

# **Camden Growth Areas Contributions Plan Amendment 3**

## **Main Document**



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# 1. Introduction

## 1.1 Plan summary

The Camden Growth Areas are located within Sydney's South West Priority Growth Area. The Priority Growth Area is a significant development corridor that has been planned to accommodate over 100,000 new dwellings across 18 development precincts.

**Figure 1** shows the location of these development precincts, the names of the precincts situated in the Camden LGA, and the precincts covered by this contributions plan (i.e. Leppington, Leppington North and Lowes Creek Maryland).



**Figure 1 South West Priority Growth Area precincts in Camden LGA**

A range of new and augmented infrastructure needs to be planned, programmed, funded and delivered in order to sustain this planned development.

The infrastructure will be delivered or coordinated by a number of parties including State Government public authorities, State owned corporations, councils, developers and private providers.

Councils typically fund the provision of local infrastructure through a combination of general revenue (from rates and other charges), development contributions under Section 7.11 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, and grants from the State or Commonwealth governments.

*Note: The Environmental Planning and Assessment Amendment Act 2017 which passed on 1 March 2018 amended all references to Section 94 contained in the EP&A Act 1979, to Section 7.11.*

Much of the capital cost of local infrastructure in new urban areas is funded by Section 7.11 contributions as there is often a clear relationship between the need for new or upgraded infrastructure and population growth attributable to new development. Current State Government policy is that Section 7.11 contributions for residential development are capped, with the gap in funding for essential infrastructure to be met by funds provided under a special scheme called the Local Infrastructure Growth Scheme (or **LIGS**).

In accordance with '*Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2017*' issued on 17 July 2017, LIGS funding will eventually be phased out along with the contributions cap. For further details, please refer to section 3.3 of this plan.

This plan addresses the provision of public amenities and public services - or local infrastructure – needed in the Camden Growth Areas and that are intended to be delivered using Section 7.11 contributions imposed on new developments.

This infrastructure includes:

- open space and recreation facilities, such as recreation centres, sports fields, sports courts, playgrounds, walking trails and bike paths
- community and cultural facilities, such as cultural centres and multi-purpose community centres
- water cycle management facilities, such as detention basins, stormwater channels and gross pollutant traps
- traffic and transport management facilities, such as new roads and intersections.

The planning and development of several Camden Growth Area Precincts is well underway. Development contributions for these Precincts are addressed in other contributions plans adopted by the Council, or in planning agreements entered into with developers.<sup>1</sup>

From now on Council intends to take a comprehensive approach to contributions planning in the Camden Growth Areas by having a single plan apply to the remaining Precincts.

This plan applies to the following Camden Growth Areas:

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<sup>1</sup> Development contributions for Oran Park, Turner Road, Catherine Fields (Part) and East Leppington Precincts are addressed by other contributions plans and agreements

- Leppington North Precinct
- Leppington Precinct
- Lowes Creek Maryland Precinct.

This plan will be amended to include the contributions arrangements of other Camden Growth Areas when the Precincts are rezoned for urban development.

## 1.2 Legislative requirements

Section 7.11 of the EP&A Act authorises a consent authority responsible for determining a development application to grant consent to the proposed development subject to a condition requiring the payment of a monetary contribution, or the dedication of land free of cost, or a combination of them, towards the provision of public amenities and public services to meet the development.

Where the consent authority is a council or an accredited certifier, such a 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 has been prepared to authorise the imposition of Section 7.11 contributions on development expected to occur on land identified in section 1.7 of this plan.

This plan has been prepared:

- In accordance with the EP&A Act and *Environmental Planning and Assessment Regulation 2000* (**EP&A Regulation**)
- having regard to the latest practice notes issued by the NSW Department of Planning and Environment.

There are minimum requirements for Section 7.11 contributions plans set out in the EP&A Regulation. Each requirement and reference to the section or Part of this document that deals with that requirement are listed in **Table 1** below.

**Table 1 Legislative requirements**

Requirement	Section / Part
Purposes of the plan	Section 1.6
Land to which plan applies	Section 1.7
The relationship or nexus between the expected development and the public amenities and public services that are required to meet the demands of that development	Technical Document and Part 2 of Main Document
The formulas to be used for determining the contributions for different types of local infrastructure	Section 2.2
The contribution rates for the anticipated types of development	Main Document Appendices
Council's policy concerning the timing of the payment (including deferred or periodic payment) of monetary contributions	Sections 4.1 and 4.2
Maps showing the specific public amenities and services proposed to be provided by the council, supported by a works schedule that contains an estimate of their cost and staging	Technical Document
If the plan authorises monetary contributions paid for different purposes to be pooled and applied progressively for those	Section 5.4

Requirement	Section / Part
purposes, the priorities for the expenditure of the contributions, particularised by reference to the works schedule.	
In relation to the issue of a complying development certificate, the plan must provide that the payment of monetary contributions be made before the commencement of any building work or subdivision work authorised by the certificate.	Section 4.1
A contributions plan must not contain a provision that authorises the pooling of monetary contributions unless the council is satisfied that the pooling and progressive application of the money paid will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.	Section 5.4

### 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 will contributions 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 Camden Growth 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 infrastructure from the expected development, how the 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 infrastructure, and other relevant information that has been used to determine the contribution rates.

The information is presented on a Precinct basis, as follows:

- Part A Leppington North Precinct



- Part B      Leppington Precinct
- Part C      Lowes Creek Maryland.

#### **1.4      What is the name of this plan?**

This plan is called the Camden Growth Areas Contributions Plan Amendment 3.

#### **1.5      When did this plan commence?**

This plan commenced on 28 April 2023.

Development applications (**DAs**) and complying development certificates (**CDCs**) lodged before this date are subject to the transitional provision in section 5.2 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:

- Include the amendments directed by Minister of Planning (letter to Council dated 22 January 2019) such that the plan meets the requirements of Clause 5(3) of the Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction dated 28 July 2017 and deemed an 'IPART reviewed contributions plan'.
- 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 the Camden Growth Areas.
- To determine the demand for public facilities generated by the incoming population to the Camden Growth Areas 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 the Camden Growth Areas.
- 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 the Leppington, Leppington North and Lowes Creek Maryland Precincts identified in **Figure 1**.

## **1.8 What development does this plan apply to?**

Except as provided for by section 1.9, this plan applies to the following types of development:

- Residential accommodation development (including the subdivision of land) that would, if approved, result in a net increase in the resident population on the site once the land is developed and occupied. The occupancy assumptions contained in Table 2 of the Main Document will be used to determine the resident population.
- Retail, commercial and any other non residential development (including subdivision of land), where that development is the first development of the land after it has been rezoned for urban purposes.

## **1.9 What development is exempted?**

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

- a dwelling house on a single allotment of land where the dwelling house replaces an existing dwelling
- a dwelling house on a vacant allotment of land where a Section 7.11 contribution was imposed on that allotment under a development consent
- for the sole purpose of affordable housing
- for the sole purpose of the adaptive reuse of an item of environmental heritage
- public infrastructure provided by or on behalf of State Government or the Council
- public amenities or public services listed in this plan or another contributions plan prepared under Section 7.13 of the EP&A Act
- utility undertakings to be carried out by Sydney Water, Endeavour Energy or other water, sewer or energy provider
- residual lots, where no demand for public amenities or public services is generated
- super lots, where the final demand for public amenities or public services will be generated after a further subdivision of land
- development that in the opinion of the Council would not, if carried out, result in a net increase in demand for the any of the public amenities or public services addressed by this plan.

## 2. How are the contributions calculated?

### 2.1 Summary of contribution rates

Summaries of the contributions rates are included in the Appendices to this Main Document.

### 2.2 Summary of contribution rates formulas

#### 2.2.1 Social infrastructure

Contribution rates for open space and recreation facilities and community and cultural facilities 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 Precinct.

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

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

Where:

- $\$INF$  = The estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the infrastructure items required to meet the development.
- $P$  = The expected net additional resident population anticipated to occupy the development in the relevant Precinct, or the design population of the particular facility, as appropriate.

Per person contribution rates are converted to per dwelling contribution rates using the occupancy assumptions in **Table 2** for Leppington and Leppington North and **Table 3** for Lowes Creek Maryland.

**Table 2 Assumed dwelling occupancy rates – Leppington and Leppington North**

Development type	Group definition used in this plan	Occupancy rate
Single residential lot, dwelling house, dual occupancy (detached), rural workers' dwelling, secondary dwelling with a gross floor area greater than 60 square metres	Low Density Dwelling	3.4 persons per dwelling
Semi-detached dwelling, multi dwelling housing, terrace, dual occupancy (attached), dwelling house (abutting), manor home, secondary dwelling comprising two or more bedrooms with a gross floor area less than or equal to 60 square metres	Medium Density Dwelling	2.6 persons per dwelling

Development type	Group definition used in this plan	Occupancy rate
Shop top housing, studio dwelling, residential flat building,	High Density Dwelling	1.8 persons per dwelling
Self-contained dwelling in a seniors housing development	Seniors Living Dwelling	1.5 persons per dwelling
Boarding houses, group homes, hostels	NA	1 person per bed or 1 person per bedroom, whichever is the greater

**Table 3 Assumed dwelling occupancy rates – Lowes Creek Maryland**

Development type	Group definition used in this plan	Occupancy rate
Single residential lot, dwelling house, dual occupancy (detached), rural workers' dwelling, secondary dwelling containing three or more bedrooms	Low Density Dwelling	3.2 persons per dwelling
Semi-detached dwelling, multi dwelling housing, terrace, dual occupancy (attached), dwelling house (abutting), manor home, secondary dwelling containing two bedrooms	Medium Density Dwelling	2.9 persons per dwelling
Shop top housing, studio dwelling, residential flat building, secondary dwelling containing one bedroom	High Density Dwelling	1.9 persons per dwelling
Self-contained dwelling in a seniors housing development	Seniors Living Dwelling	1.5 persons per dwelling
Boarding houses, group homes, hostels	NA	1 person per bed or 1 person per bedroom, whichever is the greater

## Open space and recreation facilities in the Leppington North Precinct

An exception to the above formula applies in respect to the contribution rates for open space and recreation facilities in the Leppington North Precinct. This exception is to account for the likely use of open space and recreation facilities by workers and visitors in the Leppington Major Centre, in addition to residents. Details of how the contribution rates are determined for these facilities are included in sections A.2.4.9 and A.2.4.10 of the Technical Document.

### 2.2.2 Water cycle management, traffic and transport facilities

Contribution rates for water cycle management facilities and traffic and transport facilities are calculated on the expected net developable area, the costs of each facility, and the portion of the cost that should reasonably be met by the development in the relevant Precinct.

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

$$\text{Contribution per hectare of NDA} = \sum \left( \frac{\$INF}{NDA} \right)$$

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.

**NDA** = The expected total net developable area of the relevant Precinct, the development of which will generate the demand for each of the facilities.

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

### Net Developable Area

Net Developable Area (**NDA**) is a key concept in this plan and is one of the main assumptions used to determine contributions.

NDA represents the area of land that can be developed for economic purposes. Development of land is restricted by a number of factors, including natural constraints such as riparian and flood prone lands, and man-made constraints such as existing infrastructure, easements and other legal restrictions, and existing infrastructure such as gas and transmission lines. In addition to the existing constraints, there are future constraints. For example, certain land is needed to be set aside or reserved public purposes such as roads, government buildings, and education and health facilities and so on.

Refer to section 5.9 of the plan for the definition of NDA used by this plan.

## 2.3 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 the Appendices to 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 5.3.1 of this plan. Applicants should inquire at the Council for information on the latest contribution rates.

The total Section 7.11 contribution for residential accommodation development is calculated using the rates shown in the Appendices, as adjusted by section 5.3.1, less any allowance for existing social infrastructure demand arising from existing developments, if applicable (refer sections 2.2.1 and 2.5).

The total Section 7.11 contribution for other development is also calculated using the rates shown in the Appendices. Other development is generally levied contributions for water cycle management facilities and traffic and transport facilities only, and these contributions are imposed on the first urban development of the land after its rezoning for urban purposes.

An exception is that non residential development in the Leppington Major Centre within the Leppington North Precinct will also be levied contributions for open space and recreation facilities in recognition of the expected worker and visitor population in that centre who are likely to use such facilities.

## **2.4 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, including involvement in negotiating works-in-kind and material public benefit agreements.
- 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 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. The total costs are based on the Independent Pricing and Regulatory Tribunal (**IPART**) benchmark<sup>2</sup> of an allowance equivalent to 1.5% of the cost of capital works identified in the respective Precinct works schedules in this plan.

The 1.5% contribution appears as a line item in each Precinct's contribution rates schedule.

## **2.5 Allowances for existing development in the calculation of contributions toward social infrastructure**

Monetary contributions determined under this plan will be calculated according to the estimated net increase in demand for the particular public amenities and public services that are included in this plan that a particular development is projected to generate.

The Plan addresses the provision of:

- roads, transport, and drainage facilities (being 'economic infrastructure'); and
- open space, recreation, community and cultural facilities (being 'social infrastructure'),

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<sup>2</sup> Independent Pricing and Regulatory Tribunal of New South Wales (2014), *Local Infrastructure Benchmark Costs*, page 63

that have been designed to meet the needs of the urban development of each Precinct.

The planned economic infrastructure is to facilitate the conversion of the area from semi-rural development context to an urban development context. It is the wholesale re-development of the land for urban purposes (particularly through land subdivisions) that necessitates the provision of the economic infrastructure.

The economic infrastructure that existed in each Precinct at the time the land was rezoned for urban purposes did not meet the needs of the planned urban development to any degree. New road and drainage networks have to be designed and built to entirely meet those needs. No allowance will therefore be made for the demand for economic infrastructure attributable to development that existed at the time the land was rezoned for urban purposes.

The planned social infrastructure is also to facilitate that same conversion, however there are people already living in the area that demand and use social infrastructure. It is also likely that current populations will, to some extent, demand the recreation and community facilities that will be provided under this plan.

Consistent with the above, in calculating contributions under this Plan an allowance will be made (or credit will be given) for the demand for social infrastructure attributable to development that existed at the time the land was rezoned for urban purposes.

The existing development for which credits may be granted is identified on maps and schedules in sections A.1.1, B.1.1 and C.1.1 of the Technical Document.

Similarly, where a development involves replacing a residential accommodation development with another residential accommodation development, an allowance will be made (or credit will be given) for the demand for social infrastructure attributable to the development that existed prior to the replacement development. The replacement development's contribution toward social infrastructure in this plan will be based on the net increase in demand for such facilities. The net increase in demand will be calculated by determining the net increase in resident population using the assumed dwelling occupancy rates included in **Table 4** for Leppington and Leppington North and **Table 5** for Lowes Creek Maryland.

**Table 4 Assumed dwelling occupancy rates for determining social infrastructure credits – Leppington and Leppington North**

Development type	Occupancy rate
Single residential lot, dwelling house, dual occupancy (detached), rural workers' dwelling, secondary dwelling with a gross floor area greater than 60 square metres	3.4 persons per dwelling
Semi-detached dwelling, multi dwelling housing, terrace, dual occupancy (attached), dwelling house (abutting), manor home, secondary dwelling comprising 2 or more bedrooms with a gross floor area less than or equal to 60 square metres	2.6 persons per dwelling
Shop top housing, studio dwelling, residential flat building	1.8 persons per dwelling

Development type	Occupancy rate
Self-contained dwelling in a seniors housing development	1.5 persons per dwelling
Boarding houses, group homes, hostels	1 person per bed or 1 person per bedroom, whichever is the greater

**Table 5 Assumed dwelling occupancy rates for determining social infrastructure credits – Lowes Creek Maryland**

Development type	Occupancy rate
Single residential lot, dwelling house, dual occupancy (detached), rural workers' dwelling, secondary dwelling containing three or more bedrooms	3.2 persons per dwelling
Semi-detached dwelling, multi dwelling housing, terrace, dual occupancy (attached), dwelling house (abutting), manor home, secondary dwelling containing two bedrooms	2.9 persons per dwelling
Shop top housing, studio dwelling, residential flat building, secondary dwelling containing one bedroom	1.9 persons per dwelling
Self-contained dwelling in a seniors housing development	1.5 persons per dwelling
Boarding houses, group homes, hostels	1 person per bed or 1 person per bedroom, whichever is the greater



## 2.6 Summary of infrastructure costs and demands

### 2.6.1 Leppington North Precinct

**Table 6 Leppington North Precinct Essential Infrastructure Costs and Demands**

Infrastructure category	Category cost* (\$ million) (\$INF)	Demand in persons (P)	Demand in retail and commercial in square metres of GFA	Demand in hectares (NDA)
Open space and recreation land	45.9	4,816		
Open space and recreation works	19.2	4,816	724,005	
Community and cultural land	1.35	4,816		
Traffic and transport land	30.7			225.59
Traffic and transport works	35.8			225.59
Water cycle management land	29.3			225.59
Water cycle management works	18.2			225.59
Plan administration	1.1			225.59

\* cost that is apportioned to development in the Precinct

### 2.6.2 Leppington Precinct

**Table 7 Leppington Precinct Essential Infrastructure Costs and Demands**

Infrastructure category	Category cost* (\$ million) (\$INF)	Demand in persons (P)	Demand in hectares (NDA)
Open space and recreation land	173.4	25,919	
Open space and recreation works	57.9	25,919	
Community and cultural land	7.6	25,919	
Traffic and transport land	18.3		436.67
Traffic and transport works	100.4		436.67
Water cycle management land	120.9		436.67
Water cycle management works	54.9		436.67
Plan administration	3.2		436.67

\* cost that is apportioned to development in the Precinct

### 2.6.3 Lowes Creek Maryland Precinct

**Table 8 Lowes Creek Maryland Precinct Essential Infrastructure Costs and Demands**

Infrastructure category	Category cost* (\$ million) (\$INF)	Demand in persons (P)	Demand in hectares (NDA)
Open space and recreation land	135.9	20,735	
Open space and recreation works	96.3	20,735	
Community and cultural land	1.2	20,735	
Traffic and transport land	37		265.03
Traffic and transport works	67.8		265.03
Water cycle management land	42.0		265.03
Water cycle management works	60.8		265.03
Plan administration	3.4		265.03

\* cost that is apportioned to development in the Precinct

### 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.

The area of land that may be required in the consent shall not exceed the area equivalent to the monetary contribution otherwise authorised by this plan. Council will credit only the amount provided in the plan.

For the purposes of this section, the value of the land is to be calculated in accordance with the value of the land (including allowance for Just Terms Act matters) as indexed by the land value index established under this 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 value of the land exceeds the monetary development contribution otherwise authorised by this plan, the developer may offer to enter into a voluntary planning agreement dealing with an appropriate settle-up in exchange for the dedication of the remainder.

### 3.3 Cap on monetary Section 7.11 contributions for residential development

The Minister for Planning issued a Ministerial Direction under Section 7.17 of the EP&A Act effective from 17 July 2017 that restricts a consent authorities ability to impose conditions of consent requiring monetary Section 7.11 contributions on development for residential lots or dwellings in accordance with the thresholds for contributions rates specified in the Direction.

Consent authorities are only able to require monetary contributions in accordance with these revised contribution rate thresholds where the applicable contributions plan is an IPART reviewed contributions plan as outlined in the Local Infrastructure Contributions Practice Note January 2019 issued by the Department of Planning.

#### Camden Growth Areas Contributions Plan Amendment 1

The Camden Growth Areas Contributions Plan Amendment 1 was formally reviewed by IPART on May 2018 and was amended in accordance with the Minister for Planning's recommendations. Accordingly, development for the purposes of residential lots or dwellings within the Leppington and Leppington North Precincts under this contributions plan can now be conditioned requiring monetary contributions in accordance with the revised threshold contribution rates.

	Relevant Period	Maximum amount of contribution
1	1 January 2018 to 30 June 2018	\$35,000 for each dwelling or each residential lot if the applicable Camden/Liverpool contributions plan is an IPART reviewed contributions plan (when consent is granted) and \$30,000 for each dwelling or each residential lot in any other case
2	1 July 2018 to 30 June 2019	\$40,000 for each dwelling or each residential lot if the applicable Camden/Liverpool contributions plan is an IPART reviewed contributions plan (when consent is granted) and \$30,000 for each dwelling or each residential lot in any other case
3	1 July 2019 to 30 June 2020	\$45,000 for each dwelling or each residential lot if the applicable Camden/Liverpool contributions plan is an IPART reviewed contributions plan (when consent is granted) and \$30,000 for each dwelling or each residential lot in any other case
4	On and from 1 July 2020	An amount determined in accordance with the applicable Camden/Liverpool contributions plan if the applicable Camden/Liverpool contributions plan is an IPART reviewed plan

		or another IPART reviewed contributions plan (when consent is granted), and \$30,000 for each dwelling or each residential lot in any other case
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The application of the cap is determined by the date of development consent being granted by Council.

## Camden Growth Areas Amendment 2

The Camden Growth Areas Contributions Plan Amendment 2 includes new provisions for the Lowes Creek Maryland Precinct which have not been reviewed by IPART at the date of adoption of the Plan. The contribution rates levied on development for the purposes of residential lots or dwellings within the Lowes Creek Maryland Precinct are subject to the cap of \$30,000 per dwelling or residential lot as per the Ministerial Direction.

### 3.4 Contributions from development on land not yet zoned for urban purposes

This section applies to land that is identified in the Leppington and Leppington North Precincts, but has not yet been rezoned to permit urban development.

Contributions shall be levied on residential accommodation development on land to which this section applies for open space and recreation facilities, community and cultural facilities and plan management and administration only.

Contributions will not be levied on development for water cycle management facilities and transport management facilities on development until the land has been rezoned to permit urban purposes.

Any contributions levied and paid in respect to land affected by this section will be considered as a demand credit for calculating the contribution applying to any future development on that land.

### 3.5 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 s7.11 contribution rates shown in the Appendices to this Main Document reflect the contribution rates at the commencement date of Camden Growth Areas Contribution Plan Amendment 1 for the Leppington North and Leppington Precincts (15 March 2017) and at the commencement date of Camden Growth Areas Contribution Plan Amendment 2 for Lowes Creek Maryland Precinct (2 December 2022). These rates are regularly adjusted for inflation (see section 5.3.1 of this plan).

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

### 3.6 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 principal certifying authority 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.

A Section 7.11 condition would not generally be required to be imposed on a CDC unless the particular complying development will or is likely to require the provision of or increase the demand for the specific local infrastructure included in this Plan. For example, a new dwelling on a vacant allotment of land would not be subject to a Section 7.11 condition because Section 7.11 contributions would likely have been imposed and paid at the subdivision DA stage. However, a secondary dwelling CDC would be subject to a Section 7.11 condition under this Plan, because the development increases infrastructure demands beyond the original dwelling house development.

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 a letter confirming that an alternative payment method has been agreed with the applicant.

## **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 first subdivision certificate (linen plan) or strata certificate.
- Development that requires the issuing of a construction certificate - prior to the release of the first 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 section 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 5.3.2 of this plan).

### **4.2 Policy on deferred 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. Generally, 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.

If Council does decide to accept deferred or periodic payment, Council will require the applicant to provide a bank guarantee by a bank, with a minimum long term credit rating (Standard & Poors) of A, for the full amount of the contribution or the outstanding balance on condition that:

- the bank guarantee be for the total contribution amount, or the amount of the outstanding contribution, plus a provisional amount equal to 10 percent of the outstanding amount plus any charges associated with establishing or operating the bank security;
- the bank guarantee provides that the bank must pay the guaranteed sum on demand by the Council 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; and

- the bank obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank or financial institution in writing that the guarantee is no longer required.

Council is also entitled to claim any charges associated with establishing or operating the bank security. The applicant is to be provided with the details of any such expenses.

### **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 or provide another type of material public benefit (**MPB**) as means of satisfying development contributions required under the plan.

#### **4.3.1 Offers of MPB 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 work or provides another MPB 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 a planning agreement relating to the development accompanied by the draft agreement.

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 80A of the EP&A Act requiring the works to be carried out or the MPB to be provided.

If the applicant makes an offer to enter into a planning agreement, the Council will, if it proposes to enter into the agreement, publicly notify the draft agreement and an explanatory note relating to the draft agreement together with the DA in accordance with the requirements of the EP&A Act.

If the Council decides to grant consent to the development and agrees to enter into the planning agreement, it may impose a condition under s7.7 of the EP&A Act requiring the agreement to be entered into and performed.

It is Council's preference that voluntary planning agreements that it enters into be registered on the property title.

#### **4.3.2 Offers of MPB 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 not necessary for the consent to be amended under section 96 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 MPB:

- the requirements contained in any material public benefits or 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 material public benefit will not unduly prejudice the timing or the manner of the provision of public amenities and public services included in the works program.

Where the offer relates to works-in-kind, the offer shall be subject to any works-in-kind policy adopted by the Council.

Where the offer is made in accordance with section 4.3.2 and relates to a MPB that is not a works-in-kind proposal Council will consider the following additional matters:

- the overall benefit of the proposal; and
- whether the works schedule included this plan would require amendment; and
- the financial implications for cash flow and the continued implementation of the works schedule included in this plan (including whether Council would need make up for any shortfall in contributions by its acceptance of the offer); and
- the implications of funding the recurrent cost of the facility(s) the subject of the offer.

The acceptance of any offer of works-in-kind or other MPBs is entirely at Council's discretion.

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. If the offer is made by way of a draft planning agreement under the EP&A Act, Council will require the agreement to be entered into and performed via a condition in the development consent.

Works-in-kind and MPB 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 value of those works, the relationship between those works and this plan, the program for delivering the works. Planning agreements shall address the matters included in the EP&A Act and EP&A Regulation.

#### **4.3.4 Valuation of works-in-kind and other MPBs**

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 required under this plan.

The value of any other kind of MPB will be determined by a process agreed to between the Council and the person making the offer at the time the DA is being prepared.

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 and other MPBs 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) or other MPBs 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 that particular type of work.

For example, if works are provided that relate to the provision of a community facility that has a value greater than the community facility contribution required, then the difference (being the 'surplus value') will be held as a credit and will only be used to offset future requirements imposed on that developer to make development contributions for the purposes of community facilities.

That is, Council would not offset requirements to make contributions for the purposes of recreation facilities, open space land acquisition, plan administration or any other types of facilities required under this plan or any other contributions plan against this 'surplus value', as the surplus value relates only to the provision of community facilities.

Developers providing works-in-kind and other MPBs 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.

## 5. Other administration matters

### 5.1 Relationship of this plan to other contributions plans

This plan repeals:

- *Camden Contributions Plan 2011*, insofar as that plan applies to land to which this plan applies
- *Camden Section 94 Contribution Plan (Leppington North Precinct)*.
- *Camden Growth Areas Contribution Plan Amendment 1*

This plan does not limit or otherwise affect any requirements for the payment of special infrastructure contributions (**SICs**) pursuant to Subdivision 4 of Division 6 of Part 4 of the EP&A Act.

### 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 – Leppington and Leppington North

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

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

- A customised Land Value Index (**LVI**) prepared by Council and published on Council's website
- *Consumer Price Index – Sydney All Groups (CPI)* 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
- annual changes to the LVI for works schedule items in this plan comprising land yet to be acquired.

All works items for Leppington and Leppington North have adopted the CPI for December 2016 (110.9) as the base rate for any further indexation of contributions.

### 5.3.1 Contribution rates in Leppington and Leppington North

#### 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 (subject to the Note) 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 2016 - 109.3)

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

#### 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 (subject to the Note) as follows:

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

Where:

$\$C_A$  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 as published by the Council at the date of adoption of this plan (100.00)

Note: 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.

**Process for publishing the Land Value Index**

The Base LVI relates to the estimated values of the classes of land to be acquired at the date of adoption of this plan that were prepared by registered land valuers on Council’s behalf.

The estimated values for these land classes for each Precinct are shown in the Technical Document.

The Base LVI for all land classes in Leppington and Leppington North is set at 100.00 as at September 2019.

Council will, through the life of the plan, engage a registered valuer on at least an annual basis to review and (if necessary) update the LVI for each of the land classes.

The updated LVI will be obtained by dividing the value of the land class at the time of the review by the value of the land class at the date of adoption of this plan, and multiplying this figure by 100.

Council will publish updates to LVI on either its web site or in its Management Plan or both.

**5.3.2 Contribution amounts 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 (subject to the Note) as follows:

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

Where:

- \$C<sub>A</sub>** is the contribution amount in the development consent for works schedule items (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.

**Contribution amounts for works schedule items involving land yet to be acquired**

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

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

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

Note: 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 Adjustment of contributions to address the effects of inflation – Lowes Creek Maryland

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

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

- A customised Land Value Index (**LVI**) prepared by Council and published on Council's website
- Producer Price Index – Building construction New South Wales (**PPI-B**) published by the Australian Statistician
- Producer Price Index – Non-residential building construction New South Wales (**PPI-NR**) published by the Australian Statistician
- Producer Price Index – Road and bridge construction New South Wales (PPI-RB) published by the Australian Statistician
- Consumer Price Index – Sydney *All Groups* (**CPI**) 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 PPI-B, PPI-NR and PPI-RB for all works schedule items in this plan apart from the items comprising land yet to be acquired (or CPI if PPI-B, PPI-NR or PPI-RB are not available or are discontinued)
- quarterly changes to the LVI for works schedule items in this plan comprising land yet to be acquired.

The base rates which have been adopted for Lowes Creek Maryland are shown in **Table 9**.

**Table 9**                      **Lowes Creek Maryland Precinct base rates**

Indices	Base rate	Date	Application of indices
PPI-B	129.1	June 2021	Community facilities*
PPI-NR	123.7	June 2021	Open space embellishment
PPI-RB	120.9	June 2021	Transport and Stormwater works
CPI	119.4	June 2021	If PPI-B, PPI-NR or PPI-RB are not available or are discontinued

\*Community facilities are non-essential infrastructure and are not levied for via this plan, however the cost of community facility works and the PPI-B indices are included in the plan for Council's reference.

#### **5.4.1 Contribution rates in Lowes Creek Maryland**

##### **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 (subject to the Note) as follows:

$$\frac{\$C_A \times \text{Current PPI-NR or PPI-RB}}{\text{Base PPI-NR or PPI-RB}}$$

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 PPI-NR or PPI-RB is the applicable PPI-NR or PPI-RB for the quarter immediately before the time the contribution rate is reviewed

Base PPI-NR or PPI-RB is the applicable PPI-NR or PPI-RB at the date of adoption of this plan as shown in **Table 9**

Note: The contribution rate will not be less than the contribution rate specified at the date of the adoption of this plan. If PPI-NR or PPI-RB are not available or are discontinued, CPI may instead be used to index the contributions rate.

##### **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 (subject to the Note) as follows:



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

Where:

**\$C<sub>A</sub>** 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 as published by the Council at the date of adoption of this plan (100.00)

Note: 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.

### Process for publishing the Land Value Index

The Base LVI relates to the estimated values of the classes of land to be acquired at the date of adoption of this plan that were prepared by registered land valuers on Council's behalf.

The estimated values for these land classes for each Precinct are shown in the Technical Document.

The Base LVI for all land classes in Lowes Creek Maryland is set at 100.00 at the time this plan is adopted.

Council will, through the life of the plan, engage a registered valuer on a quarterly basis to review and (if necessary) update the LVI for each of the land classes.

The updated LVI will be obtained by dividing the value of the land class at the time of the review by the value of the land class at the date of adoption of this plan, and multiplying this figure by 100.

Council will publish updates to LVI on either its web site or in its Management Plan or both.

#### 5.4.2 Contribution amounts 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 (subject to the Note) as follows:

$$\frac{\$C_A \quad X \quad \text{Current PPI- NR or PPI-RB}}{\text{Base PPI-NR or PPI-RB}}$$

Where:

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

Current PPI-NR or PPI-RB is the applicable PPI-NR or PPI-RB for the quarter immediately before the time the contribution rate is reviewed

Base PPI-NR or PPI-RB is the applicable PPI-NR or PPI-RB at the date of adoption of this plan as shown in **Table 9**

Note: The contribution amount will not be less than the contribution rate specified at the date of the adoption of this plan. If PPI-NR or PPI-RB are not available or are discontinued, CPI may instead be used to index the contributions rate.

### Contribution amounts for works schedule items involving land yet to be acquired

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

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

Where:

$\$C_A$  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

Note: 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 EPA 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 and amendments to rates resulting from changes in the indexes adopted by this plan (see section 5.3.1 of this plan).

## **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 Precincts proceeds, 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 the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*, are adopted by this plan.

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

**ARI** means annual recurrence interval.

**Attributable cost** means the estimated cost for each item in the works schedules set out in Parts A.3 and B.3 of the Technical Document, which may differ from the final actual cost of the item. It 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 The Council of Camden.

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

**DA** means development application.

**DPE** means Department of Planning and Environment.

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

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

**GFA** means gross floor area.

**Heritage curtilage** means the area of ground that is directly connected with the functioning or inhabitation of the heritage protected structure.

**High Density Dwelling** means a dwelling in any of the following types of residential accommodation development:

- (a) shop top housing
- (b) studio dwelling
- (c) residential flat building.

**ILP** means an Indicative Layout Plan.

**IPART** means Independent Pricing and Regulatory Tribunal

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

**LGA** means local government area.

**Low Density Dwelling** means a dwelling in any of the following types of residential accommodation development:

- (a) dwelling house
- (b) dual occupancy (detached)
- (c) rural workers' dwelling
- (d) secondary dwelling with a gross floor area greater than 60 square metres.

**LIGS** means the Local Infrastructure Growth Scheme that provides funds to councils to meet the cost of essential infrastructure in an area that is not otherwise funded by developers' Section 7.11 contributions, or any similar scheme introduced by the NSW Government for this purpose.

**LVI** means the Land Value Index published annually by the Council on its website or in its Management Plan, or both.

**Medium Density Dwelling** means a dwelling in any of the following types of residential accommodation development:

- (a) semi-detached dwelling
- (b) multi dwelling housing
- (c) attached dwelling
- (d) dual occupancy (attached)
- (e) dwelling house (abutting)
- (f) manor home
- (g) secondary dwelling comprising 2 or more bedrooms with a gross floor area less than or equal to 60 square metres.

**MPB** means material public benefit.

**NDA** means Net Development Area.

**Net Developable Area** means the area of land to which a DA or CDC relates and includes the area of any land that the development consent authorises, or requires, to be used as a road, or reserved or dedicated as a public road but excludes:

- (a) land identified in this plan's Technical Document as being excluded from Net Developable Area
- (b) existing roads to be used as part of the proposed road network
- (c) any part of the land that is below the level of a 1:100 ARI flood event, if that part of the land is unsuitable for development by virtue of it being at or below that level
- (d) any land to be reserved, dedicated or otherwise set aside as, or for the purpose of, any of the following:
  - (i) a government school (within the meaning of the *Education Act 1990*)
  - (ii) a tertiary institution, including a university or TAFE establishment, that provides formal education and is constituted by or under an Act

- (iii) an emergency services facility
- (iv) a health services facility owned and operated by a public authority
- (v) a golf course
- (vi) a passenger transport facility
- (vii) a public reserve or a drainage reserve (within the meaning of the *Local Government Act 1993*)
- (viii) an easement for an above-ground electricity transmission line
- (ix) a public transport corridor (other than a road corridor)
- (x) a public utility undertaking
- (xi) roads or other public amenities or public services, in connection with which development contributions have been imposed under Section 7.11 or Section 7.12 of the Act or may be imposed in accordance with a contributions plan approved under Section 7.18 of the EP&A Act
- (xii) roads or other infrastructure in connection with which SICs have been, or may be, imposed in accordance with Section 7.24 of the EP&A Act.

**OEH** means the NSW Office of Environment and Heritage.

**OSD** means on site detention.

**Planning agreement** means a voluntary planning agreement referred to in section 93F of the EP&A Act.

**PPI-B** means the Producer Price Index means the – Building construction New South Wales published by the Australian Statistician.

**PI-NR** means the Producer Price Index – Non-residential building construction New South Wales published by the Australian Statistician.

**PPI-RB** means the Producer Price Index – Road and bridge construction New South Wales published by the Australian Statistician.

**Precinct** means the area identified as a precinct in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

**Priority Growth Area** means the South West Priority Growth Area shown in **Figure 1**.

**Security** means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by an eligible financial institution consistent with credit rating requirements detailed in Treasury Circular NSW TC 08/01 or equivalent revised version.

**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.

**Social infrastructure** means the open space and recreation facilities and community and cultural facilities addressed by this plan.

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

**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.

**WSUD** means water sensitive urban design.

## **APPENDIX A**

### **Leppington North contribution rates**



## Summary of Contribution Rates: LEPPINGTON NORTH PRECINCT

ESSENTIAL INFRASTRUCTURE MONETARY CONTRIBUTION RATES		RESIDENTIAL DEVELOPMENT					NON RESIDENTIAL DEVELOPMENT LOCATED IN THE B3, B4, B5 AND B7 ZONES	ALL DEVELOPMENT
Item	Item Total Cost	\$ per additional resident	\$ per Low Density Dwelling or residential lot; \$ per Secondary Dwelling > 60m <sup>2</sup> GFA	\$ per Medium Density Dwelling; \$ per 2 bed Secondary Dwelling <= 60m <sup>2</sup> GFA	\$ per High Density Dwelling	\$ per Seniors Living Dwelling	\$ per 100m <sup>2</sup> of Non Residential GFA	\$ per hectare of NDA
Open Space								
Land	\$45,947,996	\$6,298	\$21,413	\$16,375	\$11,337	\$9,447.09	\$2,157	
Works	\$19,183,516	\$2,629	\$8,940	\$6,837	\$4,733	\$3,944.21	\$901	
<b>Subtotal</b>	<b>\$65,131,512</b>	<b>\$8,928</b>	<b>\$30,354</b>	<b>\$23,212</b>	<b>\$16,070</b>	<b>\$13,391</b>	<b>\$3,058</b>	<b>-</b>
Community Facilities								
Land	\$1,346,920	\$280	\$951	\$727	\$503	\$420		
<b>Subtotal</b>	<b>\$1,346,920</b>	<b>\$280</b>	<b>\$951</b>	<b>\$727</b>	<b>\$503</b>	<b>\$420</b>	<b>-</b>	<b>-</b>
Roads								
Land	\$30,676,188	See right hand column	See right hand column	See right hand column	See right hand column	See right hand column	See right hand column	\$136,478
Works	\$35,822,130	See right hand column	See right hand column	See right hand column	See right hand column	See right hand column	See right hand column	\$159,372
<b>Subtotal</b>	<b>\$66,498,318</b>							<b>\$295,851</b>
Drainage								
Land	\$29,275,360	See right hand column	See right hand column	See right hand column	See right hand column	See right hand column	See right hand column	\$129,772
Works	\$18,178,398	See right hand column	See right hand column	See right hand column	See right hand column	See right hand column	See right hand column	\$80,582
<b>Subtotal</b>	<b>\$47,453,758</b>							<b>\$210,354</b>
Plan Administration								
Allowance	\$1,097,761	See right hand column	See right hand column	See right hand column	See right hand column	See right hand column	See right hand column	\$4,884
<b>Subtotal</b>	<b>\$1,097,761</b>							<b>\$4,884</b>
<b>TOTAL</b>	<b>\$181,528,269</b>							

## Summary of Contribution Rates: LEPPINGTON NORTH PRECINCT

NON ESSENTIAL INFRASTRUCTURE MONETARY CONTRIBUTION RATES		RESIDENTIAL DEVELOPMENT					NON RESIDENTIAL DEVELOPMENT LOCATED IN THE B3, B4, B5 AND B7 ZONES	ALL DEVELOPMENT
Item	Item Total Cost	\$ per additional resident	\$ per Low Density Dwelling or residential lot; \$ per Secondary Dwelling > 60m2 GFA	\$ per Medium Density Dwelling; \$ per 2 bed Secondary Dwelling <= 60m2 GFA	\$ per High Density Dwelling	\$ per Seniors Living Dwelling	\$ per 100m <sup>2</sup> of Non Residential Accommodation GFA	\$ per hectare of NDA
Community Facilities								
Works	\$6,829,198	\$1,418	\$4,821	\$3,687	\$2,552	\$2,127		
<b>Subtotal</b>	<b>\$6,829,198</b>	<b>\$1,418</b>	<b>\$4,821</b>	<b>\$3,687</b>	<b>\$2,552</b>	<b>\$2,127</b>	-	-
Open Space								
Works	\$1,176,939	\$244.38	\$831	\$635	\$440	\$367	\$55	
<b>Subtotal</b>	<b>\$1,176,939</b>	<b>\$244</b>	<b>\$831</b>	<b>\$635</b>	<b>\$440</b>	<b>\$367</b>	<b>\$55</b>	
<b>TOTAL</b>	<b>\$8,006,137</b>	<b>\$1,662</b>	<b>\$5,652</b>	<b>\$4,322</b>	<b>\$2,992</b>	<b>\$2,494</b>	<b>\$55</b>	

## Summary of Contribution Rates: LEPPINGTON NORTH PRECINCT

LAND CONTRIBUTION RATES		RESIDENTIAL DEVELOPMENT					NON RESIDENTIAL DEVELOPMENT LOCATED IN THE B3, B4, B5 AND B7 ZONES	ALL DEVELOPMENT
Item	Item Total Area (m <sup>2</sup> )	m <sup>2</sup> per additional resident	m <sup>2</sup> per Low Density Dwelling or residential lot; \$ per Secondary Dwelling > 60m <sup>2</sup> GFA	m <sup>2</sup> per Medium Density Dwelling; \$ per 2 bed Secondary Dwelling <= 60m <sup>2</sup> GFA	m <sup>2</sup> per High Density Dwelling	m <sup>2</sup> per Seniors Living dwelling	m <sup>2</sup> per 100m <sup>2</sup> of of Non Residential GFA	m <sup>2</sup> per hectare of NDA
Open Space								
Land	193,972	26.59	90.40	69.13	47.86	39.88	9.11	
Community Facilities								
Land	3,436	0.71	2.43	1.86	1.28	1.07		
Roads								
Land	91,392	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	406.60
Drainage								
Land	151,112	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	672.30
<b>TOTAL</b>	<b>439,912</b>							

## **APPENDIX B**

### **Leppington contribution rates**

## Summary of Contribution Rates: LEPPINGTON PRECINCT

ESSENTIAL INFRASTRUCTURE		RESIDENTIAL DEVELOPMENT					ALL DEVELOPMENT
Item	Item Total Cost	\$ per additional resident	\$ per Low Density Dwelling or residential lot	\$ per Medium Density Dwelling; \$ per 2 bed Secondary Dwelling <= 60m <sup>2</sup> GFA	\$ per High Density Dwelling	\$ per Seniors Living Dwelling	\$ per hectare of NDA
Open Space							
Land	\$173,349,703	\$6,688	\$22,739	\$17,389	\$12,038	\$10,032	
Works	\$57,916,573	\$2,234	\$7,597	\$5,810	\$4,022	\$3,352	
<b>Subtotal</b>	<b>\$231,266,276</b>	<b>\$8,923</b>	<b>\$30,337</b>	<b>\$23,199</b>	<b>\$16,061</b>	<b>\$13,384</b>	
Community Facilities							
Land	\$7,629,775	\$294.37	\$1,001	\$765	\$530	\$442	
<b>Subtotal</b>	<b>\$7,629,775</b>	<b>\$294</b>	<b>\$1,001</b>	<b>\$765</b>	<b>\$530</b>	<b>\$442</b>	
Roads							
Land	\$18,302,480	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	\$41,914
Works	\$100,390,593						\$229,901
<b>Subtotal</b>	<b>\$118,693,073</b>						<b>\$271,815</b>
Drainage							
Land	\$120,943,738	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	\$276,969
Works	\$54,854,463						\$125,620
<b>Subtotal</b>	<b>\$175,798,202</b>						<b>\$402,590</b>
Plan Administration							
Allowance	\$3,197,424	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	\$7,322
<b>Subtotal</b>	<b>\$3,197,424</b>						<b>\$7,322</b>
<b>TOTAL</b>	<b>\$536,584,750</b>						

## Summary of Contribution Rates: LEPPINGTON PRECINCT

NON ESSENTIAL INFRASTRUCTURE		RESIDENTIAL DEVELOPMENT					ALL DEVELOPMENT
Item	Item Total Cost	\$ per additional resident	\$ per Low Density Dwelling or residential lot	\$ per Medium Density Dwelling; \$ per 2 bed Secondary Dwelling <= 60m2 GFA	\$ per High Density Dwelling	\$ per Seniors Living Dwelling	\$ per hectare of NDA
Community Facilities							
Works	\$30,354,884	\$1,171.13	\$3,982	\$3,045	\$2,108	\$1,757	
<b>Subtotal</b>	<b>\$30,354,884</b>	<b>\$1,171</b>	<b>\$3,982</b>	<b>\$3,045</b>	<b>\$2,108</b>	<b>\$1,757</b>	-
Open Space							
Works	\$774,122	\$29.87	\$102	\$78	\$54	\$45	
<b>Subtotal</b>	<b>\$774,122</b>	<b>\$30</b>	<b>\$102</b>	<b>\$78</b>	<b>\$54</b>	<b>\$45</b>	-
<b>TOTAL</b>	<b>\$31,129,006</b>	<b>\$1,201</b>	<b>\$4,083</b>	<b>\$3,123</b>	<b>\$2,162</b>	<b>\$1,801</b>	

## Summary of Contribution Rates: LEPPINGTON PRECINCT

LAND CONTRIBUTION RATES		RESIDENTIAL DEVELOPMENT					ALL DEVELOPMENT
Item	Item Total Area (m <sup>2</sup> )	m <sup>2</sup> per additional resident	m <sup>2</sup> per Low Density Dwelling or residential lot	m <sup>2</sup> per Medium Density Dwelling	m <sup>2</sup> per High Density Dwelling	m <sup>2</sup> per Seniors Living dwelling	m <sup>2</sup> per hectare of NDA
Open Space							
Land	595,654	22.98	78.14	59.75	41.37	34.47	
Community Facilities							
Land	23,785	0.92	3.12	2.39	1.65	1.38	
Roads							
Land	62,739	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	143.68
Drainage							
Land	580,154	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	1328.59
<b>TOTAL</b>	<b>1,262,332</b>						

## **APPENDIX C**

### **Lowes Creek Maryland contribution rates**



## Summary of contribution rates: LOWES CREEK MARYLAND

ESSENTIAL INFRASTRUCTURE		RESIDENTIAL DEVELOPMENT					ALL DEVELOPMENT
Item	Item Total Cost	\$ per additional resident	\$ per Low Density Dwelling or residential lot; \$ per 3 bed Secondary Dwelling	\$ per Medium Density Dwelling; \$ per 2 bed Secondary Dwelling	\$ per High Density Dwelling; \$ per 1 bed Secondary dwelling	\$ per Seniors Living Dwelling	\$ per hectare of NDA
Open Space							
Land	\$142,795,834	\$6,887	\$22,038	\$19,972	\$15,839	\$10,330	
Works	\$96,174,151	\$4,638	\$14,842	\$13,451	\$10,668	\$6,957	
<b>Subtotal</b>	<b>\$238,969,985</b>	<b>\$11,525</b>	<b>\$36,880</b>	<b>\$33,423</b>	<b>\$26,508</b>	<b>\$17,288</b>	
Community Facilities							
Land	\$1,313,147	\$63	\$203	\$184	\$146	\$95	
<b>Subtotal</b>	<b>\$1,313,147</b>	<b>\$63</b>	<b>\$203</b>	<b>\$184</b>	<b>\$146</b>	<b>\$95</b>	
Roads							
Land	\$35,394,103	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	\$133,546
Works	\$62,043,445						\$234,097
<b>Subtotal</b>	<b>\$97,437,548</b>						<b>\$367,642</b>
Stormwater							
Land	\$40,068,450	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	\$151,183
Works	\$60,859,895						\$229,631
<b>Subtotal</b>	<b>\$100,928,345</b>						<b>\$380,814</b>
Plan Administration							
Allowance	\$3,286,162	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	\$12,399
<b>Subtotal</b>	<b>\$3,286,162</b>						<b>\$12,399</b>
<b>TOTAL</b>	<b>\$441,935,188</b>	<b>\$11,588</b>	<b>\$37,083</b>	<b>\$33,606</b>	<b>\$26,653</b>	<b>\$17,383</b>	<b>\$760,855</b>

Summary of contribution rates: LOWES CREEK MARYLAND

NON-ESSENTIAL INFRASTRUCTURE MONETARY CONTRIBUTION RATES		RESIDENTIAL DEVELOPMENT					ALL DEVELOPMENT
Item	Item Total Cost	\$ per additional resident	\$ per Low Density Dwelling or residential lot	\$ per Medium Density Dwelling; \$ per 2 bed Secondary Dwelling <= 60m <sup>2</sup> GFA	\$ per High Density Dwelling	\$ per Seniors Living Dwelling	\$ per hectare of NDA
Community Facilities							
Works	\$7,031,250	\$339	\$1,085	\$983	\$780	\$509	
Subtotal	\$7,031,250	\$339	\$1,085	\$983	\$780	\$509	
TOTAL	\$7,031,250	\$339	\$1,085	\$983	\$780	\$509	

## Summary of contribution rates: LOWES CREEK MARYLAND

LAND CONTRIBUTION RATES		RESIDENTIAL DEVELOPMENT					ALL DEVELOPMENT
Item	Item Total Area (m <sup>2</sup> )	m <sup>2</sup> per additional resident	m <sup>2</sup> per Low Density Dwelling or residential lot; m <sup>2</sup> per 3 bed Secondary Dwelling	m <sup>2</sup> per Medium Density Dwelling; m <sup>2</sup> per 2 bed Secondary Dwelling	m <sup>2</sup> per High Density Dwelling; m <sup>2</sup> per 1 bed Secondary dwelling	m <sup>2</sup> per Seniors Living Dwelling	m <sup>2</sup> per hectare of NDA
Open Space							
Land	616,508	29.73	95.15	86.23	68.39	44.60	
Community Facilities							
Land	9,441	0.46	1.46	1.32	1.05	0.68	
Roads							
Land	126,053	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	475.61
Stormwater							
Land	296,707	see right hand column	see right hand column	see right hand column	see right hand column	see right hand column	1,119.51
<b>TOTAL</b>	<b>1,048,709</b>						