

# DEVELOPER CONTRIBUTIONS REPORT

August 2010

## 1. INTRODUCTION

This Developer Contributions report has been prepared on behalf of Discovery Point Pty Limited (Discovery Point P/L) in relation to a Concept Plan proposal for a mixed use development on the Discovery Point site at Wolli Creek.

The purpose of this report is to estimate the future Section 94 contributions payable for development of the site subject to the Concept Plan, to outline the proposed provision of works that will deliver a material public benefit within the Discovery Point site, and to establish a framework for the calculation of offsets against future application of Section 94 contributions accounting for proposed provision of material public benefits.

## 2. CONCEPT PLAN PROPOSAL

The Concept Plan application comprises a mixed use development including:

- Building envelopes and layout for 14 new buildings, a new Neighbourhood Park, a new Waterfront Park, a new Station Park, completion of Discovery Point Park, street layouts and pedestrians links, plazas and public domain works;
- Residential, non-residential and open space uses permitted in the Mixed Use 10(a1) and Open Space 6(c) zones;
- A maximum gross floor area across the site of 132,000m<sup>2</sup> (excluding car parking GFA);
- A minimum non-residential gross floor area of 9,000m<sup>2</sup>;
- A maximum residential gross floor area of 123,000m<sup>2</sup>;
- A maximum above ground parking gross floor area of 14,000m<sup>2</sup>;
- A residential unit mix across the development;
- Minimum apartment sizes; and
- Parking rates to be utilised across the development.

The Concept Plan application is accompanied by an Indicative Design Scheme prepared by Bates Smart Architects which demonstrates one indicative design for the proposed Concept Plan. The estimated number of dwellings and retail and commercial gross floor areas contained in the indicative design scheme have been used in this report as a guide to calculating anticipated future Section 94 contributions for the site. The indicative design scheme includes the following estimates:

**Table 1: Summary of Indicative Design Scheme**

Uses	Dwelling Type	Estimates as per indicative design scheme
Residential Uses	Studios/1 bedroom apartment	733 apartments
	Two bedroom apartment	587 apartments
	Three bedroom + apartment	147 apartments
	Total number of dwellings	1,467 apartments
Non-residential uses	Supermarket	1,200m <sup>2</sup>
	Other retail	3,185m <sup>2</sup>
	Commercial	5,576m <sup>2</sup>

Source: Discovery Point P/L and Bates Smart

### 3. MATERIAL PUBLIC BENEFITS

The Concept Plan proposes to provide the following works and land dedications within the Discovery Point site which will deliver a material public benefit:

- A 2.3ha (embellished) district park with frontage to Cooks River known as “Discovery Point Park”,
- A new (3,200m<sup>2</sup>) “Neighbourhood Park” at the southern end of the site which will function as a new civic village square adjoined by a future supermarket, speciality retail, cafes and adjoining a new pedestrian street linking Magdalene Terrace with Wolli Creek Station,
- A new (3,800m<sup>2</sup>) “Waterfront Park” at the northern end of the site between Discovery Point Park and Illawarra Railway Line including a new landscaped public plaza at the northern end of Brodie Spark Drive;
- A new (860m<sup>2</sup>) park above the railway corridor known as “Station Park”.
- Roads throughout the development site including roads that will be used for public purposes to access the railway station, parks and neighbourhood retail centre. This includes the construction of a new link road from Magdalene Terrace to Brodie Spark Drive via Wolli Creek Station for a proposed bus route. Provision will be made for bus and taxi stands adjoining the station in addition to “kiss and ride” spaces. Public access to the waterfront park will be provided via Brodie Spark Drive.

- Traffic management works and public parking facilities.
- Streetscape works including provision of plazas, landscaping, on-street parking bays, street furniture, community and directional signage, civic spaces and pedestrian precincts, public plaza and access to Wolli Creek Railway Station.
- Pedestrian paths and cycleways.
- Provision of public art.
- Flood mitigation, stormwater management and foreshore remediation works.

The above works have been costed at more than \$19 million.

None of the abovementioned works are specifically listed in the Section 94 Plan. Discovery Point P/L considers the current imposition of Section 94 contributions for the Discovery Point site as inequitable and unreasonable as the Section 94 plan fails to acknowledge existing and proposed works and community infrastructure which will perform public functions and deliver material public benefit to the broader Rockdale community. Furthermore, the anticipated imposition of conditions requiring contributions to be paid in full fail to consider whether a nexus exists between the development and the works listed in the Section 94 Plan and the proportion of costs to be paid in the development of the site. This is particularly pertinent in relation to open space.

It is the preference of Discovery Point P/L to dedicate all publically accessible open space areas (with the exception of Mount Olympus which is a dedicated resident communal open space area) and the key roads within the development site which will provide public access to shops, parks, public transport facilities and Wolli Creek Railway Station to Rockdale Council. Preliminary discussions have been held with Rockdale Council Officers in relation to the dedication of roads and public open space and it appears that Council's current position is for the Discovery Point P/L to retain ownership (and therefore maintenance responsibility) of all open space and roads within Discovery Point site and to provide unfettered public access to such facilities at all times.

Should Council maintain its current position and choose not to accept dedication of the proposed parks and roads Discovery Point P/L would be prepared to place a positive covenant on the title of such land to ensure public access is provided and maintained to the open space and roads in perpetuity.

This report provides justification to support the proposed provision of works within this site which are to be provided in lieu of payment of Section 94 Contributions either partially or fully.

#### 4. ROCKDALE SECTION 94 CONTRIBUTIONS PLAN

Rockdale Section 94 Contributions Plan 2004 currently applies to the Discovery Point site. A summary of the contribution rates applicable to land within Wolli Creek for 2010/2011 (sourced from Rockdale City Plan) is provided in Table 2.

**Table 2: Summary of applicable contributions for land within Wolli Creek (fees and charges for 2010/2011)**

<b>S94 Contribution – Wolli Creek</b>	<b>0-1 bed dwelling</b>	<b>2 bed dwelling</b>	<b>3 + bed dwelling</b>	<b>Supermarkets</b>	<b>Other Retail</b>	<b>Commercial</b>
Open Space	\$3,699.73	\$5,885.95	\$7,231.32	\$88.27	\$63.04	\$88.27
Town Centre/ Streetscaping	\$670.27	\$1,066.36	\$1,310.11	\$17.28	\$12.34	\$17.28
Roads, traffic management & public parking facilities	\$1,409.90	\$2,243.02	\$2,755.72	\$164.49	\$117.49	\$93.99
Flood mitigation & stormwater facilities	\$1,010.57	\$1,607.75	\$1,975.23	\$30.63	\$21.87	\$30.63
Pedestrian & cycle facilities	\$338.51	\$538.54	\$661.62	\$10.26	\$7.33	\$10.26
Administration and management	\$181.53	\$288.79	\$354.89	\$7.62	\$5.44	\$5.89
Community Facilities & Services	\$304.35	\$484.22	\$594.90	\$0.84	\$0.60	\$0.84
<b>TOTAL</b>	<b>\$7,614.86</b>	<b>\$12,114.63</b>	<b>\$14,883.79</b>	<b>\$319.39</b>	<b>\$228.11</b>	<b>\$247.16</b>

Source: Rockdale City Plan Delivery Program 2010-2014 and Operational Plan 2010–2011

To date Discovery Point P/L has paid around \$3.16 million in Section 94 Contributions for the development of Sites, 1, 2 and 4 under the existing master plan.

Based on the indicative design scheme prepared by Bates Smart Architects it is estimated that a further \$17.37 million in s94 contributions will be payable for future stages of the development in accordance with the current Section 94 Plan (based on indicative design and mix). A calculation of the anticipated future Section 94 contributions based on the indicative design scheme is provided in Table 3.

**Table 3: Calculation of Estimated Section 94 Contributions payable based on Indicative Design Scheme Mix and Gross Floor Areas.**

Use	Estimates as per indicative design scheme	S94 Contribution Rate (as at 2010/2011)	Estimated Section 94 Contribution
Studios/1 bedroom	733 apartments	\$7,614.86	\$5,581,692
Two bedroom	587 apartments	\$12,114.63	\$7,111,287
Three bedroom +	147 apartments	\$14,883.79	\$2,187,917
Supermarket	1,200m <sup>2</sup>	\$319.39	\$383,268
Other retail	3,185m <sup>2</sup>	\$228.11	\$726,530
Commercial	5,576m <sup>2</sup>	\$247.16	\$1,378,164
<b>Total</b>			<b>\$17,368,859</b>

Source: S94 rates from Rockdale City Plan Delivery Program 2010-2014 and Operational Plan 2010-2011

A breakdown of estimated current s94 contributions by category is provided in Table 4 below.

**Table 4: Calculation of Estimated Section 94 Contributions payable based on Indicative Design Scheme Mix and Gross Floor Areas and 2010/2011 Rockdale Contribution Rates.**

S94 Contribution – Wollie Creek	0-1 bed dwelling	2 bed dwelling	3 + bed dwelling	Supermarkets	Other Retail	Commercial	Total
Open Space	\$2,711,902	\$3,455,052	\$1,063,004	\$105,924	\$200,782	\$492,193	<b>\$8,028,857</b>
Town Centre/ Streetscaping	\$491,307	\$625,953	\$192,586	\$20,736	\$39,302	\$96,353	<b>\$1,466,237</b>
Roads, traffic management & public parking facilities	\$1,033,456	\$1,316,652	\$405,090	\$197,388	\$374,205	\$524,088	<b>\$3,850,879</b>
Flood mitigation & stormwater facilities	\$740,747	\$943,749	\$290,358	\$36,756	\$69,655	\$170,792	<b>\$2,252,057</b>
Pedestrian & cycle facilities	\$248,127	\$316,122	\$97,258	\$12,312	\$23,346	\$57,209	<b>\$754,374</b>
Administration & management	\$133,061	\$169,519	\$52,168	\$9,144	\$17,326	\$32,842	<b>\$414,060</b>
Community Facilities & Services	\$223,088	\$284,237	\$87,450	\$1,008	\$1,911	\$4,683	<b>\$602,377</b>

## 5. STATEMENT OF COMMITMENTS – DEVELOPER CONTRIBUTIONS

The Concept Plan application includes the provision of open space, roads, traffic management, on-street parking, public plazas, streetscape works, pedestrian and cycle facilities, flood mitigation and stormwater management within the Discovery Point site, for the use of future residents and the wider community. As detailed in the draft Statement of Commitments, it is proposed to provide these facilities as delivering material public benefits in lieu of payment of Section 94 Contributions for subsequent project or development applications. The proposed offsets for Section 94 Contributions take into account the works to be provided throughout the site that will have a material public benefit and issues of nexus and reasonableness.

The Department of Planning Practice Notes on Section 94 contributions discusses the principles of reasonableness and apportionment. The practice notes refer to reasonableness in terms of nexus i.e. the connection between development and the demand created. Apportionment refers to the share borne by future development.

The Practices Notes state that the concept of nexus should be examined in terms of:

- *Whether the anticipated development actually creates a need or increases the demand for a particular public facility.*
- *What types of facilities will be required to address that demand.*
- *Whether existing facilities are suited to providing for that demand (or a component of it).*
- *When they are provided to meet the demand of the development (i.e. thresholds or timing).*

The Practice Notes indicate that apportionment should be considered in terms of what is practical, fair, equitable and reasonable in the circumstances. It is clear that demonstration of demand is therefore integral in establishing the reasonableness of imposing a Section 94 Contribution.

The draft Statement of Commitments seeks full or partial offsets from future Section 94 Contributions in recognition of the material public benefits provided or to be provided to the community free of cost as follows:

- Open space
- Roads and traffic management
- Streetscape
- Cycleway and pedestrian facilities
- Flood mitigation and stormwater drainage

A further offset is also sought from payment of Section 94 Contributions in relation to administration and management of the plan.

No offset is sought for Section 94 Contributions in relation to community services and facilities as the Concept Plan does not at this stage include provision for communities services and facilities as described in the Section 94 Plan within the Discovery Point site. It is proposed that Section 94 Contributions will be payable for “community facilities and services” unless such facilities are included in subsequent applications.

A summary of the offsets sought for the abovementioned categories as outlined in the draft Statement of Commitments for the Concept Plan are discussed below.

## 5.1 Open Space

The Concept Plan proposes the following open space areas on the site:

- Discovery Point Park (2.3ha)
- Neighbourhood Park (3,200m<sup>2</sup>)
- Waterfront Park (3,800m<sup>2</sup>)
- Station Park (860m<sup>2</sup>)

The proposed location of the above parks is shown on **Figure 1**.

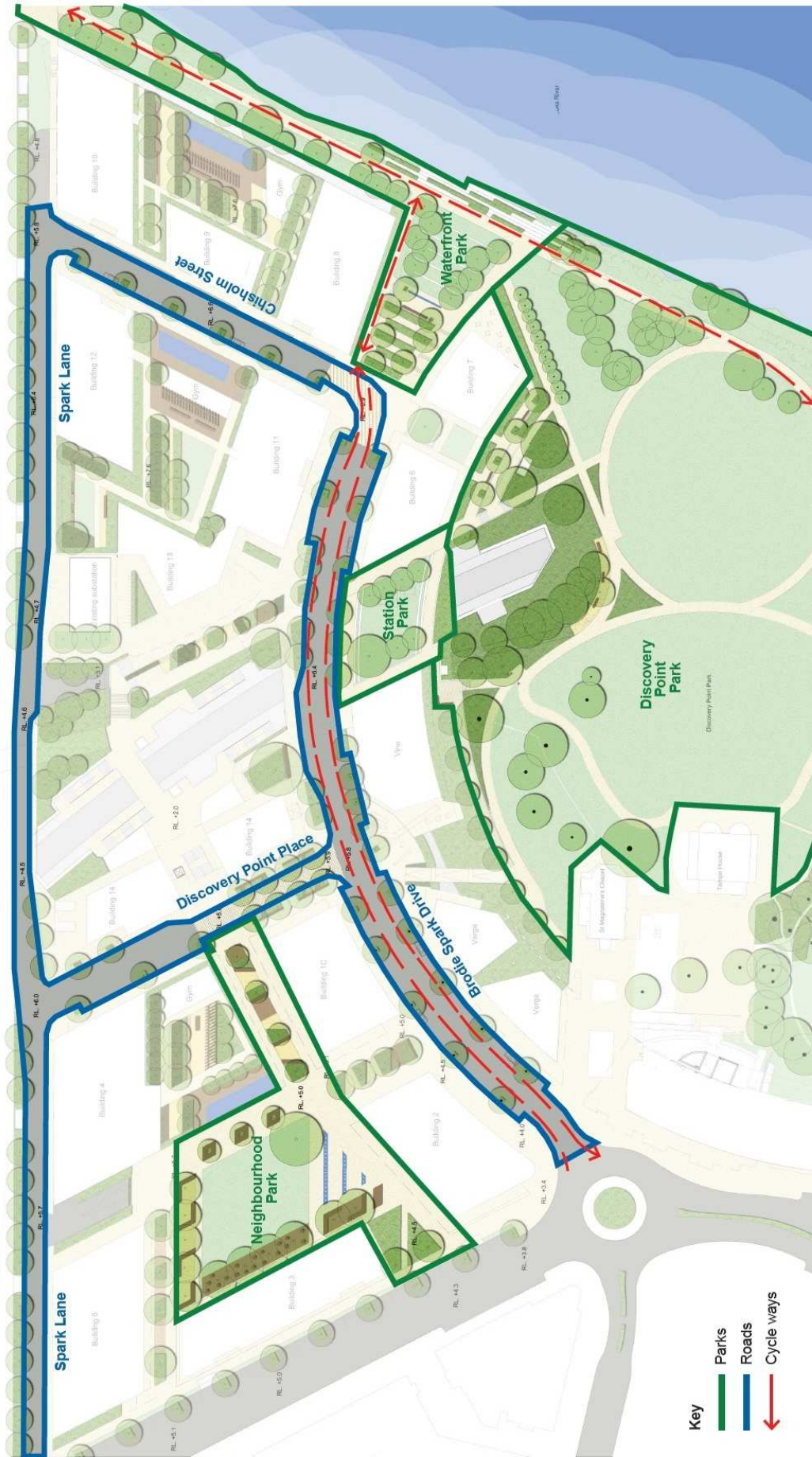
Additional open space is proposed throughout the site in the form of public plazas and landscaped pedestrian streets and thoroughfares. These items are addressed in more detail in the streetscape section of this report.

The proposed open space within the Discovery Point site will have local, district and regional open space functions. The recognition of the partly constructed “Discovery Point Park” as providing publicly accessible open space within the Rockdale Local Government Area is already well documented in various Development Control Plans. It should be noted that other parks identified in the Section 94 Plan such as Wolli Creek Town Park which was to be constructed within the life of the plan, have not eventuated and as a consequence the partly constructed Discovery Point Park already functions as the key open space area for residents of Wolli Creek and the broader Rockdale Community.

Discovery Point Park is freely available to the public on an unhindered basis but due to its private land ownership it is currently required to be maintained and insured in perpetuity by the residents and commercial owners of Discovery Point.

The proposed new Neighbourhood Park, Waterfront Park and Station Park will also be publicly accessible at all times. It is the preference of Discovery Point P/L for all parks within the Discovery Point site to be dedicated to Rockdale Council in order to more accurately reflect their public function.





**Figure 1**  
Developer Contributions Works Plan



In accordance with the Section 94 Practice Notes the concept of nexus has been examined by Discovery Point P/L in relation to open space. It is considered that the incoming population associated with the development envisaged by the Concept Plan will create a need for open space which is satisfied by Discovery Point Park and the other areas of proposed open space. In addition to this publicly accessible park, Discovery Point provides an open space area known as “Mt Olympus” as a private communal open space for residents of the development.

Discovery Point Park is located on the bank of the Cooks River. This park features a large grassed area, pathways, children’s playground and barbecue facilities near the riverbank. It also provides a network of paths for passive recreation. The park is ideally located across the road from Cahill Park, which the Section 94 Plan envisages will be linked via an underpass in the future. Discovery Point Park’s significant size and location adjoining the Cooks River encourages its use by Discovery Point residents, other Wolli Creek residents and workers and residents from other areas of Rockdale LGA and beyond. Discovery Point Park provides for both passive and active recreation uses and satisfies the demand for local, district and regional open space facilities. The existing park is well designed and ideally suited to catering for the open space demand of future residents and workers within the Discovery Point site. Furthermore, the park already exists which can meet the demand of the development and surrounding area immediately unlike the proposed Wolli Creek Town Park identified in the Section 94 Plan which is unlikely to be provided within the life of the plan. Additionally, the proposed location of Wolli Creek Town Park is not convenient for residents and workers of Discovery Point and is therefore unlikely to be utilised by many residents and workers of the development who will have Discovery Point Park and a number of other parks on their doorstep.



Image: Photomontage of Indicative Design Scheme showing Discovery Point Park in the foreground

In addition to Discovery Point Park, three other parks are proposed to be provided within the Discovery Point site. The new Waterfront Park will feature a landscaped plaza between the end of Brodie Spark Drive and the Cooks River ideal for passive recreation and a landscaped foreshore reserve including pedestrian pathways and cycleway along the riverfront. The provision of public access to the waterfront will benefit the local and broader regional community. In contrast the proposed Neighbourhood Park will be an active piazza-style civic park wrapped by retail and café uses and including a new pedestrian street linking other developments in Wolli Creek with Wolli Creek railway station. The proposed Station Park will provide a landscaped passive recreation space elevated above the rail line with views out over Discovery Point Park and the river.

The demand for open space by new residents and workers within the Discovery Point site will be more than satisfied by the completed Discovery Point Park and the proposed new Neighbourhood, Waterfront and Station Parks. Furthermore, the proposed parks will provide a range of public open space experiences for use by the wider community.



Image: Artist's Impression for New Neighbourhood Park

The estimated value of works for the four parks is outlined below:

- Discovery Point Park (including works already completed and works still to be undertaken) is estimated to be around \$3.6 million. The value of maintaining this open space is estimated at \$60,000 per year at present value.
- Waterfront Park: \$2.0 million
- Neighbourhood Park: \$1.9 million
- Station Park: \$1.4 million

In addition to the estimated \$8.9 million cost of providing the proposed four parks within the Discovery Point site, it is estimated that a further \$8 million in Section 94 Contributions would be payable for open space in accordance with the current Section 94 Plan (based on the indicative design and mix) (refer to **Table 4**). The above costings include construction costs and associated design and consultant fees and statutory charges but do not include a factor for land value.

As the amount of public open space provided within the Discovery Point site will more than satisfy the open space demand created by residents and workers within Discovery Point and be available to the wider community it would be unreasonable to levy open space contributions on future project/development applications. As nexus cannot be demonstrated between the proposed development and other open space areas proposed to be constructed in the local area as identified in the Section 94 Plan, little or no demand for additional facilities is likely to exist for Discovery Point residents and workers.

The Concept Plan application proposes that a full offset be applied against future Section 94 contributions for open space in recognition of the significant open space proposed to be provided within the site. The Concept Plan therefore proposes to provide Discovery Point Park, Station Park, Waterfront Park and Neighbourhood Park in lieu of payment of Section 94 Contributions for open space which can be levied against future project and development applications.

Discovery Point P/L proposes the following draft statement of commitment in relation to future Section 94 Contributions for open space:

1. *The Proponent shall provide the following open space identified on **Figure 1** for use by the general public:*
  - (a) *Discovery Point Park;*
  - (b) *Neighbourhood Park;*
  - (c) *Waterfront Park; and*
  - (d) *Station Park.*



*Note: These items will be in lieu of S.94 contributions for open space in future applications.*

2. *If Council chooses to accept dedication of the open space areas nominated in 1 above, the Proponent shall enter into arrangements for the transfer of such land to Rockdale Council. The land would be transferred to Council at no cost. Arrangements for the transfer of land identified above is to occur upon completion of embellishment works to each park.*
3. *In the event that Council is unwilling to accept the dedication of land referred to above, a positive covenant will be placed on the title of that land to allow public access to be provided.*

## 5.2 Roads and Traffic Management

Roads within the Discovery Point site have not been identified in the Schedule of Works within the Section 94 Plan, however, the plan acknowledges that public access must be provided through the site to the railways station, Cooks River foreshore and Discovery Point Park.

The Concept Plan seeks approval for a road network which will provide public access to Wolli Creek Railway Station, the new neighbourhood retail centre, publicly accessible open space, the waterfront reserve, and the heritage listed Tempe House and St Magdalen's Chapel. Some roads within the Concept Plan development such as the northern section of Spark Lane and Chisholm Street will have a principal purpose of providing access to resident car parks, however a significant proportion of the proposed roads will be used for public purposes in accordance with the above-mentioned uses.

Discovery Point P/L will construct a link road from Magdalene Terrace to Brodie Spark Drive via Discovery Point Place to provide public access through the site to Wolli Creek Railway Station, as shown on **Figure 1**. The link road will comprise the southern section of Spark Lane between Magdalene Terrace and proposed Discovery Point Place, Discovery Point Place between Spark Lane and Brodie Spark Drive, and Brodie Spark Drive between Discovery Point Place and the roundabout at Brodie Spark, Arncliffe Street and Magdalene Terrace. A bus and taxi stand facility will be provided along Discovery Point Place. A shared zone will be constructed at the eastern end of Discovery Point Place. Discovery Point P/L will construct the northern section of Brodie Spark Drive between Discovery Point Place and Waterfront Park to provide public access through the site to the foreshore and adjacent open space.

The roads within the site are not currently identified in Council's Section 94 Contributions Plan as they are to be developed on land in private ownership. As a result Discovery Point P/L will be required to contribute to roads in the local area in addition to constructing roads within the site which will have a public function and be used by residents of other developments in the local area and the broader community. Furthermore, the residents of Discovery Point through the community association will be

required to maintain and insure the future roads within the development site irrespective of their public function including for public buses.

It is considered unreasonable for Section 94 contributions to be imposed on future project and/or development applications in respect of roads and traffic management on the basis that the Discovery Point site will provide road and traffic management that have material public benefits and exceed the value of contributions that would otherwise be levied for such facilities under the s94 plan.

It is estimated that around \$3.85 million in Section 94 contributions would be payable for roads and traffic management in accordance with the current Section 94 Plan (based on the indicative design and mix) (refer to **Table 4**). The estimated value of works for roads and traffic management to be provided within the Discovery Point site exceeds \$3.85 million.

The existing masterplan consent for the Discovery Point site (DA 500/01) included a condition which required public access to be provided and maintained to Wolli Creek railway station and all areas of open space and plazas at all times. The Section 94 Plan also encourages the development of a new town centre in the vicinity of Wolli Creek railway station and the provision of bus/rail interchange facilities. The provision of the proposed link road will also provide access to the proposed new retail centre and will include bus bay, taxi bay and “kiss and ride” facilities. The requirement to construct and maintain the roads which are used predominantly for a public purpose and pay contribution towards the provision of new roads through other sites such as the southern extension of Mount Olympus Boulevard is unreasonable.

Road construction will need to be of a superior design standard than a private residential road to ensure that it meets the minimum standards for use by public buses and is capable of catering to the future demands by the general public accessing the railway and neighbourhood shopping centre.

The Concept Plan application proposes that a full offset be applied against future Section 94 contributions for roads and traffic management in recognition of the roads and traffic management to be provided within the development which will deliver a material public benefit. These works have an estimated construction value which exceeds the estimated \$3.85 million which would be levied under the current S94 Plan (based on indicative design and mix). The Concept Plan therefore proposes to provide roads and traffic management as described in the Environmental Assessment Report in lieu of payment of Section 94 Contributions for road and traffic management for all subsequent project and development applications.

Discovery Point P/L proposes the following draft statement of commitment in relation to development contributions for roads and traffic management:

1. *The Proponent shall provide the following roads identified on **Figure 1** for use by the general public:*

- (a) Spark Lane between Magdalene Terrace and Waterfront Park;
  - (b) Discovery Point Place between Spark Lane and Brodie Spark Drive;
  - (c) Brodie Spark Drive between the intersection with Arncliffe street and Magdalene Terrace and Waterfront Park; and
  - (d) Chisholm Street between Brodie Spark Drive and Spark Lane.
2. The Proponent shall provide a Bus and Taxi Bay on Discovery Point Place adjacent to Wolli Creek Railway Station.

*Note: The items provided in accordance with 1 and 2 above will be in lieu of payment of S.94 contributions for roads in all future applications.*

3. *If Council chooses to accept dedication of the roads and bus and taxi bay nominated in 1 and 2 above, the Proponent shall enter into arrangements for the transfer of such land to Rockdale Council. The land would be transferred to Council at no cost to Council. Arrangements for the transfer of land identified above is to occur upon completion of each road.*
4. *In the event that Council is unwilling to accept the dedication of land referred to above, a positive covenant must be placed on the title of that land to allow public access to be provided.*

### 5.3 Town Centre and Streetscape Improvements

The Discovery Point site includes streetscape works such as the provision of plazas, landscaping, street furniture, community and directional signage, civic spaces and pedestrian precincts at an estimated construction value of \$3.4 million. The Section 94 Plan indicates that the full cost of streetscape works within the Wolli Creek Area will be met by the incoming residents and workers through Section 94 contributions.

In addition to the estimated \$3.4 million cost of providing town centre and streetscape improvements within the Discovery Point site, it is estimated that a further \$1.46 million in Section 94 Contributions would be payable for such facilities in accordance with the current Section 94 Plan (based on the indicative design and mix) (refer to **Table 4**).

As all the town centre and streetscape works will be provided throughout the site free of cost and will deliver material public benefits it is proposed that a full offset be applied against future Section 94 contributions for streetscape works in recognition of the significant works proposed to be provided within the site. Furthermore, a nexus cannot be established between the development and the demand for streetscape works throughout the remainder of the Wolli Creek area adjoining other development sites.



These works are recognised as material public benefits and will be provided in lieu of payment of monetary contributions for town centre and streetscape improvements generated under Rockdale Section 94 Contributions Plan.

Discovery Point P/L proposes the following draft statement of commitment in relation to development contributions for town centre and streetscape improvements:

1. *The Proponent will provide all streetscape works throughout the development site including public plazas, footpaths, turf, public seating, bike racks, paving, tree planting, drainage and irrigation, banner poles, directional signage, lighting and public plaza and access to Wolli Creek Station.*

*Note: These works are recognised as material public benefits and will be provided in lieu of payment of monetary contributions for town centre and streetscape improvements generated under Rockdale Section 94 Contributions Plan for all subsequent development and project applications.*

## 5.4 Pedestrian and Cycle Facilities

The Concept Plan includes provision for new pedestrian pathways and cycleways throughout the development site, which have an estimated value in excess of \$1 million. These works are not currently considered in Council's Section 94 Contributions Plan as the land upon which they will be located is in private ownership, notwithstanding they are to be available for public use. Rockdale Council DCPs identify cycleways to be provided along Brodie Spark Drive, through Discovery Point Park and along the foreshore. The proposed cycleways through the Discovery Point site will link into Council's proposed cycleway network. The proposed cycleways (shown on **Figure 1**) are consistent with the cycle routes identified on Council plans and will clearly provide a material public benefit.

It is estimated that a further \$750,000 in Section 94 Contributions would be payable for pedestrian and cycle facilities under the current Section 94 Plan (based on indicative design and mix) (refer to **Table 4**), in addition to the works proposed to be provided within the site. It is therefore proposed that a full offset be applied against future Section 94 contributions in recognition of the significant quantum of pedestrian and cycle facilities to be provided throughout the site for public use.

Discovery Point P/L will therefore construct pedestrian pathways and cycleways throughout the site in lieu of payment of any monetary contributions for pedestrian and cycleway facilities generated under Rockdale Section 94 Plan.

Discovery Point P/L proposes the following draft statement of commitment in relation to development contributions for town centre and streetscape improvements:

1. *The Proponent will construct dedicated cycleways within the Discovery Point site. The cycleways will be constructed along the length of Brodie Spark Drive from the intersection with Arncliffe Street*

*and Magdalene Terrace to the Cooks River foreshore and from Princes Highway through Discovery Point Park and Waterfront Park to the northern corner of the site.*

*2. The Proponent will construct all pedestrian footpaths throughout the site.*

*Note: The cycleway and pedestrian footpaths will be constructed in lieu of the payment of any monetary contributions for pedestrian and cycleway facilities generated under Rockdale Section 94 Plan for all subsequent project and development applications.*

## 5.5 Flood Mitigation and Stormwater Facilities

The Discovery Point site has essentially two catchments with the Wolli Creek railway station forming the appropriate watershed between catchments. The Concept Plan proposes the following flood mitigation and stormwater management facilities:

- Wolli Creek Station Flood Protection
- Barrier along Spark Lane and rail boundary
- Item FS9 in Rockdale S94 Plan Stage 1 Magdalene Terrace Stormwater Drainage
- Item F6 in S94 Plan Cooks River Flood Levee (has already been completed)

It is estimated that around \$1.96 million in Section 94 Contributions would be payable for flood mitigation and stormwater facilities in accordance with the current Section 94 Plan (based on the indicative design and mix) (refer to **Table 4**). The estimated value of works for flood mitigation and stormwater facilities to be provided within the Discovery Point site under the Concept Plan exceeds \$2 million. It is therefore proposed that a full offset be applied against future Section 94 contributions in recognition of the significant quantum of flood mitigation and stormwater facilities to be provided throughout the site for public use.

These works are recognised as material public benefits and will be provided in lieu of payment of monetary contributions for flood mitigation and stormwater facilities generated under Rockdale Section 94 Contributions Plan.

Discovery Point P/L proposes the following draft statement of commitment in relation to flood mitigation and stormwater facilities:

*1. The Proponent will provide flood mitigation and stormwater facilities within the development site.*

*Note: These works are recognised as material public benefits and will be provided in lieu of payment of monetary contributions for flood mitigation and stormwater facilities generated under Rockdale Section 94 Contributions Plan for all subsequent project and development applications.*

## 5.6 Community Facilities and Services

It is estimated that around \$1.86 million in Section 94 Contributions would be payable for community facilities and services in accordance with the current Section 94 Plan (based on the indicative design and mix) (refer to **Table 4**).

No offset is sought for s94 contributions in relation to community services and facilities as the Concept Plan does not at this stage include provision of such facilities. It is proposed that Section 94 Contributions will be payable for “community facilities and services” unless such facilities are included in subsequent project or development applications.

## 5.7 Administration and Management

In light of the proposed Section 94 Contribution offsets arising from the delivery of material public benefits described within this report in lieu of the payment of contributions, a nexus cannot be established between the contribution that could be levied for administration and management of the Section 94 Plan and the proposed development. It is estimated that around \$414,000 in Section 94 Contributions would be payable for administration and management in accordance with the current Section 94 Plan (based on the indicative design and mix) (refer to **Table 4**).

The Works Schedule for the Wolli Creek Redevelopment Area in relation to administration and management of the plan is contained in Table 16.1 of Rockdale Section 94 Contributions Plan. This table identifies an amount of \$804,918 to be funded under this plan. The Section 94 Plan indicates that a significant proportion of this amount was for the purpose of funding the engagement of a Project Manager for the Wolli Creek Redevelopment Area four (4) days per week for the first five years of the plan and to employ a town planner to specifically administer the Section 94 Plan within Wolli Creek Redevelopment Area full time for the final five years of the plan. To the best of our knowledge Council has not engaged any specialists to administer the Section 94 Plan for Wolli Creek Redevelopment Area as identified in the works schedule. Furthermore, even if such staff were to be engaged by Council it would be considered unreasonable and inequitable for Discovery Point P/L to contribute more than 50% of the administration and management charges for Wolli Creek Redevelopment Area, particularly in light of the proposed Section 94 Contribution offsets.

Discovery Point P/L therefore proposes the following draft statement of commitment in relation to administration and management:

1. *The Proponent will administer and manage the provision of services and facilities described in the Developer Contributions section of the Statement of Commitments. This will include making arrangements for the transfer of roads and open space to Rockdale Council or in the event that*

*Council is unwilling to accept the dedication of land for roads and open space placing a positive covenant on the title of that land to allow public access to be provided.*

*Note: These services will be provided in lieu of payment of monetary contributions for administration and management.*

## 6. CONCLUSION

This report has demonstrated the iniquitous situation that presently affects development of the Discovery Point development in terms of the application of developer contributions.

The Concept Plan application seeks to provide open space, roads and traffic management, streetscape and town centre works, pedestrian and cycleway facilities, flood mitigation and stormwater facilities, and administration and management, in lieu of payment of Section 94 contributions for these categories for all subsequent applications. A summary of the Statement of Commitments for the Concept Plan in relation to Developer Contributions is outlined as follows:

1. Open Space: To provide Discovery Point Park, Neighbourhood Park, Station Park and Waterfront Park in lieu of Section 94 contributions for Open Space for all future project and development applications. This land will be dedicated to Rockdale Council free of cost if Council chooses to accept dedication otherwise a positive covenant will be placed on the title of such land to ensure public access is provided.
2. Roads: To provide Brodie Spark Drive, Discovery Point Place including bus bay, taxi bay and “kiss and ride” facility, Spark Lane, Chisholm Street and traffic management works within the Discovery Point site in lieu of Section 94 contributions for roads and traffic management for all future applications. These roads will be dedicated to Council free of cost if Council chooses to accept dedication otherwise a positive covenant will be placed on the title of such land to ensure public access is provided.
3. Streetscape: To provide all streetscape works throughout the development site including public plazas, footpaths, turf, public seating, bike racks, paving, tree planting, drainage and irrigation, banner poles, directional signage and lighting in lieu of payment of monetary contributions for town centre and streetscape improvements generated under Rockdale Section 94 Contributions Plan for all subsequent project and development applications.
4. Pedestrian and Cycle Facilities: To provide cycleways and pedestrian pathways throughout the development site in lieu of the payment of any monetary contributions for pedestrian and cycleway facilities generated under Rockdale Section 94 Plan for all subsequent project and development applications.

5. Flood Mitigation and Stormwater Facilities: To provide flood mitigation and stormwater facilities within the Discovery Point development site in lieu of payment of monetary contributions for flood mitigation and stormwater facilities generated under Rockdale Section 94 Contributions Plan for all subsequent project and development applications.
6. Administration and Management: To administer and manage the provision of services and facilities described in the Developer Contributions section of the Statement of Commitments in lieu of payment for administration and management under Rockdale Section 94 Contributions Plan for all subsequent project and development applications.