

APPENDIX 8 SUMMARY OF PUBLIC SUBMISSIONS

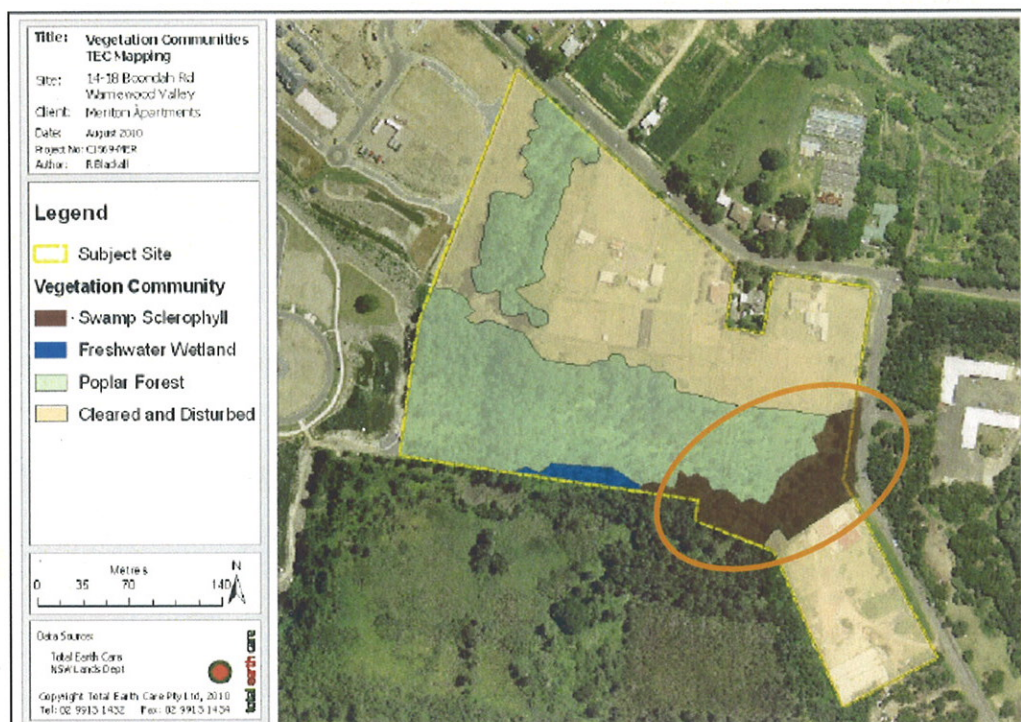
Copies of all public submissions are attached in files 09/00541 Parts 11 and 2. A summary of the key issues raised in public submissions is as follows:

Issue	Proportion of submissions (%)	Department Comment
1. Out of character with locality	66%	Issue assessed in Section 6.1
2. Increase in traffic	60%	Issue assessed in Section 6.3
3. Increased stress on existing infrastructure	58%	Issue assessed in Section 6.5
4. Inappropriate height	47%	Issue assessed in Section 6.2
5. Insufficient car parking on site	34%	Issue assessed in Section 6.3
6. Inappropriate density	31%	Issue assessed in Section 6.1
7. Inconsistent with Council's controls	25%	Issue assessed in Section 6 and Appendix 6
8. Lack of public transport	24%	Issue assessed in Sections 5.2.7 and 6.3
9. Impact on natural environment	22%	Issue assessed in Section 6.4
10. Impact on existing health services	18%	Health services are funded by the State Government
11. Insufficient development contributions	17%	Issue assessed in Section 6.5
12. Potential to set precedent	15%	Issue assessed in Sections 5.3.4 and 6
13. Insufficient open space	14%	Issue assessed in Section 6.2
14. Lack of education facilities in the area	9%	The Department of Education and Training has advised there are sufficient school places to cater for the development
15. Visual impact and bulk	8%	Issue assessed in Section 6.2
16. Greed of developers	8%	Not a relevant planning consideration
17. Site subject to flooding	7%	Issue assessed in Section 6.4
18. Noise impacts due to increased density	6%	Issue assessed in Section 6.2
19. Overdevelopment, overcrowding of area	6%	Issue assessed in Section 6.1
20. Removal of green space	5%	54% of the site will be retained as landscaping and open space including a minimum area of 15,601m ² which is to be dedicated to the Council. The ratio of buildings to open space is consistent with Council policy and the amount of available open space would increase with this development compared to the existing approved scheme
21. Impact on access	5%	Issue assessed in Section 6.3
22. Surrounding road subject to flooding	4%	Flooding issues are addressed in Section 6.4. The Council's consent for a townhouse development has established the acceptability of development on this site. The proposal provides overland flow paths and appropriate drainage to deal with on site stormwater disposal and an evacuation plan would be required as a condition of consent.
23. Impact on Sydney Water Treatment Plant	4%	Sydney Water do not object to the scheme subject to payment of a developer contribution
24. Increase in crime	3%	No evidence has been submitted to support this objection. Notwithstanding this, the proposal has been designed with regard to Crime Prevention Through Environmental Design principals and SEPP 65
25. Devaluation of existing properties	2%	Not a relevant planning consideration
26. Lack of child care facilities in the area	2%	The proposal would provide a purpose built child care facility providing 40 long day care places
27. Solar energy should be required	2%	Photovoltaic systems are proposed in Stage 1 to meet

Issue	Proportion of submissions (%)	Department Comment
<p>Remaining issues</p> <ul style="list-style-type: none"> • Poor solar access and privacy • Should provide low cost housing and seniors housing • Inadequate stormwater management and potential impact on the wetlands • Inadequate consideration of sea level rise and climate change. • Rainwater harvesting should be provided. • Insufficient notification area • Concern over tenants in retail • In support - Pittwater LGA requires higher densities 	1% or less	<p>minimum energy efficiency targets for BASIX.</p> <ul style="list-style-type: none"> • Solar access and privacy issues discussed in Section 6.2 and are acceptable. • Affordable and seniors housing is not proposed as part of this development and is not strictly required by planning policies relevant to this site. • The proposal includes a stormwater management strategy including the reuse of roof water, detention basins and landscaping to minimise the impact of runoff on the wetlands. • Sea level rise is addressed in Section 6.4. • The application was widely consulted and the exhibition period was doubled. The exhibition process was conducted in accordance with the Act. • Retail units have been deleted. • The development proposes additional apartments which addresses housing shortage.

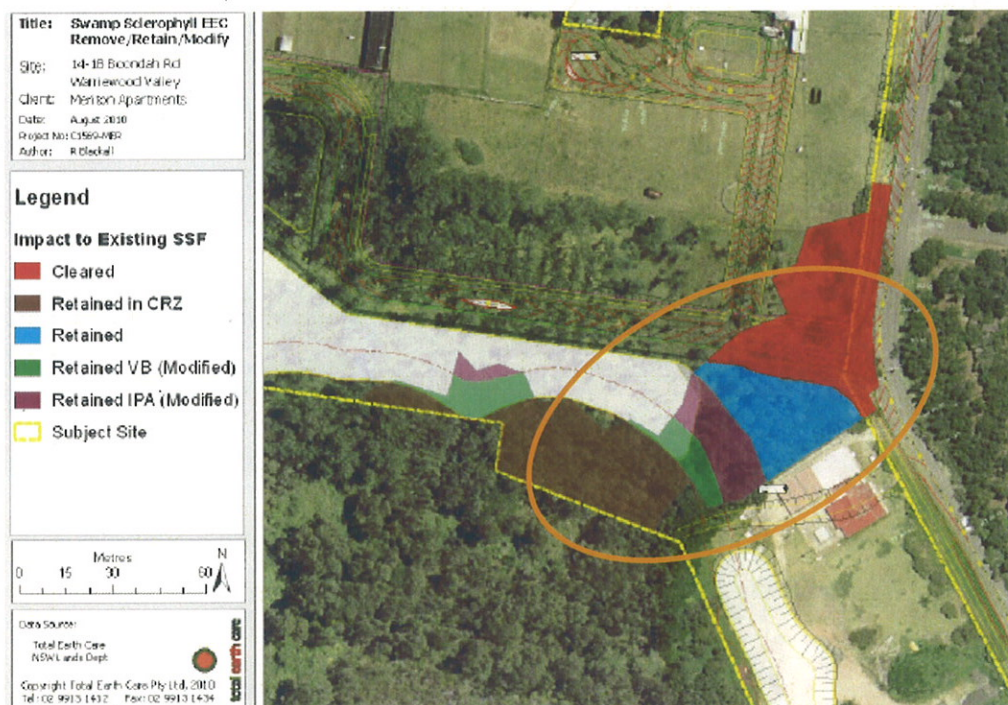
APPENDIX 9 ENVIRONMENTAL ZONES AND IMPACTS

Impacts on Vegetation On site



Identified Vegetation Communities on site. Swamp Sclerophyll (Forest) and Freshwater Wetland are EEC's (source: Flora and Fauna Assessment by Total Care, Appendix J of PPR)

Vegetated link circled where additional Swamp Forest is retained as a result of the reduction in the footprint of Building O



Proposed removal, retention and modification of Swamp Forest. Wetland would be retained (source: Flora and Fauna Assessment by Total Care, Appendix J of PPR)

The area shaded green (Retained VB modified) would be retained without modification as a result of recommended modifications to the Concept Plan to separate the Vegetated Buffer and Asset Protection Zone.

Proposed Environmental Zones

(source: PPR and: Flora and Fauna Assessment by Total Care, Appendix J of PPR)

Fern Creek Public Riparian Zone (50m)	The Public Riparian Zone is 50 metres wide and consists of two 25 metre wide corridors located on either side of Fern Creek. The zone (6,681m ²) is to be dedicated to public ownership under Council control. Rehabilitation works within this area would be carried out by Meriton and would involve substantial reconstruction of the creek profile, construction of new creek banks and possibly re-alignment of the creek. Weed infestations and exotic trees would be removed and erosion controls installed. The retention of native trees within this Zone (Swamp Oak) and additional indigenous plant stock are proposed along the riparian creek.
Fern Creek Private Buffer Strip (25m)	A 25 metre wide Private Buffer Strip would directly adjoin the Public Riparian Zone and would remain in private ownership. This area would be rehabilitated and contain open space areas, landscaped gardens and a shared pedestrian bicycle path.
Wetland Core Riparian Zone (CRZ) (20m)	The CRZ comprises a 20 metre wide vegetated buffer along the southern boundary of the site identified as the edge of the Warriewood wetland, as requested by Pittwater Council in the previous DA approval. Rehabilitation in this zone would largely comprise removal of environmental and noxious weeds to allow for the regeneration of native species.
Wetland Vegetated Buffer Zone (VB) (10m)	A 10 metre wide buffer zone would be established along the southern boundary of the site, directly adjoining the CRZ to protect the boundary of the wetland. This buffer was negotiated between the Council and DECCW in 2003 and is to be maintained in the current proposal.
Bushfire Asset Protection Zone (25m) (Note: includes 10m VB)	An APZ would be established along the southern boundary outside the CRZ and consists of a 15 metre Inner Protection Area (IPA) and 10 metre Outer Protection Area (OPA), with the OPA located within the Vegetated Buffer. This APZ is a requirement of State legislation and the Rural Fire Service (RFS) as the site has been identified as bushfire prone land. <i>Vegetation would mainly consist of managed grasses with tree capacity of no greater than 15% cover for the Inner Protection Area and 30% for the Outer Protection Area)</i>

APPENDIX 10 DEVELOPER CONTRIBUTIONS REVIEW

Department of Planning

Review of Development Contribution Rates

Major Project Application MP 09_0162

14-18 Boondah Road, Warriewood

26 October 2010

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Background

The proposal

The subject site is 14-18 Boondah Road, Warriewood. The overall concept plan is for the construction of 16 apartment buildings ranging in height from 3 storeys to 5 storeys. These buildings will contain a 559 dwellings ranging from studio apartments to 3 bedroom units.

The current application is for the construction of Stage 1. Stage 1 comprises the construction of 7 buildings ranging from 3 to 5 storeys in height and containing 295 dwellings.

Notwithstanding the staging of the development, for the purposes of this report the total development has been considered.

The purpose of this report

The purpose of this report is to establish a reasonable and appropriate contribution rate for the proposed development. In this regard it will examine:

- The level of infrastructure required by Council
- The proposed cost of providing the infrastructure
- The apportionment of costs
- The potential to offset the costs.

This report is not intended to be an assessment of the proposal or its adequacy or appropriateness for the subject site. In this regard it will not make an assessment of issues such as amenity, parking, private open space or general design.

Background documents

The following documents have been reviewed in the preparation of this report:

- Warriewood Valley Section 94 Plan No. 15 (Amendment No. 16)
- Pittwater Section 94 Contributions Plan No. 10 Material Public Benefits and Dedication of Land.
- Pittwater Council's submission regarding the Preferred Project Report for the Part 3A application (MP 09_0162) dated 8 October 2010 and the addendum dated 12 October 2010.
- Meriton's Section 94 contributions proposal as outlined in its letter dated 13 October 2010 regarding the Preferred Project Report for the Part 3A application (MP 09_0162).
- Ministerial Directions relating to the relevant Pittwater Council Section 94 Contributions Plan.
- The Independent Review of Warriewood Valley Section 94 Contributions Plan No. 15 undertaken by Hill PDA.

The policy context

Current contributions plan

The current contributions plan that would apply to this development is the *Warriewood Valley Section 94 Plan No.15 (Amendment No.16)*. This plan levies contributions for the following infrastructure:

- Traffic and transport facilities
- Multi-functional creekline corridors (both land and works)
- Community service facilities
- Open space and recreation areas
- Pedestrian and cycle facilities
- Bushfire protection facilities
- Library services

In addition to these infrastructure items, the plan also levies a contribution towards plan administration.

The Council have advised that under this contribution plan the contribution rate per dwelling (based on a 3 bedroom dwelling) is \$63,100.

Relevant Ministerial Directions

This contributions plan has been subject to a number of Ministerial Directions issued under Section 94E of the *Environmental Planning and Assessment Act*. The following is a timeline and summary of relevant Ministerial Directions and their implications for the determination of contribution rates for the subject development:

- **10 July 2009** – This Direction limited development contributions within the Pittwater LGA to \$62,000 per lot/dwelling. It also required Council to cease levying for library books and to limit the contribution for plan administration to \$1,000 per lot/dwelling. Council were also required to review financial basis of their contributions plan to ensure that it did not transfer lost income from contributions from earlier developments to those that are now occurring.
- **4 June 2010** – This Direction revoked the previous Direction and applied a cap of \$20,000 per lot/dwelling applied to all development contributions for residential development in NSW, including those in Pittwater LGA.
- **16 September 2010** – This Direction revokes the Direction dated 4 June 2010. Under this Direction Pittwater Council were granted an exemption from the application of a cap of contributions for the *Warriewood Valley Section 94 Plan No.15 (Amendment No.16)*. The proposed development is not subject to a cap on contributions and accordingly it will be necessary to determine a contribution rate that is both reasonable and appropriate for the subject development.

Factors influencing the contribution rate

Dwelling estimation

Development within the Warriewood Valley has been, to date, predominantly 3+ bedroom dwellings. Councils contribution plan does not distinguish between the size of dwelling produced with contributions for all dwellings based on the rate for a 3 bedroom dwelling.

As outlined above the proposed development incorporates a variety of dwelling sizes ranging from studio apartments to 3 bedroom units. Council have recognised that this is not an equitable approach to levying contributions and have calculated an equivalent dwelling figure based on the number of bedrooms produced by the various size units proposed. This approach appears sound and the equivalent dwelling figure of 367 as calculated by Council has been used for the purposes of this report.

Development scenarios

The calculation of contribution rates is based on the spreading of the cost associated with infrastructure required to service new development across those who will benefit from its provision. As the level of infrastructure required to service an area and the appropriate apportionment of costs are directly linked to the additional population resulting from new development it is necessary to estimate the expected dwelling yield for the area not just the development site.

For the purposes of calculating the contribution rate Pittwater Council have explored 3 scenarios:

- **Scenario 1:** Development occurring in accordance with the Warriewood Valley Framework 2010 which shows a yield of 187 equivalent dwellings for the subject property with a total yield from the Warriewood Valley of 927 equivalent dwellings.
- **Scenario 2:** Development occurring in accordance with the Warriewood Valley Framework 2010 with the exception of the subject property which has an equivalent yield of 367 dwellings. This results in a total development yield for the Warriewood Valley of 1,107 equivalent dwellings.
- **Scenario 3:** Development occurring in the Warriewood Valley using the Meriton proposal as a precedent, taking into account constraints identified in the Warriewood Valley Framework 2010 that would limit densities on certain sites. This scenario would yield 1,731 equivalent dwellings

It was not considered appropriate to use Scenario 1 for the purposes of calculating an appropriate contribution rate as this scenario does not accurately reflect the demand that will arise from the development. This would result in an underestimation of the level and cost of providing infrastructure to service the development and an inequitable distribution of costs.

Based on the current strategic documentation, the preferred scenario for the purposes of calculating the contribution rates for the subject development at the present time is Scenario 2 as it most accurately reflects the impact of the subject development on the level of development previously expected in the Warriewood Valley, whilst spreading the costs equitably across those who will benefit from the provision of the infrastructure in question.

The Department of Planning are, however, currently undertaking a strategic review of this area. If this review supports the assumptions underlying Scenario 3 then it would be more appropriate to use this approach than that of Scenario 2. Attachment 2 shows the contribution rates that would apply to this development should Scenario 3 be adopted.

Negotiations between proponent and Council

It is noted that the proponent and the Council have undertaken negotiations with regard to the acceptability of the carrying out of certain infrastructure works and land dedications as a means of offsetting the cash contribution required.

There would appear to be agreement as to the extent and estimate cost of these works with the exception of the dedication of land outside the subject site for the purposes of the creekline corridors, public recreation and open space. In this regard it is noted that Council are seeking to require the proponent to dedicate land that, although it is within the Warriewood Valley and is owned by the proponent, does not form part of the subject site nor is it a critical component to the viability of the development with regard to environmental or social outcomes.

It is therefore considered unreasonable to require the proponent to dedicate land that is not contained within the development site in this instance.

Calculating the contribution rate

Population estimates

As stated earlier in this report, the estimation of population is important not only for the identification of infrastructure required but also for the apportionment of costings. In this regard the choice of an appropriate Scenario of growth is key to the calculation of a reasonable and appropriate contribution rate for the proposed development.

Scenario 3 has a higher projected population than Scenario 2 but would also require a greater infrastructure. The implications this has for contribution rates are shown in Attachments 1 & 2.

It is noted that Council's contribution plan assumes all dwellings constructed will be of 3+ bedrooms as this has historically been the predominant form of development. The proposed development contains a variety of dwelling sizes ranging from studio apartments to 3 bedroom units. In order to create a more equitable apportionment of costs for this development Council have calculated an equivalent dwelling rate for the development. The calculation of the equivalent dwelling rate for the development appears reasonable. As such the equivalent dwelling rate of 367 dwellings has been applied for the purposes of calculating contributions for this development.

Infrastructure to be funded by these contributions

The proposed development will contribute to a wide range of infrastructure items as required by the contributions plan. This will include the following:

Traffic and transport

Included in this category are such things as pavement upgrading, intersection treatments, bus bays and pedestrian refuges. These items aim to improve traffic flow and vehicular and pedestrian safety in the Warriewood Valley and their inclusion in the contributions plan would appear reasonable.

Creekline corridors

This item includes both land dedication and works. These works are required to provide drainage for development in the Warriewood Valley and it is considered reasonable that they be included in the contributions plan.

Community services

The community service infrastructure requirements within the contributions plan are based on the maintenance of an existing level of service with regard to floor space. The exact mix of facilities to be provided will then be determined based on the characteristics of the incoming population. From the information provided by Council in their submission on the proposed development it would appear that Council has decided that a portion of these contributions will be put towards child care facilities, with the remainder yet to be decided.

The method of calculating the amount of land and floor space required and the cost of construction are clearly identified in the contributions plan and the costs associated with these appear reasonable.

Public recreation and open space

Council, in their contributions plan, have recognised the significant cost associated with the acquisition of land and have put in place policy to minimise their financial risk in this regard. This includes taking advantage of the opportunity for dedication as the relevant properties are developed and the co-location of recreation/open space facilities with areas such as creeklines.

The rate of provision is based on an accepted standard of 2.83ha/1,000 persons.

Pedestrian network

This network incorporates the local cycleway network. These cycleways have been designed to make use of creekline corridors and existing open space areas where ever possible. This reduces the cost of providing this infrastructure as the co-location reduces the need for land acquisition. The costs in the plan appear reasonable.

Bushfire protection

Council have advised that sufficient funds have already been levied from previous development to fund the required bushfire protection infrastructure and no contribution will therefore be levied for this infrastructure.

Library services

The library services component of the contributions plan includes the recoupment of previous expenditure in relation to the construction, fit out and equipping of extensions to an existing library which was carried out in expectation of future growth. This facility will service the proposed development and it is appropriate that the development contribute towards the cost of its provision.

It is noted that the Ministerial Direction issued to Council on 10 July 2009 required Council to cease levying for library books. In this regard it is noted that, whilst Council are continuing to recoup past expenditure for library books, it is no longer levying for future provision of library books. This is considered reasonable as the past expenditure was a financial commitment Council undertook in the belief that it would be able to recoup those funds.

Plan management

It is acknowledged that in response to issues previously raised by the Department of Planning that the contribution per dwelling for plan management be limited to \$1,000 per equivalent dwelling. This is reflected in the contribution rate calculation.

Potential offsets

As discussed above the proponent and Council have negotiated an agreement on a number of potential offsets. These are discussed below.

Traffic and transport

There are 2 infrastructure items that are identified as potential offsets to the development contribution:

- The construction of a roundabout at the intersection of McPherson St and Boondah Road (estimated cost \$1,276,354); and
- The dedication of a splay corner at the same intersection (estimated cost (\$94,063).

The proponent has advised that both of these offsets are considered reasonable and no objection is raised to their inclusion.

Creekline corridors

There is a substantial creekline corridor on the subject site. It is proposed that the proponent carry out the necessary works within the creek corridor on the subject land and dedicate it to Council. This would result in potential offset of \$1,215,942. This offset includes land dedication of 6,681m² which is valued at \$681,462 (based on estimate of \$102/m²).

In addition to the works and land dedication on the subject site the Council are seeking the proponent to dedicate land that is not contained within the subject site in order to offset the contribution rate further. It is noted that the proponent does not agree with this requirement. Such a requirement is not considered reasonable as the subject land, although within the Warriewood Valley and owned by the proponent has no physical relationship with the current site and is not directly required to service the needs of this development. Such an offset should not be enforced through any consent issued.

Community services

There is no proposal for offsets against the provision of community facilities. Notwithstanding this it is noted that the provision of a child care centre is identified in the overall concept plan.

Public recreation and open space

With regard to contributions for public recreation and open space, Meriton is proposing the dedication of 8,920m² of open space land on the subject site. Council have applied a value of \$325/m² to this land and this would result in an offset of \$2,899,000. The dedication of this land is considered reasonable and as the proponent has agreed to the value applied there is no objection to the dedication of this land or the proposed offset.

In addition to the on-site land to be dedicated, Council is seeking the dedication of off-site land for the purposes of public recreation and open space as an offset to the contributions required. Such a

requirement is not considered reasonable as the subject land, although within the Warriewood Valley and owned by the proponent has no physical relationship with the current site and is not directly required to service the needs of this development. Such an offset should not be enforced through any consent issued.

It is noted that the concept plan for the site shows the provision of swimming pools. Such facilities will not be available to the public and should not be used to offset infrastructure costs. In this regard it is acknowledged that the offsets being sought by the proponent relate to the dedication of a land and do not include the swimming pool provided on site.

Bushfire protection

There are no contributions required for bushfire protection for the proposed development and as such there is no opportunity for offsets.

Library services

There is no opportunity for offsets for library services. As such the contribution rate to be applied in this instance is that provided by Council in their submission.

Plan management

There is no opportunity for offsets for plan management.

Recommendations

Contribution rates

Attachment 1 shows the contribution rates that would apply if Scenario 2 is applied to this development. As can be seen from this table the contribution rate per dwelling would be \$53,832 and the total contribution for the subject proposal would be \$19,756,344 based on the equivalent dwelling estimate of 367 as calculated by Council.

Attachment 2 shows the contribution rates that would apply if Scenario 3 is applied to this development. As can be seen from this table the contribution rate per dwelling would be \$51,884 and the total contribution for the subject proposal would be \$19,041,428 based on the equivalent dwelling estimate of 367 as calculated by Council.

Although the preferred scenario for calculating contributions based on the current strategic documents is Scenario 2, should the strategic review currently underway support the scope of development suggested in Scenario 3 then this scenario should be applied.

Offsets

The potential for \$5,888,676 of offsets against the total contribution have been identified by the Council and agreed to in principle by the proponent. No formal agreement regarding these offsets has been entered into at this stage.

The offsets proposed by Council and the proponent have been reviewed and it is considered that the requirement for the dedication of land outside of the subject site is unreasonable in these circumstances. For this reason the offset for this off-site dedication has not been included in the

calculation of the potential reduction of contribution rates for the development in Attachments 1 & 2.

There are two ways in which the works to be covered by the offsets can be approached:

1. The imposition of a condition of consent in accordance with Section 80A(1)(f) of the *Environmental Planning and Assessment Act, 1979* requiring the specific works to be undertaken; or
2. The Council and the proponent entering into a planning agreement regarding the works to be carried out.

If Option 1 is to be used then the extent of the offset in relation to the works will need to be reflected in any conditions of consent imposed regarding contributions.

If Option 2 is to be used then the extent of the offsets will be addressed in the planning agreement rather than the consent.

Consent requirements

It is recommended that, should consent be issued for the proposed development, provision be made in the consent conditions for the following in relation to development contributions:

- A condition should be placed clearly stating the contribution rate and any method of indexation.
- The method of indexation of contribution rates. In this regard it is considered appropriate to use the method contained in the existing contribution plan.
- Provision should be made for the entering into of a planning agreement in relation to the provision of infrastructure items by the proponent in lieu of the payment of part or the whole of a specific contribution.
- Where a condition is placed on the consent for the provision of an item of infrastructure in accordance with Section 80A(1)(f) of the *Environmental Planning and Assessment Act* the contribution rate stated in the consent should be decreased accordingly.

Timing of payment

It is noted that this development will be constructed in stages. The payment of contributions should be made on a pro-rata basis in association with each stage. Contributions should be paid prior to the release of the construction certificate for each of the stages in accordance with the requirements of Council's contributions plan.

Attachment 1: Calculation of contribution rates – Scenario 2

Infrastructure Item	Contribution rate per dwelling	Contribution rate for development	Offset	Contribution Required
Traffic & Transport	\$9,412	\$3,454,204	\$1,370,417	\$2,083,787
Creekline corridor - works	\$5,422	\$1,989,874	\$534,480	\$1,455,394
Creekline corridor - land ¹	\$4,662	\$1,710,954	\$681,462	\$1,029,492
Community facilities	\$4,883	\$1,792,061	\$0	\$1,792,061
Public recreation/open space ²	\$23,180	\$8,507,060	\$2,899,000	\$5,608,060
Pedestrian network	\$3,806	\$1,396,802	\$403,317	\$993,485
Bushfire protection	\$0	\$0	\$0	\$0
Library services ³	\$1,467	\$538,389	\$0	\$538,389
Plan management ⁴	\$1,000	\$367,000	\$0	\$367,000
TOTAL	\$53,832	\$19,756,344	\$5,888,676	\$13,867,668

¹ Creekline corridor land dedication of 6,681m² valued at \$102/m²

² Proposed land dedication of 8,920m² valued at \$325/m²

³ This includes recoupment of previous expenditure for library books but no forward expenditure

⁴ Plan management has been limited to \$1,000 per equivalent dwelling as per previous Ministerial Direction

Attachment 2: Calculation of contribution rates – Scenario 3

Infrastructure Item	Contribution rate per dwelling	Contribution rate for development	Offset	Contribution Required
Traffic & Transport	\$8,667	\$3,180,789	\$1,370,417	\$1,810,372
Creekline corridor - works	\$3,558	\$1,305,786	\$534,480	\$771,306
Creekline corridor - land ¹	\$3,060	\$1,123,020	\$681,462	\$441,558
Community facilities	\$5,549	\$2,036,483	\$0	\$2,036,483
Public recreation/open space ²	\$26,131	\$9,590,077	\$2,899,000	\$6,691,077
Pedestrian network	\$2,975	\$1,091,825	\$403,317	\$688,508
Bushfire protection	\$0	\$0	\$0	\$0
Library services ³	\$944	\$346,448	\$0	\$346,448
Plan management ⁴	\$1,000	\$367,000	\$0	\$367,000
TOTAL	\$51,884	\$19,041,428	\$5,888,676	\$13,152,752

¹ Creekline corridor land dedication of 6,681m² valued at \$102/m²

² Proposed land dedication of 8,920m² valued at \$325m²

³ This includes recoupment of previous expenditure for library books but no forward expenditure

⁴ Plan management has been limited to \$1,000 per equivalent dwelling as per previous Ministerial Direction