and delivered in order to sustain the development that is anticipated.

The additional population and employment growth will generate new demand for a range of local infrastructure that the Wollondilly Shire Council provides, including roads open space, community facilities and car parking.

Contributions of land, works and money from development of land throughout the LGA will be a key source funding for this new and upgraded local infrastructure.

Section 7.11 of the Environmental Planning and Assessment Act 1979 (EP&A Act) authorises councils and other consent authorities to require contributions from developers for local infrastructure as part of their development approvals. Councils and accredited certifiers may only impose a contribution if it is of a kind allowed by and determined in accordance with a contributions plan, such as this plan.

This plan's main purpose is to authorise the Council or an accredited certifier to impose conditions on development applications or complying development certificates (CDCs)

requiring section 7.11 contributions from development in accordance with the rates in the plan.

1.2 Legislative requirements

Consistent with the EP&A Act and the Environmental Planning and Assessment Regulation 2000 (**EP&A Regulation**), this plan has been prepared having regard to the latest practice notes issued by the NSW Department of Planning, Industry and Environment (DPIE) and the Independent Pricing and Regulatory Tribunal of New South Wales (IPART). It includes the following:

- a schedule of contribution rates for various types of development
- information on the relationship between the anticipated development and the demand for local infrastructure, including how the nexus-based section 7.11 contribution rates were calculated
- the Council's policies on how and when developers can settle their development contributions obligations, including opportunities for developers to dedicate infrastructure land and provide works-in-kind.
- specific provisions on the role of accredited certifiers in imposing and collecting development contributions.
- provisions to ensure the fair and transparent administration of development contributions received under this plan.

1.3 How to use this plan?

The plan is structured in the following way.

Main Document (this document):

- Part 1 contains an introduction to the plan, the name of the plan, the date on which the plan commenced, the plan's purpose, and a description of the land and types of development affected by this plan.
- Part 2 contains summaries of contribution rates and the assumptions informing the derivation of the contribution rates. It also contains guidance on how to calculate a contribution for any development affected by the plan.
- Part 3 provides information about how and when contributions shall be imposed on developments.
- Part 4 describes how a contribution may be settled by a developer once it has been imposed by a consent authority on a development consent.
- Part 5 contains other provisions and information relevant to the administration of the section 7.11 contributions relating to development in the Wollondilly Shire Areas.
- The Appendices contain the contribution rates applying to development affected by this plan.

Technical Document:

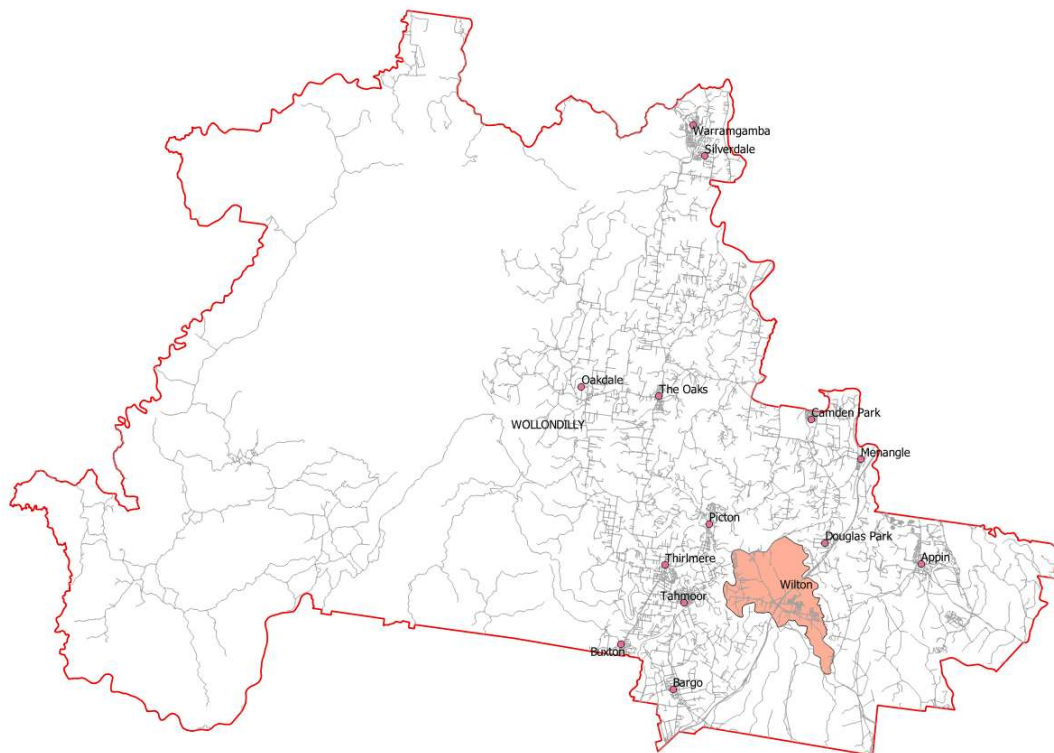
The accompanying Technical Document contains detailed information on the assumptions that have been used to determine the contribution rates in this plan.

The Technical Document includes information on the projected demand for local infrastructure from the expected development, how that local infrastructure has been planned and how it is proposed to be delivered, the schedules of land to be acquired and works to be undertaken, maps showing the location of proposed local infrastructure, and other relevant information that has been used to determine the contribution rates.

The information is presented on an area basis as follows and shown in Figure 1:

- Area A - The Shire
- Area B - Wilton Growth Area

Figure 1 – Area A and Area B



1.4 What is the name of this plan?

This plan is called the Wollondilly Contributions Plan.

1.5 When did this plan commence?

This plan commenced on DATE.

Development applications and CDCs determined on or after this date will be subject to the provisions of this plan.

1.6 What are the purposes of this plan?

The primary purpose of the plan is to authorise:

- Council or a planning panel, when granting consent to a DA 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 to be made towards either/both:

- the provision, extension or augmentation of public amenities and public services only where development is likely to require the provision of or increase the demand for those amenities and services; and
- the recoupment of the cost of providing existing public amenities and public services within the area to which this plan applies.

Other purposes of the plan are as follows:

- To provide the framework for the efficient and equitable determination, collection and management of development contributions toward the provision of public amenities and public services generated by development within Wollondilly.
- To determine the demand for public facilities generated by the incoming population to Wollondilly and ensure that development makes a reasonable contribution toward the provision of public amenities and public services that are required for that population.
- To ensure that the existing community is not unreasonably burdened by the provision of public amenities and public services required (either partly or fully) as a result of development in Wollondilly.
- To ensure Council's management of development contributions complies with relevant legislation and guidelines and achieves best practice in plan format and management.

1.7 What land does this plan apply to?

This plan applies to all of the Wollondilly Local Government Area, including the Wilton Growth Area.

1.8 What development does this plan apply to?

This plan applies to the following development types:

- (i) Subdivision or use of land for Residential Accommodation that would result in a net increase in expected population;
- (ii) Non-residential development which cannot satisfactorily address car parking needs through on-site provision.

Council or an accredited certifier must impose a condition requiring a contribution for these developments be imposed under section 7.11 of the EP&A Act.

1.9 What development is exempted?

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

- Dwelling houses on lots created in an earlier subdivision that was subject to s7.11 (formerly known as section 94)
- Any development that, in the opinion of Council, does not result in an increase in demand for any of the public amenities or services addressed by this plan.

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2. How are the contributions calculated?

2.1 Summary of contribution rates

2.1.1 Development subject to a section 7.11 contribution

The plan levies development contributions in 2 separate areas:

- Area A - The Shire
- Area B - Wilton Growth Area

Tables 1, 2 and 3 contain the section 7.11 contribution rates for developments under this plan.

Table 1 - Area A – The Shire - Section 7.11 contribution rates

	Per resident	per final lot or dwelling house, dual occupancy dwelling, semi-detached dwelling, attached dwelling,	per multi dwelling house manor home,	per apartment, residential flat building or shop top housing	per seniors living, self-contained dwelling	per secondary dwelling, studio dwelling
Roads and transport (land)	\$264	\$818	\$686	\$581	\$396	\$264
Roads and transport (works)	\$3,329	\$10,320	\$8,655	\$7,324	\$4,994	\$3,329
Open space (land)	\$674	\$2,089	\$1,752	\$1,483	\$1,011	\$674
Open space (works)	\$1,182	\$3,664	\$3,072	\$2,600	\$1,773	\$1,182
Community facilities (works)	\$753	\$2,334	\$1,958	\$1,130	\$1,130	\$753
Plan administration	\$263	\$815	\$684	\$395	\$395	\$263
Total	\$6,465	\$20,042	\$16,809	\$14,223	\$9,698	\$6,465

Table 2 – Wollondilly Shire – Shire 7.11 contributions for car parking in Picton and Thirlmere

Car parking catchment	Per space
Picton car parking (land)	\$8,082
Picton car parking (works)	\$10,415
Thirlmere car parking (works)	\$10,415

Table 3 Area B - Wilton Growth Area - Section 7.11 contribution rates

	Per resident	per final lot or dwelling house, dual occupancy dwelling, semi- detached dwelling, attached dwelling,	per multi dwelling house manor home,	per apartment, residential flat building or shop top housing	per seniors living, self- contained dwelling	per secondary dwelling, studio dwelling
Roads and transport (land)	\$704	\$2,183	\$1,831	\$1,549	\$1,056	\$704
Roads and transport (works)	\$815	\$2,528	\$2,120	\$1,794	\$1,223	\$815
Open space (land)	\$2,180	\$6,758	\$5,668	\$4,796	\$3,270	\$2,180
Open space (works)	\$3,421	\$10,604	\$8,894	\$7,525	\$5,131	\$3,421
Community facilities (land)	\$241	\$746	\$626	\$529	\$361	\$241
Community facilities (works)	\$1,527	\$4,732	\$3,969	\$3,358	\$2,290	\$1,527
Plan administration	\$294	\$913	\$765	\$648	\$442	\$294
Total	\$9,182	\$28,463	\$23,872	\$20,200	\$13,773	\$9,182

2.2 Calculating a contribution under this plan

2.2.1 Calculating a section 7.11 contribution for residential development

The contribution that applies to residential development is calculated using the rates shown in **Tables 1, or 3 and 4**.

The contributions that applies to non-residential development within a car parking catchment requiring the provision of car parking is calculated using **Table 2**.

The occupancy rates included in **Table 4** reflect the estimate of future infrastructure demand for the proposed residential development as well as the estimate of existing demand allowances (or credits) for existing development.

Table 3 Assumed dwelling occupancy rates

Residential Accommodation Development type	Occupancy rate
Single residential lot, dwelling house, dual occupancy , rural workers' dwelling Attached dwelling abutting dwelling semi-detached dwelling,	3.1 persons per dwelling
multi dwelling housing, manor home,	2.6 persons per dwelling
Apartment, residential flat building or shop top housing	2.2 persons per dwelling
Self-contained dwelling in a seniors housing development	1.5 persons per dwelling
Secondary dwellings, studio dwellings, boarding houses, group homes, hostels	1 person per secondary dwelling; 1 person per bed or 1 person per bedroom, whichever is the greater

2.3 Summary of contribution rates formulas

Contribution rates for transport, open space, community facilities and car parking are calculated on the expected resident population in the area, the costs of each facility, and the portion of the cost that should reasonably be met by the future population of the relevant Area.

Contribution rates for most of these facilities have been determined using the following formula:

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

Where:

- $\$INF$ = The estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the infrastructure items required to meet the development.
- $AF\%$ = The proportion of the total cost of each infrastructure item that should reasonably be met by the anticipated development in the relevant area.
- P = The expected net additional resident population anticipated to occupy the development in the relevant Area, or the design population of the particular facility, as appropriate.

More information on the values informing the calculation of contribution rates for each Area including facility costs, demand populations and apportionment can be found in the Technical Document.

2.4 Calculating contribution amounts

The methods for calculating a contribution under this plan for each of the development types addressed by this plan are discussed below.

Applicants and accredited certifiers should note that the monetary contribution rates shown in this Main Document reflect the contribution rates at the date that the plan commenced. These rates are regularly adjusted for inflation in accordance with the provisions of section 5.3 of this plan. Applicants should inquire at the Council for information on the latest contribution rates.

The total section 7.11 contribution for development is calculated using the rates shown in Tables 1, 2 and 3, as adjusted by section 5.3.

2.5 Contributions for plan administration

Councils incur significant costs in the preparation and administration of contributions plans. These include:

- The costs of Council staff time to prepare and review contributions plans, account for contributions receipts and expenditure, and coordinate the implementation of works programs.
- The costs of consultant studies that are commissioned by Council from time to time in order to determine the value of land to be acquired, the design and cost of works, as well as to review the development and demand assumptions in the contributions plan.
- The costs of Council engaging the services of planning, engineering, surveyor, design, accounting, audit and legal professionals to provide advice on implementing the plan.

As these costs arise directly as a result of the development in the areas covered by the plan, it is reasonable that the costs associated with preparing and administering this plan be recouped through section 7.11 contributions.

Costs associated with the ongoing administration and management of the contributions plan will be levied on all DAs and CDCs that are required to make a contribution under this plan.

2.5.1 Wollondilly Shire

Table 4 Area A - Wollondilly Shire Local Infrastructure Costs and Demands

Infrastructure category	Category cost* (\$ million) (\$INF)	Demand in persons (P)
Roads and transport (land)	\$3,485,625	13,214
Roads and transport (works)	\$43,984,918	13,214
Open space (land)	\$9,905,215	13,214
Open space (works)	\$15,622,844	13,214
Community facilities (works)	\$9,948,000	13,214
Car Parking (land)	\$1,616,300	n/a
Car Parking (land)	\$2,707,900	n/a
Plan administration	\$3,477,788	13,214
Total	\$89,748,590	-

2.5.2 Wilton Growth Area

Table 5 Area B - Wilton Growth Area Local Infrastructure Costs and Demands

Infrastructure category	Category cost* (\$ million) (\$INF)	Demand in persons (P)
Road and transport (land)	\$31,839,561	37,520
Road and transport (works)	\$36,864,653	37,520
Open space (land)	\$85,395,245	37,520
Open space (works)	\$133,996,224	37,520
Community facilities (land)	\$9,425,000	37,520
Community facilities (works)	\$59,798,200	37,520
Plan administration	\$11,532,954	37,520
Total	\$368,851,836	37,520

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

3.1 Monetary contributions

This plan authorises the Council, when granting consent to a DA to which this plan applies, to impose a condition under section 7.11 of the EP&A Act requiring the payment of a monetary contribution to the Council towards:

- the provision of public amenities and public services as specified in the works schedule to meet the demands of the development; or
- the recoupment of the cost of public amenities and public services previously provided in advance of development within the area.

This plan requires the Council or an accredited certifier, when determining an application for a CDC relating to development to which this plan applies, to impose a condition under section 7.11 of the EP&A Act requiring the payment of a monetary contribution towards:

- the provision of public amenities and public services as specified in the works schedule to meet the demands of the development; or
- the recoupment of the cost of public amenities and public services previously provided in advance of development within the area.

3.2 Land contributions

This plan authorises the Council, by imposition of a condition of development consent, to require in connection with any development on land to which this plan applies (and in addition to any monetary contribution that may be sought) the dedication free of cost to the Council of any part of the development site that is land that is to be acquired under this plan.

For the purposes of this section, the Attributable Cost of the land is to be calculated in accordance with the value of the land identified in this plan as indexed by the land value index established under this plan. Council will credit only the amount provided in the plan.

Council will, wherever appropriate, require developers to dedicate land free of cost for the facilities identified in this plan. Where the development does not, or cannot provide the full land area required as a contribution the shortfall will be required as a monetary contribution. The contribution rates included in this plan reflect the monetary contribution required where land is not dedicated free of cost.

Where the Attributable Cost of the land exceeds the monetary development contribution otherwise authorised by this plan, the developer may offer to enter into an agreement under this plan dealing with an appropriate settle-up in exchange for the dedication of the remainder.

3.3 Latest rates to be used

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

The monetary section 7.11 contribution rates shown in the plan reflect the contribution rates at the date that this plan commenced. These rates are regularly adjusted for inflation (see section 5.3 of this plan).

Applicants and accredited certifiers should inquire at the Council or visit Council's website for information on the latest contribution rates.

3.4 Obligations of accredited certifiers

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 section 7.11 contribution, if such a contribution is authorised by this plan
- any such contribution may only be a monetary contribution required under this plan
- the amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this plan in respect of the development.

It is the responsibility of the accredited certifier to accurately calculate and apply the section 7.11 contribution conditions to the CDC. Section 7.11 contributions imposed on a CDC must be paid prior to the work authorised by the CDC commencing. Deferred payments of contributions required by a condition of a CDC will not be accepted.

Accredited certifiers should contact Council if there is any doubt whether section 7.11 conditions should be imposed on particular CDCs.

Likewise, it is the responsibility of an accredited certifier issuing a construction certificate to certify that the section 7.11 contributions have been paid to Council prior to the issue of the certificate. 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 clause 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, voluntary planning agreement, dedication of land and / or deferred payment arrangement has been agreed by the Council. In such cases the Council will issue, on application, a letter confirming that an alternative payment method has been agreed with the applicant.

3.5 Variation to contributions authorised by this plan

Council retains the right to vary the section 7.11 contribution amount 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 DA. Such request will be considered as part of the assessment of the DA.

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.

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

4.1 Timing of payments

Council's policy in relation to the timing of payments of monetary contributions required under this plan is as follows:

- Development involving subdivision - prior to the release of the subdivision certificate (linen plan) or strata certificate.
- Development that authorises building works or the issuing of a construction certificate - prior to the release of the construction certificate.
- Development authorised under a CDC, the contributions are to be paid prior to any work authorised by the certificate commences, as required by clause 136L of the EP&A Regulation.
- Other development not requiring the issuing of a CDC or construction certificate – prior to the issuing of the first occupation certificate or commencement of the use, whichever occurs first.

At the time of payment, it will be necessary for monetary contribution amounts to be updated in accordance with the relevant indexes (see section 5.4 of this plan).

4.2 Policy on deferred or periodic payments

Council may accept the deferred or periodic payment of part or all of a monetary contribution required under this plan if the applicant, or any other person entitled to act upon the relevant consent, makes a written request and can satisfy the Council that non-compliance with the payment provisions is justified.

Acceptance of any request for deferred or periodic payment is entirely at the discretion of the Council. Deferred or periodic payments will only be accepted in exceptional circumstances and will be assessed on a case-by-case basis. Deferred or periodic payments related to contributions imposed on a CDC will not be allowed.

Deferred or periodic payments related to contributions imposed on a DA may be permitted in any one or more of the following circumstances:

- Compliance with the standard payment terms described in section 4.1 of this plan is unreasonable or unnecessary in the circumstances of the case.
- Deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program.
- There are other circumstances justifying the deferred or periodic payment of the contribution, including works-in-kind or land dedication arrangements.

If Council does decide to accept deferred or periodic payment, the conditions under which the Council may accept deferred payment are that:

- Security must be in the form of an unconditional bank guarantee from an Australian bank for 200% of the amount of the total contribution, or the amount of the outstanding contribution;

- Deferral must not exceed a period of 12-months from the time the contributions comes due;
- the bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work; (whichever occurs first);
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

If Council does decide to accept periodic payment, the conditions under which the Council may accept payment by way of periodic payment for a staged development are that:

- the instalment be paid before the work commences on the relevant stage of the development; and
- the amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the demand for the relevant facility being levied by the overall development, and indexed in accordance with this plan.

4.3 Can a contribution be settled by dedicating land or undertake works?

Developers may choose to provide, subject to the agreement of the Council, one or more infrastructure items identified in this plan as works-in-kind as means of satisfying development contributions required under the plan. This section sets out Council's policy for offers of works-in-kind.

4.3.1 Offers of works-in-kind made before the imposition of a section 7.11 condition

An applicant for consent to carry out development to which this plan applies may request that any consent granted to the development is made subject to a condition that the applicant carries out works that are identified in this plan that would satisfy the requirements of this plan in relation to the development.

The applicant's request:

- may be contained in the relevant DA; or
- may constitute an offer to enter into WIK agreement relating to the development.

The Council will consider the request as part of its assessment of the DA.

If the Council decides to grant consent to the development and agrees to a request made in the relevant DA, it may impose a condition under section 4.17 of the EP&A Act requiring the works identified in this plan to be carried out as part of the DA.

4.3.2 Offers of works-in-kind made after the imposition of a section 7.11 condition

The Council may accept an offer made in writing to the Council that provides for:

- an MPB (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a condition already imposed requiring the payment of a monetary contribution; or
- the dedication of land free of cost towards the provision of public amenities and public services to meet the demands of the development.

Council will only consider offers of this type where the proposed work or dedication of land is contained in the works schedule included in this plan (i.e. a works-in-kind offer).

Where the Council accepts such an offer, it is required for the consent to be amended under section 4.55 of the EP&A Act.

4.3.3 Matters to be considered by Council

In addition to any matters identified in sections 4.3.1 and 4.3.2 of this plan, Council will consider the following matters in deciding whether to accept an offer of works-in-kind:

- the requirements contained in any works-in-kind policy that the Council has adopted; and
- the standard and timing of delivery of, and security arrangements applying to, the works the subject of the offer are to Council's satisfaction; and
- the conditions applying to the transfer of the asset to the Council are to Council's satisfaction; and
- the provision of the works-in-kind will not unduly prejudice the timing or the manner of the provision of public amenities and public services included in the works program.

If it accepts an offer, the Council will require the applicant to enter into a written agreement for the provision of the works prior to the commencement of works or the development.

Works-in-kind agreements shall be made between the Council and the developer and (if the developer is not the land owner) the land owner.

Agreements shall specify (as a minimum) the works the subject of the offer, the Attributable Value of those works, the relationship between those works and this plan, the program for delivering the works.

4.3.4 Valuation of works-in-kind

The value of works offered as works-in-kind is the Attributable Cost of the works (or a proportion of the Attributable Cost if the offer involves providing only part of a work) indexed in accordance with the provisions of this plan.

The Attributable Cost of works will be used in the calculation of the value of any offset of monetary contributions indexed in accordance with this plan to the time the agreement is entered into.

The value of land will be the Attributable Cost of the land under this plan indexed in accordance with this plan to the time the agreement is entered into.

4.3.5 Provision of works-in-kind in excess of contribution requirements

It is at Council's discretion whether it will accept from a developer the provision of works-in-kind (which is the Attributable Cost of the works indexed in accordance with the provisions of this plan) where the value of the works exceeds the value of development contributions required by conditions of consent.

Where Council does agree to accept works with a value greater than the contributions required, Council will hold the 'surplus value' of the works as a credit in favour of the developer and will apply this credit against future development contribution requirements for the identified Area in this plan.

Developers providing works-in-kind that are in excess of their contribution requirements should not expect 'settle-up' monetary payment from Council until all contributions toward the provision of the works identified in this plan have been received from other developers of land in the Precinct that the development is situated in, and the surplus contributions are available to meet the payment.

4.3.6 Planning Agreements

Section 7.4 of the Act allows the negotiation of planning agreements between councils, developers, and/or other planning authorities for the provision of public purposes in connection with a development application.

At its absolute discretion Council will only consider a Planning Agreement where it will provide a net public benefit in excess of section 7.11 contributions and where the Planning Agreement will not place a burden on Council or the community. Applicants who may be considering a Planning Agreement are encouraged to consult Council's policy register.

5. Other administration matters

5.1 Relationship of this plan to other contributions plans

This plan does not limit or otherwise affect any requirements for the payment of special infrastructure contributions (**SICs**) pursuant to Subdivision 4 of Division 7.1 of Part 7 of the EP&A Act.

5.1.1 Wollondilly Development Contributions Plan 2011

This plan repeals Wollondilly Contributions Plan 2011 (WCP2011).

WCP 2011, prior to its repeal was part way through implementation. WCP 2011 address a similar range of local infrastructure that is addressed in this plan. This crossover between plans has therefore resulting in WCP 2011 forming the basis for the preparation of the works schedule for Area A – Shire of this plan

Funds collected under WCP 2011 will be directed to the provision of local infrastructure as follows:

- towards uncompleted but corresponding works or facilities in the works schedule in this plan;
- towards works or facilities in this plan that most closely meet the purpose for which the contributions were originally made;
- towards repaying internal and external borrowings from each relevant contributions account to which the contributions relate;
- Existing fund balances and any contributions received after 1 July 2019 will be directed to one or more of the above purposes.

5.1.2 Former Contributions Plan

The plan repeals Wollondilly Development Contributions Plans 1993, 2000 2005 and 2010.

Existing fund balances and any contributions received after 1 July 2019 will be directed towards the provision of items included in the works schedule of this plan.

5.2 Savings and transitional arrangements

A DA or application for a CDC which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date of determination of the application.

5.3 Adjustment of contributions to address the effects of inflation

The purpose of this section is to ensure that the monetary contributions at the time of development consent reflect the indexed cost of the provision of facilities included in this plan.

Monetary contribution rates in this plan and monetary contribution amounts in development consents will be regularly adjusted using the following indices:

- *Consumer Price Index – Sydney All Groups (CPI)* published by the Australian Statistician

Land Value Index (**LVI**) being the *Establish House Price Index: Eight Capital Cities – Sydney* published by the Australian Statistician. Council may, without the necessity of preparing a new or amending contributions plan, make changes to the monetary section 7.11 contribution rates set out in this plan to reflect:

- quarterly changes to the CPI for all works schedule items in this plan apart from the items comprising land yet to be acquired
- quarterly changes to the LVI for works schedule items in this plan comprising land yet to be acquired.

5.3.1 Contribution rates for all works schedule items (other than land yet to be acquired)

The contribution rate for works schedule items (other than land yet to be acquired) will be indexed as follows:

$$\frac{\$C_A \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

$\$C_A$ is the contribution rate for works schedule items (other than land yet to be acquired) at the time of adoption of the plan expressed in dollars

Current CPI is the CPI for the quarter immediately before the time the contribution rate is reviewed

Base CPI is the CPI at the date of adoption of this plan (June 2019 – 115.9)

The contribution rate will not be less than the contribution rate specified at the date of the adoption of this plan.

5.3.2 Contribution rates for works schedule items involving land yet to be acquired

The contribution rate for works schedule items involving land yet to be acquired will be indexed as follows:

$$\frac{\$CA \quad X \quad \text{Current LVI}}{\text{Base LVI}}$$

Where:

\$CA is the contribution rate for land yet to be acquired at the time of adoption of the plan expressed in dollars

Current LVI is the most recent LVI as published by the Council at the time of the review of the contribution rate

Base LVI is the LVI at the date of adoption of this plan (June 2019 – 158.1)

The contribution rate for land yet to be acquired will not be less than the contribution rate specified at the date of the adoption of this plan.

5.4 Adjustments to contributions in Consents

The purpose of this section is to ensure that the monetary contributions at the time payment comes due reflect the indexed cost of the provision of facilities included in this plan.

Monetary contribution amounts in consents will indexed as follows:

5.4.1 Contribution amounts for works (other than land yet to be acquired) in consents

The contribution amount or amounts included in a development consent for works schedule items (other than land yet to be acquired) will be indexed as follows:

$$\frac{\$C_A \quad X \quad \text{Current CPI}}{\text{Base CPI}}$$

Where:

\$C_A items is the contribution amount in the development consent for works schedule (other than land yet to be acquired) at the time the consent was issued, expressed in dollars

Current CPI is the CPI for the quarter immediately before the time the contribution amount is paid

Base CPI is the CPI for the quarter immediately before the date the development consent was issued

Note: The contribution amount will not be less than the contribution rate specified at the date of the adoption of this plan.

5.4.2 Contribution amounts for works schedule items involving land yet to be acquired in consents

The contribution amount for works schedule items involving land yet to be acquired will be indexed (subject to the Note) as follows:

$$\frac{\$C_A \quad \times \quad \text{Current LVI}}{\text{Base LVI}}$$

Where:

\$CA is the contribution amount in the development consent for land yet to be acquired at the time of the consent was issued, expressed in dollars

Current LVI is the most recent LVI as published by the Council at the time of payment of the contribution amount

Base LVI is the most recent LVI as published by the Council at the at the time the development consent was issued

The contribution rate for land yet to be acquired will not be less than the contribution rate specified at the date of the adoption of this plan.

5.5 Pooling of contributions funds

Council's ability to forward fund the infrastructure in this plan is very limited. Consequently, infrastructure provision is largely contingent upon the availability of contributions funds.

To provide a strategy for the orderly delivery of the public amenities and public services, this plan authorises monetary contributions paid for different purposes in accordance with the conditions of various development consents 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 the works schedules in the Technical Document.

In any case of the Council deciding whether to pool and progressively apply contributions funds, the Council must first be satisfied that such action will not unreasonably prejudice the delivery within a reasonable time, of the purposes for which the money was originally paid.

5.6 Goods and Services Tax

Items in the works schedule of this plan have been calculated without any GST component, in accordance with Australian Taxation Office rulings that were current at the time this plan was made.

5.7 Accountability and access to information

Council is required to comply with a range of financial accountability and public access to information requirements in relation to section 7.11 contributions. These are addressed in Divisions 5 and 6 of Part 4 of the EP&A Regulation and include:

- maintenance of, and public access to, a contributions register;
- maintenance of, and public access to, accounting records for contributions receipts and expenditure;
- annual financial reporting of contributions; and
- public access to contributions plans and supporting documents.

These records are available for inspection free of charge at the Council.

5.8 Review of plan without the need for public exhibition

Pursuant to clause 32(3) of the EP&A Regulation, Council may make certain minor adjustments or amendments to the plan without prior public exhibition and adoption by Council. Minor adjustments could include minor typographical corrections, amendments to rates resulting from changes in the indexes adopted by this plan or the omission of details concerning works that have been completed.

5.9 Review of works schedule

Substantial research has been applied to the derivation of the plan's works schedules and the planning for the location of all facilities has been completed but detailed design will be carried out in the development phase. The facilities will be developed in a manner that allows them to effectively serve the demand attributable to the anticipated development.

The infrastructure items included in this plan are based on strategic information. It is likely that, as the planning process for the different Areas proceed, modified and more cost effective solutions that still meet the planning objectives will be developed.

Council will prepare design concepts for the facilities so that specification and costing of the facilities can be more accurately defined as implementation of this plan proceeds. This may result in amendment of this plan.

Where alternatives to the works schedule are proposed by developers in conjunction with the development of areas (such as works-in-kind proposals), and the alternatives are approved by

the Council, the section 7.11 contribution applicable to a development the subject of a DA may be reviewed, or the works schedule in this plan updated, or both.

5.10 Dictionary

Except where indicated in this section, the definitions of terms used in this plan are the definitions included in the EP&A Act, EP&A Regulation and *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and *Wollondilly Local Environmental Plan 2011* are adopted by this plan.

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

Attributable cost means the estimated cost for each item in the works schedules set out in the Technical Document, which may differ from the final actual cost of the item. Attribute cost will be the value used in determining the amount of any offset of monetary contributions as a result of any works-in-kind proposal.

CDC means complying development certificate.

Council means Wollondilly Shire Council.

CPI means the *Consumer Price Index (All Groups - Sydney)* published by the Australia Statistician.

DA means development application.

DPIE means Department of Planning, Industry and Environment.

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

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

IPART means Independent Pricing and Regulatory Tribunal

Just Terms Act means the *Land Acquisition (Just Terms Compensation) Act 1991*.

LGA means local government area.

LVI means the Land Value Index means the Establish House Price Index: Eight Capital Cities – Sydney published by the Australian Statistician.

Planning agreement means a voluntary planning agreement referred to in section 7.4 of the EP&A Act.

Residential Accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached or abutting dwellings
- (b) boarding houses

- (c) dual occupancies
- (d) dwelling houses
- (e) group homes
- (f) hostels,
- (g) manor homes
- (h) multi dwelling housing
- (i) residential flat dwelling and buildings
- (j) rural workers' dwellings
- (k) secondary dwellings
- (l) semi-detached dwellings
- (m) seniors housing
- (n) shop top housing
- (o) studio dwellings.

Security means an unconditional bank guarantee from an Australian bank.

Seniors Living Dwelling means a self-contained dwelling defined in *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

SIC means special infrastructure contribution pursuant to Subdivision 4 of Division 7.1 of Part 7 of the EP&A Act.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 means the State Environmental Planning Policy amended from time to time.

Wilton Growth Area means the precinct identified in the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

Work-in-kind means the undertaking of a work or provision of a facility by an applicant which is already nominated in the works schedule of a contributions plan as a means of either fully or partly satisfying a condition of consent requiring development contributions to be made.

Works schedule means the schedule of the specific public amenities and public services for which contributions may be required as set out in this plan's technical document.