



# Ku-ring-gai Council

## Section 7.12 Local Levy

## Contributions Plan 2023

Being a fixed development consent levy contributions plan under Division 7.1 of the Environmental Planning and Assessment Act 1979.



**Effective Date: 17 April 2023**



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# Introduction



## 1. Introduction

The Local Government Area of Ku-ring-gai includes the suburbs of Roseville, Roseville Chase, Lindfield, East Lindfield, West Lindfield, Killara, East Killara, West Killara, Gordon, Gordon West, Gordon East, Pymble, West Pymble, Turramurra, North Turramurra, Warrawee, Wahroonga and North Wahroonga as shown on the map overleaf. The Estimated Resident Population (ERP) of Ku-ring-gai was 124,659 in 2021.

Ku-ring-gai is an established urban area that is in a state of continuous urban renewal. Major redevelopments continue to take place along the Pacific Highway & railway corridor and in St Ives. Urban renewal is also taking place throughout the local community with both knockdown-rebuilds as well as alterations and additions to older homes and businesses. New businesses are being established in and near local neighbourhood centres servicing the local residential population.

Urban renewal in the private domain is complemented by council's programme of renewing urban spaces throughout the public domain across the local government area (LGA). This programme includes upgrades to neighbourhood shopping areas; upgrades in local parks including provision of new playgrounds, exercise equipment and park furniture; upgrades to local streets including pedestrian routes and cycleways and upgrades to popular recreational walking trails. Its key focus is improved accessibility and useability to cater for a changing population.

## 2. Name and commencement of plan

This contributions plan is called **Ku-ring-gai s7.12 Local Levy Contributions Plan 2023**. It is a fixed development consent levy contributions plan under Division 7.1 of the *Environmental Planning and Assessment Act 1979*.

This plan was placed on exhibition for public comment from 3 February 2023 until 3 March 2023 and adopted at the Ordinary Meeting of Council held on 21 March 2023.

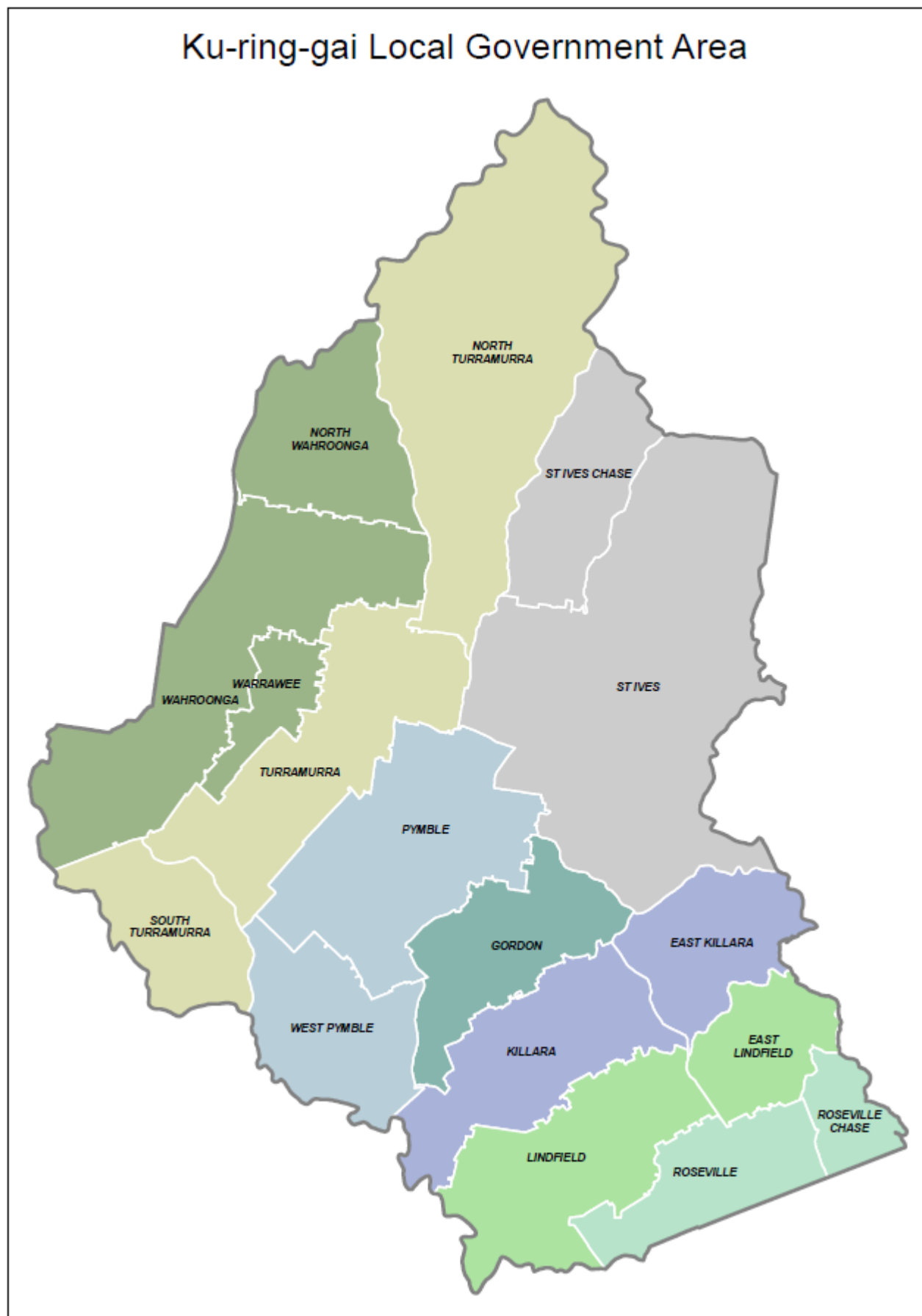
This plan commenced on Monday 17 April 2023, being the nominated date in the public notice which was given under sec214(4)(b) of the *Environmental Planning and Assessment Regulation 2021* by prior publication on Council's webpage.

## 3. Purpose of the contributions plan

This plan's main purpose is to authorise Ku-ring-gai Council, any accredited private certifier operating in the Ku-ring-gai LGA, the Land and Environment Court, and any other consent authority acting on behalf of the council, to impose conditions on development consents - including complying development certificates (CDCs) - to require s7.12 contributions from development to which this contributions plan applies. This plan documents the policies and procedures that facilitate the collection, management and expenditure of contributions to support the delivery of the infrastructure detailed in the works programme funded by this contributions plan.

This contributions plan strives to ensure that the existing community is not burdened by the demand for additional or upgraded local infrastructure as a result of cumulative small-scale redevelopment and urban renewal. It supports ongoing redevelopment and urban renewal by helping to fund supporting infrastructure.

This plan has been prepared in accordance with the *Environmental Planning and Assessment Regulation 2021*, with regard to the practice notes issued by the NSW Department of Planning.



## 4. Contributions towards Local Infrastructure

There are two main types of local infrastructure contributions plans under the *Environmental Planning and Assessment Act 1979* in **Part 7 Infrastructure contributions and finance** being a s7.11 contributions plan and a s7.12 contributions plan. This plan is a s7.12 contributions plan.

A s7.11 plan is a “direct” contributions plan. It is authorised by s7.11 of the *Environmental Planning and Assessment Act 1979*, its Regulation and Guidelines issued by the NSW Government. It provides for the delivery of infrastructure to support intensive redevelopment areas based on a detailed nexus assessment of direct demand, including direct cumulative demand. The contribution rates for each category of contribution are a function of the total costs of meeting that identified demand divided by the anticipated contributing development. **Ku-ring-gai has a separate s7.11 Contributions Plan** which is complementary to this s7.12 Contributions Plan. It applies to different development and funds a separate, though often complementary, works programme.

A s7.12 plan is an “indirect” contributions plan, also called a local levy contributions plan. It is authorised by s7.12 of the *Environmental Planning and Assessment Act 1979*, its Regulation and Guidelines issued by the NSW Government. It is best suited to areas of scattered or sporadic development - and redevelopment - that gives rise to a cumulative collective demand that is more difficult to foresee and specifically plan for in advance. **This contributions plan is a s7.12 contributions plan.**

## 5. Application of the contributions plan

### 5.1 Relationship between the s7.11 and s7.12 contributions plans

This indirect s7.12 Contributions Plan is to be the secondary contributions plan that is in operation in the Ku-ring-gai Local Government Area. It is intended to be subservient to the main contributions plan being the adopted and in effect **Ku-ring-gai Contributions Plan 2010** (and its successors). This indirect contributions plan is intended to apply to different development that is not subject to a contribution under **Ku-ring-gai Contributions Plan 2010** (and its successors) and to support a different but complementary works programme.

### 5.2 Land to which this contributions plan applies

This s7.12 contributions plan applies to land in the Ku-ring-gai Council Local Government Area (LGA), being the same land to which the s7.11 contributions plan applies, as shown in the map on the preceding page. Which contributions plan applies to any one development proposal is determined primarily by the nature of the development and, secondarily, by its location.

### 5.3 Contributions under s7.11 shall prevail over contributions under s7.12

In the unlikely event that any development, by either location or type, could be considered to be subject to the application of both contributions plans, and noting that, in law, that no consent can be levied under both types of contributions plans, then **Ku-ring-gai Contributions Plan 2010** (and its successors) shall always apply in preference to this plan to the extent of any conflict excluding the application of **Ku-ring-gai s7.12 Local Levy Contributions Plan 2023** to that development.

### 5.4 Development subject to infrastructure contributions

This Plan applies to development on land to which this Plan applies that requires development consent or complying development certificate under the *Environmental Planning and Assessment*

*Act 1979 (the Act)* which is of a type listed in the table below and which is not eligible for a direct s7.11 contribution under **Ku-ring-gai Contributions Plan 2010** (or its successors).

This table sets out the development which is subject to each contributions plan and a supporting flowchart is provided on the following page. This table provides greater detail and takes precedence over the flowchart, which is provided for ease of reference only.

### **Indirect s7.12 contributions plan (this plan)**

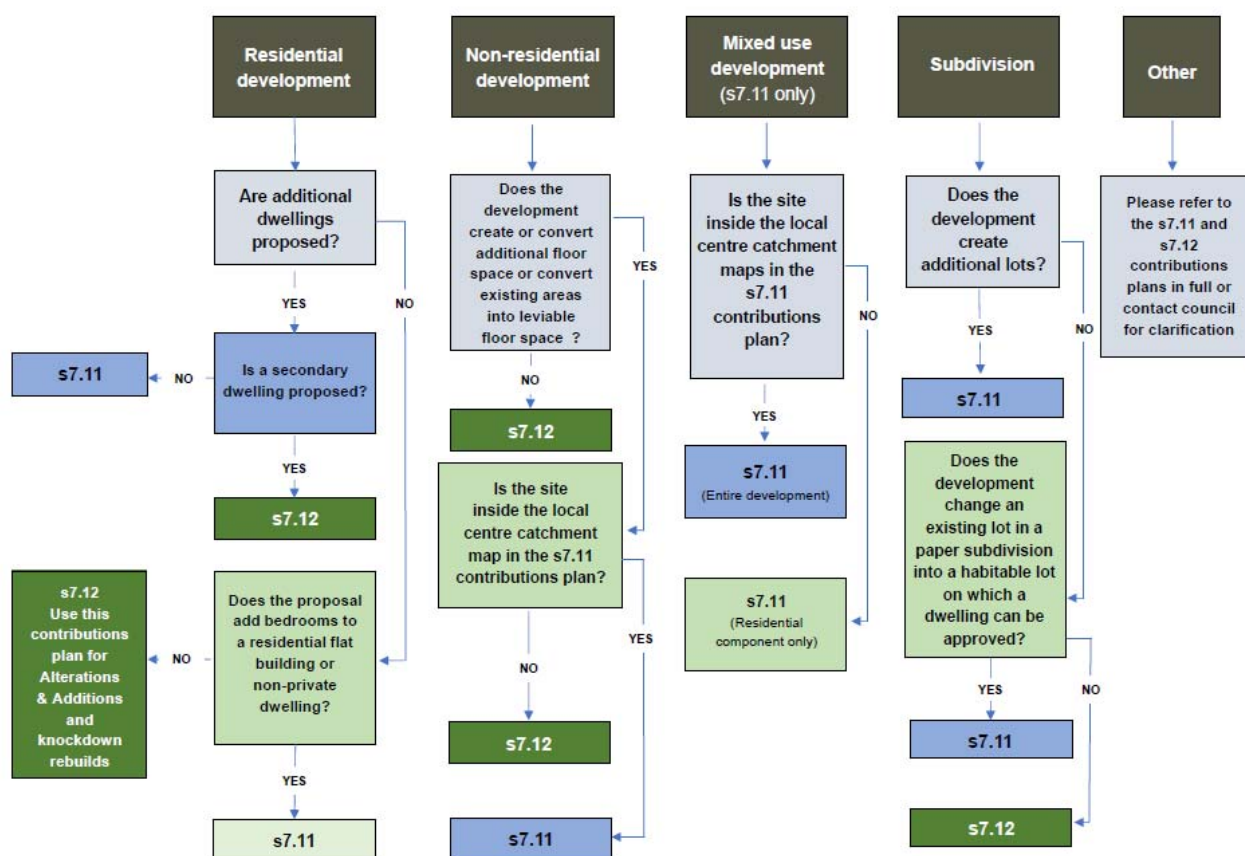
- The demolition of an existing dwelling and its replacement by a newer dwelling commonly known as a knockdown rebuild (KDR).
- Granny flats or secondary dwellings (that must remain on the title of the main dwelling).
- The demolition of any other residential dwellings, including non-private dwellings, and their replacement where no nett additional dwellings are to be created.
- Alterations and additions to residential development of any type where no nett additional dwellings will be created except in the case of additional bedrooms in existing residential flat buildings.
- Other works for which development consent is required (except subdivision works as described below) unless specified in the s7.11 contributions plan, which takes precedence.
- Alterations and additions to non-residential floorspace where no additional floorspace is proposed including but not limited to changes of use (subject to the provisions of sec208).
- Alterations and additions to non-residential floorspace outside the local centres catchments as identified in the s7.11 plan which do provide for additional floorspace.
- New or additional non-residential floorspace or site usage – including business, retail, office, industry, storage, recreational, sporting and community facilities, educational establishments including kindergartens and childcare, places of public worship and hospitals and health facilities, located outside the areas designated as being within a local centre under the s7.11 contributions plan.

### **Direct s7.11 contributions plan (the main plan)**

- Development where additional dwellings that are capable of being on a separate title are to be created including (but not limited to) dual occupancies, manor houses, villas & townhouses, residential flat buildings, shop-top housing, aged persons housing under the SEPP, and non-private dwellings.
- Development where a dwelling that is to be demolished is sited on or across a lot boundary (i.e. on more than one lot) and will be replaced by more than one dwelling, including the potential for a separate dwelling on each lot.
- Development where a new dwelling is to be developed on a vacant lot unless it can be demonstrated that the lot has previously paid development contributions or where there has been a recently demolished dwelling house in existence since the most recent census on which the Contributions Plan's population benchmark is based.
- Works associated with the subdivision of residential allotments and/or to service a lot or lots in a paper subdivision in such a manner as to facilitate or enable future housing development. Such development will be taken to create a new allotment capable of and for the purposes of residential habitation.
- Where an existing unit, including a townhouse or villa that is smaller than the maximum of 3 bedrooms is to be expanded by increasing the number of bedrooms, the nett additional demand will be assessed under the s7.11 contributions plan because this alters the unit mix arising from the original consent which was levied under the s7.11 plan or its predecessors.
- New or additional non-residential floorspace within the areas designated as being within a local centre identified in the catchment maps under the s7.11 contributions plan as specified within that contributions plan including (but not limited to) the conversion of non-leviable floorspace to leviable floorspace including but not limited to service areas to retail floorspace, circulation space designated for fixed leasable tenancies and the addition of mezzanine levels (provided as examples only). If the s7.11 contributions plan does not apply by virtue of the interpretation of the definition of use, then this s7.12 contributions plan will apply.

**Note:** If a development involves the creation of an additional dwelling which is capable of existing on a separate title, then the s7.11 contributions plan always takes precedence over this s7.12 contributions plan.

**Note:** The assessable cost for the purposes of determining a development contribution may be reduced by reference to the specific exclusions listed in sec208 of the Regulations which is cited in full in the next chapter.



Please refer to the table on the preceding page for any development not covering in the broad categories in the table below or contact council for advice. The table prevails to the extent of any conflict with this flowchart.

## 6. What are percentage rates for s7.12 contributions?

This Plan authorises contributions derived by reference to the following percentage rates to be applied to development to which this Contributions Plan applies. In the case of a Development Application, a condition will be applied to this effect. In the case of a Complying Development Certificate, a condition may be applied in consultation with council, or a Notice of Payment (invoice) will be generated and dispatched upon receipt of the CDC. The percentage applicable is derived from the cost of development on a sliding scale as illustrated in the table below:

Proposed cost of the development	Maximum percentage of the levy
Up to & including \$100,000	Nil (0%)
\$100,001 - \$200,000	0.5 percent (0.5%)
More than \$200,000	1.0 percent (1%)

Source: sec209(2) Environmental Planning and Assessment Regulation 2021

The procedures for the determining the cost of the development are in the **Policies and Procedures** section which follows.

### **6.1 Ministerial Directions – Application of the Contributions Plan**

Ministerial Directions under s7.17 may limit the application of this contributions plan and override the provisions above. Ministerial Directions currently in effect are published on the website of the Department of Planning.

Any direction given by the Minister under s7.17 of the Act and in force from time to time may be imposed on any contribution authorised by this plan in such a manner as to affect the levying and/or quantum of that contribution, and/or the timing of payment, but does not form part of this Contributions Plan for the purposes of the Act. This Plan authorises the imposition of conditions which are in accordance with any such direction.

# Policies & Procedures



## 7. Determining the cost of development

### 7.1 Initial Determination of cost

This contributions plan has regard to the *Environmental Planning and Assessment Regulation 2021* as follows:

***“208 Determination of proposed cost of development—the Act, s 7.12(5)(a)***

- (1) The proposed cost of carrying out development must be determined by the consent authority by adding up all the costs and expenses that have been or will be incurred by the applicant in carrying out the development.*
- (2) The costs of carrying out development include the costs of, and costs incidental to, the following—*
  - (a) if the development involves the erection of a building or the carrying out of engineering or construction work—*
    - (i) erecting the building or carrying out the work, and*
    - (ii) demolition, excavation and site preparation, decontamination or remediation,*
  - (b) if the development involves a change of use of land—doing anything necessary to enable the use of the land to be changed,*
  - (c) if the development involves the subdivision of land—preparing, executing and registering—*
    - (i) the plan of subdivision, and*
    - (ii) the related covenants, easements or other rights.*
- (3) In determining the proposed cost, a consent authority may consider an estimate of the proposed cost that is prepared by a person, or a person of a class, approved by the consent authority to provide the estimate.*
- (4) The following costs and expenses must not be included in an estimate or determination of the proposed cost—*
  - (a) the cost of the land on which the development will be carried out,*
  - (b) the costs of repairs to a building or works on the land that will be kept in connection with the development,*
  - (c) the costs associated with marketing or financing the development, including interest on loans,*
  - (d) the costs associated with legal work carried out, or to be carried out, in connection with the development,*
  - (e) project management costs associated with the development,*
  - (f) the cost of building insurance for the development,*
  - (g) the costs of fittings and furnishings, including refitting or refurbishing, associated with the development, except if the development involves an enlargement, expansion or intensification of a current use of land,*
  - (h) the costs of commercial stock inventory,*

- (i) the taxes, levies or charges, excluding GST, paid or payable in connection with the development by or under a law,*
  - (j) the costs of enabling access by people with disability to the development,*
  - (k) the costs of energy and water efficiency measures associated with the development,*
  - (l) the costs of development that is provided as affordable housing,*
  - (m) the costs of development that is the adaptive reuse of a heritage item.*
- (5) The proposed cost may be adjusted before payment of a development levy, as specified in a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan between the day on which the proposed cost was determined by the consent authority and the day by which the development levy must be paid.*
- (6) To avoid doubt, this section does not affect the determination of the fee payable for a development application.”*

## 7.2 Further Interpretation

Since the adoption of **Ku-ring-gai s94A Contributions Plan 2015**, there have been a number of interpretative issues where further clarity has been required in respect of some aspects of sec208 (formerly clause 25J) of the Regulations. In the interests of ensuring consistency of interpretation and application, these are iterated below.

In respect of subsection 4(b), this is taken to include works arising as a result of an adverse event, whether or not such works are funded by an insurance claim. If such works are also associated with new work, then such works must be specifically identified and separately costed to facilitate the accurate assessment of cost for the purposes of determining the correct s7.12 contributions.

In respect of subsections 4(e), 4(j) and 4(k), components of projects which meet these definitions must be formally identified and explicitly excluded as part of the cost report required to be submitted to council.

In respect of subsection 4(g), this is taken to include works required to adhere to current standards of fire safety including upgrades required by legislation and/or up-to-date codes of practice.

In respect of subsection 4(m) this relates only to the specific heritage item listed in the relevant Environmental Planning Instrument (EPI). However, it can be taken to include works required to facilitate on-going adaptive re-use in accordance with the definition provided in the **Adaptive Reuse of Heritage Places Policy** from the Office of Environment & Heritage, October 2012 (see Definitions & References in this plan). Such works must be separately identified and explicitly excluded as part of the cost report and/or QS report required to be submitted to council as part of the application.

## 7.3 Cost Estimates to be provided

A development application or an application for a complying development certificate must be accompanied by a cost report by a suitably qualified person or a report from a Quantity Surveyor (QS) prepared at the applicant's cost which sets out the proposed cost of carrying out the development for the purposes of sec208 of the Regulation.

Where a cost reduction or exemption is sought under any of the criteria iterated in the two preceding sections above, or the general and merit exemptions sections below, the applicant, architect or certifier is to provide evidence of their reasoning to Council for its assessment prior to

or concurrent with the application. Where no such distinction is provided, Council will be entitled to levy contributions on the entire cost estimate provided. Belated requests for exemptions or modifications for cost-reductions will be at the applicant's sole risk and applicants are advised that payment of a disputed contribution for the purposes of obtaining a construction certificate will terminate the consideration process because contributions are attributed upon payment to the rolling works programme under the Long Term Financial Plan and are not refundable.

Where the proposed cost of development exceeds \$1,000,000 (\$1M), a Quantity Surveyor's report will be required to be submitted.

Template formats for cost reports and QS reports together with the option of a covering letter with a signed declaration for bespoke cost estimates and QS reports can be found at the end of this contributions plan.

#### **7.4 Audits, Revised Cost Estimates, consequential changes and modifications**

Initial cost estimates may be varied by later cost estimates including cost estimates submitted as part of a construction certificate. Cost estimates may also be subject to internal audits.

Should the cost of works be demonstrated to have increased, a further invoice will be issued to ensure that any short fall arising from the initial underestimate is corrected. A previous payment based on a cost estimate later demonstrated to have been an underestimate will be taken to be a partial payment only. If the revised proposal results in a decrease in the cost of works and the contribution has been paid, please refer to **9.8 Credits and Limitation of Refunds** for council's policy regarding the treatment of credits.

In the case of an application to modify a consent that, as a consequence of that modification, increases the cost of works and results in a consequential change to the quantum of the contributions due for that proposal, then, if the contributions have not yet been paid, a new condition will replace the former condition as a consequential modification. If the contributions have been paid, then the amount previously paid will be treated as a credit towards the total contribution owing as a result of the modification. A nett additional amount may be levied to address any shortfall that arises if the proposal has changed so as to increase the cost of works. If the revised proposal results in a decrease in the cost of works and the contribution has been paid, please refer to **9.8 Credits and Limitation of Refunds** for council's policy regarding the treatment of credits.

#### **7.5 Exemptions from s7.12 contributions - General**

The following types of development will be exempted from the obligation to pay s7.12 contributions under this contributions plan.

- The initial single dwelling on a residential lot for which development contributions under s7.11 were levied and receipted at subdivision stage, will not be levied s7.12 contributions. However subsequent alterations and additions will be subject to s7.12 contributions in the same manner as works to any other existing dwelling.
- Government and quasi-government community services such as: fire stations, police stations or police shopfronts, ambulance stations and paramedic stations, rescue services, operational depots for the State Emergency Service (SES) and Rural Fire Service (RFS) and the like. This exemption does not apply to corporate headquarters for any such organisation.
- Development of premises occupied by community services operating on a charitable, voluntary, not-for-profit basis such as outreach services. This exemption does not apply to any retail operation of a charity for the purposes of direct fund-raising.

- Development by or for a not-for-profit community organisation such as Girl Guides Australia, Scouts Australia, and St John Ambulance Australia that directly supports their core operation and is not for the purposes of generating investment income. Other similar organisations will need to make a merit case under **7.8 Exemptions from s7.12 contributions - Merit** for consideration for exemption on the same basis.
- Development by or for not-for-profit organisations which provide a distinct community benefit such as the provision of free-of-charge or subsidised services for children living with special needs including but not limited to educational services and support with day-to-day living. This provision does not apply to a private and/or for-profit operation that also has a charitable arm for the purposes of encouraging tax-deductible donations unless supported by other demonstrable meritorious factors such as those listed above.
- The conversion of a single dwelling house that has been recently used for commercial purposes such as professional consulting rooms including a doctor's surgery, back to the original use of a dwelling house in accordance with its original design. This exemption does not apply to a conversion that is part of a larger scale redevelopment which must be considered as a whole.
- The internal conversion of a single existing terrace-style shop-top dwelling from commercial usage (including storage) back to residential usage. This exemption does not apply to a conversion that is part of a larger scale redevelopment which must be considered as a whole.

## 7.6 Crown Development

Under s4.33 of the Act, the concurrence of the Minister (or their delegate) is required to impose a consent condition on a Crown Development Application. Most development by the Crown for public community purposes will be exempt from the application of s7.12 contributions under this contributions plan including but not limited to: public schools, public hospitals and public health infrastructure, public utilities, public transport infrastructure and public roads. Corporate offices and shopfronts will be considered on their merits and council reserves the right to make application to the Minister for the imposition of s7.12 contributions if considered appropriate in the circumstances of the case.

## 7.7 Ku-ring-gai Council Development

Development by or on behalf of Ku-ring-gai Council for the provision of public community infrastructure for the benefit of the community where such community infrastructure will be predominantly accessible by the public free-of-charge or for a nominal fee (notwithstanding occasional hiring for private functions) will be exempted from the obligation to pay a s7.12 contribution.

Community infrastructure that is to be subject to a long-term lease that will exclude many members of the community from access will be required to make a formal application for a merit exemption in the same manner as any other developer.

## 7.8 Exemptions from s7.12 contributions - Merit

It is not always possible to identify in advance all developments which may be able to make a meritorious case for an exemption. On the principle of ensuring public accountability, transparency and equity between all developers, this section specifies the very limited opportunity for making a merit-based case for exemption.

A case for a merit exemption should demonstrate to the satisfaction of Council that by the particular nature of the proposal, in the unique circumstances of the case, it is of a similar nature to

formally exempted development in sec208(4) of the Regulation or in **7.5 Exemptions from s7.12 contributions – General** and should be considered in the same manner.

**Note:** The grant of any exemption, full or partial, may be perceived as conferring a pecuniary advantage on one developer over others and creating an undesirable precedent. As such an exemption is not likely to be granted unless there are absolute meritorious circumstances that would also distinguish the case of the subject development from any other. Any applications for merit exemption need to address this issue.

For the avoidance of delay, any application for exemption should be made prior to or concurrent with the application for consent. Payment of a contribution for the purposes of obtaining a construction certificate will terminate the merit consideration process because contributions are attributed upon payment to the rolling works programme under the Long Term Financial Plan and are not refundable. Belated applications for exemptions, partial exemptions or cost-reductions will be at the applicant's sole risk.

In considering any application for an exemption the Council will also take into account the impact on the rolling delivery of infrastructure under the Long Term Financial Plan. As such, no merit exemption can be granted by any consent authority other than the council unless council has made a prior determination on the matter. In the case of development on council land that is not of direct benefit to the general public as a whole by virtue of restrictions on access or leasehold, Ku-ring-gai Council reserves the right to seek the advice of an independent probity specialist.

## 7.9 Temporary Uses

Where a structure or a use is of an interim or temporary nature and subject to a short timeframe time-limited consent which will expire requiring the cessation of the use and/or demolition of the structure, then contributions will be calculated but will be suspended – meaning no payment is due at activation of the consent. In the event a subsequent Development Application is lodged to continue the use, contributions will be due and payable notwithstanding the short term existence of the use with full application of the applicable inflation. An example of such a use would be a temporary sales office exceeding \$100,000 in capital cost.

## 8. Calculating the s7.12 contribution

### 8.1 Rates and Formula

The indirect s7.12 contribution rates are set percentage of the based on the proposed cost of the development as set by the *Environmental Planning and Assessment Regulation 2021*.

This contributions plan adopts the percentages set out in the Regulation as of September 2022.

Proposed cost of the development	Maximum percentage of the levy
Up to & including \$100,000	Nil (0%)
\$100,001 - \$200,000	0.5 percent (0.5%)
More than \$200,000	1.0 percent (1%)

Source: sec209(2) *Environmental Planning and Assessment Regulation 2021*

The formula for calculating the contribution payable is as follows:

**Contribution (\$) = % x Cost of Development (\$)**

The % is the percentage of the cost of development from the table above, being either 0% or 0.5% or 1% depending on the cost of development. The cost of development is the cost determined in accordance with sec208 of the Regulations and this contributions plan and provided in a cost report or QS report by the applicant as part of the application. The result of the application of the formula, is the total contribution payable expressed in dollars at the time of calculation, and is subject to inflation.

In the case of a cost estimate or QS report that predates the current quarter at the time of consent, council reserves the right to apply the applicable inflation between the date of preparation of the cost estimate or QS report and the date of consent.

The formula governing indexation of the proposed cost of carrying out development is as follows:

**Indexed Cost = Original Cost estimate / CPI at estimation date x CPI at calculation date**

Ku-ring-gai Council applies the quarterly Consumer Price Index (All Groups Sydney) as published by the Australian Bureau of Statistics on its website on a quarterly basis for the purposes of inflation of s7.12 contributions.

**Note:** If a cost estimate or cost report (as applicable) prepared at the applicant's cost is not submitted to Council in such a manner as to enable Council to determine the appropriate contribution, this will either be imputed by council if other sufficient documentary evidence exists or obtained by council and the applicant will be liable to reimburse Council for any costs arising.

## 8.2 Ministerial Directions – Consent Conditions

In addition to potential for Ministerial Directions to affect the application of the contributions plan as a whole, consent conditions authorised by this Plan may also be subject to any direction given by the Minister under s7.17 of the Act from time to time, and this Plan authorises the imposition of conditions which are in accordance with any such direction. A condition given under this plan may also be subsequently modified by a Ministerial Direction.

Any direction issued by the Minister under s7.17 of the Act and in force from time to time may affect this contributions plan or be imposed on a contribution authorised by this plan in such a manner as to affect the levying of that contribution, or the timing of payment of that contributions, but does not form part of this Contributions Plan for the purposes of the Act.

## 8.3 The responsibilities of Accredited Private Certifiers

This Plan authorises a certifying authority (the council or an accredited private certifier or any other authorised consent authority) to issue a complying development certificate in respect of development to which this Plan applies subject to a condition requiring the applicant to pay the Council a levy of 0.5% or 1% of the proposed cost of carrying out the development, as outlined in table below:

Proposed cost of the development	Maximum percentage of the levy
Up to & including \$100,000	Nil (0%)
\$100,001 - \$200,000	0.5 percent (0.5%)
More than \$200,000	1.0 percent (1%)

Source: sec209(2) *Environmental Planning and Assessment Regulation 2021*

In accordance with sec156(2) of the *Environmental Planning and Assessment Regulation 2021*, where a certifying authority (the council or an accredited certifier) issues a complying development certificate in respect of development where that development meets the criteria set down in this Contributions Plan, the certificate must be subject to a condition requiring the applicant to pay to

the Council a monetary contribution in accordance with this Plan. In the event further clarity is required, accredited certifiers must instigate contact with Ku-ring-gai Council directly.

Accredited Certifiers must also have regard to Directions issued by the Minister for Planning for time to time. Third parties are advised to refer to the Department of Planning website to ascertain the current status of Ministerial Directions. Any direction given by the Minister under s7.17 of the Act and in force from time to time may be attached to this Contributions Plan or imposed over the top of a contribution authorised by this plan in such a manner as to affect the levying of that contribution or the timing of payment of the contribution, but does not form part of this Contributions Plan for the purposes of the Act.

An accredited certifier must ensure that a detailed cost report or, if applicable, a report by a Quantity Surveyor, is provided to enable the exact cost of the proposed works to be verified and to ensure that the value of any works excluded by the operation of sec208(4) of the Regulations have been excluded. Forms are provided at the end of this document.

Notwithstanding that, if an accredited certifier fails to comply with the requirements of this Contributions Plan, the consent authority may impose the necessary condition on the complying development certificate and it has the effect as if it had been imposed by the accredited certifier, the risk that contributions might be foregone is clear. As such, it is Ku-ring-gai Council's view that it is the professional responsibility of the individual certifier to accurately calculate and apply the contribution conditions of consent. It should be particularly noted that Ku-ring-gai Council is quite prepared to pursue any third party in the event of the non-receipt of any contribution to which it is entitled under this plan regardless of the nature of the omission that caused the non-payment. Accredited certifiers are advised to ensure that they have adequate professional indemnity insurance.

## 9. Payment Policies and Procedures

### 9.1 Timing and manner of Payment

The contributions under s7.12 authorised by this contributions plan are due and payable prior to the release of any construction certificate or prior to the commencement of work (whichever comes first).

**Important:** Contributions do not become payable immediately upon granting of consent. Contributions only become due and payable as a consequence of an imminent intention to act on the consent that has been granted by the determination of the Development Application or the issue of a Complying Development Certificate.

All contributions received by Ku-ring-gai Council are promptly committed to council's rolling capital works programme in accordance with the works programme of this contributions plan as part of the Long Term Financial Plan (LTFP). The on-going delivery of an extensive rolling works programme relies heavily on certainty in cash flow. As such, once paid, any refund of a contribution would, if permitted, impact that rolling delivery programme. Please refer to **9.8 Credits and Limitation of Refunds**.

A monetary contribution is the most common means of satisfying a condition of consent requiring a development contribution under s7.12. In the case of contributions arising from relatively small scale development, there will be limited scope for the provision of works-in-kind or material public

benefits and it is generally expected that the majority of contributions will be in the form of a monetary payment.

Payment may be made in cash, by debit card (EFTPOS), by direct debit (subject to clearance next day from Ku-ring-gai Council's bank), by bank cheque or by credit card. A fee will be incurred on the use of credit cards as per Council's adopted fees and charges. Ku-ring-gai Council does not accept personal cheques or company cheques for the payment of development contributions.

## 9.2 Deferred Payments

Payments of contributions are required in accordance with the section above being **9.1 Timing of Payment**.

Deferred payments may be accepted in accordance with the terms specified within a formal planning agreement or works-in-kind agreement in order to align the delivery of agreed works with the construction phase. It should be noted that planning agreements and works-in-kind agreements both require the provision of security to ensure the standard of completion of works in the public domain. For further detail, see **9.3 Planning Agreements and Works-in-Kind Agreements** below and Council's adopted **Planning Agreement Policy**, available on council's website.

Where a request for deferred payments is being made in the context of a hardship application, council will deal with the formally appointed receivers for the company in question. All such requests shall be put in writing with extensive documentation together with details of security to be offered in place of payment such as an unconditional non-expiring bank guarantee, caveats on title or the like. Any such request may be put to an ordinary meeting of council for formal consideration in the public realm in the interests of probity and public scrutiny.

It should be noted that it is essential for any local government authority to treat all applicants and developers equally by the same criteria and, given that there is the potential for a pecuniary advantage for one applicant or developer in the context of a deferral of payment which, if extended to all, would prejudice the timing of the works programme, such an application without unique and severe extenuating circumstances is unlikely to succeed.

## 9.3 Planning Agreements and Works-in-Kind Agreements

In the case of a large development, the option exists for the delivery of infrastructure in-kind or the delivery of a material public benefit concurrent with the development as well as, or instead of, the making of a monetary contribution, in whole or in part.

Applicants are advised to refer to Ku-ring-gai's current **Planning Agreement Policy** which can be found on the website at [www.krg.nsw.gov.au](http://www.krg.nsw.gov.au). The opportunity for a Planning Agreement (PA) or works-in-kind (WIK) agreement should be raised at the pre-DA stage of a prospective development to ensure timely discussions concerning any prospective infrastructure delivery concurrent with the development. Any delay in the instigation of such a process is at the applicant's sole risk.

No works will be offset against the requirement to pay monetary contributions without formal agreement in the form of an exhibited and adopted formal Planning Agreement or Works-in-Kind (WIK) agreement being in place prior to the commencement of work. All planning agreements and Works-in-Kind agreements will make provision for the security of the contributions payable.

A formal planning agreement is required for the dedication of land free-of-cost unless that land dedication is specifically authorised by a contributions plan. Accordingly, the dedication, free-of-

cost, of small areas of land for the purposes of splayed corners and other access requirements is authorised by this contributions plan without the need for a separate planning agreement.

#### 9.4 Indexation prior to payment

In accordance with sec208(5) of the Regulation, for the purposes of this Plan, the proposed cost of carrying out development is to be indexed to reflect quarterly variations in the Consumer Price Index (All Groups Sydney) between the date the proposed cost was determined by Council and the date the contribution is paid.

The formula governing indexation of the proposed cost of carrying out development is as follows:

**Indexed Contribution = Original Contribution / CPI at calculation date x CPI at payment date**

Ku-ring-gai Council applies the quarterly Consumer Price Index (All Groups Sydney) as published by the Australian Bureau of Statistics on its website on a quarterly basis for the purposes of inflation of s7.12 contributions.

The base date for the cost-estimates of the works programme for this contributions plan is the June Quarter 2021.

#### 9.5 Application date of inflation

The Consumer Price Index is issued towards the end of the month following the quarter for which it is named. For example, the March Quarter CPI is issued towards the end of April. Council will apply the quarterly inflation on the day following the release of the new index figure which is published on the ABS website. Contributions will continue to inflate until they are paid.

#### 9.6 Payment of contributions and the issuing of Construction Certificates

For the purpose of sec156(2) of the *Environmental Planning and Assessment Regulation 2021*, a certifying authority (being council or an accredited private certifier) must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied in accordance with the condition of consent.

In particular, the certifier must ensure that the applicant provides receipts confirming that the s7.12 contributions have been fully paid and copies of such receipts must be included with the documentation provided to the council as required under sec158(2) of the Regulation. Failure to follow this procedure may expose the certifier to legal action.

Where an applicant may have reached an agreement with Ku-ring-gai Council to provide a work in kind, material public benefit, dedication of land and/or deferred payment arrangement, this would, in the normal course of events, be subject to a formal Planning Agreement accompanying the development application and incorporated within the consent.

Once again, it is Ku-ring-gai Council's view that it is the professional responsibility of the private certifier to ensure that council receives all the contributions to which it is entitled under this plan as levied on the development consent. It should be particularly noted that Ku-ring-gai Council is quite prepared to pursue any third party in the event of the non-receipt of any contribution to which it is entitled under this plan regardless of the nature of the omission that caused the non-payment. Private certifiers are advised to ensure that they have adequate professional indemnity insurance.

## 9.7 Payment of contributions and the issuing of Occupation Certificates

The obligations of accredited private certifiers in respect to the issue of an Occupation Certificate include the verification of compliance with all conditions in the Development Application or Complying Development Certificate and, if applicable, the Construction Certificate. The attention of certifiers is drawn to the fact that the contributions payable may be altered by the process of inflation, and may also be subject to more than one Notice of Payment arising from a change in the cost of works.

On application, council will provide written confirmation of the date and quantum of development contributions received and a statement to the effect that requirements for the payment of contributions arising from the particular proposal have been satisfied. Anyone issuing an Occupation Certificate is advised to seek this formal confirmation.

Once again, it is Ku-ring-gai Council's view that it is the professional responsibility of the accredited private certifier to ensure that council receives all the contributions to which it is entitled under this plan as levied on the development consent. It should be particularly noted that Ku-ring-gai Council is quite prepared to pursue any third party in the event of the non-receipt of any contribution to which it is entitled under this plan regardless of the nature of the omission that caused the non-payment. Accredited private certifiers are advised to ensure that they have adequate professional indemnity insurance.

## 9.8 Credits and Limitation of Refunds

As iterated in **9.1 Timing of Payment** above, once paid, contributions are committed to council's rolling works programme under the LTFP. Efficient delivery relies on certainty in cashflow and, as such, once committed to the works programme, contributions cannot be refunded.

Contributions remain attached to the land and may, if the initial development does not proceed and is formally relinquished, be carried as a credit to a subsequent application on the same land. Likewise a partial credit may be carried in the event of a reduction in cost arising after the contribution was paid. In the case of a property being on-sold, this means that the benefit of the contributions payments and any credit arising therefrom is sold with the property and passes to the new property owner. Any credit will be applied concurrent with the payment of contributions arising from the subsequent application. In the event that the contribution from the later application is less than the credit from the original application, there will be no refund of contributions already committed to council's rolling works programme.

Applicants should delay paying their s7.12 contributions unless and until they are certain of their immediate intention to proceed to act on the consent that gives rise to the contributions.

An application for a refund on the grounds of hardship must be made within three months of payment and/or prior to the contributions paid being integrated into the LTFP at each quarterly review. Payments meeting one of these criteria only will be assessed at council's discretion.

## 9.9 Goods and Services Tax

At the time this contributions plan was prepared, the position of the Australian Taxation Office (ATO) was that payment of development contributions made under the *Environmental Planning and Assessment Act 1979* is exempt from the GST. The budget for each work listed in the works programmes for this contributions plan has also been estimated nett of GST.

## 10. Financial Management

### 10.1 Receipting and Restriction of contributions obtained under this plan

All incoming s7.12 contributions are receipted and recorded as a restricted asset against the obligation to deliver the works programme listed in this contributions plan. All income accrued from the investment of contributions is also held as a restricted asset within the same account and supports the increasing cost of delivering infrastructure over time to ensure good management and transparency.

Reporting of the income, investment, and expenditure of s7.12 contributions is undertaken in accordance with the requirements of the Act and Regulation thereunder together with applicable Accountancy standards. Council's Long Term Financial Plan and Delivery and Operation Plan are reported to council on a regular basis.

At the time of drafting this contributions plan, contributions income and expenditure reporting for all councils is transitioning to the Planning Portal maintained by the NSW Government at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

### 10.2 Application of contributions obtained under this plan

Monetary contributions paid to the Council under a condition authorised by this contributions plan and its predecessor are applied by Council towards meeting the cost of one or more of the public facilities that will be, or have been, provided within the area as listed in the Works Programmes at the end of this document. Contributions received are published in the quarterly financial updates and allocated to the works programme works listed within Long Term Financial Plan. Rates and location of receipts may prioritise the works programme at both annual and quarterly updates.

### 10.3 Prioritising allocation of expenditure

The public facilities listed in the Works Programme are generally to be provided in accordance with the staging set out therein. Periodically benchmarking is undertaken according to the source and quantum of the actual receipt of contributions. This may result in a higher prioritisation to be given to works in a specific suburb or area to better reflect the source of indirect demand arising. More detail on the criteria for prioritisation of works is given in the **Demand & Delivery** section following.

### 10.4 Pooling of Contributions

For the purposes of facilitating the effective financial management of contributions and the efficient and effective delivery of the rolling works programme under the Long Term Financial Plan, this Contributions Plan authorises contributions obtained from conditions applied under this Contributions Plan and paid in respect of different developments, to be pooled and applied by the Council progressively towards the public facilities listed in the Works Programme.

Prioritisation will be determined in accordance with the prioritisation methodology specified in this plan and the estimated staging set out in the Works Programme but may be further refined during the operation of this contributions plan by active monitoring of the source and quantum of incoming contributions by suburb and by north-south region.

### 10.5 Policy on Grants, Levies and Other Income

Ku-ring-gai Council recognises that, generally speaking, capital works funded by development contributions and by the grants system should be mutually exclusive in the case of apportioned

works. However contributions and grants and/or special levies may collectively make up a total funding strategy to provide a work of a higher quality or greater extent (or both) than would have been possible using only one source of funding. It is also possible to combine funding sources to increase the capacity to deliver the works programme and bring forward works that otherwise could not have been instigated until some years after the receipt of partial funding. This policy facilitates the delivery of community infrastructure in the most efficient and timely manner and is considered consistent with government policy.

Ku-ring-gai Council allocates the total monetary amount of grants, levies and contributions for the publicly identifiable infrastructure relied upon to seek that funding. All such money is held as a restricted asset.

In the interests of clarity, works beyond the scope of baseline works that are included within this Contributions Plan are considered to be additional works for the purposes of this assessment even if they occur in the same physical space e.g. higher quality or more extensive landscaping and provision of higher quality or additional outdoor furniture in parks or in neighbourhood centres and/or more extensive or higher quality public domain improvements, embellishments, planting, lighting, street furniture and the like. A more extensive playground, catering to a wider range of ages, and/or utilising environmental water features, would be a work that could be expanded and improved by additional funding in a manner that would not otherwise have been possible for the benefit of the wider community.

Ku-ring-gai Council may also utilise grants or levies for projects valued in this contributions plan if considered necessary to make up for any unforeseen short-fall in contributions that were anticipated either in quantum or in timing to maintain an active rolling works programme.

Within the scope of grants or levies, for example the Ku-ring-gai environmental levy, there are a range of works which are intended to be funded over a long period of time. If there is any conflict between grant funding and contributions funding, this will provide an opportunity for Ku-ring-gai Council to extend the scope of work, undertake additional works that would not otherwise have been possible, or to reallocate contributions to bring forward works later in the works schedule.

## 11. Review Schedule

This s7.12 contributions plan, known as **Ku-ring-gai s7.12 Local Levy Contributions Plan 2023**, is a review of the original **Ku-ring-gai s94A Contributions Plan 2015** which came into effect on Sunday 27 March 2016. Both this plan and its predecessor are fixed development consent levy contributions plans under Division 7.1 of the *Environmental Planning and Assessment Act 1979*, notwithstanding the change in structure of the Act.

One of the anticipated outcomes of the recent contributions reforms process is a requirement for a four-yearly review schedule for the main s7.11 contributions plans. It is envisaged that future reviews of this s7.12 contributions plan will occur parallel. This is important to ensure that both contributions plans remain complementary and mutually exclusive.

This review of the s7.12 contributions plan was undertaken to address some of the concerns raised as part of the reform processes that were the subject of exhibition by the NSW Government in 2020 and 2021, to update references to current legislation following the restructuring and renumbering of the *Environmental Planning and Assessment Act 1979* and the replacement of the *Environmental Planning and Assessment Regulation 2000* with the *Environmental Planning and Assessment Regulation 2021* and to provide an updated works programme that better addresses

the indirect demand arising from urban renewal. The review of the complementary s7.11 contributions plan is currently delayed until some of the key reforms are in effect.

The Australian Census is held every five years and data from the census is important to inform reviews in any area that is undergoing urban renewal. The release of data from the 2021 census commences in June 2022 and staged releases continue into 2023. As such, limited current 2021 census data has been available for analysis and inclusion in this review. The next review of this contributions plan is likely to take place concurrent with the review of the s7.11 contributions plan after the effective date of the reforms as part of the transition process. Ku-ring-gai Council may seek to delay a future scheduled review in order to have the most up-to-date census data available for the review. In such circumstances, a delayed scheduled review of one contributions plan, may affect anticipated reviews of any other contributions plan.

**Note:** Nothing in this contributions plan can be taken as a commitment to adopt any review of this contributions plan by any specific date. Nothing in this contributions plan may be read as implying that the plan will cease to operate unless reviewed within any particular period.



# Demand & Delivery



## 12. Principles of Local Infrastructure Contributions – Local Levies

This indirect s7.12 local levy contributions plan:

- seeks to complement the direct s7.11 contributions plan being **Ku-ring-gai Contributions Plan 2010** (and its successors) by funding additional works with the objective of ensuring that the level of community and physical infrastructure provided throughout Ku-ring-gai is adequate to address the cumulative demand from new development, redevelopment and urban renewal;
- enables the consent authority to impose conditions when granting consent to development on land to which this plan applies of a development type to which this plan applies but only if such development is not eligible to be levied s7.11 contributions under **Ku-ring-gai Contributions Plan 2010** or its successors;
- enables the council to recoup funds which it has recently expended on the provision of community infrastructure identified in this contributions plan or its predecessor contributions plan **Ku-ring-gai s94A Contributions Plan 2015** as part of a continuous rolling works programme, in anticipation of likely future development;
- provides a framework under which strategies for the provision of additional community infrastructure may be implemented and coordinated;
- provides a comprehensive strategy for the assessment, collection, expenditure, accounting and review of indirect contributions over the life of this s7.12 contributions plan;
- strives to ensure that the existing community is not burdened by the cumulative impact of indirect demand for the provision of new and upgraded community infrastructure required as an indirect result of development nor disadvantaged by increased pressure on current facilities provision;
- supports Ku-ring-gai Council in being publicly accountable in its management of the contributions system; and
- facilitates the realisation of the outcomes identified in this contributions plan and in supporting strategic planning documents.

This indirect s7.12 contributions plan supports the integrated planning of the Ku-ring-gai Local Government Area through the Local Strategic Planning Statement (LSPS), the Housing Strategy (HS), the Local Environmental Plan (LEP), Development Control Plan (DCP), Public Domain Plan (PDP) and other planning and policy documents guiding the future of Ku-ring-gai. Its relationship with the s7.11 contributions plan is complementary and mutually exclusive.

## 13. What is Indirect Demand?

Indirect contributions were introduced into the *Environmental Planning and Assessment Act 1979* (and the associated Regulation) as part of the suite of 2005 amendments. Initially these were termed s94A contributions, becoming s7.12 contributions upon the renumbering of the Act in 2017.

The concept of indirect contributions was introduced to enable a straightforward one percent levy to be obtained from development that may be geographically scattered and difficult to precisely predict or to quantify to the high standard of measurable direct demand that is required by a s7.11 direct contributions plan but which, none-the-less, imposes a cumulative additional impact on the area in terms of infrastructure demand.

Indirect demand arises from a range of changes in the total population and in the demographics of the community and in society, which are on-going. These are changes which are expressed in

continuing applications for redevelopment and urban renewal to physically accommodate that process of continuous change.

Changing infrastructure demands arise indirectly from both growth and change. An established community such as Ku-ring-gai is not static; it is in a continuous cycle of urban renewal. Older, smaller housing stock, particularly deceased estates, are sold and extensively modernised and extended or completely demolished for newer, larger modern dwellings by incoming residents, many of whom are second home buyers with older children. Other dwelling houses are extended and modernised to accommodate changing needs. The increasing cost of housing over the first 22 years of the 21<sup>st</sup> century in particular has contributed to adult children remaining in the parental home for much longer than was the case in the late 20<sup>th</sup> century, contributing indirectly to population growth and a demographic shift. More recently, the COVID 19 pandemic has accelerated an emergent trend for home-based and hybrid work which has seen a significant shift in how many of our residents, our labour force, spend their time, and where. In particular, this has resulted in residents spending more of their time in their residential area and, relieved of the time formerly spent commuting, having more time overall to spend in Ku-ring-gai's local parklands, walking trails and their local neighbourhood centres, both at lunchtimes and before and after work, for exercise and for leisure. Portable technology even makes it possible for parks and local cafés to become places of work.

Changing legislation requires that public areas be accessible to all. By designing public spaces to be accessible to everyone regardless of ability, we also provide for ageing in place and supporting residents to remain in their local, familiar, areas as health and capacity may change over a lifetime. This is particularly important for residents who are making extensive investments in their dwellings to accommodate changes in the needs of their households over time.

In the context of these changes, it is particularly emphasised that small-scale accommodation such as secondary dwellings that provide accommodation for adult children or older relatives as well as housing variety for lower cost rental, are levied s7.12 contributions (unlike larger dwellings on separate titles which are levied under the s7.11 contributions plan). Likewise knockdown rebuilds and alterations & additions providing for larger, younger families and increased working-from-home are also levied s7.12 contributions. The increased daytime population of Ku-ring-gai gives rise to additional infrastructure demand even if total population numbers are not increasing as rapidly as they were in the recent past.

This **s7.12 Local Levy Contributions Plan 2023** was preceded by the first indirect contributions plan for the Ku-ring-gai LGA: **Ku-ring-gai 94A Contributions Plan 2015** which came into effect on Sunday 27 March 2016. Detailed analysis of the past six years of urban renewal and redevelopment has informed the s7.12 works programme going forwards to better relate the parallel demands for upgrades in the public domain to the upgrades in the private domain.

### 13.1 Sources of demand arising from capital investment in the private domain

The relationship between expected development and the demand for Local Community Infrastructure is established through:

- Increased investment in private sector developments including the rebuilding and expansion of developments creates community demands and expectations for increased and improved investment in public facilities.

- Substantial increased investment by private individuals including the rebuilding and expansion of individual dwelling houses creates community demands and expectations for increased and improved investment in supporting public facilities.
- Increasing floorspace through alterations and additions, knock-down rebuilds and secondary dwellings / granny flats, has the potential to increase the population and place a demand on local facilities and infrastructure.
- Private investment in the quality of the dwelling has the capacity to influence perception of the quality of the public domain and create pressure for improvements and on-going urban renewal.
- Investment by private individuals including the rebuilding and expansion of individual dwelling houses supports ageing in place and creates additional demand for accessibility.
- Increasing demand for home office spaces increases the total amount of time spent in the local residential area is giving rise to more intensive demand and demand at times that would formally have been spent commuting or work lunchbreaks in other localities.
- Increasing non-residential floorspace through alterations and additions or new construction works in local neighbourhood centres acts as an attractor to the local area and increases demand for supporting infrastructure including local area traffic management and works that enhance accessibility.
- Increasing investment in revitalising non-residential floorspace through changes of use or substantial internal refurbishments generates demands on the interface with the public domain.

This indirect s7.12 contributions plan seeks to impose a condition requiring a contribution on development that is currently not subject to a contribution under the direct s7.11 contributions plan known as **Ku-ring-gai Contributions Plan 2010** (and its successors). The s7.11 contributions plan relates chiefly to large scale concentrated and intensive redevelopment in the local centres along the Pacific Highway and Northern Railway line and in St Ives. It also applies to all residential development across the LGA where nett additional dwellings are to be delivered. However, the main s7.11 contributions plan, does not apply to other types of development that increase the demand in the Local Government Area including non-residential development in the neighbourhood centres away from the Local Centres areas (defined by catchment maps in that plan) and in Killara and some parts of Wahroonga, and on isolated business sites (such as the former UTS, CSIRO, Acoustic Laboratories, SAN hospital and the like) – which are covered by this contributions plan. It also does not apply to small scale urban renewal outside the local centres.

Urban renewal is a continuous on-going process. Larger modern dwellings replace older cottages, alterations and additions enlarge and enhance existing houses. Part of the value of a dwelling house comes from the urban environment in which it is situated, particularly in higher socio-economic areas like Ku-ring-gai. Urban renewal of local streets, neighbourhood shopping areas and local village centres is a parallel part of the on-going renewal of existing residential dwelling stock.

### 13.2 Nature of demand arising from capital investment in the private domain

Ku-ring-gai is a Local Government Area in cyclical renewal. Formerly described as an 'ageing' area, it still features a higher percentage of residents in the older age cohorts. In recent years, the redevelopment of the local centres areas along the Northern Railway line / Pacific Highway corridor and St Ives, has assisted older residents in down-sizing to smaller accommodation and ageing in place. This has released existing single dwellings for occupation by new families, often with school-aged children. This process also gives rise to population increases, and supports the on-going process of extending and replacing older dwelling stock.

Larger dwellings increase the potential for new residents, either immediately or when the dwelling is on-sold – without the scope for direct contributions. Indirect contributions reflect the urban renewal process on a community scale and enable investment into the local neighbourhood centre and local infrastructure such as parks and playgrounds.

With the likely population growth and change, provision will need to be made for additional or improved public facilities to meet additional demand. As the likely population growth and change will diminish the access and enjoyment and standards of public facilities for the existing population, these additional or improved facilities are to address that indirect demand. A range of public facilities are required to be provided or improved to meet residential development demands; including open space provision, improvement and embellishment, community and cultural facilities, public domain and town centre improvements, transport, access and mobility improvements such as for walking, cycling, public transport and private vehicles, and environmental improvements. Commercial developments generate demands for public facilities, primarily for public domain and town centre improvements, cultural facilities, and transport, access and mobility improvements. Mixed use developments and recreation and tourism related developments generate similar demands for public facilities as both residential and commercial development. Public facilities required to meet the demands of Industrial development primarily include transport, access and mobility improvements and environmental improvements.

The in-fill development in and around the neighbourhood centres is expected to create additional demands for public transport supporting infrastructure and public domain improvements. These include pedestrian-friendly streets, new urban plazas, improved parking and access including intersection treatments and cycle facilities.

### 13.3 Indirect vs direct demand

The s7.11 contributions plan, being a direct contributions plan, is subject to a much stricter demonstration of direct causal geographic nexus for the origin of demand and the delivery of infrastructure that this s7.12 contributions plan.

It is noted that s7.12(4) reads as follows:

#### **7.12 Fixed development consent levies**

*(4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.*

Notwithstanding the above, the indirect link between the continuous cycle of urban renewal in the private domain and the demand for urban renewal and additional local infrastructure in the public domain is established in this contributions plan. Like the smaller scale and scattered development that is the subject of a local levy contribution under this contributions plan, the works programme is also focussed on the local neighbourhood.

The proposed works programmer supported by this contributions plan primarily consists of a collection of smaller scale works to be delivered in the local streets, local neighbourhood centres and local parks that all dwellings and local businesses the area can access, and which are located within walking distance of the majority of homes and local businesses in Ku-ring-gai.

### 13.4 Urban renewal in the private and public domains

Ku-ring-gai Local Government Area (LGA) has been experiencing two very different types of growth – each supported by infrastructure delivery funded by different types of contributions plans. These areas of growth and change are also located in distinct geographic areas of the LGA.

In the local centres around the railway line / Pacific Highway corridor and in St Ives, predominantly multi-unit development of dwellings between 0 and 3 bedrooms is replacing houses of 3 or more bedrooms. The shift in percentages of housing to increasing units in the centres, many being achieved by the demolition of single dwelling houses, obscures the process where there is also substantial urban renewal of single dwellings into more substantial single dwellings.

The shift to overall higher density within the Ku-ring-gai Local Government Area is illustrated in the table below:

	2021			2016
Dwelling Type	Number	Percentage	Number	Percentage
Separate House	30,599	66.7%	30,718	72.4%
Medium Density	3,953	8.6%	3,558	8.4%
High Density	11,076	24.2%	8,049	19.0%
Other, Not Stated	220	0.5%	128	0.2%
Totals	45,848	100%	42,453	100%

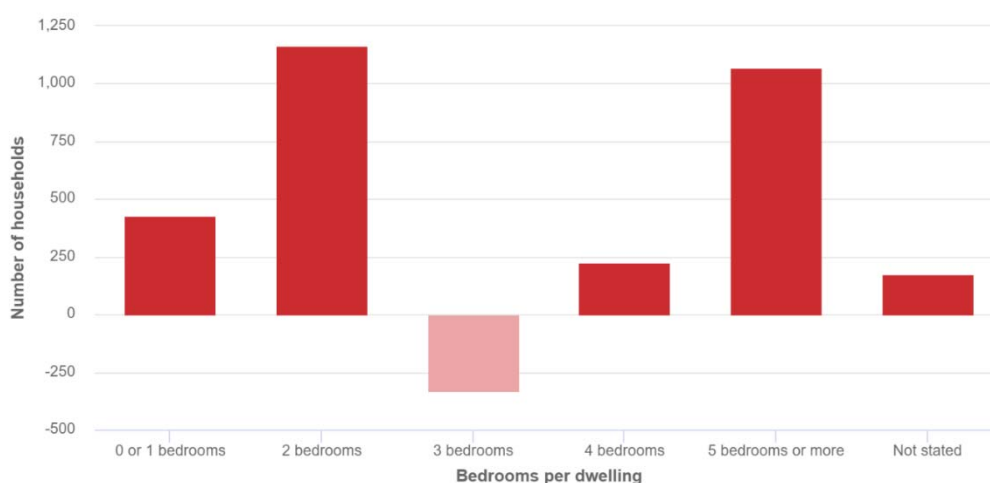
Source: *profile.id* using ABS data

Higher density development is concentrated around the transport nodes on the main north-south links. Outside those centres, lies the suburban area that was predominantly first developed between the 1950s and the 1980s. Here, smaller dwellings, predominantly of the post WW2 era, are being replaced by substantial family dwellings as part of the process of population renewal as the houses of older residents are vacated and sold.

The two parallel trends in dwelling sizes between the 2011 and 2016 census and the 2016 and 2021 census that are shown in the following graphs are instructive. Both graphs show large increases in both 2 and 5 bedroom dwellings. A trend already evident between 2011 and 2016 has accelerated over the life of the predecessor indirect contributions plan from 2016 to 2021.

Change in number of bedrooms per dwelling, 2011 to 2016

Ku-ring-gai Council area

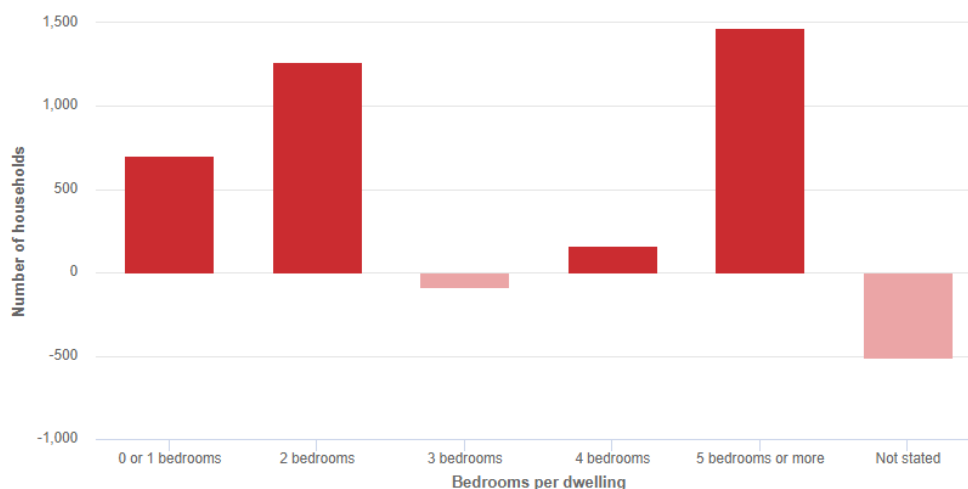


Source: Australian Bureau of Statistics, Census of Population and Housing, 2011 and 2016 (Enumerated data). Compiled and presented in *profile.id* by .id (informed decisions).

**.id** informed decisions

### Change in number of bedrooms per dwelling, 2016 to 2021

Ku-ring-gai Council area



Source: Australian Bureau of Statistics, *Census of Population and Housing*, 2016 and 2021 (Enumerated data). Compiled and presented in profile.id by [.id](#) (informed decisions).

The growth in the number of households residing in two-bedroom dwellings is largely reflective of higher density redevelopment primarily located in the local centres. The growth of households residing in five bedroom dwellings is reflective of the urban renewal in the out-of-centres low rise residential areas.

The changing demographics, as well as shifts in total numbers, gives rise to infrastructure demands of the different types supported by this contributions plan which supports the out-of-centres urban renewal process.

### 13.5 Expected development and population demand

The NSW Department of Planning Demography Team expects the following total growth within Ku-ring-gai to 2041:

Region	2021	2041	Change	Annual %
NSW	8,166,757	9,872,934	1,706,176	⬆️ 0.95
✖️ ■ KU-RING-GAI	127,402	140,760	13,358	⬆️ 0.50

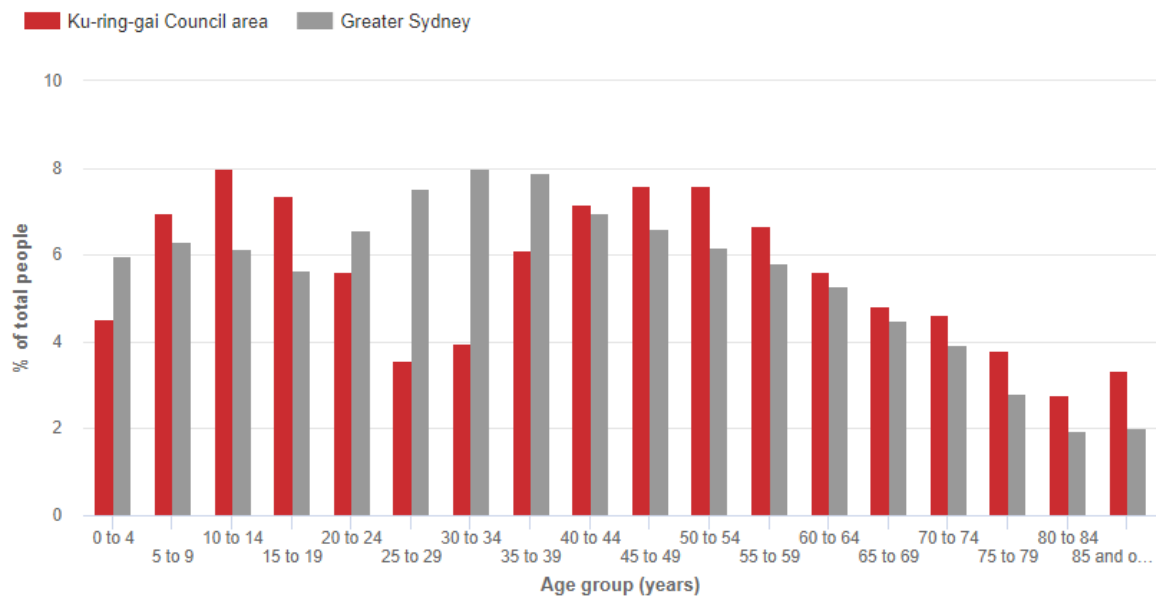
Source: NSW Population Projections (Demography Team of Planning NSW).

We can see from the type of housing development occurring in the table in the sections above that growth will be distributed across both redevelopment for units in the centres and by urban renewal outside the centres.

The age-profile of the Ku-ring-gai LGA also reinforces the observed trends in housing development and renewal. Ku-ring-gai has comparatively high numbers of teenagers and their parents. This trend reflects and reinforces the second home buyer housing market in the suburban areas and the high numbers of applications for extensions and knock-down rebuilds. The Ku-ring-gai LGA also shows a high number of older residents which suggests that the trend of cyclical urban renewal is likely to continue in the short term.

## Age structure - five year age groups, 2021

Total persons

Source: Australian Bureau of Statistics, [Census of Population and Housing](#), 2021 (Usual residence data). Compiled and presented in profile.id by [.id](#) (informed decisions).

## Age structure - Five year age groups

Ku-ring-gai Council area - Total persons (Usual residence)		2021			2016			Change
Five year age groups (years)		Number	%	Greater Sydney %	Number	%	Greater Sydney %	2016 to 2021
0 to 4		5,602	4.5	6.0	6,027	5.1	6.4	-425
5 to 9		8,624	7.0	6.3	8,631	7.3	6.4	-7
10 to 14		9,922	8.0	6.2	9,207	7.8	5.8	+715
15 to 19		9,124	7.4	5.6	9,293	7.9	6.0	-169
20 to 24		6,968	5.6	6.6	6,638	5.6	7.1	+330
25 to 29		4,419	3.6	7.5	4,459	3.8	7.9	-40
30 to 34		4,903	4.0	8.0	5,206	4.4	8.1	-303
35 to 39		7,569	6.1	7.9	6,789	5.8	7.4	+780
40 to 44		8,874	7.2	7.0	8,293	7.0	7.1	+581
45 to 49		9,405	7.6	6.6	9,500	8.0	6.7	-95
50 to 54		9,428	7.6	6.2	9,015	7.6	6.3	+413
55 to 59		8,270	6.7	5.8	7,447	6.3	5.8	+823
60 to 64		6,962	5.6	5.3	6,091	5.2	5.0	+871
65 to 69		5,993	4.8	4.5	5,685	4.8	4.4	+308
70 to 74		5,718	4.6	3.9	4,830	4.1	3.3	+888
75 to 79		4,701	3.8	2.8	3,829	3.2	2.4	+872
80 to 84		3,447	2.8	2.0	3,076	2.6	1.8	+371
85 and over		4,138	3.3	2.0	4,036	3.4	2.0	+102
Total population		124,067	100.0	100.0	118,052	100.0	100.0	+6,015

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2016 and 2021. Compiled and presented by [.id](#) (informed decisions).

Ku-ring-gai has substantially fewer residents in their late 20s and early 30s compared to greater Sydney and the numbers in that age group continue to decrease despite the extensive unit development that has taken place in the last eight years. As such, the increase in residents in their early 20s is more likely to be reflective of adult children remaining at home for longer.

## 14. Analysis of Ku-ring-gai s94A Contributions Plan 2015

Ku-ring-gai Council's inaugural indirect contributions was prepared and exhibited in 2015 under the then s94A of the Act; it came into effect on 27 March 2016. The first contributions were received in May 2016. An analysis of the data from that month until February 2022 was undertaken in the preparation of this review.

The data is derived from our register of receipts which means only the applications that proceeded to construction have been analysed and the data has been adjusted for duplicate applications which received credits from earlier applications that did not proceed.

The overwhelming majority of applications in the Ku-ring-gai Local Government Area (LGA) that are subject to indirect contributions, are the redevelopment of existing housing stock with alterations & additions and ancillary residential (including secondary dwellings) accounting for 62.8% of applications over the first 5-6 years of operation. The complete demolition of the existing dwelling and replacement dwelling made up a further 34.5% of applications.

Development Type – Indirect Levies	Percentage
Alterations & Additions & Ancillary Residential	62.8%
Knockdown rebuilds (new replacement dwellings)	34.5%
Non residential	2.7%
	100%

The majority of non-residential redevelopment occurs within the local centres and is levied s7.11 contributions, with just 2.7% of those applications that were subject to s7.12 contributions arising from non-residential redevelopment and non-residential alterations & additions over the period. These included establishments within the smaller, neighbourhood centres, new childcare establishments and private educational establishments. Of the non-residential applications, more than one third were located in Wahroonga which is home to both the SAN hospital associated health precinct and parts of the centre which are not located in a Local Centre Catchment under the s7.11 contributions plan. This is an area which will require focus on local traffic generation and local road upgrades as a consequence of this cluster. There were also 13 applications for childcare centres of which 11 were in the northern half of the LGA.

The table above emphasises that the overwhelming majority of contributions arise from local residents improving their private domain. As such, works to improve the public domain and support urban renewal are the essential focus of the works programme under this contributions plan. These are works that improve accessibility through intersection treatments to improve traffic flow, pedestrian routes and cycleways and works that improve the local destinations of neighbourhood centres, parks, playgrounds and trails. The section below includes further information about the acceleration of demand for urban renewal in the private domain in the last 2-3 years.

## 15. The COVID 19 Pandemic and the shift to hybrid work

A global pandemic engulfed the world from the start of 2020 and continues at the time of drafting this review of the s7.12 contributions plan in 2022. The abrupt transition for large proportions of the population to online ways of working and learning represented a fundamental shift in some of the core ways in which we live and work.

Now into its third year and with remote working well-established, it is not only unlikely that pre-pandemic approaches to work will revert unchanged to the pre-pandemic norm, in fact this would represent a fundamental failure to seize the once-in-a-generation opportunity for re-balancing.

The extent to which widespread hybrid work practices will influence local infrastructure demand will remain unclear as the pandemic continues and work practices remain in a state of fluctuation as individual negotiations between employers and employees continue to take place. However, at the time of drafting this review, clear trends are emerging in favour of on-going hybrid work.

What this contributions plan can do is examine the nature of work undertaken by the labour force resident in Ku-ring-gai and the opportunity presented for hybrid work as a result.

EY (formerly Ernst & Young) were commissioned by the NSW State Government to analyse what is needed to revitalise the Sydney CBD post-pandemic. The findings also have implications for suburban areas like Ku-ring-gai. Of six key themes, these were the top two:

1. **Create central experience districts:** EY found 62% of Australians expect to favour their local precincts over the CBD once the pandemic subsides. Luring people back will require a combination of 'energising experiences' and policies that support the 24-hour CBD, remove restrictive taxes and welcome back international students.
2. **Reimagine the workplace:** Marble foyers and sweeping city views will not be enough to entice people back to the office. The idea of a workplace has moved from shiny headquarters in the city to any place, whether that's the kitchen table or the local café. Creating healthy and productive spaces for hybrid work will require new skills, innovative design, a customer-centric mindset and smart technology.

From these findings, it is clear that the way we work has fundamentally changed. As shown in the following section, the nature of Ku-ring-gai's workforce is very well-placed to establish a new balance for the physical locations where work is conducted including in our public and private domains within Ku-ring-gai.

### 15.1 Ku-ring-gai and our Labour Force

An analysis of Ku-ring-gai's labour force by profile.id (to which Ku-ring-gai Council subscribes) indicates the following trends and characteristics in Ku-ring-gai:

More than 40% of Ku-ring-gai labour force hold professional qualifications and work in professional roles and more than 20% are in managerial roles.

The greatest growth in occupations of our residents is in both these areas of expertise.

In the last five years, there has been a decrease in sales workers and community and personal services workers.

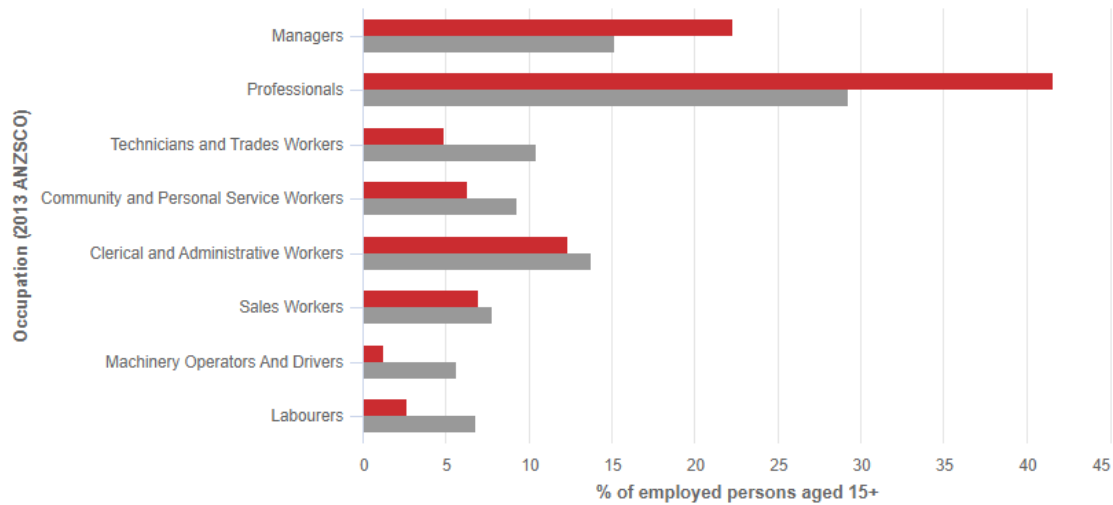
The potential for hybrid work, however, must also be considered in the context of the nature of work as there are professionals and managers whose employment cannot easily be converted to hybrid works particularly in the health and education sectors.

Ku-ring-gai Local Government Area's top three fields of employment are: professional, scientific and technical services (17.5%); Health care and social assistance (14.2%) and Financial and Insurance Services (11.4%). While many health and social assistance roles may not allow for hybrid work unless in administration and management, other fields indicate better scope.

## Occupation of employment, 2021

Total employed persons

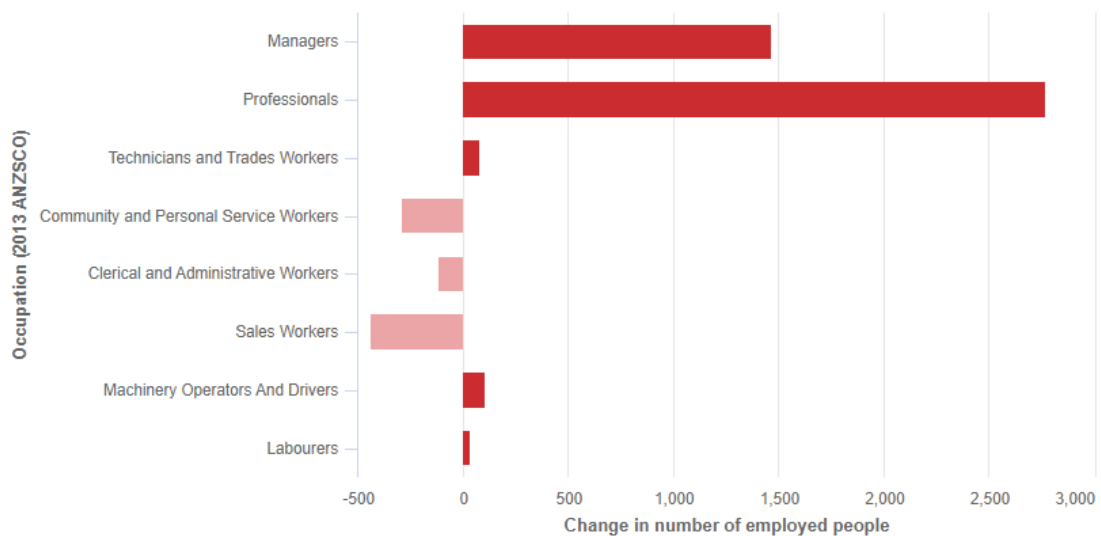
Ku-ring-gai Council area Greater Sydney



Source: Australian Bureau of Statistics, [Census of Population and Housing, 2021](#) (Usual residence data). Compiled and presented in profile.id by [.id](#) (informed decisions).

## Change in occupation of employment, 2016 to 2021

Ku-ring-gai Council area - Total employed persons



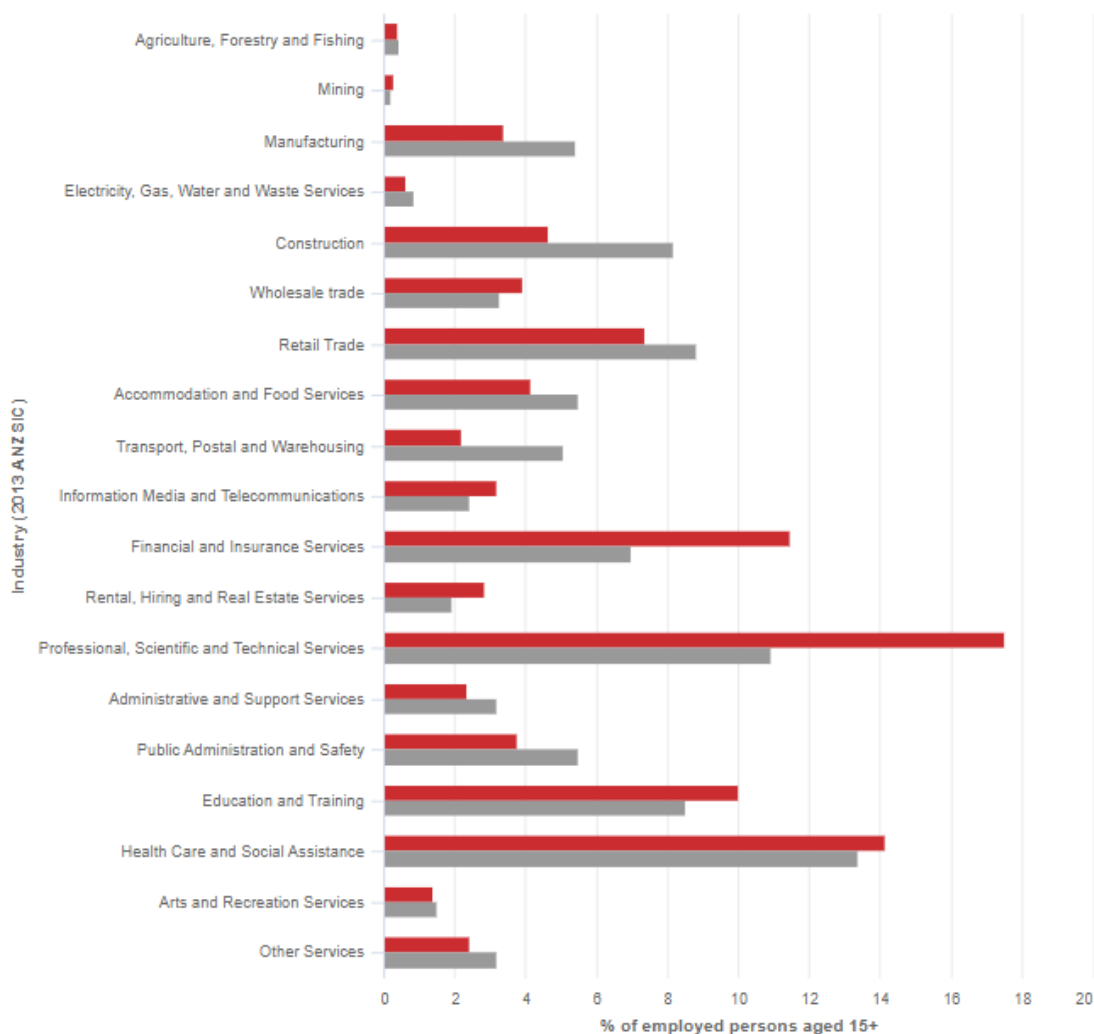
Source: Australian Bureau of Statistics, [Census of Population and Housing, 2016 and 2021](#) (Usual residence data). Compiled and presented in profile.id by [.id](#) (informed decisions).

Ku-ring-gai features a dominance of employment groups best able to continue with hybrid work. The increased amount of their time that people are spending in their local area is also a form of increased demand. It is identifiable in the trends for dwelling renewal and reconstruction.

## Industry sector of employment, 2021

Total employed persons

Ku-ring-gai Council area Greater Sydney



Source: Australian Bureau of Statistics, Census of Population and Housing, 2021 (Usual residence data). Compiled and presented in profile.id by .id (informed decisions).

## 15.1 Ku-ring-gai and applications for dwelling improvements

In **13.4 Urban renewal in the private and public domains** it was demonstrated that over 97% of applications subject to s7.12 contributions arise from small-scale local residential urban renewal. As such, the notable up-tick in applications for dwelling modifications from 2020 and sustained well into 2022 only serves to underline the argument that housing modifications are linked to the changing purposes of dwellings and the amount of time households are spending in them.

Financial Year of Contributions Plan	Percentage of Total Receipts
2015/2016 (start year)	0.21%
2016/2017	10.86%
2017/2018	13.45%
2018/2019	16.04%
2019/2020	15.70%
2020/2021	21.55%
2021/2022	22.18%
Total	100%

The predecessor indirect contributions plan has been in operation for six complete years, but nearly 44% of receipts have been in the two years of the pandemic reflecting a fundamental shift in the way we relate to our places of residence.

## 16. Overview of the Works Programme

Indirect contributions under s7.12 arise from both residential and commercial urban renewal projects across the whole of the Ku-ring-gai LGA. Most of these individual projects are comparatively small in nature with larger redevelopments predominantly located around the local centres and levied direct contributions under s7.11.

As such, the works programme for s7.12 contributions responds to this scattered cumulative local demand by focussing on the local neighbourhood shopping areas, the local roads, intersections and cycle paths that allow people to move around their local areas and local destinations for recreation such as improving opportunities for recreation through providing facilities in local parks and local walking paths and trails.

The focus on links and destinations enables as many people as possible to benefit from improvements in the Ku-ring-gai area funded by this contributions plan.

There has been a fundamental shift in how we live and how we work that has occurred as a result of the response to COVID-19 and this is likely to continue a process of settling into a form of hybrid working lives divided between offices, homes and even locations such as cafés and parks. At the time of the 2021 census, a high percentage of 76.2% of the labour force of Ku-ring-gai was employed in professional, managerial or clerical roles (up from 73.7% in 2016). While not all of these roles are necessarily solely office based, especially in the case of health and teaching professionals, many will offer the potential for more flexible working arrangements.

A dominance of occupations based in office type work facilitates a consolidated shift to more people spending more working hours where they live rather than in a centralised office than was the case before the pandemic. While this trend is still emergent and difficult to precisely quantify, there is evidence that dwelling houses are being remodelled and upgraded to accommodate remote work and local areas need to respond by delivering supporting infrastructure works such as upgrading the pedestrian domain, local centres and local parks as well as intersection treatments in a timely manner.

### 16.1. Destinations and Linkages

This s7.12 contributions plan levies contributions from the on-going process of urban renewal outside the core local centres which are located along the railway line Pacific Highway corridor and St Ives and which are supported by the s7.11 contributions plan.

Accordingly, the works programme is focussed on the local neighbourhood (suburban) centres, facilities in existing suburban parks and nature areas to increase their functions and usability, local traffic management improvements to facilitate access including cycleways and pedestrian improvements. The potential for contributing to sporting and community facilities on Department of Education land is presented as an opportunity for providing additional access to a wider range of facilities is also included as a possibility, although there are strict criteria involved in the expending of contributions income on land which council does not own. Additionally one LGA-wide facility that benefits all residents is included in this contributions plan.

Underpinning the cost-effective delivery of infrastructure under this contributions plan are the principles of making existing assets work harder to deliver greater function and accessibility.

Specific ways in which this principle underlies the works programme included in this contributions plan includes:

- ✓ Upgrading existing parks and local spaces by the provision of improved facilities such as new and expanded playgrounds focussing on universal accessibility;
- ✓ Upgrading existing parks and local spaces to deliver a greater variety of exercise and fitness options through the provision of exercise equipment and fitness stations in existing, accessible parks;
- ✓ Improving access to existing parkland through better pedestrian and cycle facilities including upgraded walking paths and line-marking for cycleways, better access for cycles and pedestrians through unformed roads, and improved intersection treatments and crossings;
- ✓ Facilitating increased recreational walking through new and upgraded walks through existing publicly owned bushland;
- ✓ Providing scope to partner with the NSW State Government to increase public access to school facilities including joint projects to enhance school infrastructure for joint school and community use (subject to criteria securing community use for the life of the asset or compensation in lieu);
- ✓ Providing scope to partner with the NSW State Government to deliver works that support increased accessibility in transport corridors (subject to criteria securing community use for the life of the asset or compensation in lieu).

## 17. Demand for Destinations

Key destinations supported by this contributions plan include parks (with a variety of facilities) and neighbourhood centres. Ku-ring-gai Council undertakes biennial research to ascertain the community's priorities and measure council's performance against those priorities.

Key outcomes from the **2021 Ku-ring-gai Community Research Project** (undertaken by Micromex in April 2021) underline the importance of both playgrounds and neighbourhood centres to Ku-ring-gai's residents.

	Importance	2019 comparison	Satisfaction	2019 comparison
Provision and maintenance of playgrounds	81%	▲	95%	▲
Revitalisation / beautification of your closest neighbourhood shops	73%	▼	72%	▼

Of the surveyed residents, 81% ranked the provision of playgrounds of importance, an increase from the pre-pandemic survey of 2019. While the relative importance of the neighbourhood centre had declined from the previous survey, nearly three quarters of Ku-ring-gai's residents regarded neighbourhood centres of importance to them. Overall satisfaction was slightly lower.

These two key destinations form the most significant component of the works programme supported by this contributions plan.

### 17.1 Demand for Neighbourhood Centres

The local centres along the Pacific Highway and in St Ives are well supported by extensive public domain improvement plans supported by direct s7.11 contributions arising from the intensive redevelopment taking place around the railway stations and St Ives Local Centre.

By comparison, the smaller-scale neighbourhood centres, which support a smaller local population, have not been the subject of focussed village improvements – primarily inhibited by a lack of adequate funding. Two pilot projects: Phillip Mall in West Pymble and Princes Street shops in Turramurra indicated what could be achieved in terms of local revitalisation.

The pandemic years have increased focus on the local areas where we live and the facilities within walking distance of our homes.

### 17.2 Demand for Local Parks and Playgrounds

Ku-ring-gai has an extensive network of local parks, many of which are located in the suburban redevelopment areas of the 1960s through to the 1980s remote from the central spine of the railway line and Pacific Highway. These parkland assets are not the subject of direct contributions under **Ku-ring-gai Contributions Plan 2010** from predominantly centres based development due to a lack of direct and measurable causal and geographic nexus. Many are also not funded from other sources such as budget allocations or grants. In many cases a budget allocation is required to match grants and without this funding grants cannot be sought.

Many community facilities in our parks and neighbourhood shopping streets are inadequate for their current levels of use and a small capital investment – such as from the indirect contributions under this Contributions Plan – can make a material difference in the service and value of these existing areas.

Scattered development in the form of investment in new, improved and enlarged dwellings through knock-down rebuilds and extensive alterations and additions, is occurring through the process of cyclical population renewal as older people downsize from single dwellings into apartments and assisted living and families return to the area. This process gives rise to the increased likelihood of changing demands in the design and facilities available in existing parks. For example, there is an increased demand for facilities for young people (teenagers) and younger children in existing parks.

Playgrounds cater for our children and are vital for the health and well-being of future generations. They also have a high capital cost to deliver. Available alternative funding (outside of this contributions plan) would only provide a sufficient budget for one relatively small playground upgrade per annum. This level of funding would be insufficient to deliver the identified needs included within council's adopted playground strategy but for the availability of additional funding through indirect contributions. Given that the average lifespan of a typical playground is in the order of 15 years, the alternate funding levels need to be increased significantly to upgrade each playground let alone deliver new playground facilities in Ku-ring-gai. Utilising a mix of s7.12 contributions and the general revenue under the Long Term Financial Plan enables a much greater rate of delivery. The capacity to seek grants for some larger playgrounds enables district facilities to be delivered and for additional playgrounds to be prioritised from s7.12 contributions, particularly in areas that are comparatively poorly served.

Suburb	Local	District	Regional	Total
North Turramurra	5	0	0	5
North Wahroonga	2	1	0	3
St Ives Chase	2	0	0	2
Wahroonga	7	2	0	9
Warrawee	1	0	0	1
South Turramurra	4	1	0	5
Turramurra	11	1	0	12
St Ives	12	3	1	16
Pymble	3	1	0	4
West Pymble	10	0	1	11
Gordon	3	1	0	4
East Killara	3	0	0	3
Killara	7	2	0	9
East Lindfield	4	1	0	5
Lindfield	7	1	0	8
Roseville	4	1	0	5
Roseville Chase	2	0	0	2
	87	15	2	104

Source: Ku-ring-gai Play Space Strategy 2020 page 11

Parks with adopted master plans that itemise works to be staged over a ten year period raise community expectation for implementation of improvements based on intensive community consultation and support. Funding is required to achieve the agreed and desired outcome of an improved park: to be available to a greater number of users; provide experiences for greater variety of recreation and leisure activities; incorporate elements that are important to the community and user groups; integrate sustainable principles into park design; and provide a holistic approach to design that allows for improvements to occur in stages as funding becomes available.

Indirect contributions under this Contributions Plan can also assist to provide barrier-free universal access where possible for implementation of Council's *Access and Disability Inclusion Plan 2014 – 2018*. These playgrounds, parks and neighbourhood shopping centres, are outside the catchment of the Local Centres and are, therefore, not the subject of contributions under **Ku-ring-gai Contributions Plan 2010**. Unlike sports facilities, these land assets have little or no income generation potential.

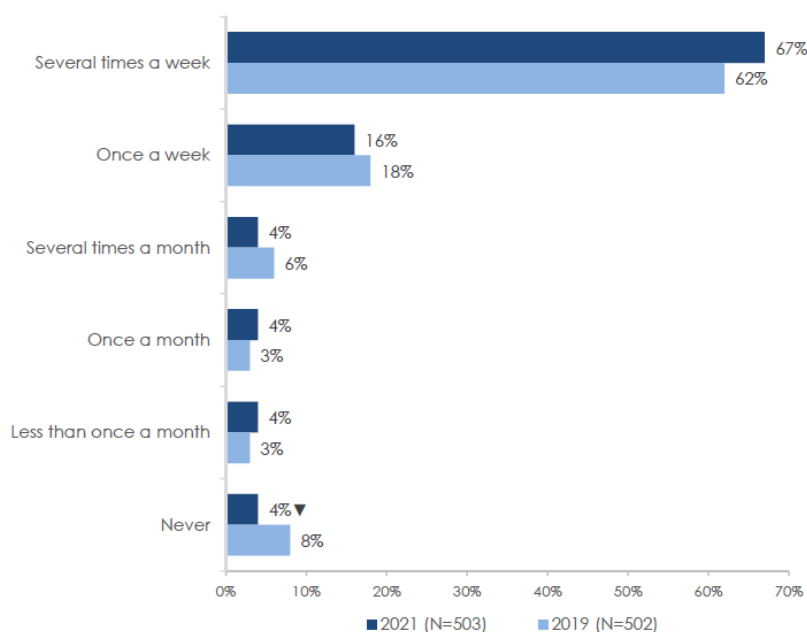
### 17.3 Demand for sporting and fitness facilities

Ku-ring-gai Council retained Micromex research to undertake community surveys during 2021 collecting data on the importance of a number of leisure activities including active recreation. Similar surveys were undertaken in 2019.

There are a notable increase in 2021, compared to 2019, in residents of Ku-ring-gai engaging in active recreation including walking, cycling and organised sport. However a significant number of residents were already engaged in these activities prior to the pandemic suggesting that this demand will not reduce significantly after the pandemic period.

## Participating in Sport and Fitness Activities

Q6b. How often do you take part in sporting and fitness activities, such as walking, cycling, organised sport, fitness classes, personal trainer?



Please see Appendix A for results by demographics

**Participation in sporting and fitness activities has increased from 2019, with 83% taking part in these activities at least once a week.**

Source: Ku-ring-gai Council Community Research 2021, Micromex Research (page 58).

Exercise groups, both formal and informal, frequently use Ku-ring-gai's existing parks, pedestrian and cycle paths and walking trails. Facilities to support exercise can take several forms. The works programme to this contributions plan includes provision for exercise equipment in park including general fixed exercise stations and exercise station specifically designed for seniors. Also included are some walking trails both as recreation and as linkages to other destinations.

There are limited opportunities to fund additional sporting and recreation facilities at a larger scale such as courts and fields however one area where an opportunity may arise is through community use of public school facilities through a joint venture or other sharing arrangement with the NSW Government. In order to authorise the expenditure of contributions held in trust for works benefiting the local population, formal Deeds of Agreement must be entered made that guarantee public access over the full economic life of the facility or payment in lieu that can be returned to this contributions plan for redeployment into other facilities. Given the cost of such facilities, making provision for the potential under this s7.12 contributions plan may be the only opportunity to deliver any additional recreational or sports facilities or major upgrades that extend the capacity and economic life of facilities.

### 17.4 Criteria for linking with the NSW Government – facilities on public school land

The better utilisation of crown land offers considerable opportunities for addressing demand with the provision of infrastructure net of the cost of acquiring land by council. One of the largest land holdings (exclusive of National Parks) in Ku-ring-gai are the local public schools. On school land there is the possibility of engaging with the NSW Government to deliver additional assets that benefit both the local school population and, out of school hours and on non-school days, benefit the local community.

Prior to the investment of community infrastructure funding on land that Ku-ring-gai Council does not own, including land owned by the state government, it is essential to come to formal legal agreements concerning the guarantee and circumstances of public access to the joint facilities, and the provision of compensation in the event that the facility does not deliver for the full term of its economic life.

The assessment of any particular opportunity will need to take into account the location of the facility, the access to that facility, the need for that facility in the area, and whether residents of the areas contributions under this contributions plan are likely to derive benefit from the provision of the facilities.

There is an existing example of the utilisation of development contributions on public school land in the adjoining Willoughby Local Government Area to deliver additional public-access sporting infrastructure. This work included the conversion of the surface of the existing school oval to a synthetic surface and providing lighting increasing the hours of use as well as the provision of ball courts, upgraded cricket practice nets, a carpark and changerooms. The opportunity was identified in Willoughby City Council's 2013 Open Space and Recreation Plan and has since been delivered.

The financial impact on the delivery of the documented works programme would be a key consideration weighted against the benefit of the proposed works to the resident population. The provision for this potential within this contributions plan does not bind the council to the consideration of any particular project and the projected income from contributions may not allow for more than one such facility over the life of this plan.

## 18. Demand for Linkages

Linkages are the means by which we access destinations from our places of residence.

The community surveys and research undertaken by Micromex in 2021 also collected data on the importance of accessibility in Ku-ring-gai. Key outcomes from the 2021 Ku-ring-gai Community Research Project (undertaken in April 2021) are as follows:

	Importance	2019 comparison	Satisfaction	2019 comparison
Access to public transport	90%	▼	87%	▲
Traffic Management	86%	▲	70%	▲
Accessibility to public spaces for people with disabilities	74%	▲	82%	▼
Access the cycleways, footpaths, walking tracks	73%	▲	78%	▲

It is noteworthy that 86% of respondents reported the need for on-going traffic management as important and while the level of satisfaction is higher than in 2019, it is on the relatively low side overall. Nearly three quarters of resident respondents (73%) considered the provision of cycleways, footpaths and walking tracks important (with a 78% satisfaction rating).

### 18.1 Demand for traffic, cycle and pedestrian improvements

All development that intensifies demand, places additional challenges on current levels of accessibility. It is unreasonable to expect the existing population to suffer cumulative reduction in accessibility and amenity as a result of indirect population growth arising from increased investment in housing renewal and business expansion through development and redevelopment.

The works programme for local roads is essential to maintain the accessibility within and around Ku-ring-gai. Both when development is small-scale but scattered and when single unanticipated larger scale developments occur outside core centres, the traffic impact may not be apparent ahead of time. As such, this contributions plan costs generic traffic works of the type typically retro-fitted to the existing road network to improve the level of service.

These works include:

- New traffic signals at intersections
- New roundabouts at intersections
- New pedestrian refuges
- New raised pedestrian crossings
- Wider footpaths on approach to key destinations
- New kerb ramps for enhanced accessibility

The exact locations cannot be anticipated ahead of development but works will be prioritised as required as part of Ku-ring-gai's on-going active monitoring of the level of service of roads and intersections in the LGA.

Where land is required to be dedicated for kerb splays, this is referenced in **18.4** and in the works programme.

### 18.2 Criteria for linking with the NSW Government – access to land in corridors

The capacity for Ku-ring-gai Council to retrofit to accommodate additional facilities for access for pedestrians, cycles, persons with a disability, public transport facilities and carriageways is often limited by physical space within the existing road reserve. The acquisition of additional width on most roads would be prohibitively expensive. An alternative means of providing for enhanced accessibility would be to utilise crown land on the edges of major transport corridors (outside the restricted corridor) such as the northern railway line. Again, such a venture would need to be subject to criteria safeguarding the investment of contributions to deliver infrastructure on land the council does not own - including whole or partial reimbursement of community investment if the infrastructure is demolished prior to the end of its agreed economic life. This contributions plan provides for the possibility of delivering enhanced pedestrian and cycle access on Crown Land should that possibility be further developed in the future. This supports the principle of finding innovative ways to deliver the outcomes – in this case enhanced accessibility – for lower cost or to deliver a better facility than could otherwise be provided from the available resources.

### 18.3 Accessibility and Unformed Roads

Scattered throughout the Ku-ring-gai area are local roads where two parts of the vehicular carriageway do not meet because the area within the road reserve between is unformed.

As incremental local urban renewal takes place and pedestrian, cycle and vehicular traffic patterns change. In some cases, increased connectivity demands in the local area may require further work in these spaces ranging from simply formalising pedestrian footpaths, cycleways and shared

pathways through the areas to facilitate active transport all the way through to the formal completion of a vehicular road carriageway.

The demand for such works will be established by on-going analysis of traffic, cycle and pedestrian demand.

At the time of drafting this contributions plan there are no current plans to formalise established parks in locations meeting this description. Nor are there any existing plans that might impact significant ecological communities especially Blue Gum High Forest and Sydney Turpentine Ironbark Forest. Each and every project must be considered in its unique context as it arises as a result of new demands together with the appropriate accessibility investigations and ecological assessments. Draft proposals identifying the competing demands for the use of the space will be exhibited for public comment before any decision is made.

**Note:** Where the continuation or formation of a new section of road is required to provide direct vehicular access to a proposed development, for the purposes of making that development practically permissible, including existing vacant single lots being developed for the first time and all other types of residential and non-residential development, that will be at the owner's and/or developers' cost in order to render the land reasonably capable of the proposed development. Work required to render a property capable of development due to the provision of access to comparable standards of the adjoining properties is explicitly not covered by this contributions plan.

The purpose of this section is to provide a source of funding for work in circumstances where is anticipated. Such work might include providing a through link between two cul-de-sacs or terminating roads.

To be funded by contributions, a distinct community benefit must be demonstrated such as improved pedestrian access to key destinations such as schools and neighbourhood centres or providing scope for alternative pedestrian or vehicular access or egress in case of severe weather events, flooding or bushfires but the connection must be indirect arising from cumulative demand within the area and not the direct access requirements for any particular site.

The need for improved access will be determined by how much urban renewal there is in the area, the pressure on other accessways and the need for alternative access and direct routes for cycleways and pedestrians and, if necessary, larger vehicles.

A list of unformed roads has not been included as this would give rise to speculation concerning the future of these spaces in the absence of any current demand or the implication that community money will be expended to facilitate access to a development which is not the case. This section enables only the consideration of the potential for the funding of any identified demand on its merits.

#### 18.4 Land dedication for kerb splays and intersection works

In the event that any redevelopment that is subject to contributions under this contributions plan, particularly non-residential development outside the local centres, gives rise to the need for the dedication of land for the purposes of providing a splay for improved intersection functionality, or the like, this dedication is explicitly provided for as part of this contributions plan as a land dedication without the need for a separate formal planning agreement.

## 19. Prioritisation of the works programme

The works listed in this schedule may be funded from a mix of sources, not limited to contributions collected from this Plan. Additional funding may come from general revenue or other levies (such as the Environmental Levy) where appropriate.

The proposed works programme under this indirect s7.12 contributions plan will be prioritised and staged to match the rate and location of development and the generation of additional demand.

Works under both of Ku-ring-gai's contributions plans utilise the following timescale although this review of the s7.12 contributions utilises only short and medium term projected works.

"S" being "Short term" means within five years of the date of adoption of this indirect s7.12 contributions plan.

"M" being "Medium term" means between five and ten years from the date of adoption of this indirect s7.12 contributions plan.

"I" being "Intermediate term" means between ten and fifteen years from the date of adoption of this indirect s7.12 contributions plan.

"L" being "Longer term" means more than fifteen years from the date of adoption of this indirect s7.12 contributions plan.

"E" being "External" defines a work that is expected to be provided either wholly or partly in kind as part of a development and its timing will therefore be determined by the timing of that development. Council has no direct control over when any given development might proceed and therefore cannot determine the likely timing of this work. Due to the smaller scale nature of development under an indirect Contributions Plan, this option is likely to have limited application for works proposed to be funded by this document.

### 19.1 Additional prioritisation criteria for the neighbourhood centres programme

As identified by Council as part of the adoption of the Neighbourhood Centres Improvement Programme, the following additional criteria apply to the determination of priority for these works:

- ✓ Level of Use
- ✓ Parking Area / Availability of parking
- ✓ Overall condition / asset condition
- ✓ Accessibility to the centre
- ✓ Accessibility within the centre
- ✓ Accessible premises
- ✓ Special features / unique character
- ✓ Visual and streetscape impact
- ✓ Types of retail premises, attractors for regular local use
- ✓ Engagement of stakeholders, especially shopkeepers / Chamber of Commerce
- ✓ Potential for a village green / additional parkland

As for all works wholly or partly funded by contributions, priority will also be influenced by geographic nexus. For example a larger retail or commercial development in or near a local neighbourhood centre would support the higher prioritisation of contributions under this contributions plan to that centre.

## 19.2 Additional prioritisation criteria for local parks and playgrounds

Ku-ring-gai Council manages 102 playgrounds, 235 Parks on Community land, and 15 neighbourhood shopping centres. This number of facilities is not fixed, as land is periodically acquired and additional facilities added; and occasionally degraded facilities are removed or disposed of. To determine the priority of each asset for funding, prioritisation matrices have been developed to allocate a weighting for a number of important criteria.

This prioritisation is annually reviewed to ensure the sites of most need are receiving resources. These criteria are used to determine a priority for works requiring capital funding.

- ✓ Level of Use / increasing use, community expectation
- ✓ Parking Area / Availability of parking
- ✓ Overall condition / asset condition
- ✓ Accessibility to the park – is it easily findable? Transport availability and facilities?
- ✓ Accessibility within the park – e.g. Barriers, Fences, Paths, Gates
- ✓ Accessibility compliant with DDA – potential to achieve this?
- ✓ Special features / unique character
- ✓ Visual and streetscape impact / visibility, lighting
- ✓ Types of retail premises, attractors for regular local use
- ✓ Engagement of stakeholders, especially shopkeepers / Chamber of Commerce
- ✓ Potential for a village green / additional parkland

## 19.3 The Works Programmes

The next section outlines Ku-ring-gai Council's intended delivery programme over the life of this contributions plan.



# Works Programme



## 20. The Works Programme Overview

### 20.1 Overview of the Works Programme

This section provides the detailed works programme for the on-going expenditure of s7.12 contributions for the delivery of local infrastructure under this revision of the contributions plan being **Ku-ring-gai Section 7.12 Local Levy Contributions Plan 2023** and the continued expenditure of contributions levied under its predecessor **Ku-ring-gai s94A Contributions Plan 2015**.

It should be noted that the infrastructure delivery programme for the immediate five-year period is imminent and in an advanced stage of planning and documentation. The works programme for future years is more generally expressed but follows-on in an on-going infrastructure roll-out.

### 20.2 Prioritisation of the Works Programme

Works Programme prioritisation is undertaken within the framework of the Long Term Financial Plan (LTFP) which manages the cashflow for a rolling delivery of infrastructure funded from a variety of sources not limited to this contributions plan.

Within this framework, prioritisation consideration will also be given to suburbs in locations where there has been the most active urban renewal of the private domain under the predecessor indirect contributions plan, informed by on-going monitoring. More detail on the prioritisation principles can be found in the **Demand & Delivery** section preceding.

### 20.3 Cost Estimates for the Works Programme

The cost estimates in this contributions plan are taken from the Long Term Financial Plan in the 2021/2022 financial year with the addition of estimated costs for works programmes arising from strategic planning documents such as the public domain plan. These cost estimates are subject to inflation to ensure their values in real terms is retained at the time of delivery.

For the purposes of this contributions plan, the base date for cost estimates is the June Quarter 2021.

### 20.4 Contingencies for design and consultation

A contingency will be added to the specified costs of each work listed in the works programme for design and consultation at a rate of 10%.

### 20.5 Contingencies for escalation and management

A contingency will be added to the specified costs of each work listed in the works programme for escalation, project and financial management at a rate of 10% for works that are scheduled within five years of the cost estimates and 15% for works projected further into the future.

### 20.6 Disclaimer

The timeframes illustrated in the works programmes below are included in the current Long Term Financial Plan (LTFP) and Delivery & Operational Plan (DP&OP) for Ku-ring-gai Council at the time of publication. Many factors outside council's control may impact the actual rate of delivery. The LTFP is updated quarterly and the DP&OP is updated annually but this contributions plan works programme will be fixed between formal reviews that take place every 4-5 years. The tables below may show dates for works that have been deferred or differently prioritised for a variety of reasons,

however the works within the works programme are committed under a rolling financial plan and several adopted plans and policies of the council and are committed for future delivery.

Factors that may impact the actual timing of delivery include:

- ✓ unforeseen changes in cashflow
- ✓ benchmarking of location of income leading to a prioritisation of more contributory areas
- ✓ a greater number of unexpected adverse weather events
- ✓ on-going impacts from severe weather events
- ✓ staffing – both internal and the availability of contractors
- ✓ cost of materials
- ✓ force majeure
- ✓ loss of co-contributions arising from grants, levies, asset sales or general revenue.

Where cumulative impacts result in rolling delays, efforts will be made to review the contributions plan if corrective measures such as contracting out work are unlikely to resolve the delay.

## 21. The Works Programme for Destinations

The works programmes for the Neighbourhood Centres are scheduled in five year blocks representing an order of priority and a reasonably achievable staged delivery schedule. Works programmes for playground upgrades are scheduled by calendar year with a maximum of four per year for scheduled delivery. Actual delivery times may be impacted by unforeseen events.

### 21.1 Short Term works programme for Neighbourhood Centres 2022-2027

Neighbourhood Centre	Wahroonga
Key Street(s)	Fox Valley Road, The Comenarra Parkway, Kiogle Street and Kiogle Lane.
Works Programme	Improve accessibility & upgraded footpaths, revised parking layout allowing for increased pedestrian space, additional parking, provide additional street furniture and bicycle parking, establish additional planted areas and upgrade street planting and signage.
Approximate Area	2,100sqm
Construction Cost Estimate	\$550,000 plus contingencies
Scheduled Year	Design 2022 Delivery 2023-2025
Project Number (LTFP)	TBA

Neighbourhood Centre	Eastern Road Turramurra
Key Street(s)	Eastern Road (east side) between Chiltern Parade and Tennyson Road with possible extension to Alice Street.
Works Programme	Improve accessibility, upgrade surface, provide additional street furniture, street planting and signage.
Approximate Area	1,700sqm
Cost Estimate	\$552,500 plus contingencies
Total Budget	\$606,000
Scheduled Year	Design 2022 Delivery 2023-2025
LTFP Link	PN-113051

Neighbourhood Centre	Killara Village
Key Street(s)	Marian Street
Works Programme	Improve accessibility, upgrade surface, provide additional street furniture, street planting and signage.
Approximate Area	1,245sqm
Construction Cost Estimate	\$404,625 plus contingencies
Total Budget	\$520,000
Scheduled Year	Design 2023 Delivery 2024-2026
LTFP Link	PN-113055 PRJ-100400

Neighbourhood Centre	West Lindfield
Key Street(s)	Moore Avenue (Fiddens Wharf Road to Bradfield Road) & lane
Works Programme	Improve accessibility, upgrade surface, provide additional street furniture, street planting, signage and heritage interpretation.
Approximate Area	3,530sqm
Cost Estimate	\$1,147,250 plus contingencies
Total Budget	\$1,161,500
Scheduled Year	Design 2024 Delivery 2025-2027

Neighbourhood Centre	East Killara
Key Street(s)	Koola Avenue, Reading Avenue and Reading Lane
Works Programme	Improve accessibility, refurbish the landscaped area around the car parks, provide additional park furniture, and signage,
Approximate Area	2,895sqm
Cost Estimate	\$940,875 plus contingencies
Total Budget	\$1,010,000
Scheduled Year	Design 2025 Delivery 2026-2028

Neighbourhood Centre	West Gordon
Key Street(s)	Duneba Avenue and additional signage on Pacific Highway
Works Programme	Improve accessibility, upgrade surface, provide additional street furniture, street planting and signage.
Approximate Area	800sqm
Cost Estimate	\$260,000 plus contingencies
Total Budget	\$303,000
Scheduled Year	Design 2026 Delivery 2027-2029

## 21.2 Medium Term works programme for Neighbourhood Centres 2027-2032

Neighbourhood Centre	Killara
Key Street(s)	Pacific Highway
Works Programme	Improve accessibility, upgrade surface, provide additional street furniture, street planting and signage.
Approximate Area	1,610sqm
Cost Estimate	\$525,000 plus contingencies
Scheduled Year	Design 2027 Delivery 2028-2030

Neighbourhood Centre	North Turramurra
Key Street(s)	Bobbin Head Road
Works Programme	Improve accessibility, upgrade surface, provide additional street furniture, street planting and signage.
Approximate Area	2,145sqm
Cost Estimate	\$700,000 plus contingencies
Scheduled Year	Design 2028 Delivery 2029-2031

Neighbourhood Centre	South Turramurra
Key Street(s)	Auluba Road and Kissing Point Road
Works Programme	Improve accessibility, upgrade surface, provide additional street furniture, street planting and signage.
Approximate Area	3,125sqm
Cost Estimate	\$1,015,000 plus contingencies
Scheduled Year	Design 2029 Delivery 2030-2031

Neighbourhood Centre	Wahroonga (separate area compared to the s7.11 CP)
Key Street(s)	Redleaf Avenue & Railway Avenue
Works Programme	Improve accessibility, upgrade surface, provide additional street furniture, street planting and signage.
Approximate Area	2,135sqm
Cost Estimate	\$700,000 plus contingencies
Scheduled Year	Design 2031 Delivery 2032-2034

### 21.3 Longer Term works programme for Neighbourhood Centres 2032+

East Lindfield benefited from some small scale work completed in 2018 to the value of \$100,000 and is under investigation for a more comprehensive investment in its urban renewal.

It is anticipated that the pilot project for the neighbourhood centres upgrade programme (West Pymble) which was completed prior to the adoption of the inaugural indirect contributions plan, may merit additional investment to facilitate access and usability by the community.

### 12.4 Completed works programme for Neighbourhood Centres to 2021

Within Ku-ring-gai there are some Neighbourhood Centres that do not appear in the works programme list above because works have recently been completed and most are not currently scheduled for additional work with the exception of East Lindfield where the works completed were of a relatively small scale nature.

These include:

- ✓ West Pymble (Phillip Mall) completed in 2013 at a total budget of \$650,000.
- ✓ Princes Street Turramurra completed in 2014 at a total budget of \$380,000 plus an additional cost of service relocation on \$210,000.
- ✓ Wellington Road East Lindfield completed in 2018 at a total budget of \$100,000.
- ✓ Babbage Road Roseville Chase completed in 2020 at a total budget of \$560,000.

Images of West Pymble and Babbage Road Roseville Chase appear in **24. Delivered Works** at the end of this works programme.

### 21.5 The works programme for Local Parks – Playgrounds and Play Equipment

Ku-ring-gai Council has an on-going programme of playground installations, expansions and upgrades supported by the adopted **Ku-ring-gai Playspace Strategy 2020**.

Funding from s7.12 contributions forms the largest proportion of the budget for playground works but is supplemented by other reserves. In the event grants are offered or secured, then s7.12 contributions will be released to bring forward later items in the works programme.

Year	Description	Suburb	Estimated cost	s7.12 share
2022/3	Na-rang Reserve (under construction)	Gordon	\$250,000	\$200,000
2022/3	Orange Green (under tender)	North Turramurra	\$250,000	\$200,000
2022/3	Dukes Green (under construction)	East Lindfield	\$250,000	\$200,000
2023/4	Kendall Village Green LTFP 111033	West Pymble	\$250,000	\$250,000
2023/4	Eldinhope Green LTFP 112139	Wahroonga	\$250,000	\$250,000
2023/4	Sequoia Close Park LTFP 112140	West Pymble	\$400,000	\$350,000
2023/4	Lorraine Taylor Reserve (formerly Athena Avenue Reserve) LTFP 113044	St Ives	\$400,000	\$350,000
2023/4	Ku-ring-gai Wildflower Garden (District) LTFP 113103	St Ives	\$900,000	\$800,000
2024/5	Mitchell Crescent Reserve LTFP 113043	Warrawee	\$400,000	\$350,000
Short	Comenarra Playing Field	Killara East	\$400,000	\$350,000
Short	Mimosa Reserve / Rofe Park	Turramurra	\$400,000	\$350,000
Short	Queen Elizabeth Reserve (District)	Lindfield	\$900,000	\$800,000
Short	Peewee Park	West Pymble	\$400,000	\$350,000
Short	Princes Park / Primula Oval	Lindfield	\$400,000	\$350,000
Short	Honeysuckle Creek Reserve	Killara	\$400,000	\$350,000
Short	Hamilton Park	Turramurra	\$400,000	\$350,000
Short	The Glade (District)	Wahroonga	\$850,000	\$800,000
Short	Yarrabung Reserve	St Ives	\$400,000	\$350,000
Short	Gwydir Avenue Reserve	North Turramurra	\$400,000	\$350,000
Short	Melaleuca Drive Park	St Ives	\$400,000	\$350,000
Short	Killara Park (District)	Killara	\$850,000	\$800,000
Short	Howson Oval	Turramurra	\$400,000	\$350,000
Short	William Lewis Park	Wahroonga	\$400,000	\$350,000
Short	Gordon Glen	Gordon	\$400,000	\$350,000
Medium	Selkirk Park (either associated with a major project or stand alone)	Killara	\$850,000	\$800,000
Medium	Yeramba Street Reserve	Turramurra	\$400,000	\$350,000
Medium	Allan Small Park	Killara East	\$400,000	\$350,000
Medium	Sir Robert Menzies Park	Wahroonga	\$400,000	\$350,000
Medium	Peewee Park	West Pymble	\$400,000	\$350,000

**Disclaimer:** The table of playground works represents the intended rolling programme of delivery at the time of drafting this contributions plan in 2022. Many factors may impact actual delivery scheduling including on-going adverse weather (noting that the 2022/2023 year will be the third successive La Nina bringing increased possibility of sustained wet weather), supply chain issues, availability of contractors and unforeseen issues discovered during project establishment such as soil contamination and actual location of utilities. Delays to any one project may have flow-on effects to the timing and order of later projects.

## 21.6 The works programme for Local Parks – facilities and exercise equipment

The table below lists current cost estimates for small scale park upgrades to be prioritised by suburbs with urban renewal development activity. For the procedures for determining the works programme priority refer to the **Delivery & Demand** section of this contributions plan.

Schedule	Local park upgrades
2023 - 2030	Delivery of one upgrade per calendar year
Item	Unit Cost Estimate (June Quarter 2021)
Exercise Equipment (including soft-fall)	\$2,500-\$7,000
BBQs	\$12,500
Picnic settings	\$4,000-\$5,000
Seating	\$1,250-\$1,600

## 21.7 Local LGA significant recreational and cultural facilities

This contributions plan also provides for one facility that serves the Local Government Area as a whole but was not appropriate for the s7.11 contributions plan due to remoteness from the local centres impacting geographic nexus and the impact of strict apportionment.

While there is not a specific requirement that facilities funded by s7.12 contributions should be apportioned, apportionment is considered appropriate for this work because of its scale and broader attraction. In this context, s7.12 contribution are expected to make up only a proportion of the total cost.

The St Ives Showground and Wildflower Garden Precinct is a well-loved facility with extensive local appeal in the Ku-ring-gai Local Government Area.

Major Project (North)	St Ives Environmental Education and Cultural Centre
Location	St Ives Showground and Wildflower Garden Precinct
Cost Estimate	\$3,000,000
Total Budget	\$5,000,000
Proportion of Budget	Maximum of 60%
Other sources of funding for the total project budget	Environmental Levy
Scheduled Years	Design and Delivery 2025-2029
Project Number (LTFP)	109019

## 21.8 Community Use of Public Schools

This contributions plan allows for Ku-ring-gai Council to negotiate in good faith for the delivery of shared use of community / recreational infrastructure located on land owned by the Department of Education. The principles for utilising contributions held in trust for community / recreational infrastructure on public land that the council does not own are specified in the **Demand & Delivery** section of this contributions plan and subject to reference to any formal policies council may develop and refine from time to time to further support the efficient delivery of supporting infrastructure by joint venture with the Crown. Inclusion of this clause cannot be taken to fetter the capacity of the council to consider each proposal on its merits following a full evaluation of the benefits to the community before deciding whether it is appropriate to invest any contributions held in trust for the benefit of the community. Key considerations include frequency of access to the facility by the general public, total life expectancy of the facility, depreciation and the like.

## 22. The Works Programme for Linkages

Just as important in the delivery of destinations, is the effective means of moving around the local neighbourhood, into and out of it. As covered in more detail in the nexus section, cumulative small scale development and urban renewal places a cumulative demand on intersections and increase

the competition for space in the public domain for pedestrians, cyclists and vehicles especially at intersections.

## 22.1 The works programme for intersection and street treatments

The nature of an indirect percentage levy contribution is to derive contributions from geographically scattered redevelopment than is difficult to foreshadow in advance but still contributes a cumulative demand.

In the event of developments which are subject to a contribution under this plan giving rise to the need for street works and intersection upgrades on streets or intersections that do not immediately adjoin the subject site, then these cost estimates provide scope to instigate such works to address the cumulative impacts of geographically scattered individual redevelopments.

The estimated cost of local intersection works and pedestrian improvements to facilitate safe travel are as follows:

Description	Estimated Cost
New traffic signals at intersection (for basic 2 lane, 2 way approach roads)	\$500,000
New traffic signals at intersection (for basic 4 lane, 2 way approach roads)	\$800,000
New roundabout at intersection (single lane)	\$250,000
New pedestrian refuge (with kerb ramps, connecting footpaths and new lighting)	\$90,000
New raised pedestrian crossing (with kerb ramps, connecting footpaths and new lighting)	\$130,000
Footpath – 1.2m wide concrete (on the approaches to key destinations)	\$175/linear metre
New kerb ramp (facilitating access for all and meeting current standards)	\$1,750

Emerging pressure and pinch points as well as their priority for treatment will be determined in accordance with regular traffic counts and investigations. It is not possible to pre-emptively map a works programme which is intended to relieve emerging pressure points arising from the cumulative impact of scattered and unforeseeable redevelopment.

## 22.2 Land dedication for kerb splays and intersection works

In the event that any redevelopment that is subject to contributions under this contributions plan, particularly non-residential development outside the local centres, gives rise to the need for the dedication of land for the purposes of providing a splay for improved intersection functionality, or the like, this dedication is explicitly provided for as part of this contributions plan as a land dedication without the need for a separate formal planning agreement.

## 22.3 The works programme for cycleways

Ku-ring-gai Council has a long-term programme of cycleway delivery to facilitate cross-suburban access and access to neighbourhood centres and local centres. Within the key local centres along the railway and in St Ives, cycleways are funded by the s7.11 contributions plan. For the relief of any doubt, this works programme is mutually exclusive to that works programme and provides for

the local suburban linkages the join into the cycleways for major destination and transport hubs as well as providing funding for cross-suburban cycle routes.

Description	Estimated Cost
Cycleway – 2.5m wide concrete shared user path	\$400 / linear metre

Please refer to the map in **24.3 Cycleways** for more location information. Cycleways funded under the s7.11 contributions plan are marked on the map to provide a comprehensive view of the cycleway network but do not receive funding from this s7.12 contributions plan. Prioritisation will be by way of firstly, missing links to existing routes and key destinations and, secondly, by the cluster location of redevelopment activity. Development activity is regularly monitored.

The opportunity to deliver cycleways on crown land especially on the periphery of the railway corridors may be considered on its merits subject to the criteria in the **Delivery & Demand** section of this contributions plan.

## 22.4 The works programme for trails and walkways

Walking tracks and trails have become an important part of the open space network especially during the COVID years. The chief capital additional works to trails and walkways are for accessibility upgrades to facilitate a broader cross-section of the community being able to utilise trails and walkways for travel and recreation and to create new linkages between existing trails.

There are a variety of budget sources for these works including the environmental levy. Any contributions from s7.12 will only go towards a component of the whole budget limited to capital additional components that increase accessibility.

Description	Estimated Cost
Nature Trail and Walkways – accessibility for all ages and abilities	\$100-200 / linear metre

Tracks and trails are located on the periphery of the Local Government Area and are shown on map for Local Parks and Playgrounds at **23.2 Local Parks and Playgrounds**. Prioritisation will be by way of firstly, by location of redevelopment activity which is monitored and, secondly, missing links to existing routes and destinations. Preference will be given to capital additional works that improve accessibility for all users with particularly reference to the needs of older people and people with other accessibility challenges.

## 22.5 Unformed Roads

As incremental local urban renewal takes place and pedestrian, cycle and vehicular traffic patterns change, in some cases, increased connectivity demands in the local area may require further work in these spaces ranging from formalising footpaths and cycleways through the areas through to formal completion of the road link.

The contributions plan provides for a source of funding for work that is additional where no development that directly generates the demand for that road construction is anticipated.

The need for improved access will be determined by how much urban renewal there is in the area, the pressure on other accessways and the need for alternative access in adverse events (fire, storms etc) arising from population growth and change in the vicinity and the demand for more direct routes for cycleways and pedestrians for the purposes of improved accessibility.

A list of unformed roads is not included as this would give rise to speculation concerning the future of these spaces in the absence of any current demand or the implication that community money will be expended to facilitate access to any particular development which is not the case. This section enables only the consideration of any identified demand on its merits.

**Note:** It is emphasised that where the continuation or formation of a new section of road is required to provide direct access to a proposed development, including existing vacant single lots being developed for the first time and all other types of residential and non-residential development, that will be at the owner's and/or developers' cost in order to render the land reasonably capable of the proposed development. Work required to render a property capable of development arising from the necessity of the provision of access to comparable standards of the adjoining properties is explicitly not covered by this contributions plan.

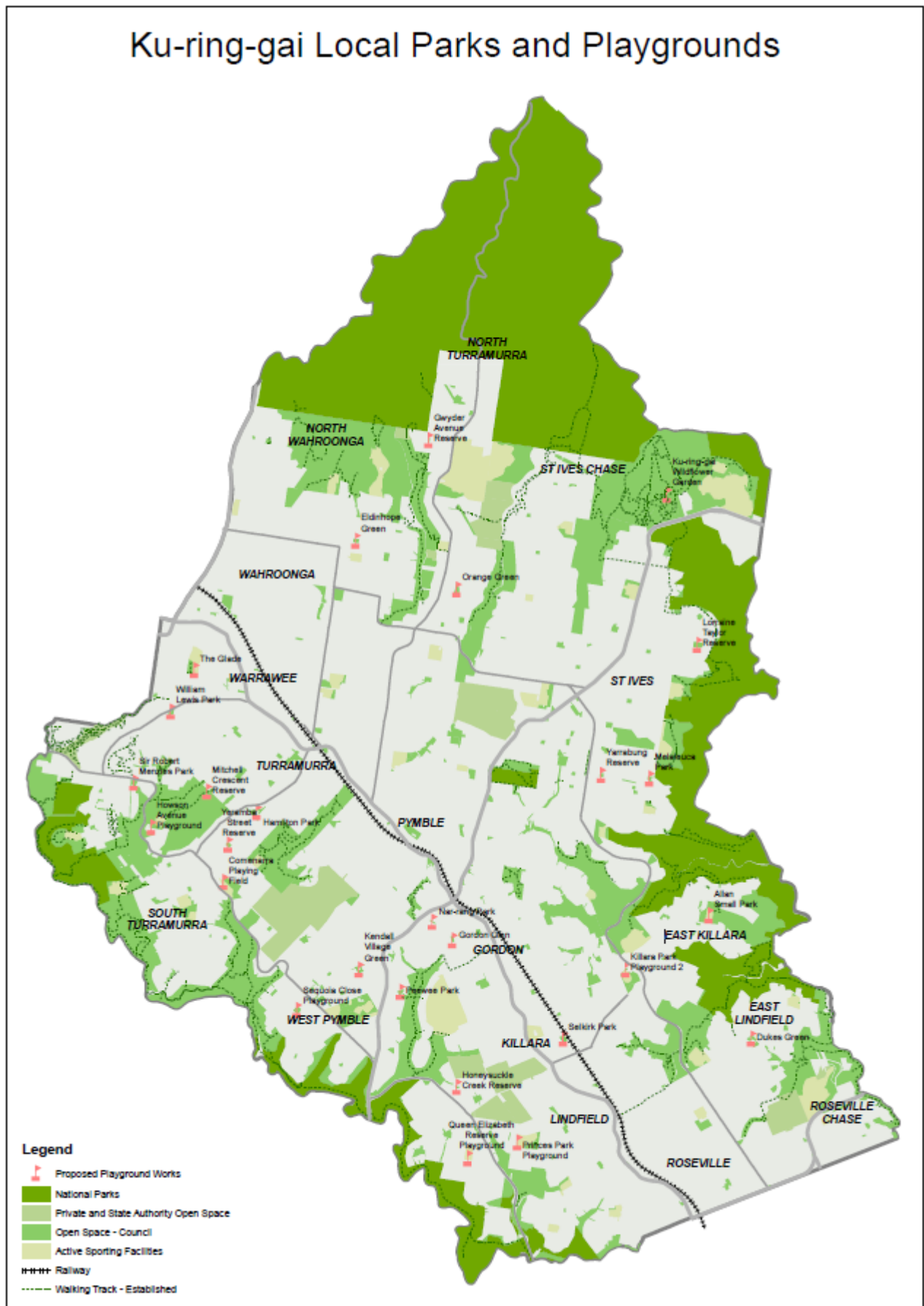
## 23. Works Programme Maps

Maps for the works programmes for the Ku-ring-gai Neighbourhood Centres, for parks, playgrounds and nature trails and for cycleways appear on the next pages.

## 23.1 Neighbourhood Centres



## 23.2 Local Parks and Playgrounds including walkways and recreational trails



### 23.3 Cycleways



## 24. Delivered Works

Neighbourhood Centre upgrade works improving local accessibility and functionality for more intensive usage are being delivered on a rolling works programme. The images in this section are from Babbage Road neighbourhood centre in Roseville Chase and West Pymble neighbourhood centre.





# Definitions & References



## 25. Dictionary

This indirect s7.12 Contributions Plan adopts the definitions from the standard template LEP and Ku-ring-gai's Development Control Plans except as modified by legislation and the entries below:

In this Plan unless the context or subject matter otherwise indicates or requires:

**ABS** means the Australian Bureau of Statistics

**Accredited Private Certifier / Principal Certifying Authority (PCA)** means a person registered as a registered certifier under the *Building and Development Certifiers Act 2018* acting in respect of matters to which the registration applies.

**Applicant** means a person or organisation submitting an application seeking the approval of development – including a complying development certificate as well as a development application.

**Adaptive reuse** has the meaning in the *Adaptive Reuse of Heritage Places Policy* from the Office of Environment & Heritage, October 2012 and includes a state of continuing adaptive reuse in addition to the act of initial adaptive reuse for the purposes of assessing the application of sec208(4)(m) of the Regulations:

### What is adaptive reuse?

Throughout this policy the term '**adaptive reuse**' is based on the definition as it appears in the *NP&W Act*. It has, however, been expanded to include sustainable design issues (see Permissibility, p 7) as well as the broader usage of the term as applied within the heritage sector.

Adaptive reuse therefore applies to places to facilitate a:

- a. new use, and a
- b. continuing use\*.

(\*refer to: *Mandating Instruments – Building Code of Australia*)

**Affordable Housing** has the definition in Act as follows:

**affordable housing** means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

A household is taken to be a very low income household, low income household or moderate income household if the household—

- (a) has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or
- (b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

**CDC** means a Complying Development Certificate.

**Consumer Price Index** means the All Groups Sydney Quarterly Consumer Price Index.

**Contribution** means, for this contributions plan, an indirect contribution under s7.12 of the Act.

**Council** means Ku-ring-gai Council and any heir or successor thereof.

**Development** has the meaning under Section 1.5 of the Act which means:

- (a) the use of land;
- (b) the subdivision of land;
- (c) the erection of a building;
- (d) the carrying out of a work;
- (e) the demolition of a building or work; and/or
- (f) any other act, matter or thing controlled by an EPI

**Drainage** means any activity which intentionally alters the hydrological regime of any locality by facilitating the removal of surface or groundwater.

**Environmental Planning Instrument (EPI)** means a statutory planning document including but not limited to a Local Environmental Plan (LEP) and/or a State Environmental Planning Policy (SEPP) but does not include a Development Control Plan (DCP). For the purposes of this contributions plan a reference to an EPI includes a reference to a later EPI that superseded the referenced document.

**Gross Floor Area (GFA)** has the meaning in the standard template.

**Levy** has the same meaning as a contribution under section 7.12 of the Act authorised by this plan except where a different type of levy is specified. Local levy contributions refer to contributions under s7.12.

**LGA** means the local government area. The LGA to which this plan refers is the Ku-ring-gai Local Government Area as it exists at the date of adoption.

**Material public benefit** means a facility or work which is offered by a developer as a finished entity either in return for a reduction in the amount of monetary contributions required or as an additional or partial additional benefit under a Planning Agreement. Such a work may or may not be included in the adopted works programme of a contributions plan. If included, the scope may be different to that documented in the contributions plan.

**Minister** means the Minister administering the *Environmental Planning and Assessment Act 1979*

**Public facility** means a public amenity or public service or public infrastructure.

**Social Housing Providers** *State Environmental Planning Policy (Housing) 2021* defines Social Housing Providers as follows: *social housing provider* means the following:

- (a) the Secretary of the Department of Communities and Justice,
- (b) the Land and Housing Corporation,
- (c) a registered community housing provider,
- (d) the Aboriginal Housing Office,
- (e) a registered Aboriginal housing organisation within the meaning of the *Aboriginal Housing Act 1998*,
- (f) a local government authority that provides affordable housing,
- (g) a not-for-profit organisation that is a direct provider of rental housing to tenants.

**Note:** For the purposes of this Contributions Plan it is recognised that social housing providers may also provide for-profit housing or a mix of social and for-profit housing as part of any given development. Only housing that meets the criteria of social housing will be considered as affordable housing for the purposes of this Contributions Plan.

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

**Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Road** has the same meaning as in the *Local Government Act 1993* and includes a highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, any part thereof and any thing forming part of these. As such, 'road' includes the entire road reservation in the public domain between property boundaries (being the private domain) inclusive of footpaths and nature strips and any structure located on them. The term Local Roads includes the term road.

**s94A** is the former section of the *Environmental Planning and Assessment Act 1979* governing indirect contributions that became known as contributions under s7.12 following renumbering and restructuring of the Act. A reference to s94A should be taken to include a reference to s7.12 and vice versa as applicable in the circumstances of the matter.

**Works-in-kind (also WinK or WIK)** means the carrying out of work which is identified in the costed works schedules which form part of this contributions plan in return for a reduction in the amount of monetary contributions (but not a reduction in the total quantum of contributions arising from the proposed development on the site) required for the same category of contribution.

## 26. References

In addition to the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, and the Guidelines issued by the Department of Planning for the preparation of Contributions Plans, the following documents informed the preparation of this contributions plan.

**"City-Shaping impacts of COVID-19 – Towards a resilient Greater Sydney"** Greater Sydney Commission, September 2020 [[2020/292956](#)]

**"Greater Sydney Recreation Report Consultation - consultation draft"** AECON and Department of Planning, September 2020 [[2020/0306040](#)]

**"Section 7.12 fixed development consent levies – Practice Note February 2021"** NSW Government – NSW Department of Planning, Industry and Environment, February 2021 [[2021/040480](#)]

**"Ku-ring-gai Council Community Research"** Micromex Research, September 2021 [[2022/082029](#)]

**"Ku-ring-gai Council Community Profile"** profile.id [profile.id.com.au](https://profile.id.com.au)

**"Ku-ring-gai Council Social Atlas"** profile.id [profile.id.com.au](https://profile.id.com.au)

**"Ku-ring-gai Council Economic Profile"** profile.id [profile.id.com.au](https://profile.id.com.au)

**"Ku-ring-gai Playspace Strategy"** Ku-ring-gai Council, March 2020 [[2020/047616](#)]



# Forms



## 27. Forms

The following pages contain the forms for the declaration of cost for the purposes of calculating the applicable local fixed development consent levy under s7.12 of the *Environmental Planning and Assessment Act 1979*.

## Cost Summary Report Template

Development Cost no greater than \$1,000,000

DEVELOPMENT APPLICATION No: _____	Reference: _____
COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No: _____	
CONSTRUCTION CERTIFICATE No: _____	Date: _____
APPLICANTS NAME: _____	
APPLICANTS ADDRESS: _____	
DEVELOPMENT NAME: _____	
DEVELOPMENT ADDRESS: _____	

### ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	\$	Hydraulic services	\$
Structure	\$	Mechanical services	\$
External walls, windows and doors	\$	Fire services	\$
Internal walls, screens and doors	\$	Lift services	\$
Wall finishes	\$	External works	\$
Floor finishes	\$	External services	\$
Ceiling finishes	\$	Other related work	\$
Fittings and equipment	\$	Sub-total	\$

Sub-total above carried forward	\$
Preliminaries and margin	\$
<b>Sub-total</b>	\$
Consultant Fees	\$
Other related development costs	\$
<b>Sub-total</b>	\$
Goods and Services Tax	\$
<b>TOTAL DEVELOPMENT COST</b>	\$

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate;
- calculated the development costs in accordance with the definition of development costs in sec208 **Environmental Planning and Assessment Regulation 2021** and **Ku-ring-gai s7.12 Local Levy Contributions Plan 2023** at current prices utilising either the above template or a template to comparable or higher standard;
- separately identified and specified the estimated costs of works to be excluded from the development cost for the purposes of calculating a s7.12 contribution; and
- Included GST in the calculation of development cost.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Position and Qualifications: \_\_\_\_\_

Date: \_\_\_\_\_

## Cost Summary Report Declaration

Development Cost no greater than \$1,000,000\*

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate;
- calculated the development costs in accordance with the definition of development costs in sec208 of the **Environmental Planning and Assessment Regulation 2021** and **Ku-ring-gai s7.12 Local Levy Contributions Plan 2023** at current prices utilising a template to comparable or higher standard than the form in **Ku-ring-gai s7.12 Local Levy Contributions Plan 2023**;
- separately identified and specified the estimated costs of works to be excluded from the development cost for the purposes of calculating a s7.12 contribution; and
- Included GST in the calculation of development cost.

The cost given on the application form is true and correct for the purposes of calculating s7.12 contributions.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Position and Qualifications: \_\_\_\_\_

Date: \_\_\_\_\_

\*To accompany cost estimates not utilising the form on the preceding page.

## Registered Quantity Surveyor's Detailed Cost Report Template

Development Cost greater than \$1,000,000

DEVELOPMENT APPLICATION No: _____	Reference: _____
COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No: _____	
CONSTRUCTION CERTIFICATE No: _____	Date: _____
APPLICANTS NAME: _____	
APPLICANTS ADDRESS: _____	
DEVELOPMENT NAME: _____	
DEVELOPMENT ADDRESS: _____	

### DEVELOPMENT DETAILS:

Gross Floor Area - Commercial	m <sup>2</sup>	Gross Floor Area – other	m <sup>2</sup>
Gross Floor Area – Residential	m <sup>2</sup>	Total Gross Floor Area	m <sup>2</sup>
Gross Floor Area – Retail	m <sup>2</sup>	Total Site Area	m <sup>2</sup>
Gross Floor Area – Car Parking	m <sup>2</sup>	Total Car Parking Spaces	
<b>Total Development Cost</b>	\$		
<b>Total Construction Cost</b>	\$		
<b>Total GST</b>	\$		

### ESTIMATE DETAILS:

<b>Professional Fees</b>	\$	<b>Excavation</b>	\$
% of Development Cost	%	Cost per square metre of site area	\$ /m <sup>2</sup>
% of Construction Cost	%	<b>Car Park</b>	\$
<b>Demolition and Site Preparation</b>	\$	Cost per square metre of site area	\$ /m <sup>2</sup>
Cost per square metre of site area	\$ /m <sup>2</sup>	Cost per space	\$ /space
<b>Construction – Commercial</b>	\$	<b>Fit out – Commercial</b>	\$
Cost per square metre of commercial area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of commercial area	\$ /m <sup>2</sup>
<b>Construction Residential</b>	\$	<b>Fit-out – Residential</b>	\$
Cost per square metre of residential area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of residential area	\$ /m <sup>2</sup>
<b>Construction – Retail</b>	\$	<b>Fit-out – Retail</b>	\$
Cost per square metre of retail area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of retail area	\$ /m <sup>2</sup>

I certify that I have:

- inspected the plans the subject of the application for development consent, being a Development Application or a Complying development Certificate or a Construction Certificate;
- prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors;
- calculated the development costs in accordance with the definition of development costs in sec208 of the **Environmental Planning and Assessment Regulation 2021** and **Ku-ring-gai s7.12 Local Levy Contributions Plan 2023** at current prices;
- separately identified and specified the estimated costs of works to be excluded from the development cost for the purposes of calculating a s7.12 contribution;
- included GST in the calculation of development cost; and
- measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position and Qualifications: \_\_\_\_\_

A member of the Australian Institute of Quantity Surveyors

## Registered Quantity Surveyor's Detailed Cost Report Declaration

Development Cost greater than \$1,000,000\*

I certify that I have:

- inspected the plans the subject of the application for development consent, being a Development Application or a Complying development Certificate or a Construction Certificate;
- prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors;
- calculated the development costs in accordance with the definition of development costs in sec208 of the **Environmental Planning and Assessment Regulation 2021** and **Ku-ring-gai s7.12 Local Levy Contributions Plan 2023** at current prices;
- separately identified and specified the estimated costs of works to be excluded from the development cost for the purposes of calculating a s7.12 contribution;
- included GST in the calculation of development cost; and
- measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

The cost given in my detailed cost report is true and correct for the purposes of calculating s7.12 contributions.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position and Qualifications: \_\_\_\_\_

A member of the Australian Institute of Quantity Surveyors

\* To accompany cost estimates not utilising the form on the preceding page.

## Schedule of Rates

The rates and formula are set out in **8.1 Rates and Formula** in this contributions plan. The percentage rates are reiterated in this schedule at the end of the document for ease of reference.

The indirect s7.12 contribution rates are set percentage of the based on the proposed cost of the development as set by the *Environmental Planning and Assessment Regulation 2021*.

This contributions plan adopts the percentages set out in the Regulation as of September 2022.

Proposed cost of the development	Maximum percentage of the levy
Up to & including \$100,000	Nil (0%)
\$100,001 - \$200,000	0.5 percent (0.5%)
More than \$200,000	1.0 percent (1%)

Source: sec209(2) *Environmental Planning and Assessment Regulation 2021*

Every development to which this plan applies, is levied the percentage above based on the cost of works calculated in accordance with sec208 of the Regulations.

For more detail please refer to the **Introduction, Policy and Procedures** sections of this contributions plan, especially **5.4 Development subject to infrastructure contributions** and **8.1 Rates and Formula**.

