

Public Consultation Draft – December 2017

Environmental Planning and Assessment (Special Infrastructure Contribution – Rhodes East) Determination 2017

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, in pursuance of section 94EE of the *Environmental Planning and Assessment Act 1979*, make the following Determination.

Minister for Planning

Dated:

1 Name of Determination

This Determination is the *Environmental Planning and Assessment (Special Infrastructure Contribution – Rhodes East) Determination 2017*.

2 Commencement

This Determination takes effect on [insert date that is on or after the publication of the Determination in the Gazette].

3 Land to which Determination applies

This Determination applies to Rhodes East Special Contributions Area.

4 Object of Determination

The main object of this Determination is to provide for special infrastructure contributions to be made to the provision of public infrastructure in connection with the intensification of residential development in Rhodes East in Canada Bay as a result of changes to planning controls.

5 Definitions

(1) In this Determination:

contribution rate – see clauses 10 and 11.

developer means the person having the benefit of a development consent for the time being.

development consent does not include a complying development certificate.

Note. See Australian Bureau of Statistics website:
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6416.0Mar%202017?OpenDocument>.

infrastructure has the same meaning as it has in Subdivision 4 of Division 6 of Part 4 of the Act.

non-residential building construction index means the Producer Price Index (Catalogue No. 6427.0) for 3020 Non-residential building construction New South Wales, Table 17, Series ID A2333679F, issued by the Australian Bureau of Statistics.

planning agreement means a voluntary agreement referred to in section 93F of the Act with the Minister (whether or not another planning authority is also a party to the agreement).

public housing has the same meaning as in the *Housing Act 2001*.

residential accommodation means any of the following:

- (a) attached dwellings,
- (b) dual occupancies,
- (c) dwelling houses (but not secondary dwellings),
- (d) multi-dwelling housing,
- (e) residential flat buildings,
- (f) semi-detached dwellings,
- (g) a group of self-contained dwellings that is seniors housing,
- (h) shop top housing.

residential building work means development for the purpose of residential accommodation (other than residential subdivision).

residential land means land within any of the following land use zones under the relevant environmental planning instrument:

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone R4 High Density Residential,
- (e) Zone B1 Neighbourhood Centre,
- (f) Zone B2 Local Centre,
- (g) Zone B4 Mixed Use,

- (h) a land use zone, not included in the Standard Instrument, that is substantially equivalent to any of the above zones.

residential SIC development means development for which a special infrastructure contribution must be made under clause 6.

residential subdivision means surface subdivision of residential land, not being strata subdivision or community title subdivision, but including subdivision work.

Rhodes East Special Contributions Area means the land described in Schedule 5A to the Act as the land within the heavy black edging and shaded pink on the map marked “Rhodes East Special Contributions Area Map” deposited in the head office of the Department of Planning and Environment and approved by the Minister on the making of the *Environmental Planning and Assessment Amendment (Rhodes East Special Contributions Area) Order 2017*.

Note. A copy of the map identifying Rhodes East Special Contributions Area is reproduced in Schedule 1 for information and is also able to be viewed on the NSW legislation website: <http://www.legislation.nsw.gov.au/#/view/act/1979/203/maps>.

social housing provider means any of the following:

- (a) the New South Wales Land and Housing Corporation constituted by the *Housing Act 2001*,
- (b) the Department of Family and Community Services,
- (c) a registered community housing provider within the meaning of the Community Housing Providers National Law (NSW),
- (d) the Aboriginal Housing Office constituted by the *Aboriginal Housing Act 1998*,
- (e) a registered Aboriginal housing organisation within the meaning of the *Aboriginal Housing Act 1998*,
- (f) a provider of specialist disability accommodation under the *National Disability Insurance Scheme Act 2013* of the Commonwealth,
- (g) a local government authority that provides affordable housing,
- (h) a not-for-profit organisation that is a direct provider of rental housing to tenants.

special infrastructure contributions works-in-kind agreement – see clause 18.

Standard Instrument means the standard instrument for a principal local environmental plan prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

Sydney land (Eastern City) value index means the index of that name published by the NSW Government on the Department of Planning and Environment’s website.

the Act means the *Environmental Planning and Assessment Act 1979*.

- (2) Words or expressions used in this Determination have the same meaning as they have in the Act, unless otherwise defined.

Note. See section 4B of the *Environmental Planning and Assessment Act 1979* for the meaning of subdivision of land.

- (3) The following words or expressions have the same meanings as they have in the Standard Instrument:
- (a) attached dwelling,
 - (b) dual occupancy,
 - (c) dwelling,
 - (d) dwelling house,
 - (e) multi-dwelling housing,
 - (f) residential flat building,
 - (g) secondary dwelling,
 - (h) semi-detached dwelling,
 - (i) seniors housing,
 - (j) shop top housing.
- (4) If any index referred to in this clause ceases to be published or issued by the Australian Bureau of Statistics or the Department of Planning and Environment, a reference to the index is taken to be a reference instead to an index designated by the Minister for the purposes of this Determination.
- (5) A reference in this Determination to the Minister in relation to a special infrastructure contribution works-in-kind agreement includes a reference to the Secretary, or other officer of the Department of Planning and Environment, acting for and on behalf of the Crown in right of the State of New South Wales.

6 Development for which SIC must be made

- (1) Subject to this clause, a special infrastructure contribution must be made for development within Rhodes East Special Contributions Area involving either or both of the following:
- (a) residential building work,
 - (b) residential subdivision.

Note. A special infrastructure contribution may be imposed only as a condition of development consent. See the direction given by the Minister under section 94EF of the *Environmental Planning and Assessment Act 1979* to City of Canada Bay Council to impose a condition to require a special infrastructure contribution in accordance with this Determination on a grant of consent given after the date on which this Determination takes effect.

- (2) A special infrastructure contribution is not required for development that comprises only:
- (a) the carrying out of a work, or
 - (b) the demolition of a building or work.

Note. See the definition of “development” in section 4 of the *Environmental Planning and Assessment Act 1979*.

- (3) A special infrastructure contribution is not required to be made for residential building work (*new residential building work*) on land to which a development application relates if:
 - (a) a special infrastructure contribution or a contribution under a planning agreement has already been made for other residential building work on that land, and
 - (b) the new residential building work will not result in an increase in the number of dwellings on the land (whether contained in new buildings or existing buildings).
- (4) A special infrastructure contribution is not required to be made for residential building work on land to which a development application relates if:
 - (a) a special infrastructure contribution or a contribution under a planning agreement has already been made for a residential subdivision that has created the lot or lots of which the land is comprised, and
 - (b) the residential building work will not result in more than one dwelling on each lot created by the residential subdivision.
- (5) A special infrastructure contribution is not required to be made for development for the purpose of public housing or for the purpose of seniors housing or affordable housing carried out by or on behalf of a social housing provider.
- (6) A special infrastructure contribution is not required to be made for residential subdivision of land if:
 - (a) the only additional lot or lots to be created by the residential subdivision will be dedicated as public roads under the *Roads Act 1993* or as a public reserve or drainage reserve under the *Local Government Act 1993*, or
 - (b) the number of lots that will result from the subdivision is equal to or less than the number of lots of which the land is comprised when development consent for the subdivision is granted.
- (7) A special infrastructure contribution is not required to be made in respect of complying development for which a complying development certificate is issued.
- (8) An exclusion from the requirement to make a special infrastructure contribution provided by a subclause of this clause is not limited by the terms of an exclusion provided by any other subclause of this clause.

7 Development that is residential SIC development in part only

A special infrastructure contribution is required to be made for residential SIC development even if the development consent for the residential SIC development:

- (a) not only authorises development on land within Rhodes East Special Contributions Area, but also authorises development on land outside Rhodes East Special Contributions Area, or

- (b) also authorises development that is not residential SIC development.

8 Nature of contribution

- (1) The special infrastructure contribution for residential SIC development is to be made as:
- (a) a monetary contribution, or
 - (b) a contribution of a kind specified in a special infrastructure contribution works-in-kind agreement that is in force in relation to the residential SIC development (being the carrying out of works for the provision of infrastructure or the dedication or other provision of land for the purpose of that infrastructure), or
 - (c) a contribution specified in a planning agreement that applies to the residential SIC development where:
 - (i) the contribution required to be provided under the agreement is for the provision of an item (or part of an item) of infrastructure specified in Schedule 2 or for the dedication or other provision of land for the purpose of that infrastructure, and
 - (ii) the agreement does not exclude the application of section 94EF to the residential SIC development, and
 - (iii) the agreement provides that an obligation to make a special infrastructure contribution imposed by a condition of development consent for the residential SIC development in accordance with this Determination (or other determination under section 94EE that applies to the land on which the residential SIC development may be carried out) may be met (wholly or partly) by the provision of the contribution under the planning agreement.

Note. A special infrastructure contribution works-in-kind agreement is an agreement that is entered into after a development consent imposing an obligation to make a special infrastructure contribution has been granted. It is an agreement about how that obligation may be satisfied. A planning agreement as described in section 93F of the *Environmental Planning and Assessment Act 1979* is generally entered into before development consent is granted.

- (2) The special infrastructure contribution may comprise part of the amount of the monetary contribution otherwise payable and the balance as a contribution provided by a special infrastructure contribution works-in-kind agreement (or a planning agreement of a kind described in subclause (1) (c)).

Note. A special infrastructure contribution cannot be imposed as a condition of consent to the carrying out of development if a planning agreement made in accordance with section 93F of the *Environmental Planning and Assessment Act 1979* excludes the application of section 94EF to the development.

9 Amount of monetary contribution

The monetary contribution that is payable as a special infrastructure contribution for residential SIC development authorised by a development consent is the amount calculated as follows:

$$\$C_p = \$C_R (D_N + L_N)$$

where:

$\$C_p$ is the monetary contribution payable

D_N is the number of additional dwellings resulting from any proposed residential building work authorised by the consent (as determined in accordance with clause 12)

L_N is the number of additional residential lots in any proposed residential subdivision authorised by the consent (as determined in accordance with clause 13)

$\$C_R$ is the amount in dollars of the contribution rate, applicable at the date of payment, for the residential SIC development (as provided by clauses 10 and 11).

Note. See Schedule 3 for examples illustrating how the number of additional dwellings and the number of additional residential lots are to be determined in accordance with clauses 12 and 13 for the purpose of applying the above formula to calculate the contribution for a development.

10 Contribution rates for determining monetary contribution

- (1) The contribution rate that applies, at any time before 1 July 2018, in the calculation of the monetary contribution for residential SIC development is \$21,943 per dwelling or per lot, as the case may require.
- (2) The contribution rate that applies at any time during the 12 month period commencing 1 July 2018, and during each subsequent 12 month period, is to be determined by adjusting the amount of \$21,943 in accordance with clause 11 (“adjusted contribution amount”). Accordingly, the contribution rate for any such period is the adjusted contribution amount per dwelling or per lot.

11 Annual adjustment of contribution amount of \$21,943 in contribution rate

- (1) For the purposes of this clause, the contribution amount of \$21,943 is comprised of the following:
 - (a) \$18,526 (**infrastructure construction amount**),
 - (b) \$3,417 (**land acquisition amount**).
- (2) On 1 July 2018 and on 1 July in each subsequent year, the infrastructure construction amount and the land acquisition amount are to be adjusted as set out below:
 - (a) infrastructure construction amount – by multiplying \$18,526 by the following fraction:

$$\frac{\text{latest non-residential building construction number}}{\text{base non-residential building construction number}}$$
 - (b) land acquisition amount – by multiplying \$3,417 by the following fraction:

latest Sydney (Eastern City) land value index number/base Sydney (Eastern City) land value index number.

- (3) The sum of the amounts adjusted under subclause (2) on 1 July in any year is the adjusted contribution amount for the 12 month period commencing on 1 July in that year. However, if the sum of the amounts is not a whole number multiple of \$1, the amount is to be rounded up to the nearest whole number multiple of \$1.
- (4) In this clause, a reference, in relation to a specified index, to:
 - (a) a base number is a reference to the number specified in the index for the March quarter in 2017, and
 - (b) the latest number is a reference to the number specified in the index for the March quarter in the year in which the adjustment is made.

The March quarter is the quarter commencing on and including 1 January and ending on and including 31 March in the same year.

Note. The non-residential building construction number for the March quarter in 2017 was 111.4, according to the ABS website as at 22 July 2017.

12 Number of additional dwellings for determining monetary contribution

- (1) For the purpose of calculating the amount of the monetary contribution under clause 9, the number of additional dwellings authorised by the development consent for the residential SIC development (*the relevant development consent*) is, subject to this clause, the sum of:
 - (a) the number of dwellings that the consent authorises to be erected, including as a result of any extension or enlargement to an existing building, and
 - (b) the number of dwellings that will result from a change of use of an existing building that the consent authorises.
- (2) If a special infrastructure contribution has already been made under another development consent that authorised the creation of the lot or lots of which any land to which the relevant development consent relates is comprised, the number of additional dwellings is reduced by the number of such of those lots that were taken into account as additional residential lots in calculating the amount of that earlier contribution (not being lots specified in clause 13 (2)).
- (3) If a contribution has already been made under a planning agreement that applied to the subdivision that created the lot or lots of which any land to which the relevant development consent relates is comprised, the number of additional dwellings is reduced by the number of such of those lots in respect of which the earlier contribution under the agreement was determined.

- (4) However, the number of additional dwellings may be reduced on the basis of the number of lots or proposed lots that were taken into account in calculating an earlier contribution, as referred to in subclause (2) or (3), only for the purpose of calculating one subsequent contribution.
- (5) The number of additional dwellings is reduced by the number of any existing dwellings on the land that are authorised to be demolished by the relevant development consent.
- (6) Any dwelling that is to be provided for public housing, or provided for seniors housing or affordable housing by or on behalf of a social housing provider, is not an additional dwelling.
- (7) To avoid doubt, the number of additional dwellings authorised by the relevant development consent does not include:
 - (c) the number of existing dwellings on the land at the time that the relevant development consent was granted, or
 - (d) dwellings that are not residential accommodation.

13 Number of additional residential lots for determining monetary contribution

- (1) For the purpose of calculating the amount of the monetary contribution under clause 9, the number of additional residential lots in a proposed residential subdivision authorised by the development consent for the residential SIC development (*the relevant development consent*) is, subject to this clause:
 - (a) in the case of an initial residential subdivision, the number of proposed lots into which the land concerned is authorised to be subdivided by the consent, and
 - (b) in any other case, the number of proposed lots into which the land concerned is authorised to be subdivided by the consent less the number of lots of which the land is currently comprised.
- (2) A proposed lot of any of the following kinds is not an additional residential lot:
 - (a) a proposed lot on which there is an existing building (whether or not used, or authorised to be used, for residential accommodation),
 - (b) a proposed lot on which a new building (for residential accommodation or for any other use) is authorised to be erected by the relevant development consent (or another development consent that is in force),
 - (c) a proposed lot that is to be dedicated as a public road under the *Roads Act 1993* or as a public reserve or drainage reserve under the *Local Government Act 1993*,
 - (d) a proposed lot on which development for a purpose other than residential accommodation is lawfully carried out, or is authorised to be carried out (whether under the relevant development consent or another development consent), but

only if it is development that is permissible in the zone in which the proposed lot is located at the time the relevant development consent is granted.

- (3) Development is not development of a kind described in subclause (2) (d) if it is lawfully carried out only because it is an existing use within the meaning of Division 10 of Part 4 of the Act.
- (4) Despite subclause (2), a proposed lot is an additional residential lot if all of the following conditions are satisfied:
 - (a) any existing building or buildings on the lot do not comprise a dwelling or dwellings,
 - (b) the building or buildings are authorised to be demolished under any development consent or complying development certificate that is in force, or because its demolition is exempt development,
 - (c) no other use of the proposed lot has been authorised by a development consent that is in force.

Note. Even if there is an existing building on a proposed lot being used for a purpose other than housing (as referred to in subclause (2)), the lot attracts a contribution where that building can be demolished (without a further development consent) and no other use of the lot has yet been authorised.

- (5) An exclusion of a proposed lot as an additional residential lot by a paragraph of subclause (2) is not limited by the terms of an exclusion provided by another paragraph of that subclause.
- (6) In this clause, *initial residential subdivision* means the first residential subdivision of land in respect of which a special infrastructure contribution must be made in accordance with this Determination after it comes into effect, irrespective of whether the development consent for that subdivision also authorises residential building work on the same or another parcel of land.

However, if a contribution has already been made under a planning agreement before this Determination comes into effect in respect of the subdivision that created the lot or lots of which any land to which the relevant development consent relates is comprised, the subdivision concerned is not an initial residential subdivision.

- (7) To avoid doubt, a residential subdivision of land will not result in any additional residential lots if the number of proposed lots into which the land is to be subdivided is equal to or less than the number of lots of which it is currently comprised.
- (8) For the purposes of this clause:
 - (a) a proposed lot is not to be excluded from the determination of the number of additional residential lots merely because it is only partly located on residential land, and

- (b) a reference to a building does not include a reference to a temporary structure.

14 Final decision by Secretary of number of additional dwellings or lots

- (1) A developer is entitled under this Determination to a reduction in, or an exclusion from, the determination of the number of additional residential dwellings or additional residential lots provided by clause 12 or 13 only if the developer establishes the matters relevant to the reduction or exclusion to the Secretary's satisfaction.
- (2) The Secretary may make any decision required to be made for the purpose of calculating the special infrastructure contribution for residential SIC development in accordance with this Determination and, for that purpose, may have regard to any information available at the time, including information in an application for a construction certificate or modification of a construction certificate.

15 When a monetary contribution for residential SIC development must be paid

If a special infrastructure contribution for residential SIC development is to be made as a monetary contribution, it must be paid before:

- (a) any subdivision certificate is issued in relation to a plan of subdivision, where the relevant development consent authorises the subdivision (whether or not residential subdivision), or
- (b) any construction certificate (other than a construction certificate for subdivision work) is issued in relation to residential building work the subject of the relevant development consent,

whichever is the earlier.

Note. "Subdivision certificate" is defined in the *Environmental Planning and Assessment Act 1979*.

16 When a monetary contribution for residential SIC development involving residential subdivision must be paid

- (1) This clause applies to residential SIC development that involves residential subdivision, but not any new residential building work. However, this clause applies even if the development includes demolition of existing buildings.
- (2) Despite clause 15, if a subdivision certificate is sought for a plan of subdivision that would, on registration, create only some of the lots in the subdivision authorised by the relevant development consent, the monetary contribution for the residential SIC development may be paid progressively, with an amount being paid before the issue of each subdivision certificate for a plan of subdivision authorised by that consent.
- (3) The amount that must be paid before the issue of each subdivision certificate for a plan of subdivision is to be calculated as if the relevant development consent for the residential

SIC development applied only to the land for which the subdivision certificate is sought and the number of lots is the number of lots shown on that plan of subdivision.

- (4) If the residential subdivision involved is an initial residential subdivision (within the meaning of clause 13 (7)), the contribution amount that is payable:
 - (a) in the case of the first plan of subdivision for which a subdivision certificate is sought, is to be calculated applying clause 13 (1) (a), and
 - (b) in the case of any subsequent plan of subdivision for which a subdivision certificate is sought, is to be calculated applying clause 13 (1) (b).

17 Payment of monetary contribution where residential subdivision and new residential building work on different parts of land

- (1) This clause applies if a single development consent for residential SIC development authorises residential subdivision (but not residential building work other than demolition) on one parcel or parcels of land and residential building work (but not residential subdivision) on another parcel or parcels of land.
- (2) Despite clause 15, the special infrastructure contribution for the residential SIC development (if made as a monetary contribution) is to be paid:
 - (a) at the earliest time by which payment would, but for this clause, be required to be made for the residential SIC development as a whole, or
 - (b) as provided by subclause (3).
- (3) Separate monetary contributions may be made for the residential subdivision and for the new residential building work, respectively, as if separate development consents had been granted for these. Accordingly:
 - (a) the monetary contribution for the residential subdivision may be paid before the issue of a subdivision certificate in relation to the plan of subdivision (or in accordance with clause 16), and
 - (b) the monetary contribution for the residential building work may be paid before the issue of a construction certificate in relation to that work (unless a subdivision certificate is first sought for a plan under the *Community Land Development Act 1989* in relation to the land on which the building work is to be carried out).

18 Special infrastructure contribution works-in-kind agreement

- (1) For the purposes of this Determination, a special infrastructure contribution works-in-kind agreement is an agreement that meets the requirements set out in this clause.
- (2) A special infrastructure contribution works-in-kind agreement is an agreement between the Minister and the developer for the carrying out of works to provide an item (or part of

an item) of infrastructure specified in Schedule 2, or for the dedication or other provision of land for the purpose of any such infrastructure, in lieu (in part or in whole) of the payment of a monetary contribution for the development concerned.

- (3) A special infrastructure contribution works-in-kind agreement, in relation to the carrying out of works, is to:
- (a) specify or acknowledge the monetary contribution that would otherwise be payable for the residential SIC development, and
 - (b) describe the works that are to be or may be carried out by or on behalf of the developer to contribute to the provision of a specified item or items of infrastructure in lieu of a monetary contribution, and
 - (c) specify the attributable cost of the item or items of infrastructure and provide for the adjustment of that cost in a manner that is consistent with the adjustment of the contribution amount under this Determination, and
 - (d) provide that the maximum amount of the liability to make the special infrastructure contribution that may be discharged by the carrying out of the works is not to exceed the attributable cost of the item or items of the infrastructure, and
 - (e) provide for the nature or form of security to be provided by the developer for a failure to meet obligations with respect to the special infrastructure contribution or in circumstances where the works concerned are not completed by the time at which the contribution, if made as a monetary contribution, would have been required to be made under this Determination.
- (4) A special infrastructure contribution works-in-kind agreement, in relation to the dedication or other provision of land, is to:
- (a) specify or acknowledge the monetary contribution that would otherwise be payable for the residential SIC development, and
 - (b) specify the time by which the land is to be dedicated or otherwise provided, and
 - (c) specify the manner in which the value of that land is to be calculated, and
 - (d) provide for the nature or form of security to be provided by the developer for a failure to meet obligations with respect to the special infrastructure contribution or in circumstances where the land concerned is not dedicated or otherwise provided by the time at which the contribution, if made as a monetary contribution, would have been required to be made under this Determination.
- (5) In this clause, *attributable cost*, in relation to an item of infrastructure, means the amount specified in Schedule 2 for that item.

Note. The decision to negotiate or enter into a special infrastructure contribution works-in-kind agreement as proposed by a developer is entirely at the Secretary's discretion. The developer is not entitled to enter into any such agreement in lieu of making a monetary contribution. For example, if the NSW Government gives priority to providing one item of infrastructure over another, then the Secretary may decide not to agree to the developer providing that other item.

19 Part of special infrastructure contribution is for matters referred to in section 94ED (1) (d) of Act

- (1) For the purpose of section 94EE (3A) of the Act, 1.5% of a special infrastructure contribution required to be made by this Determination is for matters specified in section 94ED (1) (d) of the Act.

Note. The matters specified in section 94ED (1) (d) of the *Environmental Planning and Assessment Act 1979* are the carrying out of any research or investigation, preparing any report, study or instrument, and doing any other matter or thing in connection with the exercise of any statutory function under the Act, by the Minister, the corporation, the Secretary or the Department of Planning and Environment.

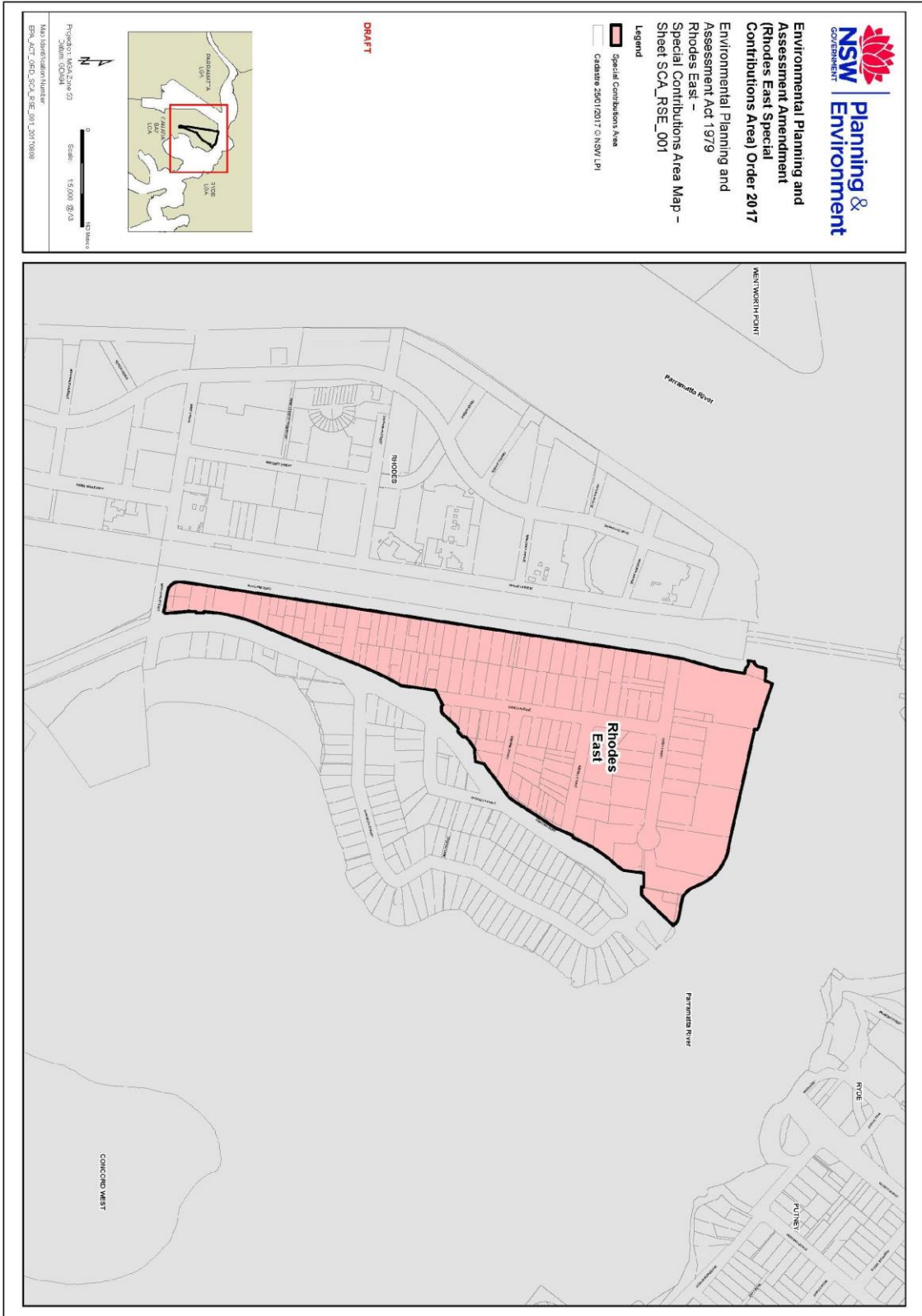
- (2) For the purposes of section 94F (6) of the Act, affordable housing is not a class of infrastructure for which special infrastructure contributions are required to be made by this Determination.

20 Reasons for the level and nature of special infrastructure contributions

For the purpose of section 94EE (5) of the Act, the reasons for the level and nature of special infrastructure contributions required to be made by this Determination are as follows:

- (a) to assist in providing adequate funding for regional public infrastructure (described in Schedule 2) in the Rhodes East Special Contributions Area,
 - (b) to ensure that future development bears a share of the cost of the provision of such infrastructure,
 - (c) to provide for the adjustment of special infrastructure contributions to reflect changes in economic conditions between the time of imposing the contribution and the time at which the contribution is made,
 - (d) to provide flexibility as to the manner in which special infrastructure contributions may be made,
 - (e) to ensure that special infrastructure contributions reflect a reasonable apportionment between the demand for infrastructure generated by existing development and the demand for that infrastructure that is likely to be generated by new development for which contributions must be paid,
 - (f) to ensure that the level of special infrastructure contributions does not adversely affect housing supply.
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SCHEDULE 1 – MAP FOR RHODES EAST SPECIAL CONTRIBUTIONS AREA



SCHEDULE 2 – LIST OF INFRASTRUCTURE

INFRASTRUCTURE SUMMARY	100% Attributable Cost
1. Roads	\$18,293,061
2. Education	\$20,907,574
3. Open Space and Conservation	\$9,090,841
4. Pedestrian and Cycle Improvements	\$25,418,186
5. Planning and Delivery	\$1,105,645
TOTAL	\$74,815,308
	<i>Capital</i> \$62,059,396
	<i>Land</i> \$11,650,266

RESIDENTIAL DWELLINGS	
Forecast Dwellings	3,589
Less allowance for undeveloped/pipeline	179
Total Dwellings	3,410

CONTRIBUTION RATE	\$/Dwelling
Residential Levy	\$21,943

INFRASTRUCTURE ITEMS	100% Attributable Cost
1. ROADS & BRIDGES	
R1 Concord Road upgrade (existing street)	\$3,707,061
R2 Concord Road/Averill Street Intersection Upgrade	\$14,586,000
Total	\$18,293,061
	<i>Capital</i> \$18,293,061
	<i>Land</i> \$47,000
2. EDUCATION	
E1 Primary School(s) - Land and/or Capital Works	\$16,634,688
E2 Secondary School(s) - Land and/or Capital Works	\$5,356,422
Total	\$21,991,110
	<i>Capital</i> \$10,904,308
	<i>Land</i> \$10,003,266
3. REGIONAL OPEN SPACE, RECREATION AND CONSERVATION	
OS1 Leeds Street Foreshore embellishment	\$9,090,841
Total	\$9,090,841
	<i>Capital</i> \$9,090,841
	<i>Land</i> \$0

INFRASTRUCTURE SUMMARY		100% Attributable Cost
4. PEDESTRIAN AND CYCLIST IMPROVEMENTS		
P1	Blaxland Road cycle path upgrade	\$5,642,710
P2	Railway overpass	\$3,451,877
P3	Pedestrian Bridge to McIlwaine Park	\$16,323,599
Total		\$25,418,186
		<i>Capital</i>
		\$23,818,186
		<i>Land</i>
		\$1,600,000
5. PLANNING AND DELIVERY		
Precinct Planning Costs		\$737,097
Precinct Delivery and SIC Review Costs		\$368,548
Total		\$1,105,645

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SCHEDULE 3 – EXAMPLES TO ILLUSTRATE CALCULATION OF CONTRIBUTIONS

The following are examples of how a development contribution for a residential SIC development is to be calculated by reference to the number of additional dwellings or additional residential lots authorised by a development consent. They illustrate how clauses 9, 12 and 13 are to be applied.

Example 1: Consent to extend residential flat building

Development consent is granted to extend a small residential flat building, currently containing 10 strata units. The consent authorises the residential flat building as enlarged or extended to contain 40 strata units. Accordingly, applying clause 12 (1), the number of additional dwellings for the purpose of calculating the special infrastructure contribution is 30.

Example 2: Consent for subdivision, followed by consent for construction of housing

Development consent is granted for the subdivision of one lot of vacant residential land into 5 lots. This is the first subdivision for which a special infrastructure contribution under the Determination is required to be made. A special infrastructure contribution is calculated on that basis under clauses 9 and 13 (1) (a) (that is, the amount payable is 5 x \$21,943). Later, development consent is sought for the construction of 3 dwellings on one of the lots ("multi-dwelling housing"). The number of additional dwellings authorised by that consent, as calculated under clause 12 (1), is 3 dwellings. However, because of clause 12 (2), that number must be reduced by one: the land to which the later development consent relates comprises a lot that was created in accordance with the earlier development consent for subdivision and was taken into account in calculating the contribution under that earlier consent. Accordingly, the special contribution payable under the later consent is 2 x \$21,943, not 3 x \$21,943.

Example 3: Consent for subdivision and construction of residential flat building and child care centre

Development consent is granted for the subdivision of one parcel of vacant residential land into 5 lots and for the construction of a residential flat building on one of those lots, comprising 20 strata units, and a child care centre on another of those lots. The subdivision is the first subdivision of land for which a contribution must be made under the Determination. Under clause 13 (1) (a), there are 5 "additional" residential lots. However, the number of lots to be used in the calculation of the special infrastructure contribution is 3, because clause 13 (2) has the effect that the proposed lots for the residential flat building and the child care centre, respectively, are excluded from the determination of the number of additional residential lots. Under clause 12, the number of additional dwellings authorised by the development consent is 20. Accordingly, applying the formula in clause 9, the amount of the contribution is 20 x \$21,943 + 3 x \$21,943.

Example 4: Consent for subdivision into super lots, followed by further consent for subdivision

Development consent is granted for the subdivision of a vacant lot of residential land into 4 "super" lots, being lots at least twice the minimum lot size permitted in the area. A contribution is paid on the basis of there being 4 additional residential lots resulting from the subdivision (clause 13 (1) (a)). Later, another development consent is granted for subdivision of one of those lots into 2 further lots. Accordingly, another contribution is payable on the basis of there being one additional residential lot resulting from the further subdivision (clause 13 (1) (b)).

Example 5: Consent for subdivision, demolition and construction of housing, followed by further consent for construction of housing on new lot

Development consent is granted for the initial residential subdivision into 5 lots of one parcel of land on which there is currently only one dwelling house. The consent authorises the demolition of the dwelling house and the construction of multi-dwelling housing (comprising 4 dwellings) on one of the proposed lots. Under clause 13, the number of additional residential lots is 3 (because both the proposed lot on which the dwelling-house is to be demolished and the proposed lot on which the multi-dwelling housing is to be constructed are not “additional residential lots” (clause 13 (2)). Under clause 12, the number of additional dwellings is 3, not 4, because the existing dwelling that is to be demolished can be “subtracted” from what would otherwise be the total number of additional dwellings on the land (clause 12 (5)). Accordingly, the contribution is equal to: (3 additional dwellings x \$21,943) + (3 additional residential lots x \$21,943).

If a further development consent is granted for multi-dwelling housing comprising 4 dwellings on the new lot where the dwelling house was demolished, then the contribution for that development is 4 x \$21,943, because the new lot was not treated as an additional lot when calculating the contribution payable under the earlier consent (see clause 12 (2)).

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