



Dee Why Town Centre Contributions Plan 2019

In force 13 July 2019



northern
beaches
council

Contents

1	Introduction	4
2	Plan summary	5
2.1	How to use this plan	5
2.2	Dictionary	6
2.3	Name and commencement of plan	6
2.4	What are the purposes of this plan?	6
2.5	What land and development does this plan apply to?	7
2.6	What development is exempted?	7
2.7	What Local Infrastructure will be provided under this plan?	7
2.8	What are the contribution rates for Local Infrastructure?	9
3	How are the contribution rates calculated?	10
3.1	Expected demand for local infrastructure	10
3.1.1	Area context	10
3.1.2	Metropolitan and district plans	10
3.1.3	Town Centre Masterplan	11
3.1.4	Expected development and population	12
3.1.5	Demographic characteristics	14
3.2	Infrastructure schedule and nexus	15
3.3	Town Centre works program apportionment	16
3.4	Contribution rates calculation	17
3.4.1	Residential development contribution	17
3.4.2	Non-residential development contribution	18
3.4.3	Plan administration and management contributions	19
4	How and when will levies be imposed on developments?	20
4.1	Monetary contributions	20
4.2	Cap on monetary section 7.11 contributions for residential development	26
4.3	Allowance for existing development	20
4.4	Latest rates to be used	21
4.5	Obligations of accredited certifiers	21
4.5.1	Complying development certificates	22
4.5.2	Construction certificates	23
4.6	Variation to contributions authorised by this plan	23

5	How and when can a contribution requirement be settled?	24
5.1	Timing of payments	24
5.2	Deferred payments	24
5.3	Can the contribution be settled by dedicating land or undertake works?	24
6	Other administration matters	25
6.1	Relationship of this plan to other contributions plans	25
6.2	Savings and transitional arrangements	25
6.3	Adjustment of contributions to address the effects of inflation	25
6.3.1	Contribution rates in this plan	25
6.3.2	Contribution amounts in consents	25
6.4	Pooling of contribution funds	25
6.5	In what circumstances are contributions to be refunded?	25
6.6	Accountability and access to information	26
6.7	Review of plan	26
Tables		
Table 1	Summary of contribution rates	9
Table 2	Estimated dwellings and population	13
Table 3	Assumed dwelling occupancy rates	13
Table 4	Town Centre development assumptions	16
Table 5	Values informing the contribution rates calculation	17
Figures		
Figure 1	Land affected by this plan	8
Appendices		
Appendix A	Projects to be funded by this contributions plan	27
Appendix B	Projects to be delivered using other funding sources	29
Appendix C	Details of expected development	30

Table of amendments

Date	Description	Status
31/7/19	Jun19 CPI adjustment	Updated
30/10/19	Sep19 CPI adjustment	Updated

1. Introduction

Northern Beaches Council (Council) has prepared a master plan for the redevelopment of land and the upgrade of local infrastructure in the Dee Why Town Centre (Town Centre).

The redevelopment is to be sustained by the provision of new and upgraded Local Infrastructure including new and upgraded roads, streetscape and public domain facilities, open space areas and stormwater drainage facilities.

Section 7.11 of the Environmental Planning and Assessment Act 1979 (EP&A Act) authorises a consent authority to grant consent to a proposed development subject to a condition requiring the applicant to make contributions toward the provision, extension or augmentation of Local Infrastructure (or towards recouping the cost of their provision, extension or augmentation). These contributions may be in the form of land, money or works.

Where the consent authority is a council or an accredited certifier, a Local Infrastructure contribution may be imposed on a development only if it is of a kind allowed by and determined in accordance with a contributions plan, such as this plan.

This plan authorises the Council or an accredited certifier to impose conditions on development consents or complying development certificates (CDCs) requiring section 7.11 contributions from development in the Town Centre that would, when completed, result in a net increase in the residential population or non-residential floor space.

The contributions that are made by developers will be applied by the Council to deliver the schedule of infrastructure shown in Appendix A to this plan.

The plan operates over the period that the expected development will occur in the Town Centre – i.e. up to 2036.

This plan has been prepared in accordance with the EP&A Act and Environmental Planning and Assessment Regulation 2000 (EP&A Regulation); and having regard to the latest practice notes issued by the NSW Department of Planning and Environment.

This plan includes the following:

- A schedule of contribution rates for various classes of developments.
- Information on how the contribution rates were calculated.
- Council's policies on how and when developers can settle their contributions obligations, including opportunities for developers to provide land and works 'in kind'.
- Specific provisions on the role of accredited certifiers in imposing and collecting development contributions.
- Various other provisions related to the fair and transparent administration of development contributions received under this plan.

2. Plan Summary

2.1 How to use this plan

This plan has been broken up into the following sections to allow easy navigation by Council staff, developers and private certifiers. A brief description of each section is provided below:

Section 2 - Plan Summary

This section identifies both the land and developments that this plan applies to, as well as the contributions rates that apply to these developments.

Section 3 - How are the contributions rates calculated?

This section explains how the contributions for development in the Town Centre are calculated. The expected development is described as well as the basis for determining the list of Local Infrastructure that will be required to meet that development. It also provides the formulas and approach for how the contribution rates have been calculated.

Section 4 - How and when will contributions be imposed on development?

This section explains how conditions of consent will be used to collect contributions levied under this plan and provisions to index the contributions payable to reflect changes in land acquisition and construction costs. It also describes accredited certifiers' obligations to address the requirements of this plan in the issuing of construction certificates and CDCs.

Section 5 - How and when a contribution requirement can be settled?

This section explains how consent conditions requiring the payment of contributions can be settled, typically by cash payment. It also provides Council's requirements for considering alternative means to satisfy contribution requirements under this plan through the use of Voluntary Planning Agreements (VPAs) and works in kind arrangements.

Section 6 - Other administration matters

This section outlines other administrative arrangements surrounding the operation of this plan.

Appendices

The appendices include a schedule and location map of the Local Infrastructure that is to be delivered under the plan. The schedule includes details of each item, including cost, intended phasing and timing, the cost apportioned to development, and the contribution rate.

2.2 Dictionary

Words and phrases used in this plan have the same meaning as the terms defined in Warringah Local Environmental Plan 2011 or the EP&A Act, except as provided for below.

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

CDC means complying development certificate.

Consent authority has the same meaning as in the EP&A Act but also includes an accredited certifier responsible for issuing a CDC.

Council means Northern Beaches Council.

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

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

LGA means local government area.

Local Infrastructure means infrastructure delivered by this plan.

Town Centre means Dee Why Town Centre.

VPA means Voluntary Planning Agreement.

2.3 Name and commencement of plan

This plan is called the Dee Why Town Centre Contributions Plan.

This plan commences on the date on which public notice was given under clause 31(2) of the EP&A Regulation or the date specified in that notice if it is a different date.

2.4 What are the purposes of this plan?

The primary purpose of this plan is to authorise:

- the Council, when granting consent to an application to carry out development to which this plan applies; or
- an accredited certifier, when issuing a CDC for development to which this plan applies, to require a contribution under section 7.11 of the EP&A Act to be made towards the provision, extension or augmentation of Local Infrastructure that are required as a consequence of development in the Town Centre, or which were provided in anticipation of, or to facilitate, such development.

Other purposes of this plan are as follows:

- To provide a source of funds as part of the overall funding mix for the provision of Local Infrastructure in the Town Centre.
- To provide the framework for the efficient and equitable determination, collection and management of section 7.11 contributions relating to the Town Centre.
- To establish the relationship between the expected development and proposed Local Infrastructure to demonstrate that the contributions required under this plan are reasonable.
- To allow the opportunity for Local Infrastructure to be provided by land developers by dedicating land or providing works in kind in lieu of paying a monetary contribution.
- To ensure that the broader Northern Beaches community is not unreasonably burdened by the provision of Local Infrastructure required as a result of future development in the Town Centre.

2.5 What land and development does this plan apply to?

Subject to Section 2.6, this plan applies to the Town Centre, the extent of which is shown in Figure 1 over the page.

This plan applies to:

- Residential Accommodation development that would result in a net increase in dwellings on the land (includes boarding houses)
- Other development that would result in a net increase in gross floor area on the land.

2.6 What development is exempted?

Development contributions under this plan will not be imposed to:

- Development proposed by not-for-profit organisations as defined by the Australian Taxation Office, on behalf of, or in partnership with the Council.
- Social housing and community housing development provided by a social housing provider for the purposes of any form of seniors housing defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- Development exempted from section 7.11 contributions by way of a direction made by the Minister for Planning.
- Local Infrastructure identified in this Plan, carried out by or on behalf of the Council.
- Infrastructure proposed by government agencies and public utility providers.

2.7 What Local Infrastructure will be provided under this plan?

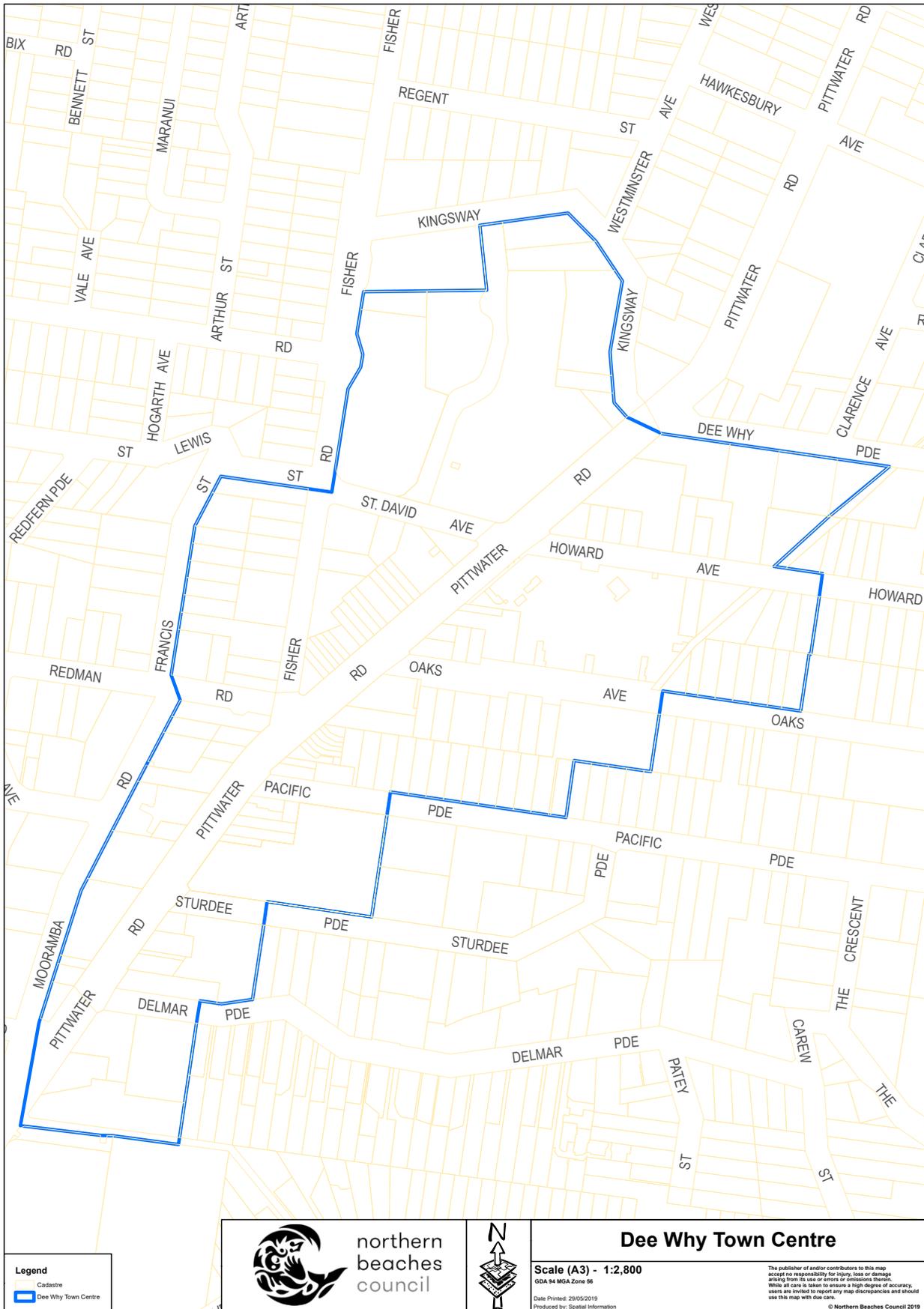
Public domain and open space works on Council-owned land will be provided using the contributions received from developers under this plan (see Appendix A).

These works will complement other Town Centre infrastructure that has been, or will be, provided using a number of funding sources (see Appendix B).

Concept plans and other details for the Town Centre projects are contained in the report Dee Why Town Centre Concept Design - Volume 1, prepared by Tract Consultants, November 2014.

The costs of administering this plan will also be met by contributions imposed under this plan.

Figure 1 Land affected by this plan



Legend

- Cadastre
- Dee Why Town Centre



Dee Why Town Centre

Scale (A3) - 1:2,800
 GDA 94 MGA Zone 56

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2.8 What Local Infrastructure will be provided under this plan?

Table 1 below summarises the contribution rates for the various categories of Local Infrastructure in this plan. **Part 3** of this plan discusses how the contribution rates have been derived.

Table 1 Summary of infrastructure cost

	per person	per studio or 1 bed dwelling	per 2 bed dwelling	per 3 or more bed dwelling	per 100m2 non-residential GFA
Streetscape and public domain	\$6,156.82	\$9,235.23	\$13,545.00	\$19,701.82	\$16,161.65
Plan administration and management	\$92.35	\$138.53	\$203.17	\$295.53	\$242.42
Total	\$6,249.17	\$9,373.75	\$13,748.17	\$19,997.34	\$16,404.07
Adjusted total (Sep 19)	\$6,325.18	\$9,487.77	\$13,915.40	\$20,000.00	\$16,603.60

* the per person rate is relevant to calculating the contributions for residential accommodation that is boarding houses, group homes, nursing homes and hostels

Note: At the time this plan was prepared, the Minister for Planning directed that consent authorities could not impose a monetary section 7.11 contribution on a residential development on land affected by this plan that exceeded \$20,000 per lot or dwelling. Refer to **Section 4.2** of this plan for more details of this contributions 'cap'.

As per **Section 6.3.1** of this plan, Council will over time adjust the contribution rates for the other dwelling types listed in **Table 1** to address the effects of inflation. The rates will be adjusted up to, but never beyond, any contributions cap directed by the Minister that may apply at the time of granting development consent for those dwellings.

3. How are the contribution rates calculated?

This part of the plan explains the expected development in the Town Centre, the infrastructure required to support this development, and the way the contributions for Local Infrastructure included in this plan have been calculated.

3.1 Expected demand for Local Infrastructure

3.1.1 Area context

The Town Centre straddles Pittwater Road, between the north of Warringah Road intersection and south of the Dee Why Parade and Kingsway.

In terms of employment land uses, the centre comprises a commercial / retail area fronting Pittwater Road and a clustered retail 'town square' (off Pittwater Road) encompassing large floorspace grocery stores, small business and office spaces, arcades and al fresco restaurants/cafes.¹

Most of the land in the area is zoned B4 Mixed Use and predominately used for retail activities, although some mixed use developments comprising retail on ground floor and residential uses above have been developed or approved. There are also some older residential apartment developments on the edge of the centre.

The Town Centre is likely to continue its current function as a key civic and community centre for the Northern Beaches LGA in the future, particularly with planned upgrades of local infrastructure described in this plan.

3.1.2 Metropolitan and district plans

Dee Why and Brookvale are identified by the State Government's Sydney metropolitan strategy *A Plan for Growing Sydney* (2015) as twin 'strategic centres'. This designation for Brookvale – Dee Why has been carried forward into the 2018 *A Metropolis of Three Cities – The Greater Sydney Region Plan*. This document applies to the Greater Sydney Region and identifies Dee Why and Brookvale as located within the North District, and subsequently guided by the North District Plan.

Strategic centres are expected to have the following attributes:

- high levels of private sector investment
- flexibility, so that the private sector can choose where and when to invest
- co-location of a wide mix of land uses, including residential
- high levels of amenity and walkability and being cycle friendly
- areas identified for commercial uses, and where appropriate, commercial cores.²

The North District Plan establishes a hierarchy to centres to manage the growth and change, being the Metropolitan centre, Strategic centres then Local centres.³

Planning Priority N10 of the North District Plan targets growing investment, business opportunities and jobs in strategic centres by, among other things:

- providing jobs growth
- diversifying the range of activities in all centres
- creating vibrant, safe places and quality public realm
- focusing on a human-scale public realm and locally accessible open space
- balancing the efficient movement of people and goods with supporting the liveability of places on the road network
- improving the walkability within and to the centre
- completing and improving a safe and connected cycling network to and within the centre.⁴

¹ Warringah Employment Study 2013 Final Report, April 2013, prepared for Warringah Council by SGS Economics and Planning Pty Ltd, page 134

² *A Metropolis of Three Cities – The Greater Sydney Region Plan*, p119

³ North District Plan, p. 67.

⁴ *ibid.* p68

The North District Plan priorities for the Brookvale - Dee Why strategic centre include the following:

- Projected growth in twin centre jobs of between 3,000 and 6,000 by 2036.
- Recognise and enhance the economic and employment opportunities along Pittwater Road and encourage revitalisation along the commercial strip.
- Promote walking, cycling and public transport to Warringah Mall, the Brookvale industrial area and Dee Why.
- Encourage new lifestyle and entertainment uses to activate local streets in Brookvale-Dee Why.
- Improve connections between Brookvale-Dee Why and the Northern Beaches Hospital at Frenchs Forest.
- Establish street trees along the Pittwater Road corridor, exploring options for new development setbacks to incrementally widen the corridor to improve the environment for walking and cycling.⁵

Council's local infrastructure plans for the Town Centre aligns with the Northern Beaches B-Line program which started in late 2017, improving the capacity and reliability of the bus system to allow extra services for access to the Sydney CBD and other major health, education, commercial and retail destinations.⁶

The Greater Sydney Commission outlines that improving liveability in these urban environments engages and connects people and communities. The District Plan identifies creating and renewing streets as a key to improving liveability, balancing the dual functions of streets as moving people and goods but also their role in social and economic participation. Responding to population growth and demographic changes, high quality public spaces will be required in and around centres integrating with site specific planning proposal with precinct-wide place and public domain outcomes.

In summary, the current metropolitan plan supports the Town Centre's existing and ongoing role as a key strategic centre in Sydney's Northern Beaches district.

3.1.3 Town Centre Masterplan

Strategic centres such as Dee Why will only reach their potential if they are supported by modern infrastructure and amenities. Council therefore intends to improve the Local Infrastructure in the area to make the centre more attractive for jobs and housing development.

The *Dee Why Town Centre Masterplan* ('**the Masterplan**')⁷ responds to the following key infrastructure issues facing the centre:

- a major road - Pittwater Road - divides the centre
- poor stormwater drainage
- limited pedestrian connectivity and priority
- lack of access to open space and insufficient landscaping
- poor amenity and streetscape definition.⁸

The overall aim of the Masterplan is to create an attractive, liveable and thriving centre, featuring new community facilities, attractive streetscapes, new open spaces and new public car parking - 'a centre by the sea'.

The infrastructure principles of the plan are to:

- create a well-connected Town Centre
- foster community sense of pride of place
- enhance open spaces
- provide safe and enjoyable public spaces
- generate investment through creating an attractive and vibrant Town Centre.⁹

⁵ *ibid.* p73

⁶ *ibid.* p. 84.

⁷ Place Design Group (2013), *Dee Why Town Centre Master Plan*, July

⁸ *ibid.*, pp38-39

⁹ *ibid.*, pp40-41

The Masterplan identified a set of strategies and actions applying to private and public land to achieve the planning vision for the Town Centre.¹⁰

The key Local Infrastructure strategies include:

- a. A central Community Hub on the Civic Centre site with multipurpose meeting rooms, new library facilities, community health services and a landmark Civic Plaza.
- b. A new Police Citizens Youth Club Centre on the Civic Centre site.
- c. 560 Council public carpark spaces in and around the Town Centre, with good quality pedestrian connections.
- d. A Water Sensitive Urban Design approach to development to better manage storm water and make water an attractive, calming and green feature of the Town Centre.
- e. A place that is attractive and easy to get around with new bike paths, laneways/ road links, wider footpaths, new open spaces and improvements to existing parks.
- f. Enhanced visual appeal at street level through wider footpaths, new spaces and lower building podiums, sculptural landscaping in key areas incorporating green landscaping on median islands and nature strips, creating a sense of arrival and departure.

3.1.4 Expected development and population

Residential development

There are currently 1,713 dwellings in the Town Centre area that are either existing and unlikely to be replaced, or approved and not yet constructed.

These dwellings are mostly in the form of 1, 2 and 3 bedroom apartments. Assuming the average gross floor area (GFA) of these dwellings is 80 square metres, then there is an estimated 137,000 square metres of GFA applying to existing or approved dwellings in the area.

Council anticipates that a further 1,439 dwellings could be approved in the Town Centre area. Data informing this assessment is shown in Appendix C. Using the same assumption as above for average dwelling size, this future development will have an estimated 115,000 square metres of GFA.

In order to estimate of total number of residents that would occupy these dwellings, the average occupancy rate recorded at the 2016 Census for the Dee Why - North Curl Curl Statistical Area Level 2 was used a starting point (i.e. 2.4 persons per dwelling). Because the wider Dee Why - North Curl Curl contains a mix of larger detached dwelling houses and other smaller dwellings, this occupancy rate is too high for the purpose of assuming a population for the Town Centre area.

A lower occupancy rate of 2.1 persons per dwelling - reflecting the dominance of apartments as the predominant housing type in the Town Centre area - was used to estimate the number of residents in existing or approved developments, as well as the resident population of future developments.

A summary of existing / approved and future residential development and population, which is the basis on which the contribution rates under this plan for residential development are calculated, is shown in **Table 2**.

¹⁰ ibid., pp80-81

Table 2 Estimated dwellings and population

	Dwellings	Occupancy rate (persons /dwelling)	Resident population	Estimated GFA (m2)
Existing and approved development	1,713	2.1	3,597	137,040
Projected future development	1,439	2.1	3,022	115,120
Total future development	3,152		6,619	252,160

An average occupancy rate of 2.1 persons per dwelling has been used to assess the total population. However, individual developments will have different occupancies because of their different sizes. Studio dwellings will generally have fewer occupants than 2 bedroom dwellings. 2 bedroom dwellings will likely, on average, have fewer occupants than spacious 4 bedroom dwellings. Different occupancy rates related to dwelling size are necessary in order to derive reasonable section 7.11 contributions for individual developments.

Table 3 contains the assumed occupancy rates for different dwelling sizes approved under this plan. The rates are based on recent Census results.

Table 3 Assumed dwellings and population

Dwellings	Persons per dwelling
Studios and dwellings with 1 bedroom	1.5
Dwellings with 2 bedrooms	2.2
Dwellings with 3 or more bedrooms	3.2

Non-residential development

*Warringah Employment Study 2013*¹¹ identified the economic, social and environmental trends which will influence employment growth within the region, and the strategies and principles to better enable the region to accommodate employment growth.

The Study identified that demand for employment in the retail, commercial and industrial sectors will continue to grow in the future within former Warringah area until at least 2031. Demand for floor space within these sectors is forecast to increase by 446,585 square metres and 12,553 jobs extra jobs between 2011 and 2036. This growth is anticipated to be focused in the main employment lands located in Dee Why, Frenchs Forest, Brookvale, Forestville, and Austlink Business Park.

The Study identified that the Town Centre had existing non residential development totalling 159,948 square metres GFA in 2011, 136,799 square metres of which was occupied.¹²

The Study forecast an extra demand for 35,426 square metres of GFA within the Town Centre by 2036.¹³

¹¹ Warringah Employment Study 2013 Final Report, April 2013, prepared for Warringah Council by SGS Economics and Planning Pty Ltd

¹² Ibid., p48

¹³ Ibid., p62

Council has carried out a site-by-site assessment of the estimated additional non residential development that is likely to occur under the planning controls applying to the Town Centre.¹⁴ This assessment concluded that the Town Centre is likely to accommodate an extra 34,000 square metres of GFA on development sites that will be subject to this contributions plan.

This site-by-site data is the basis on which the contribution rates under this plan for non residential development are calculated.

3.1.5 Demographic characteristics

The demographic characteristics of a development area are important in understanding the future social infrastructure needs of that area. The characteristics of the residents in the new dwellings will inform the design of the public domain and open spaces that are created to meet their needs.

The following is a summary of the expected demography of the future Dee Why suburb population:

- The current population is currently dominated by young working age residents. Persons aged between 25 and 34 make up about a quarter of all residents. Although their dominance is expected to remain, the number of these residents is forecast to decline slightly by the suburb up to 2036.
- Children 0-4 years old are the largest group of young people in the area. The numbers of all the younger age groups (i.e. up to 24 years) are expected to increase up to 2036, although their share of the overall population is not expected to change significantly.
- There are likely to be significant increases in the number of people in all age groups 40 years and over, particularly older persons. For example, in 2011 persons over 60 years made up 14% of the Dee Why population. This share will increase to nearly 25% by 2036. The increasing numbers of retired and semi-retired persons indicates that facilities preferred by these age groups (e.g. paths and local parks) will be in demand.

- Lone person households are the dominant household type, representing 31% of all households. Couple-only households (27.6%) and couple with dependents households (24.8%) are the next most common household types. In 2036, the respective shares of lone person and couple-only households are likely to be the same (around 30%) while the proportion of couple with dependents households is likely to reduce to 23%.

The following is a summary of the existing demography in the Dee Why suburb:

- Only 1.7% of the local population speak English not well or not at all, which is a quarter of the rate for Greater Sydney as a whole. Despite this, 39.5% of the population were born overseas, as against 36.7% for Greater Sydney as a whole. The three top overseas birthplaces are United Kingdom, China and India.
- The population is relatively well educated. In 2011 55.0% of the population aged 15 and over held educational qualifications, and 34.0% had no qualifications, compared with 48.3% and 40.5% respectively for Greater Sydney.
- The population is relatively able-bodied. Around 2.6% of the population reported needing assistance with core activities, compared with 4.9% for Greater Sydney.
- Middle level household incomes predominate in the area. There was a smaller proportion of high income households (those earning \$2,500 per week or more) and a lower proportion of low income households (those earning less than \$650 per week) in 2016 in Dee Why compared to Greater Sydney. Some 24.0% of the households earned a high income and 12.0% were low income households, compared with 28.3% and 15.1% respectively for Greater Sydney.

¹⁴ These controls require redevelopments to set aside the first 2 levels of multi-storey mixed use developments for non residential purposes

- Renting is the dominant tenure for dwellings in Dee Why. Renting is likely to be even more significant in the apartment dwellings that predominate in the Town Centre area. Overall, 19.9% of the population owned their dwelling; 28.1% were purchasing, and 43.3% were renting, compared with 27.7%, 31.5% and 32.6% respectively for Greater Sydney.¹⁵

This social profile points to a need to provide the Town Centre developments with accessible and multi-purpose facilities suitable for a range of ages and household types, with particular emphases on the needs of children and older people.

3.2 Infrastructure schedule and nexus

The Dee Why Town Centre Masterplan contains infrastructure items that are required to support the redevelopment of the centre for mixed use and residential developments. Some of this development has been completed, some of it has been approved but not yet started or is not yet completed, and some of it is yet to be approved.

The previous and future redevelopment of land in the Town Centre has placed, and will continue to place, increased demand on infrastructure. That is:

- increased demand for places that foster community life and the development of social capital, creating needs for local parks, new and/or wider footpaths to meet the greater intensity of pedestrian activity, street tree planting, street furniture, and civic spaces and squares.
- increased demand for roads and traffic management facilities that support safe and convenient access to and from the Town Centre, creating needs for new streets, upgraded intersections, and public transport, walking and cycling facilities.
- increased demand for stormwater management facilities.

Council prepared the Dee Why Town Centre Masterplan (the Masterplan) in 2013 and has been implementing the infrastructure elements of that master plan since 2015. At the time this

plan was prepared (2019), many works in the Masterplan had been completed.

In addition to the Masterplan items, Council funded the vast majority of the cost of the new PCYC community and indoor recreation facility. This facility serves people in both the Town Centre and in the wider district.

A package of infrastructure is being delivered to underpin and support the creation of a quality higher density urban environment in Town Centre:

- The infrastructure to be funded using contributions received under this plan are listed in the schedule contained in Appendix A.
- The infrastructure that has been, or will be funded from other sources available to the Council are listed in the schedule contained in Appendix B.

Details of the infrastructure items, their cost, their completion status, and the anticipated timing for incomplete works are shown in these schedules.

The schedules show that the total cost of the Council's infrastructure program in the Town Centre is \$87.5 million.

Council and developers have invested approximately \$43.5 million in this program through completed projects and projects that are underway. This infrastructure has been funded/delivered via a number of sources, including:

- General revenue
- Direct provision through conditions of consent
- Voluntary Planning Agreement (VPA) contributions from development sites in the Town Centre
- Existing section 7.11 and section 7.12 plan funds (these contributions plans are now repealed)
- Grant funding

This leaves 11 infrastructure items with a value of \$24.1 million. These infrastructure items (i.e. the items listed in Appendix A) are proposed to be funded by contributions imposed and collected under this plan.

¹⁵ <http://profile.id.com.au/northern-beaches>, accessed 12/10/17

3.3 Town Centre works program apportionment

All of the infrastructure listed in Appendices A and B is needed to support the entire development of the Town Centre. That is, both existing and approved development (which has already been levied development contributions) as well as future development (which will be levied contributions under this plan).

Table 4 shows the existing and approved, as well as the future anticipated, development in the Town Centre.

The table shows that combining the existing, approved and expected future developments, the future developments will account for 35% of the Town Centre's total gross floor area.

The total cost of the infrastructure items to meet the development in the Town Centre is \$87.5 million. This plan seeks to levy future

development for the full cost of some of these works. The works included in this plan have an estimated cost of \$24.1 million, which is approximately 28% of the value of the entire works schedule.

This level of cost apportionment for the Town Centre infrastructure to future development is considered reasonable. This is because the future development's investment in Town Centre infrastructure (i.e. the total monetary contributions anticipated to be paid under this plan) reflects no more – and, at 28%, is in fact less than – that development's proportion of the total demand for the infrastructure designed to serve the needs of all the additional future anticipated residents and workers of the Town Centre.

Table 4 Town Centre development assumptions

	Existing and approved GFA (m2)	Expected future GFA (m2)	Total projected GFA (m2)	Expected growth as a % of total
Residential development	137,040	115,120	252,160	46%
Non-residential development	136,799	33,997	172,225	20%
Total development	273,839	149,117	424,385	35%

3.4 Contribution rates calculation

Table 5 Values informing the contribution rates calculation

	Estimated additional residents (P)*	Estimated residential GFA	% share of cost (AF _{Res})*	Estimated non-residential GFA (GFA _{NonRes})*	% share of cost (AF _{NonRes})*
Expected development in Town Centre to 2036	3,022	115,120	77.2	33,997	22.8

*these notations relate to the formulas below

Contribution rates are calculated based on a fair apportionment of the infrastructure costs between residential and non-residential development.

The total additional development expected under this plan is 149,117 square metres of GFA. The breakdown of this expected additional development is shown in **Table 5**. The table also shows the expected additional residents. These values are used to calculate the contribution rates for development addressed by this plan.

Each apportioned cost – residential and non-residential – is then divided by expected demand. In the case of residential development, the demand is expressed in persons.

In the case of non-residential development, the demand is expressed in GFA square metres.

The total contribution amount for a particular development is the sum of the contributions for the residential and non-residential components of that development.

3.4.1 Residential development contribution

The contribution formula for **residential development** is:

$$\text{Contribution per resident (\$)} = \sum \left(\frac{\$INF \times AF_{Res}}{P} \right) + Admin$$

Where:

\$INF = the estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the infrastructure items required to meet the development of the Town Centre (refer Appendix A).

AF_{Res} = the relevant share of the cost of the item apportioned to residential development in the Town Centre (refer Table 5)

P = The expected number of additional residents of future developments in the Town Centre (refer Table 5)

Admin = The plan administration and management, being 1.5% of the total residential development contribution (refer to Section 3.4.3 for details)

To determine the total contribution that would apply to the residential component of the development, multiply the per person contribution rate by the proposed net additional residents in the proposed development.

To determine the contribution rate per dwelling, multiply the per person contribution rate by the relevant assumed occupancy rate shown in **Table 3**.

Contributions must reflect only the net increase in demand for infrastructure, taking account of any existing approved floor area. Refer to **Section 4.3** for details and examples of how net increases in demand are calculated.

Residential contribution rates are shown in **Table 1** in **Section 2.8**.

3.4.2 Non-Residential development contribution

The contribution formula for **non-residential development** is:

$$\text{Contribution per m2 of GFA (\$)} = \sum \left(\frac{\$INF \times AF_{\text{NonRes}}}{GFA_{\text{NonRes}}} \right) + \text{Admin}$$

Where:

$\$INF$ = the estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the infrastructure items required to meet the development of the Town Centre (refer **Appendix A**).

AF_{NonRes} = the relevant share of the cost of the item apportioned to non-residential development in the Town Centre (refer **Table 5**).

GFA_{NonRes} = The expected additional non-residential gross floor area in the Town Centre (refer **Table 5**).

Admin = The plan administration and management, being 1.5% of the total non-residential development contribution (refer to **Section 3.4.3** for details).

To determine the total contribution that would apply to the non-residential component of the development, multiply the non-residential contribution rate by the proposed net additional non-residential GFA in the proposed development.

Contributions must reflect only the net increase in demand for infrastructure. Refer to **Section 4.3** for details and examples of how net increases in demand are calculated.

Non-residential contribution rates are shown in **Table 1** in **Section 2.8**.

3.4.3 Plan administration and management contributions

This plan has been prepared in order to allow contributions to be levied on development so that infrastructure demands can be satisfied. The costs that Council has incurred in this regard include the commissioning of external experts to prepare the plan text and works schedules.

Additionally, Council will need to manage, monitor and maintain the contributions plan to ensure that its contribution rates remain reasonable. The effective coordination and administration of the plan will involve many tasks, some of which include the following:

- Monitoring the receipt of contributions.
- Recommending to Council the appropriate management and expenditure of funds in accordance with the adopted works schedules.
- Monitoring and programming works identified in the works schedules.
- Determining the appropriate time for provision of public facilities having regard to the availability of funds, the time funds have been held, expected additional funds, alternative and supplementary funding sources and maintenance implications.
- Assessing whether a credit or reassessment of the contribution may be appropriate and how that may be determined.
- Reviewing and determining the suitability of any works in kind and material public benefits proposed by a developer.

- Preparing and making available the accountability information as required by the EP&A Regulation.
- Providing advice to applicants and the general public regarding the operation of the plan.
- Commissioning of consultant studies and advice in relation to the efficacy of the development and demand assumptions of the contributions plan.

As plan administration costs arise directly as a result of the future development, it is reasonable that the costs associated with preparing and administering this plan be recouped through contributions from development in the Town Centre area. Costs associated with the ongoing administration and management of the contributions plan will be levied on all applications that are required to make a contribution under this plan.

Costs included in this plan for management and administration are determined based on the IPART benchmark¹⁶ of an allowance equivalent to 1.5% of the costs of construction works each year that are anticipated to be met by development making contributions under in this plan.

¹⁶ Independent Pricing and Regulatory Tribunal of New South Wales (2014), Local Infrastructure Benchmark Costs, page 63

4. How and when will contributions be imposed on developments?

4.1 Monetary contributions

This plan authorises the Council or an accredited certifier, when determining an application for development or an application for a CDC, and subject to other provisions of this plan, to impose a condition requiring a contribution under section 7.11 of the EP&A Act on that approval for:

- the provision, extension or augmentation of Local Infrastructure to be provided by Council; and / or
- the recoupment of the previous costs incurred by Council in providing existing Local Infrastructure.

Accredited certifiers should also refer to **Section 4.5** of this plan as to their obligations in assessing and determining applications.

4.2 Cap on monetary section 7.11 contributions for residential development

On 21 August 2012 the Minister for Planning issued a Direction to Council that caps section 7.11 contributions (which were then called s94 contributions) for residential development.

The Direction requires:

A council (or planning panel) must not grant development consent ... subject to a condition under section 94 (1) or (3) of the Environmental Planning and Assessment Act 1979 requiring the payment of a monetary contribution that:

(a) in the case of a development consent that authorises one or more dwellings, exceeds \$20,000 for each dwelling authorised by the consent, or

(b) in the case of a development consent that authorises subdivision into residential lots, exceeds \$20,000 for each residential lot authorised to be created by the development consent.

To meet the Minister's requirements, the residential contribution rate will not exceed \$20,000.

Also, as per **Section 6.3.1** of this plan, Council will over time adjust the contribution rates for the other dwelling types listed in **Table 2** to address the effects of inflation. The rates will be adjusted up to, but never beyond, any contributions cap directed by the Minister that may apply at the time of granting development consent for those dwellings.

4.3 Allowance for existing development

In order for contributions to be reasonable, the consent authority shall only impose a section 7.11 contribution on a development that reflects the net increase in the demand for Local Infrastructure included in this plan.

The contribution attributable to the net increase in infrastructure demand is determined by calculating the contribution under this plan that would apply to any existing or approved development on the development site, and subtracting that figure from the contribution under this plan that would apply to the proposed development.

For example, if a development site contained 2 dwelling houses each with 3 bedrooms, and the proposed development contained 20 x 2-bedroom dwellings, then the contribution amount for that proposed development would be:

$$\begin{aligned} \text{Proposed development (A)} &= 20 \times \$13,748.17 \\ &= \$274,963.40 \end{aligned}$$

Number of dwellings (of the same typology*)
x residential contribution rate (of the same typology*)

$$\begin{aligned} \text{Existing development (B)} &= 2 \times \$19,997.34 \\ &= \$39,994.68 \end{aligned}$$

$$\begin{aligned} \text{Contribution amount (A - B)} &= \$274,963.40 - \\ &\quad \$39,994.68 \\ &= \$234,968.72 \end{aligned}$$

* Same typology – number of beds in a dwelling

An allowance from existing residential development cannot be applied to non residential development and vice versa.

The following also applies in calculating reasonable contributions:

- Council will make the final determination on the number of bedrooms in a dwelling that is part of a proposed residential development, despite the notations on the plans that suggests that a bedroom is some other room type (e.g. study, office).
- The onus is on the applicant to establish a case for existing approved development to be taken into consideration in the calculation of a section 7.11 contribution amount for a proposed development.

4.4 Latest rates to be used

The section 7.11 contribution imposed on a development will reflect the latest, indexed contributions rates authorised by this plan as set in Section 6.3.

The monetary section 7.11 contribution rates shown in **Table 2** reflect the contribution rates at the date that this plan commenced. These rates are regularly adjusted for inflation and fluctuations in land values (see **Section 6.3**).

Applicants and accredited certifiers should inquire at the Council for information on the latest contribution rates

4.5 Obligations of accredited certifiers

4.5.1 Complying development certificates

This plan requires that, in relation to an application made to an accredited certifier for a CDC:

- the accredited certifier must, if a CDC is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this plan
- the amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this section
- the terms of the condition be in accordance with this section.

Procedure for determining the contribution amount

The procedure for an accredited certifier to determine the amount of the section 7.11 monetary contribution for complying development is as follows:

1. If, and only if specified in writing in the application for a CDC, the applicant has requested a credit for an existing or approved development under section 7.11(6) of the EP&A Act such as that envisaged in **Section 4.3** of this plan, or an exemption or part or the whole of the development under **Section 2.5** of this plan, the accredited certifier must:
 - a. make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and
 - b. in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the CDC refuse the applicant's request.
2. Determine the unadjusted contributions in accordance with the rates included in **Table 1** of this plan taking into account any exempted development specified in **Section 2.6** and any advice issued by the Council under paragraph 1(b) above.
3. Adjust the calculated contribution in accordance with **Section 6.3.1** to reflect the indexed cost of the provision of infrastructure.
4. Subtract any infrastructure demand credit advised by the Council under paragraph 1(b) for any assumed Local Infrastructure demand relating to existing development.

Terms of a section 7.11 condition

The terms of the condition required by this section are as follows:

Contribution

The developer must make a monetary contribution to Northern Beaches Council in the amount of \$[insert amount] for the purposes of the Local Infrastructure identified in the Dee Why Town Centre Contributions Plan.

The total contribution amount is based on the following rates that applied at the time of issue of the certificate: [delete whichever is not applicable].

[insert no.] x 0 or 1 bedroom dwellings	@ \$ [insert amount] per dwelling
[insert no.] x 2 bedroom dwellings	@ \$ [insert amount] per dwelling
[insert no.] x 3 or more bedroom dwellings	@ \$ [insert amount] per dwelling
[insert no. of m2] of non-residential floor area	@ \$ [insert amount] per 100m2 of GFA

Indexation

The monetary contribution must be indexed between the date of this certificate and the date of payment in accordance with the following formula:

$$\frac{\$C_c \times CPI_p}{CPI_c}$$

Where:

$\$C_c$ is the contribution amount shown in this certificate expressed in dollars

CPI_p is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the payment of the contribution

CPI_c is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician which applied at the time of the issue of this certificate

Note: The contribution payable will not be less than the contribution specified in this certificate.

Time for payment

The contribution must be paid prior to any work authorised by this complying development certificate commences, as required by section 136L of the Environmental Planning and Assessment Regulation 2000.

Deferred payments of contributions will not be accepted.

Works in kind agreement

This condition does not need to be complied with to the extent specified in any planning agreement of works in kind agreement entered into between the developer and the Council where that agreement references the exclusion of development contributions for the application.

4.5.2 Construction certificates

It is the responsibility of an accredited certifier issuing a construction certificate for building work or subdivision work to ensure that each condition requiring the payment of a monetary contribution before work is carried out has been complied with in accordance with the CDC or development consent.

The accredited certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with section 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

The only exceptions to the requirement are where a work in kind, material public benefit, dedication of land and/or deferred payment arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

4.6 Variation to contributions authorised by this plan

The consent authority, other than a private accredited certifier, may, after considering a written application, reduce the section 7.11 contribution otherwise calculated in accordance with the provisions of this plan.

An accredited certifier other than the Council cannot vary a section 7.11 contribution calculated in accordance with this plan, without Council's written approval.

A developer's request for variation to a contribution calculated in accordance with this plan must be supported by written justification included with the development application setting out the following, as relevant:

- the grounds on which the variation to the plan contribution is reasonable in the circumstances
- details and calculations showing that application of the plan's contribution rates results in an unreasonable contribution amount
- calculations showing that an alternative amount fairly reflects the net increase in demand for the infrastructure included in this plan.

Council will not consider requests for reductions based solely on any perceived broader community benefit of the development.

5. How and when can a contribution requirement be settled?

5.1 Timing of payments

For a CDC, the levy is to be paid prior to any work authorised by the certificate commencing, as required by clause 136L of the EP&A Regulation.

For a DA involving building works, the levy is to be paid prior to the issue of a Construction Certificate.

For a DA involving land subdivision, the levy is to be paid prior to the issue of a Construction Certificate or prior to the issue of a Subdivision Certificate (whichever occurs first).

At the time of payment, it will be necessary for levy amount to be updated in accordance with the relevant indexes (see Section 6.3).

5.2 Deferred payments

Council will not accept the deferred payments of contributions required under this plan.

5.3 Can the contribution be settled by dedicating land or undertake works?

A person may make an offer to the Council to carry out works or provide another kind of material public benefit or dedicate land, in part or full satisfaction of a section 7.11 contribution required by a condition of consent imposed under this plan.

If a developer wishes to deliver infrastructure that is included in this plan instead of the Council delivering that infrastructure, then the developer can approach this either one of two ways:

- a. The developer may offer to enter into a VPA to undertake works, make monetary contributions, dedicate land, or provide some other material public benefit. Planning agreements are the most appropriate mechanism for offers made prior to the issue of a development consent for the development.
- b. If the developer has already received a development consent containing a condition requiring a section 7.11 contribution, the developer may offer to undertake works in kind through a works in kind agreement, or offer to dedicate land through a land dedication agreement.

Any offer for works in kind or other material public benefit must be agreed to by Council in writing **prior to the payment of the contribution amount**. Retrospective works in kind agreements will not be accepted.

The decision to accept settlement of a contribution by way of works in kind or the dedication of land is at the sole discretion of Council.

Works in kind or the dedication of land will be accepted by Council only under the following circumstances:

- Council will only accept offers of works or land that are items included in the schedule of Local Infrastructure in this plan
- The value of the works to be undertaken or the land to be dedicated is at least equal to the value of the contribution assessed in accordance with this plan, or where the value of the proposed works in kind or the land to be dedicated is less than the monetary value of the contribution, the difference will be met by way of a monetary contribution.

In assessing the request, Council will consider the following:

- Consistency with the Council's concept or detailed design of the facilities.
- The proposed works or land dedication will not constrain the future provision of facilities identified in the works schedule, or conflict with what Council has prioritised.

Plans and cost estimates of the proposed works, or a valuation by a registered valuer of the land to be dedicated, are to be prepared and submitted by the applicant.

Should an offer of works in kind or land dedication be accepted, Council will negotiate with the applicant, as relevant, the following:

- An acceptable standard for workmanship and materials; and
- Timing of inspection of works in progress; and
- A program for completion of the works or dedication of the land; and
- An appropriate defects liability period.

6. Other administration matters

6.1 Relationship of this plan to other contributions plans

The Northern Beaches Council Section 7.12 Contributions Plan 2019 does not apply to land to which this plan applies.

This plan however does not affect development consents applying to land in the Town Centre containing requirements for developments to make contributions under Northern Beaches Council Section 94A Plan 2017 (or its predecessor plans).

Contributions imposed on developments under predecessor plans and paid to Council will be applied to the specific Local Infrastructure described in those plans.

6.2 Savings and transitional arrangements

This plan applies to a development application or application for a CDC that was submitted but not yet determined on the date on which this plan took effect.

6.3 Adjustment of contributions to address the effects of inflation

To ensure that the value of contributions for the construction and delivery of infrastructure is not eroded over time by inflation or significant changes in land values, this plan authorises that contribution rates and the contribution amounts included in consents will be adjusted over time.

The original monetary contribution x current CPI

Base CPI

In the event that the current CPI figure is less than the previous quarter, it will be taken to be the same as the previous quarter.

6.3.1 Contribution rates in this plan

Council will - without the necessity of preparing a new or amending contributions plan - make changes to the contribution rates set out in this plan to reflect quarterly movements in the Consumer Price Index (All Groups Index) for Sydney, as published by the Australian Bureau of Statistics.

Adjusted contribution rates will not exceed any contributions cap that may apply as a result of a Ministerial direction.

The latest contribution rates will be published on the Council's website.

6.3.2 Contribution amounts in consents

This plan applies to a development application or application for a CDC that was submitted but not yet determined on the date on which this plan took effect.

6.4 Pooling of contributions funds

This plan authorises monetary contributions paid for different purposes in accordance with development consent conditions authorised by this plan and any other contributions plan approved by the Council to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this plan are set out in the works schedule of this plan.

6.5 In what circumstances are contributions to be refunded?

Any monies paid under a condition of development consent imposed under this plan will not be refunded in any circumstances.

6.6 Accountability and access to information

Council maintains a register of all cash and non cash contributions collected under this plan. The register can be inspected at Council's offices and contains the following information:

- Each development consent which levied contributions for facilities
- The address to which the development consent was issued, date when contributions are received and the amount.
- A detailed account of the monetary contribution, land dedication or other material public benefit negotiated and signed off through any works in kind agreement or voluntary planning agreement, including a copy of the agreement.

Accounting records will be maintained for all contributions and published every year in Council's financial accounts. They will contain details concerning contributions received and expended, including interest, for each service or amenity to be provided. The records are held at Council's offices and may be inspected upon request.

6.7 Review of plan

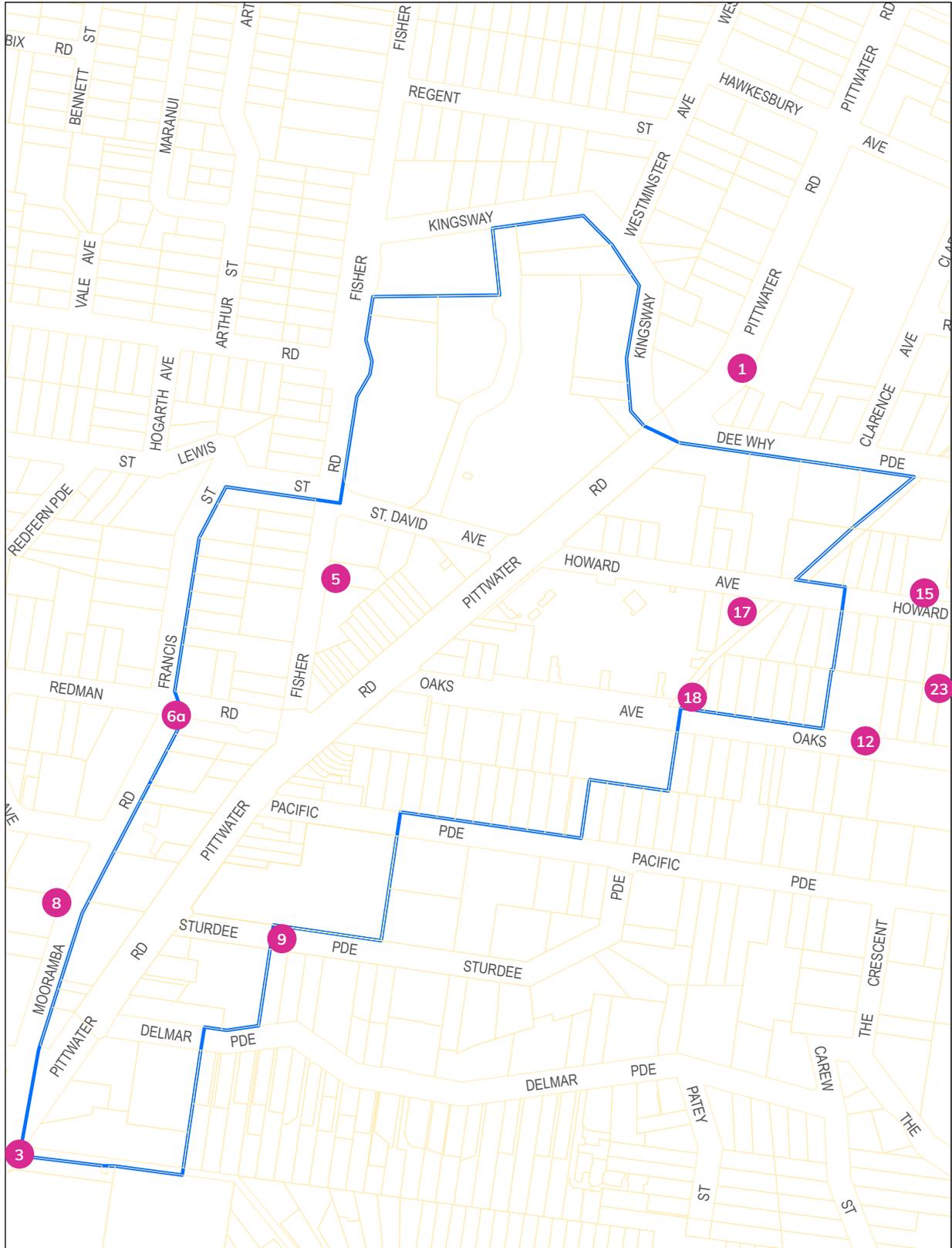
Council will periodically review this plan to ensure that it meets its purposes and that the contribution rates remain reasonable.

Appendix A

Projects to be funded by this contributions plan

Item	Description	Total cost	Estimated timing	Residential development cost apportionment	Res contribution rate (per person)	Non residential development cost apportionment	Non residential contribution rate (per 100m ² GFA)
1	Pittwater Road North (Gateway)	\$2,844,058.63	2026-2036	77%	\$726.58	\$648,413	\$1,907.27
3	Pittwater Road South (Gateway)	\$4,132,009.83	2026-2036	77%	\$1,055.61	\$942,052	\$2,770.99
5	Fisher Road Streetscape	\$1,600,821.68	2026-2036	77%	\$408.97	\$364,969	\$1,073.53
6a	Redman Road Plaza Stage 2	\$2,196,662.50	2020-2025	77%	\$561.19	\$500,814	\$1,473.11
8	Mooramba Road	\$546,193.29	2026-2036	77%	\$139.54	\$124,526	\$366.29
9	Sturdee Parade	\$3,757,941.46	2026-2036	77%	\$960.05	\$856,768	\$2,520.13
12	Oaks Avenue (New Link Road to Avon Road)	\$2,295,058.38	2026-2036	77%	\$586.32	\$523,248	\$1,539.10
15	Howard Avenue (New Link Road to Avon Road)	\$3,731,814.82	2020-2022	77%	\$953.37	\$850,812	\$2,502.61
17	Triangle Park North	\$1,780,383.06	2021-2023	77%	\$454.84	\$405,907	\$1,193.95
18	Triangle Park South	\$1,066,317.78	2021-2023	77%	\$272.41	\$243,108	\$715.09
23	Cycleway Avon Road	\$148,500.00	2020-2025	77%	\$37.94	\$33,856	\$99.59
		\$24,099,761			\$6,156.82	\$5,494,475	\$16,161.65
	Plan administration and management	\$361,496		77%	\$92.35	\$82,417	\$242.42

Note - for simplicity the costs in this table have not been adjusted by CPI



Appendix B

Projects to be delivered using other funding sources

Item	Description	Total cost	Estimated timing
2	Pittwater Road Central (Incl. Town Centre Crossing)	\$2,891,865	Completed
4	St Davids Avenue Pocket Park	\$1,917,548	2018/19
6	Redman Road Plaza	\$2,595,541	Completed
10	Pacific Parade	\$4,155,488	2026-2036
11	Oaks Avenue (Pittwater Road to New Link Road)	\$3,500,000	2018/19
13	New Link Road	\$1,600,000	2020-2025
14	Howard Avenue (Pittwater Road to New Link Road)	\$2,400,000	2018/19
15a	Howard Avenue Cycleway (north side)	\$1,205,000	2018/19
16	Dee Why Parade	\$3,091,665	2026-2036
19	Woolworths Lane (Linkway Link)	\$-	2020-2025
20	Walter Gors Park	\$6,066,342	Completed
21	Walter Gors Park Stormwater Easement	incl above	Completed
11a	Oaks Avenue Drainage Works (completed)	\$3,896,683	Completed
18a	Acquisition of 30 Oaks Avenue	\$2,200,000	Completed
24	Town Square area and Oaks Avenue connection (Meriton site)	\$2,191,000	TBD
25	Dee Why PCYC indoor recreation centre (Council contribution)	\$25,672,727	Completed
Total		\$63,383,859	

	Infrastructure items underway or to be completed using other funding sources
	Future infrastructure items to be completed using other funding sources
	Completed infrastructure items

Note - for simplicity the costs in this table have not been adjusted by CPI

Appendix C

Details of expected development

Site	Street Address		Estimated additional non-residential GFA (m ²)	Expected additional dwellings	Expected residential GFA assuming average of 80m ² per dwelling
A	31 - 35 Howard & 36 - 44 Oaks		8,430	129	10,304
3	9 Oaks		392	9	704
4	19 & 21 Oaks		867	42	3,392
5	L8 & 12 Pacific		1,572	23	1,856
6	16 Pacific		691	8	640
7	900 Pittwater & 10 Howard		1,481	70	5,632
8	854 - 860 Pittwater		894	72	5,760
9	836 - 844 Pittwater & 1 Pacific		1,369	47	3,776
13	643 Pittwater		91	9	704
14	651 - 661 Pittwater		1,244	60	4,800
E1	673 - 683A Pittwater		716	66	5,312
E2	687 - 693A Pittwater		390	43	3,456
15	23 Fisher	Note		Completed	
18	10 Fisher		-	9	704
19	16 - 20 Fisher		505	32	2,560
20	28 - 30 Fisher		588	10	832
21	36 Fisher		1,071	21	1,664
E3	1 - 3 St. David; L1 & L2 Fisher		2,201	66	5,312
23	21 Mooramba & 665 Pittwater		1,162	46	3,712
26	26 Howard Avenue - Coles Site		4,337	181	14,464
27	874 & 876 Pittwater - Oaks Cnr adjoining Meriton	Note			
28	2 Delmar Pde & 818 Pittwater Road - Repco site	Note			
29	811 - 816 Pittwater Road - Avis site		1,095	32	2,560
30	625 Pittwater Road		943	26	2,112
31	20 - 22 Howard Ave		456	50	3,968
C	33 Oaks Avenue, Dee Why		3,095	373	29,824
D	848 850 Pittwater Road, Dee Why		407	14	1,088
Total			33,997	1,439	115,120

Note Site is still subject of a DA that is likely to be determined prior to this contributions plan coming into effect