

Contributions Plan No.11

# ANNANGROVE ROAD EMPLOYMENT AREA

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THE  
HILLS  
Sydney's Garden Shire



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**May 2022**

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# 1. PART A – SUMMARY SCHEDULES

## 1.1 Schedule 1 - Works Schedule

The works schedule for Contributions Plan 11 – Annangrove Road Employment Area is as follows:

| Description  | A                     |               | B                     |                       | C                      |               | D                      |                       | E                      |                       | F                      |           | G        |        | H        |        | I            |                   | J |  | K |  | Priority |
|--|-----------------------|---------------|-----------------------|-----------------------|------------------------|---------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------|----------|--------|----------|--------|--------------|-------------------|---|--|---|--|----------|
|  | Total Cost            | Apportionment | Proposed              | Actual                | Total Cost             | Apportionment | Proposed               | Actual                | Total Cost             | Apportionment         | Proposed               | Actual    | Proposed | Actual | Proposed | Actual | Total Actual | Total Cost Levied |   |  |   |  |          |
| <b>SUB-ARTERIAL ROADS</b>                                    |                       |               |                       |                       |                        |               |                        |                       |                        |                       |                        |           |          |        |          |        |              |                   |   |  |   |  |          |
| SA13 Annangrove Road - Upgrade (incl. roundabout at Withers) | \$1,647,736.00        | 100%          | \$1,647,736.00        | \$0.00                | \$25,270,402.87        | 50%           | \$12,478,041.44        | \$157,160.00          | \$14,125,777.44        | \$157,160.00          | \$14,282,937.44        | 1,2       |          |        |          |        |              |                   |   |  |   |  |          |
| SA8 Withers Road - Upgrade                                   | \$630,204.00          | 100%          | \$181,674.91          | \$448,529.09          | \$11,699,828.58        | 100%          | \$11,605,637.09        | \$94,191.49           | \$11,787,312.00        | \$542,720.58          | \$12,330,032.58        | 1         |          |        |          |        |              |                   |   |  |   |  |          |
| SA6 Mile End Road South - New Alignment                      | \$3,037,362.62        | 50%           | \$0.00                | \$1,518,681.31        | \$2,686,399.64         | 50%           | \$0.00                 | \$1,343,199.82        | \$0.00                 | \$2,861,881.13        | \$2,861,881.13         | Complete  |          |        |          |        |              |                   |   |  |   |  |          |
| Plus Fees and Allowances                                     | \$33,345.75           | 100%          | \$27,441.16           | \$5,904.59            | \$4,361,553.86         | 100%          | \$4,361,553.86         | \$0.00                | \$4,388,995.02         | \$5,904.59            | \$4,394,899.61         |           |          |        |          |        |              |                   |   |  |   |  |          |
| <b>Sub Total</b>   | <b>\$5,348,648.37</b> |               | <b>\$1,856,852.07</b> | <b>\$1,973,114.99</b> | <b>\$44,018,184.95</b> |               | <b>\$28,445,232.39</b> | <b>\$1,594,551.31</b> | <b>\$30,302,084.46</b> | <b>\$3,567,666.30</b> | <b>\$33,869,750.76</b> |           |          |        |          |        |              |                   |   |  |   |  |          |
| <b>INTERSECTIONS</b>   |                       |               |                       |                       |                        |               |                        |                       |                        |                       |                        |           |          |        |          |        |              |                   |   |  |   |  |          |
| T1 - Withers Road / Mile End Road                            | \$0.00                | 100%          | \$0.00                | \$0.00                | \$161,794.64           | 50%           | \$0.00                 | \$80,897.32           | \$0.00                 | \$80,897.32           | \$80,897.32            | Complete  |          |        |          |        |              |                   |   |  |   |  |          |
| RSA13 - Roundabout Annangrove/Edwards Road south             | \$0.00                | 100%          | \$0.00                | \$0.00                | \$1,000,000.00         | 100%          | \$1,000,000.00         | \$0.00                | \$1,000,000.00         | \$0.00                | \$1,000,000.00         | see note* |          |        |          |        |              |                   |   |  |   |  |          |
| Plus Fees and Allowances                                     | \$0.00                | 100%          | \$0.00                | \$0.00                | \$431,501.00           | 100%          | \$431,501.00           | \$0.00                | \$431,501.00           | \$0.00                | \$431,501.00           |           |          |        |          |        |              |                   |   |  |   |  |          |
| <b>Sub Total</b>   | <b>\$0.00</b>         |               | <b>\$0.00</b>         | <b>\$0.00</b>         | <b>\$1,593,295.64</b>  |               | <b>\$1,431,501.00</b>  | <b>\$80,897.32</b>    | <b>\$1,431,501.00</b>  | <b>\$80,897.32</b>    | <b>\$1,512,398.32</b>  |           |          |        |          |        |              |                   |   |  |   |  |          |
| <b>PUBLIC TRANSPORT</b>                                      |                       |               |                       |                       |                        |               |                        |                       |                        |                       |                        |           |          |        |          |        |              |                   |   |  |   |  |          |
| Bus shelters - Local roads                                   | \$0.00                | 100%          | \$0.00                | \$0.00                | \$157,280.00           | 50%           | \$69,753.00            | \$8,887.00            | \$69,753.00            | \$8,887.00            | \$78,640.00            | see note* |          |        |          |        |              |                   |   |  |   |  |          |
| Bus shelters - sub-arterial roads - Withers Rd               | \$0.00                | 100%          | \$0.00                | \$0.00                | \$64,276.04            | 50%           | \$23,251.02            | \$8,887.00            | \$23,251.02            | \$8,887.00            | \$32,138.02            | see note* |          |        |          |        |              |                   |   |  |   |  |          |
| Bus shelters - sub-arterial roads - Annangrove Rd            | \$0.00                | 100%          | \$0.00                | \$0.00                | \$232,510.20           | 100%          | \$232,510.20           | \$0.00                | \$232,510.20           | \$0.00                | \$232,510.20           | see note* |          |        |          |        |              |                   |   |  |   |  |          |
| Concrete paving in bus bays Annangrove Road                  | \$0.00                | 100%          | \$0.00                | \$0.00                | \$295,048.57           | 100%          | \$295,048.57           | \$0.00                | \$295,048.57           | \$0.00                | \$295,048.57           | see note* |          |        |          |        |              |                   |   |  |   |  |          |
| Plus Fees and Allowances                                     | \$0.00                | 100%          | \$0.00                | \$0.00                | \$89,311.91            | 100%          | \$89,311.91            | \$0.00                | \$89,311.91            | \$0.00                | \$89,311.91            |           |          |        |          |        |              |                   |   |  |   |  |          |
| <b>Sub - Total</b>   | <b>\$0.00</b>         |               | <b>\$0.00</b>         | <b>\$0.00</b>         | <b>\$838,426.72</b>    |               | <b>\$709,874.70</b>    | <b>\$17,774.00</b>    | <b>\$709,874.70</b>    | <b>\$17,774.00</b>    | <b>\$727,648.70</b>    |           |          |        |          |        |              |                   |   |  |   |  |          |
| <b>INTEREST</b>  |                       |               |                       |                       |                        |               |                        |                       |                        |                       |                        |           |          |        |          |        |              |                   |   |  |   |  |          |
| Interest   | \$1,106,098.72        | 100%          | \$0.00                | \$1,106,098.72        | \$952,044.25           | 100%          | \$0.00                 | \$952,044.25          | \$0.00                 | \$2,058,142.97        | \$2,058,142.97         |           |          |        |          |        |              |                   |   |  |   |  |          |
| <b>TOTAL</b>   | <b>\$6,454,747.09</b> |               | <b>\$1,856,852.07</b> | <b>\$3,079,213.71</b> | <b>\$47,401,951.56</b> |               | <b>\$30,586,608.09</b> | <b>\$2,645,266.88</b> | <b>\$32,443,460.16</b> | <b>\$5,724,480.59</b> | <b>\$38,167,940.75</b> |           |          |        |          |        |              |                   |   |  |   |  |          |

Notes:  
 A - total land cost before apportionment  
 B - rate of apportionment to CP11  
 C - estimated cost of future land acquisition apportioned to CP11  
 D - actual cost of completed land acquisitions apportioned to CP11  
 E - total cost of capital works before apportionment  
 F - rate of apportionment to CP11  
 G - cost of proposed future works apportioned to CP11  
 H - actual cost of completed works apportioned to CP11  
 I - cost of combined future land & capital works as proposed  
 J - cost of combined land & capital works as completed  
 K - total costs levied under CP11 ie. Columns C+D+G+H

Note\* The timing of provision for traffic signals depends on Roads and traffic Authority approval  
 Public transport facilities are to be implemented concurrent with surrounding development

## 1.2 Schedule 2 – Summary of Works by Facility Category

A summary of the program of works by facility category is included in the following schedule. The schedule contains details of floor space and net developable area assumptions and indexation assumptions over the life of the plan. Contribution rates are set out in Schedule 3 – Rates Schedule.

| Period       | Traffic Facilities Land | Traffic Facilities Capital | Total                | Projected Additional floor space (m2) |
|--------------|-------------------------|----------------------------|----------------------|---------------------------------------|
| 2013/14      | -\$3,079,214            | -\$2,645,267               | -\$5,724,481         | 27,479                                |
| 2014/15      | \$0                     | \$0                        | \$0                  |                                       |
| 2015/16      | \$0                     | -\$5,250                   | -\$5,250             |                                       |
| 2016/17      | \$0                     | -\$349,226                 | -\$349,226           |                                       |
| 2017/18      | \$0                     | -\$105,176                 | -\$105,176           | 11,671                                |
| 2018/19      | -\$780,369              | -\$1,074,879               | -\$1,855,247         | 11,671                                |
| 2019/20      | -\$626,075              | -\$149,350                 | -\$775,424           | 23,343                                |
| 2020/21      | -\$668,430              | -\$606,741                 | -\$1,275,171         | 35,014                                |
| 2021/22      | \$0                     | -\$12,938,938              | -\$12,938,938        | 46,686                                |
| 2022/23      | \$0                     | -\$10,092,661              | -\$10,092,661        | 58,357                                |
| 2023/24      | \$0                     | -\$10,442,655              | -\$10,442,655        | 70,029                                |
| 2024/25      | -\$43,392               | -\$113,383                 | -\$156,775           | 70,029                                |
| 2025/26      | \$0                     | \$0                        | \$0                  | 70,029                                |
| 2026/27      | \$0                     | \$0                        | \$0                  | 46,686                                |
| 2027/28      | \$0                     | \$0                        | \$0                  | 23,343                                |
| <b>TOTAL</b> | <b>-\$5,197,479</b>     | <b>-\$38,523,524</b>       | <b>-\$43,721,004</b> | <b>494,336</b>                        |

### Indexation Assumptions

|                            |       |           |
|----------------------------|-------|-----------|
| Land Acquisition Index     | 6.77% | per annum |
| Capital Expenditure Index  | 3.47% | per annum |
| Administrative Costs Index | 2.50% | per annum |
| Discount Rate              | 4.30% | per annum |

Note. Refer to Section 2.20 of the Contributions Plan for source of indexation assumptions

**1.3 Schedule 3 - Rates Schedule**

The contributions payable (land and capital) per square meter for Contributions Plan 11 – Annangrove Road Employment Area is as follows:

| <b>Facility Category</b>       | <b>Rate Per m<sup>2</sup></b> |
|--------------------------------|-------------------------------|
| Transport Facilities - Land    | \$12.47                       |
| Transport Facilities - Capital | \$72.74                       |
| <b>Total (2017/2018)</b>       | <b>\$85.21</b>                |
| 2018/2019                      | \$87.34                       |
| 2019/2020                      | \$89.52                       |
| 2020/2021                      | \$91.76                       |
| 2021/2022                      | \$94.05                       |
| 2022/2023                      | \$96.40                       |
| 2023/2024                      | \$98.81                       |
| 2024/2025                      | \$101.28                      |

## **2 PART B: Administration and operation of the plan**

### **INTRODUCTION**

#### **2.1 Basic Principles of Section 7.11**

Under Section 7.11 of the Environmental Planning and Assessment Act, 1979 ("EP&A Act") Council has the power to levy contributions from developers for public amenities and services required because of development.

The three general principles in applying Section 7.11 contributions are:

1. a contribution must be for, or relate to, a planning purpose;
2. a contribution must fairly and reasonably relate to the subject development;  
and
3. the contribution must be such that a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed.

Under the provisions of Section 7.11 Council may either:

- Require land to be dedicated free of cost;
- Require money to be contributed for works or facilities to be provided in the future;
- Require money to be contributed towards the cost of works or facilities already provided in anticipation of development;
- Accept the provision of a material public benefit, or works in kind, in satisfaction of Section 7.11 requirements; or
- Require or accept a combination of any of the above.

The ability to levy developers for the provision of essential public amenities and services is considerably important to the Hills Shire. This "user pays" approach can significantly reduce the financial burden of new urban development on existing Shire residents.

One of the fundamental responsibilities of any Council in imposing Section 7.11 contributions is to ensure that the contributions levied are reasonable. That is, the works and facilities to be provided must be as a direct consequence of the development on which the contributions are levied. They must not unnecessarily inflate development costs. Therefore, contributions are limited to essential or base-line works and facilities considered necessary to sustain acceptable urban development.

Within reason every new development within the Annangrove Road Employment Area will enjoy equal levels of service in terms of the public facilities and services to be levied for under this plan. In this respect the plan regards the Annangrove Road Employment Area (as outlined in a bold black line on Map No. 1) as one precinct.

## **2.2 Application of Contributions Plan No.11**

When a development application or Complying Development Certificate Application is lodged which provides for new or additional floor space on land to which this Plan applies, Council or the Private Certifier shall levy contributions on the development in accordance with the provisions of this Plan.

A Contributions Plan becomes part of the development control process under the EP&A Act by virtue of Sections 4.17 and 7.11. The provisions of this plan are one of a number of considerations that are relevant when Council determines a development application in accordance with Section 4.16 of the Act.

## **2.3 What is the name of this development contributions plan?**

This development contributions plan is called *Contributions Plan No.11 – Annangrove Road Employment Area*.

## **2.4 Area to which the contribution plan applies**

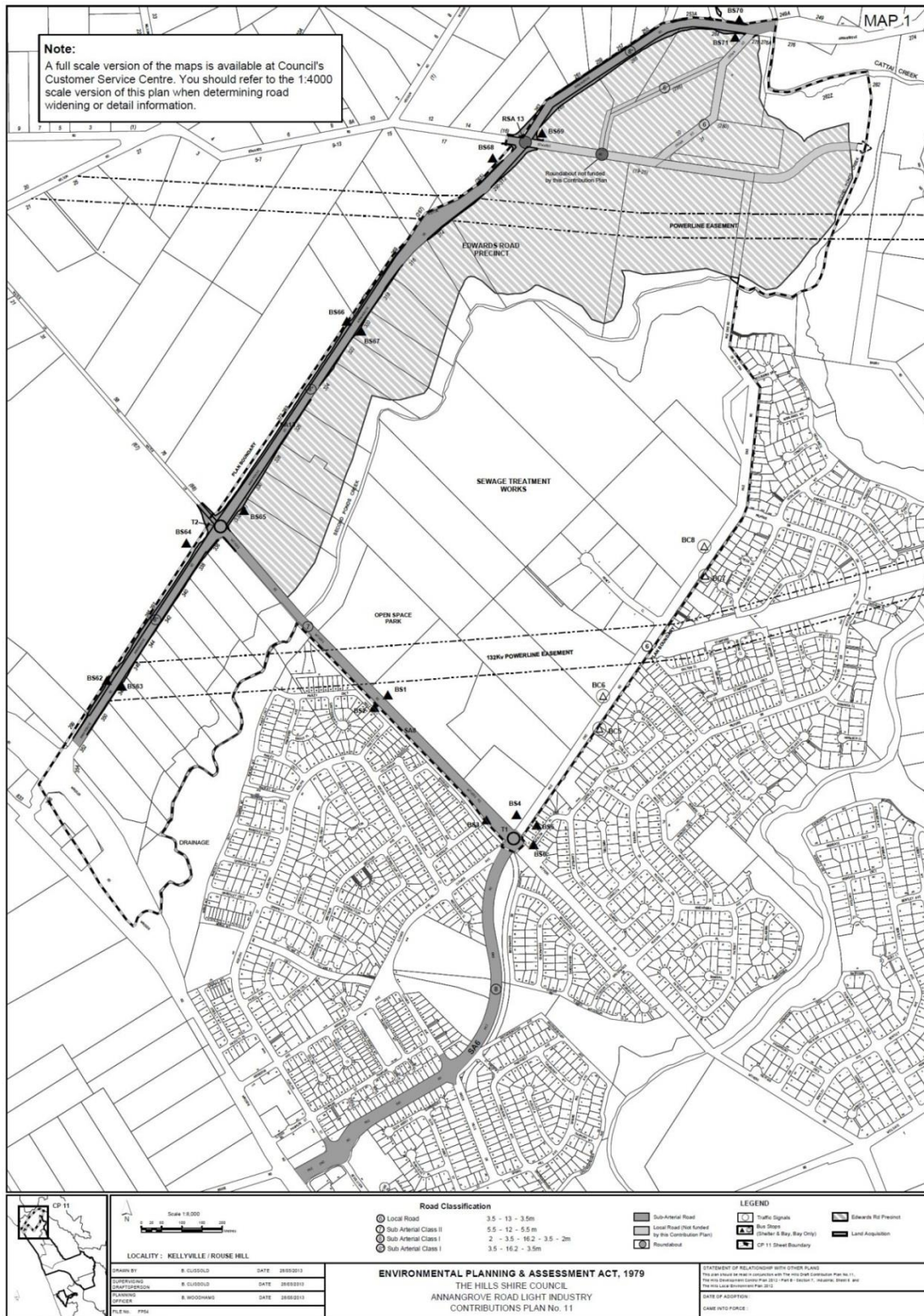
This plan applies to all land within the local government area of The Hills Shire Council as shown in Figure 1, referred to in this plan as the Annangrove Road Employment Area.

## **2.5 What is the purpose of this development contributions plan?**

The purpose of this Contributions Plan is to:

- a) Authorise the Council to impose conditions under Section 7.11 of the EP&A Act when granting consent to development on land to which this plan applies.
- b) Provide an administrative framework under which contributions may be collected and expended to address the public facility and service needs of the expected development of the Annangrove Road Employment Area.
- c) Outline the anticipated demand for the provision and upgrading of roads and traffic facilities arising from the development of the Annangrove Road Employment Area.
- d) Reasonably apportion, where appropriate, the cost of providing the necessary public facilities and services to new development and ensure that the existing community is not burdened by the provision of such public facilities and services.
- e) Provide a basis for determining fair and reasonable developer contributions.
- f) Outline the location, estimated cost, and staging of public facilities and services to be provided.
- g) Facilitate proper financial management and accountability for the assessment of contribution requirements and the expenditure of contributions received.

**Figure 1 – Land to which this Contribution Plan applies**





## **2.6 Commencement of the plan**

This development contributions plan has been prepared pursuant to the provisions of s7.11 of *the EP&A Act* and Part 4 of the *EP&A Regulation* and takes effect from the date on which public notice was published, pursuant to clause 214(4) of the *EP&A Regulation*. As required under clause 26(1) of the Regulation this plan has been prepared having regard to the Development Contributions Practice Notes issues by the Department of Planning and Infrastructure.

Contributions Plan No. 11 - Annangrove Road Light Industrial Area was adopted by Council on 9th December 2003, Item 16 Resolution 1167 and came into effect on 16th December 2003. The name of the plan was amended to Contributions Plan No. 11 – Annangrove Road Employment Area as part of amendments to the Plan which came into effect on 13 March 2018.

Refer to Section 2.8 for amendments since the plan came into effect.

## **2.7 Relationship with other plans and policies**

This Contributions Plan supplements the provisions of *The Hills Local Environmental Plan*

To enable a greater understanding of this Contributions Plan, the following documentation can be read:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021
- Department of Infrastructure, Planning and Natural Resources – Development Contribution Practice Notes – July 2005
- Section 7.17 Ministerial Directions
- The Hills Local Environmental Plan
- Sections from The Hills Development Control Plan relevant to the Annangrove Road Employment Area
- Section 7.11 Contributions Plan No. 8 - Kellyville/Rouse Hill
- Section 7.11 Contributions Plan No. 13 - North Kellyville Precinct

The above documents can be viewed or purchased at Council's Administration Centre. They may also be viewed at Council's website: [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au).

To assist the interpretation of the Contributions Plan, definitions relevant to the Contributions Plan have been included in Appendix A.

## **2.8 Document Specification**

File Reference: FP54

Contributions Plan No. 11 - Annangrove Road Light Industrial Area was adopted by Council on 9th December 2003, Item 16 Resolution 1167 and came into effect on 16th December 2003.

Contributions Plan No. 11 – Annangrove Road Light Industrial Area was amended by Council on 16 December 2008, Item 14 Resolution 985 and came into effect on 13 January 2009.

Contributions Plan No. 11 – Annangrove Road Light Industrial Area was amended by Council on 8 October 2013, Item 5, Resolution 591 and came into effect on 4 July 2014.

Contributions Plan No. 11 – Annangrove Road Light Industrial Area (renamed to Contributions Plan No. 11 – Annangrove Road Employment Area) was amended by Council on 27 February 2018, Item 10, Resolution 669 and came into effect on 13 March 2018.

Contributions Plan No. 11 – Annangrove Road Employment Area was amended by Council on 10 May 2022, Item 2, Resolution 210, and came into effect on 17 May 2022.

## **DEVELOPER CONTRIBUTIONS**

### **2.9 Monitoring of this contributions plan**

This Plan will be subject to regular review by Council. The purpose of such review is to ensure that:

- Levels of public service and amenity provisions are consistent with likely development trends and community needs.
- Contribution levels reflect changes to construction costs and land values.
- The works program can be amended if the rate of development differs from current expectations.

The contribution rates and works program for this plan have been formulated using information available at the time of writing. A number of variables will be monitored to facilitate the review process. Some of these are listed below:

- Projected development rate
- Potential development remaining
- Construction costs
- Land costs
- Actual constructed floor space
- Indexation assumptions

Any changes to the Contributions Plan, apart from minor typographical corrections, will be placed on public exhibition in accordance with the requirements of the EP&A Act and Regulation.

### **2.10 Timing of provision**

The priorities for the provision of public facilities and services have been included in the works schedule identified in Part A of this contributions plan. The implementation of the various facilities and services has been prioritised according to the particular needs of the expected development and is linked to a floor space threshold. The ability to deliver a particular facility is largely

dependent upon the rate of development within the Annangrove Road Employment Area, and the corresponding receipt of contributions by Council.

Overall, the floor space projections contained within this plan are based upon a 15 year time frame. It is intended that facilities identified within the works schedule to the Contributions Plan will be delivered within this time period. Monitoring of the plan will allow for review and adjustment of development projections and the works schedule as required.

### **2.11 Financial information**

This section outlines what financial information is held and maintained by Council in accordance with the EP&A Act and Regulation.

Council maintains a separate accounting record for this Contributions Plan. It contains details concerning contributions received and expended, including interest earned, for each service or amenity provided.

This record will be held at Council's Corporate and Financial Services Division and will include:

- the various kinds of public amenities or services for which expenditure is authorised by the plan;
- the total amounts received by way of monetary contribution for the different facility categories;
- the amounts paid for different facility categories which have been pooled and progressively applied; and
- the total amounts spent in accordance with the plan for the different facility categories.

Council will also prepare a statement with respect to this plan and other contribution plans as soon as practical after the end of each year in its annual financial report. This statement will include:

- the opening and closing balances of money held by Council for the accounting period;
- the total amounts received by way of monetary contribution for the different facility categories;
- the total amounts spent in accordance with the plan for the different facility categories; and
- the outstanding obligations of Council to provide works for different facility categories for which contributions have been received.

A Contributions Register will also be maintained and may be inspected on request. This Register will include:

- details of each consent for which a Section 7.11 condition has been imposed;
- the nature and extent of the contribution required by the condition for each facility category;
- the name of the Contribution Plan the condition was imposed under; and
- the date any contribution was received and its nature and extent.

## **2.12 Administration costs and plan preparation**

The preparation, on-going review, and implementation of this Contributions Plan requires significant Council resources. This includes allocation of time from forward planning and services delivery staff together with professional fees, to prepare and review the Contributions Plan.

Once the plan is in place, further staff time will be required to manage the contributions system which includes calculation and recording of contribution payments as well as monitoring of development, works schedule expenditure and indexation assumptions. The costs associated with the preparation and administration of this plan will therefore be levied for under this Contributions Plan.

## **2.13 When is the contribution payable?**

Section 7.11 contributions must be paid in full for development applications involving new floor space or an increase in existing floor space, prior to the issue of a construction certificate.

In accordance with Clause 202(4) of the EP&A Regulation, a complying development certificate must provide that monetary payments in accordance with the conditions must be made before the commencement of the building work or subdivision work authorised by the certificate.

## **2.14 Deferred/periodic payments**

Council will only permit deferred or periodic payment where development is staged. The stages of development and relevant contribution payment for each stage must be clearly documented in the conditions of consent. In this regard, a section 4.55 modification application will be required if proposed staging of development is not reflected in the original consent.

For development which is staged, Section 7.11 contributions must be paid at the rate applicable at the time of issuing the construction certificate for the new or additional floor space being sought through the construction certificate.

## **2.15 Exemptions**

This Contributions Plan applies to all development applications for any new or additional floor space in the IN2 Light Industrial or B6 Enterprise Corridor zones within the Annangrove Road Employment Area. The only exemptions allowed are those subject of a Direction from the Minister for Planning and Infrastructure under Section 7.17 of the EP&A Act.

Council may, at its full discretion and in exceptional circumstances only, vary the contribution rate payable for certain development, where it is satisfied that:

- a) The proposed development generates minimal demand for the infrastructure to be provided under the Plan, as a result of substantially lower traffic generation in comparison to typical business park or light industrial development; and



- b) The requirement to pay monetary contributions based on the full contribution rate established under the Plan would be unfair and unreasonable; and
- c) The reduced contribution rate requested by the applicant would be proportionate to the level of demand for local infrastructure provided under this Plan associated with the proposed development.

To be considered for an exemption, applications must include a formal request for exemption addressing items a), b) and c) above as well as providing a detailed traffic analysis which demonstrates that the traffic generated by the proposed development (expressed in terms of DVT - 'daily vehicle trips per 100m<sup>2</sup> of gross floor area') is substantially lower than the rate assumed under this Plan.

The granting of any reduction in the contribution rate is at Council's full discretion and will only be considered where the applicant can demonstrate that the proposed uses generate less than 2 daily vehicle trips per 100m<sup>2</sup> of gross floor area.

In determining a reduced contribution rate payable, Council may utilise the following formula:

**A = B x C**, where:

- A = the reduced contribution rate payable,
- B = the full contribution rate established under this Plan, and
- C = the DVT per 100m<sup>2</sup> of GFA associated with the proposed use divided by 4.6.

For example, if the full contribution rate was '\$100/m<sup>2</sup> of GFA' and the DVT per 100m<sup>2</sup> of GFA associated with the proposed use was 1:

$$\begin{aligned}
 \text{Reduced Contribution Rate} &= B \times C \\
 &= \$100 \times (1/4.6) \\
 &= \$100 \times 21.7\% \\
 &= \$21.7 / \text{m}^2 \text{ of GFA}
 \end{aligned}$$

**2.16 Construction certificates and the obligation of accredited certifiers**

In accordance with clause 20 of the EP&A Regulation (Development Certification and Fire Safety), a certifying authority 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 particular, the certifier must ensure that the applicant provides a receipt confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 13(2) of the EP&A Regulation (Development Certification and Fire Safety). Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been

agreed by the council. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

### **2.16A Complying development and the obligations of accredited certifiers**

In accordance with Section 7.21 of the EP&A Act accredited certifiers must impose a condition requiring monetary contributions in accordance with this Contributions Plan.

The conditions imposed must be consistent with Council's standard Section 7.11 consent conditions and be strictly in accordance with this Contributions Plan. It is the professional responsibility of the accredited certifiers to accurately calculate the contribution and to apply the Section 7.11 condition correctly. Failure to apply this Contributions Plan accurately may render an approval invalid.

### **2.17 Method of payment of contribution**

Council will accept Section 7.11 payments in one, or a combination, of the following ways:

(i) Monetary contribution

This is the most common method of payment. However, as discussed below, payment can be offset by providing a material public benefit that is identified in the Contributions Plan.

(ii) Material public benefit (works in kind)

Where an applicant makes a written request and Council in its absolute discretion determines that it is appropriate, an applicant may provide a material public benefit (commonly referred to as works-in-kind) in part, or full, satisfaction of a monetary contribution. Any written requests must demonstrate that the works in kind are of equivalent or greater benefit to the community compared to what has been identified under this Contributions Plan. The proposed works in kind offset must be included in the conditions of consent or a Section 4.55 modification of the consent, to reflect the proposed offset, will be required.

The works must be included in the works schedule as set out in Schedule 1. The cost of the work will be offset against the contribution required for the same facility category only. For example if the works relate to road upgrading the cost of the works would be offset against the required roadwork's contribution. The amount of the offset will be as agreed by Council and will not exceed the cost allocation for the works included in the Contributions Plan.

In assessing such a request, Council will generally take into account the following:

- whether the proposed work in kind will be to a suitable standard for Council to eventually accept;
- finalisation of, or consistency with, the detailed design of the facilities;
- the submission of plans and cost estimates to Council of the proposed works to be undertaken by the applicant;

- whether the location, siting and design of the proposed works has regard to the Development Control Plans applying to the Annangrove Road Employment Area and this Contributions Plan;
- the timing of completion and future recurrent costs including staffing and maintenance and future management (particularly if a work to a higher standard is proposed);
- Council may consider works to a higher standard than the Contributions Plan allowance, however no reimbursement of additional costs will be provided;
- the financial implications for cash flow and whether the proposed works preempt the future orderly implementation of the works as identified in the works schedule; and
- Future dedication, handover and management arrangements.

There may be cases where an applicant carries out works in kind, which are included in the Schedule of Works in this Contributions Plan but cost of which exceeds the contribution required for that facility category. In these situations the applicant will be reimbursed for the cost of the works that:

- exceed the contribution due within that facility category, and
- have been approved by Council as being consistent with the Contributions Plan.

(iii) Dedication of land

Council will generally not accept the dedication of land (identified for public purposes under this plan) to offset the required monetary contribution. Rather the developer will be required to pay the full contribution relating to land acquisition. The value of land can then be negotiated separately between the applicant and Council, and a value formally agreed upon prior to payment. An appropriate condition may be included in any consent applying to land identified for public purposes to ensure that the land is transferred to Council. These consents would require satisfactory arrangements being made with Council's Manager – Special Property Projects.

## **2.18 Planning agreements**

In accordance with Section 7.4 of the EP&A Act a planning agreement is a voluntary agreement or arrangement between a planning authority and a developer under which the developer agrees to make contributions towards a public purpose. A planning agreement may wholly or partly exclude the application of Section 7.11 to the development that is subject of the agreement.

The provisions of Sections 7.4 to 7.10 of the EP&A Act and accompanying Regulation prescribe the contents, form, subject matter and procedures for making planning agreements.

Any person seeking to enter into a planning agreement should in the first instance submit a proposal in writing to Council, documenting the planning benefits and how the proposal would address the demands created by development for new public infrastructure, amenities and services.

## **2.19 Calculation of contribution rate**

### ***Net Present Value Method***

The contribution formula has been arrived at having regard to the Development Contribution Practice Notes issued by the then Department Infrastructure Planning and Natural Resources (DIPNR) in July 2005. These notes provide Council with two options, either a calculation based on nominal values or a net present value (NPV) methodology.

To ensure that the value of contributions is not eroded over time, the proposed method of contribution calculation is based upon a NPV methodology. This approach is a standard financial accounting tool which discounts future cash flows to account for the fact that funds received or spent today are worth more than future funds.

### ***Contributions Formula***

The formula uses a discounted cash flow model, to calculate the contribution rate per square metre of additional floor space. The model covers a period of 15 years (life of the Contributions Plan). The following elements are used in this calculation:

### ***Land Acquisition Index***

The land acquisition indexation assumption is based upon an average of the annual percentage change in the Australian Bureau of Statistics Established House Price Index for Sydney over the 15 years from June 2002 to June 2017.

### ***Capital Expenditure Index***

Capital expenditure indexed assumption is based upon an average of the annual percentage change in the Australia Bureau of Statistics Producer Price Index for New South Wales over the 15 years from June 2002 to June 2017.

### ***Indexed Expenditure***

Total of Indexed land acquisition, capital or administrative costs.

### ***Revenue Projections***

Costs will be indexed at 2.5% which represents the midpoint of the Reserve Bank of Australia's inflation target of 2-3%, on average over the cycle.

### ***Cash Flow***

A cash flow projection will be prepared using the above elements over the life of the Contributions Plan. The cash flow is the difference between the Indexed Expenditure and the Revenue Projections.

### ***Discount Rate***

The discount rate published by the Independent Pricing and Regulatory Tribunal, being 4.3% as at August 2017.

### ***Formula***

The Contribution rate per square metre is determined on the basis that the NPV (Net Cash Flow) at the Discount Rate over the total life of the plan is neutral. This is calculated using the following formula for each facility category:



$$PV(\text{Costs}) = PV(\text{Revenue})$$

$$PV(\text{costs}) = N_1 * DC + \frac{N_2 * DC}{(1+r)} + \dots + \frac{N_t * DC}{(1+r)^t}$$

Where: N (i) = No. of square metres in year (i)  
 DC = development contribution (\$ in year 1 of CP)  
 r = discount rate (%)  
 t = time in years

From the equation above:

$$PV(\text{Costs}) = PV[(\text{No. of square metres}) * (\text{Development Contribution})]$$

Therefore:

$$PV(\text{Development Contribution}) = PV[(\text{Costs}) / (\text{No. of square metres})]$$

The Contribution rate for development is determined by the contribution rate per square metre (see Schedule 1.3).

## **2.20 How are contributions adjusted at the time of payment?**

At the time of payment of developer contributions, if the contribution amount in the development consent has not been paid within the financial year in which consent was granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

## **2.21 Credit for existing development?**

Contributions will be levied according to the estimated increase in demand as a result of new development within the Annangrove Road Employment Area. The infrastructure to be levied for under this Contribution Plan is required as a direct consequence of the development of the Annangrove Road Employment Area. The payment of contributions is therefore applicable to any development which will increase the floor space area and will create a demand for the provision of such infrastructure.

## **2.22 Pooling of contributions**

This plan expressly authorises monetary Section 7.11 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

## **2.23 Savings and transitional arrangements**

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date of determination of the application.

### **3 PART C – Strategy Plans**

#### **3.1 Background of Annangrove Road Employment Area**

The Annangrove Road Employment Area is land zoned both IN2 Light Industry and B6 Enterprise Corridor and is located adjacent to Seconds Pond Creek and Annangrove Road. This Employment Area will provide employment and cater for the service needs of the current and future population of the Kellyville/Rouse Hill Release Area. The total area of land zoned IN2 Light Industry and B6 Enterprise Corridor is 104.38ha (including 14.9ha of constrained land and land required for roads).

For the purposes of identification, description and servicing, the Employment area can be divided into four distinct neighbourhoods having physical borders of trunk drainage land and existing roads. A brief description of each neighbourhood is included below:

“Mile End Road Precinct”

This neighbourhood, consisting of 16 lots with a total area of 37.38ha, is located west of Mile End Road and north of Withers Road.

“Annangrove Road South Precinct”

This neighbourhood, consisting of 10 lots with a total area of 13.13ha, is bound Annangrove Road, Withers Road, Second Ponds Creek and Windsor Road.

“Edwards Road Precinct (Southern Frame)”

This neighbourhood is bound by Annangrove Road, Withers Road, Second Ponds Creek, and the northern boundary of 314 Annangrove Road. The neighbourhood contains 10 lots (of which one lot is a strata development comprising 27 strata units), and has a site area of 15.93ha (excluding the strata development at 322 Annangrove Road).

“Edwards Road Precinct (Northern Frame)”

This neighbourhood is located in the northern extent of the Annangrove Road Employment Area. It is bound by Annangrove Road, Cattai Creek, Second Ponds Creek and the northern boundary of 314 Annangrove Road and consists of 10 lots with a site area of 23.04ha. It is noted that this area calculation excludes land required for roads, land within the electricity transmission easements and land south of the transmission easement on Lot 26 DP 834050, Lot 12 DP 835727, Part Lot 2 DP 1032790 and Lot 1 DP 133473 due to development constraints.

#### **3.2 Development and facility needs**

Council can only levy Section 7.11 contributions where development will or is likely to require the provision of, or increase the demand for public facilities and services. It is therefore necessary to establish a link or nexus between the developments anticipated for the Annangrove Road Employment Area and the need for public facilities and services.

The development forecasts outlined in this section are therefore crucial elements in the overall Contributions Plan. It is upon these forecasts that the majority of planning decisions are based. The forecasts provide the framework within which to plan the works and facilities that will be required as a consequence of new development.

### **3.3 Existing development**

The dominant land uses within the Employment Area are rural and rural-residential. A brief description follows of each neighborhood and the land uses in each:

#### "Mile End Road Neighborhood"

A hardware supplier, an industrial subdivision, a community church, a sewerage treatment plant and rural-residential properties are located within this neighbourhood.

#### "Annangrove Road South Neighborhood"

The neighbourhood contains a pub, a recently constructed Bulky Goods Premises (Bunnings), a nursery/landscaping industry and building materials establishment.

#### "Edwards Road Precinct (Southern Frame)"

A childcare centre and a light industrial/warehouse development are located along Annangrove Road.

#### "Edwards Road Precinct (Northern Frame)"

Existing development in this precinct consists of a Paintball Park and single dwellings in rural style settings.

It is envisaged that the existing industries will continue to operate. However, there is possibility of expansion and redevelopment of most sites in the longer term.

### **3.4 Development potential**

*The Hills Local Environmental Plan* allows a maximum floor space ratio of 1:1, resulting in a potential total floor space of 894,792m<sup>2</sup>. However, based on development patterns within the Castle Hill Light Industrial Area and development consents granted in the Annangrove Road Employment Area, it has been identified that industrial development on larger industrial lots (greater than 8,000m<sup>2</sup>) results in a floor space ratio of approximately 0.4:1.

In determining the likely floor space within the Edwards Road Precinct, zoned B6 Enterprise Corridor, a floor space ratio of 0.75:1 has been applied to reflect the increased land use and development opportunities.

Applying the above ratios results in the following predicted total floor space:

|  | Site Area (m <sup>2</sup> ) | FSR                     | Predicted Total Floor Space m <sup>2</sup> |
|--|-----------------------------|-------------------------|--|
| Mile End Road                          | 373,750                     | m <sup>2</sup> x 0.4 =  | 149,500                                    |
| Annangrove Road South                  | 131,274                     | m <sup>2</sup> x 0.4 =  | 52,510                                     |
| Edwards Road Precinct (Southern Frame) | 159,340                     | m <sup>2</sup> x 0.75 = | 119,505                                    |
| Edwards Road Precinct (Northern Frame) | 230,428                     | m <sup>2</sup> x 0.75 = | 172,821                                    |
| <b>Total</b>                           | <b>894,792</b>              |                         | <b>494,336</b>                             |

*Note: "Floor Space" is defined in Appendix A of this Contributions Plan.*

### 3.5 Demand for public facilities and services

The expected development within the Annangrove Road Employment Area will create a demand for upgrading of roads and provision of traffic facilities as a result of increased traffic movements generated by new development. Section 7.11 contributions are proposed to be sought for:

- Roadworks: land and capital
- Administration Costs

The following sections of the Contributions Plan identify the nexus between the proposed development and the facilities or services listed above, specifies the appropriate level of apportionment (if any), and provides a brief description of the proposed works and their timing.

### 3.6 Roadworks

#### Roadworks demand

The Roads and Traffic Authority Guidelines for Traffic Generating Development ("RTA Guidelines") estimate the following vehicle trips:

Industrial Units: 5 vehicle trips per day / 100 square meters gross floor space.

Warehousing: 4 vehicle trips per day / 100 square meters gross floor space.

Development in the Annangrove Road Employment Area is expected to be a mixture of small industrial units and warehousing and ancillary uses. For the purposes of this Contributions Plan an average of 4.6 vehicle trips per day/100 square metres gross floor space has been adopted. This generates the following traffic volumes:



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Mile End Road:  $\frac{149,500}{100} \times 4.6 = 6,877$  vehicle trips per day

Annangrove Road South:  $\frac{52,510}{100} \times 4.6 = 2,415$  vehicle trips per day

Edwards Road Precinct:  $\frac{292,326}{100} \times 4.6 = 13,447$  vehicle trips per day

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**TOTAL: 22,739 vehicle trips per day**

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Council has undertaken to provide an acceptable level of access and convenience for all street and road users in this Employment Area, while ensuring acceptable levels of safety and thoroughfare to through traffic.

A road network has subsequently been developed with the following objectives:

- Establish a vehicular movement network that provides convenient access to major roads, commercial centers and other areas;
- Provide safe, convenient and legible movement networks within the Employment Area; and
- Provide safe and efficient thoroughfare for traffic utilising the road network as a through route.

A development control plan has been prepared for the Employment Area, taking into account the functional characteristics of industrial traffic. Each of the roads and associated traffic management infrastructure is briefly discussed below.

### **Local Roads**

All local roads and associated asset relocation, water management devices, footpaths, street tree planting, traffic management devices and treatment (both temporary and permanent) not identified for funding under this plan and located within or adjacent to the Precinct shall be completed as part of the works associated with individual developments within the Precincts and shall be provided (including the dedication of land) at no cost to Council. While these works (and the land on which they are located) will serve a public purpose, this plan does not include any value for the completion of works on this land or the subsequent acquisition of this land.

Unless the completion of works and subsequent acquisition of the land on which the works are located is specifically identified within the Works Schedule to this Plan, with funding specifically identified for this purpose, the completion of works and dedication of the land on which the works are located will be at no cost to Council and the Developer will not be eligible for any reimbursement or offset or reduction in Section 7.11 payable as a result of works completed and/or land dedicated to Council at no cost to the Council, for a public purpose.

## **Projects Completed**

### Mile End Road South – New Alignment (SA6)

Mile End Road, between Windsor and Withers Roads has been re-aligned and built to Sub-Arterial Class 1 standard. The ratio of residential/industrial traffic is estimated at 1:1, therefore, of the contributions required to construct this road, 50% will be levied in the Contributions Plan No. 8 Kellyville/Rouse Hill and 50% in this Plan. It has been necessary to borrow funds from Contributions Plan No. 8 to deliver this component of the works program. An interest cost has been allowed for in the works program.

### Traffic Signals: Intersection of Mile End Road and Withers Road (T1)

Increased traffic from residential and industrial development will create a need for traffic signals to control vehicular movements between Mile End and Withers Roads. This Contributions Plan will levy for 50% of the total costs of the intersection upgrade, with the remaining 50% being levied under Contributions Plan No. 8 Kellyville/Rouse Hill.

## **Proposed Roadworks**

### Annangrove Road – Existing Upgrade (SA13)

Annangrove Road will be upgraded to a Sub-Arterial Class 1 to cater for the industrial traffic from both the Annangrove Road Employment Area and the Box Hill Employment Area. This plan will levy for 50% of the total cost of the upgrade. The remaining 50% will need to be levied under Contributions Plan No. 15 for the Box Hill Precinct.

Due to the additional traffic volumes Annangrove Road will need to be widened to 2 lanes in each direction. As the development sites are industrial in nature there would be a significant component of this additional traffic that would be classified as heavy vehicles. The additional lanes required along Annangrove Road are also required to accommodate the additional heavy vehicle movements. Heavy vehicles typically travel at slower speeds than standard cars and hence it is necessary to have a left lane for heavy vehicles to travel in and a median lane for faster vehicles to have the opportunity to pass.

The additional lanes will allow sufficient turning paths for heavy vehicles turning onto or off Annangrove Road. The pavement in the section of Annangrove Road between Murphy's Bridge and Windsor will be re-constructed to a four-lane urban road standard to accommodate these increased traffic volumes and the proportion of heavy vehicles. The road widening will taper at the bend on Annangrove Road west of Crown Road.

### Withers Road – Existing Upgrade (SA8)

Withers Road, to the north-west of Mile End Road, will be upgraded to Sub-Arterial Class 2 to cater for the industrial traffic. This Contributions Plan will levy contributions for the full construction of the section of Withers Road from Mile End Road to Annangrove Road.

It is proposed to deliver this component of the works program as a priority to ensure that industrial development does not occur without safe access. It will

therefore be necessary to borrow funds ahead of the accumulation of contributions. An interest cost has been allowed for in the works program.

### **Proposed intersection treatments**

#### Roundabout: Western Intersection of Annangrove Road and Edwards Road (RSA13)

The western intersection of Annangrove and Edwards Roads currently provides an adequate level of service to the existing traffic volumes. A two-lane roundabout is required to provide turning movements for future industrial traffic to and from the northern frame of the Edwards Road sub-precinct and the Box Hill Precinct. This roundabout will also provide a turn-around facility for vehicles to access developments along Annangrove Road after the creation of a median strip which will prevent right turns for vehicles traveling on the north-bound lanes of Annangrove Road. Traffic generated by the CP11 area will utilise this roundabout.

#### Traffic Signals: Intersection of Annangrove Road and Withers Road (T2)

The Annangrove Road Employment Area and the Box Hill Precinct will generate demand for a signalised intersection at this location. The intersection will include three lanes on Annangrove Road (northbound and southbound approach), including dedicated right turn lanes, and four lanes on the Withers Road (westbound approach) and The Water Lane (eastbound approach), including dedicated right turn lanes and left turn slip lanes. This plan will levy for 50% of the total cost of the intersection upgrade. The remaining 50% will need to be levied under the Contribution Plan for the Box Hill Precinct. The project will be consolidated into the overall Annangrove Road Upgrade.

### **Public transport**

#### Bus Stops

Bus stops will be located along collector and sub-arterial roads surrounding the Annangrove Road Employment Area to provide for the public transport needs of future employees. Where the bus stops are located adjacent to residential areas, 50% of the costs will be apportioned to residential development within Contributions Plan No.8 - Kellyville/Rouse Hill Release Area.

### **Apportionment**

Some of the identified roads and facilities will also be serving the local residential population and the future development within the Box Hill and Box Hill Industrial Precinct. In such cases the cost will be apportioned according to source traffic volumes, that is, residential or industrial traffic. Funds will be levied via this Contribution Plan, Contribution Plan No. 8 for Kellyville/Rouse Hill and the Contribution Plan for Box Hill. Load limits will be placed on surrounding roads in order to restrict heavy-vehicle movements to purpose-built roads.

### **Schedule of works and cost estimates**

A schedule of road works to be levied for under this Contributions Plan is included in Part A. Cost estimates are included for both acquisitions of land and capital works. Each facility can be located by reference to Figure No.1.

#### **4 PART D – References**

- Roads and Traffic Authority. *Guidelines for Traffic Generating Development*, 2002.

## APPENDIX A – Definitions

### Definitions Relevant to this Plan

Unless otherwise provided, definitions for terms used in this Contributions Plan will be those definitions used in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021* and *The Hills Local Environmental Plan*.

|   |   |
|---|---|
| Acquisition cost  | Includes all costs and expenses incurred in the purchase of land or floor space including but not limited to any purchase price, valuation, legal and survey fees.  |
| Annangrove Road Employment Area                             | Means the area shown on Map No. 1 - Land to Which Plan Applies  |
| Edwards Road Precinct                                       | Means the area identified as the Edwards Road Precinct shown on Map No. 1 - Land to Which Plan Applies  |
| Capital Cost  | Includes all costs and expenses incurred in the delivery of the public facilities identified including but not limited to design, consultant and professional fees, project management fees, insurance premiums and construction. It does not include any recurrent costs that may be incurred in the operation and maintenance of the facility once it has been built. |
| Developer contributions                                     | Means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit  |
| EP&A Act  | Means the <i>Environmental Planning and Assessment Act 1979</i> , as amended  |
| EP&A Regulation   | Means the <i>Environmental Planning and Assessment Regulation 2021</i> , as amended   |
| EP&A Regulation (Development Certification and Fire Safety) | Means <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> , as amended   |
| Floor space   | Means the area of the site used in conjunction with the approved development including but not limited to enclosed floor area, outdoor storage of goods, outdoor display areas but not including the areas of the site used for car parking and/or access to parking spaces or landscaped areas.  |
| LEP   | Means <i>The Hills Local Environmental Plan</i> , as amended  |
| Predicted Total Floor Space                                 | Means the anticipated floor space of the Annangrove Road Employment Area  |
| RTA Guidelines  | The Roads and Traffic Authority Guidelines for Traffic Generating Development   |
| Works in kind   | Means the construction or provision of the whole or part of a public facility that is identified in the works schedule to the Contributions Plan  |