

Briody Drive West Shared Infrastructure Funding Plan

V2.0

St Quentin Consulting Pty Ltd

06 October 2017

PLANNING & ENVIRONMENT ACT 1987
SURF COAST PLANNING SCHEME

This Briody Drive West Development Plan complies with the requirements of Clause
43.04 of the Surf Coast Planning Scheme

Approval Number: 15/0446

Date: 7/12/2017 Sheet No: 1 of 15

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Bill Cathcart

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PURPOSE

This Shared Infrastructure Funding Plan (SIFP) has been prepared to guide the delivery of shared infrastructure within the Briody Drive West Development Plan area by:

- Identifying the land parcels which are to be developed in accordance with the Briody Drive West Development Plan and quantifying the developable area of each parcel;
- Identifying shared infrastructure required to support development;
- Apportioning costs to each land parcel in the study area, and calculating levies payable to ensure delivery of shared infrastructure; and
- Describing the mechanisms by which the SIFP will be implemented.

This Plan will be used to inform a Section 173 Agreement, which will formalise arrangements for infrastructure delivery between Council and land owners/developers within the study area. That Section 173 Agreement will be based on the Section 173 Agreement Principles set out at Appendix 1.

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LAND BUDGET

The land budget is based upon the Development Plan. Within the land budget each parcel has an allocated catchment for the purposes of cost apportionment - these two catchment areas correspond to the drainage catchments identified in the drainage technical report.

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PROPERTY NUMBER	TOTAL AREA (ha)	ENCUMBERED OPEN SPACE		UNENCUMBERED OPEN SPACE		TOTAL NET DEVELOPABLE AREA (ha)	KEY PERCENTAGES				
		OPEN SPACE	WETLAND / RETARDING	OPEN SPACE	LINEAR OPEN SPACE (ADJACENT TO CREEK)		NET DEVELOPABLE AREA % DEVELOPMENT	UNENCUMBERED OPEN SPACE % OF NDA	UNENCUMBERED OPEN SPACE DEVELOPMENT TARGET %	DIFFERENCE	EQUIVALENT LAND AREA (ha)
		NOT INCLUDED IN NDA	NOT INCLUDED IN NDA	NOT INCLUDED IN NDA	NOT INCLUDED IN NDA						
WESTERN CATCHMENT											
PROPERTY 1	1.880	0.031	0.017	0.064	0.057	1.711	91.01%	7.08%	5.00%	2.08%	0.039
PROPERTY 2	3.405		1.125		0.021	2.259	66.34%	0.92%	5.00%	-4.08%	-0.139
PROPERTY 3	0.037	0.004		0.009		0.024	65.68%	0.00%	5.00%	-5.00%	-0.002
PROPERTY 4	4.455	0.080		0.165		4.210	94.51%	3.92%	5.00%	-1.08%	-0.048
sub total	9.777	0.115	1.142	0.238	0.078	8.205					

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		OPEN SPACE	WETLAND / RETARDING	OPEN SPACE	LINEAR OPEN SPACE (ADJACENT TO CREEK)		NET DEVELOPABLE AREA % DEVELOPMENT	UNENCUMBERED OPEN SPACE % OF NDA	UNENCUMBERED OPEN SPACE DEVELOPMENT TARGET %	DIFFERENCE	EQUIVALENT LAND AREA (ha)

EASTERN CATCHMENT

PROPERTY 5	2.068					2.068	100.00%	0.00%	5.00%	-5.00%	-0.103
PROPERTY 6	1.076					1.076	100.00%	0.00%	5.00%	-5.00%	-0.054
PROPERTY 7	1.298					1.298	100.00%	0.00%	5.00%	-5.00%	-0.065
PROPERTY 8	2.152			0.047		2.105	97.80%	2.25%	5.00%	-2.75%	-0.059
PROPERTY 9	2.325			0.350		1.975	84.95%	17.72%	5.00%	12.72%	0.296
PROPERTY 10	1.258			0.128		1.130	89.81%	11.35%	5.00%	6.35%	0.080
PROPERTY 11	1.705			0.018		1.687	98.94%	1.07%	5.00%	-3.93%	-0.067
PROPERTY 12	1.596		0.885			0.711	44.57%	0.00%	5.00%	-5.00%	-0.080
PROPERTY 13	2.195					2.195	100.00%	0.00%	5.00%	-5.00%	-0.110
PROPERTY 14	1.276	0.017		0.065		1.194	93.59%	5.45%	5.00%	0.45%	0.006
PROPERTY 15	1.269	0.015		0.251		1.003	78.99%	0.00%	5.00%	-20.01%	0.254
PROPERTY 16	1.519	0.068		0.139		1.312	86.38%	10.56%	5.00%	5.56%	0.084
PROPERTY 17	1.408	0.035		0.069		1.304	92.59%	5.29%	5.00%	0.28%	0.004

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PROPERTY 18	1.434	0.024		0.048		1.362	95.01%	3.51%	5.00%	-1.49%	-0.021
sub-total	22.579	0.158	0.885	1.115	0.000	20.421					
TOTAL	32.356	0.273	2.027	1.353	0.078	28.626	88.47%	5.00%	5.00%	0.00%	0.000

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SHARED INFRASTRUCTURE

PUBLIC OPEN SPACE

The land budget shows that 5% NDA will be provided as unencumbered public open space. This corresponds to the overall 5% requirement as detailed in the relevant S173 Agreements that were executed concurrent with the approval of Amendment C71 Part 3. However, the Development Plan requires a number of individual landowners to contribute greater than 5% NDA towards unencumbered public open space. By the terms of the executed S173 Agreements Council will be required to reimburse landowners contributing greater than 5% in land. For those landowners contributing less than 5% land, equalizing cash contributions will be required to be paid at the time of subdivision, and by the terms of that S173 Agreement Council will use those funds to reimburse landowners who provide more than 5% land for public open space within the Development Plan Area.

Improvements to the centrally located public open space reserve are included in the shared infrastructure plan to allow equitable collection of funds from all landowners in the study area towards this key open space area on a per hectare basis.

LAND VALUATION

Land to be acquired for infrastructure has been independently valued by Westlink Consulting.

INFRASTRUCTURE ITEMS

The following Table details the infrastructure items to be funded by this SIFP.

ITEM NO	ITEM	DESCRIPTION	COST	TRIGGER FOR PROVISION
DR_01	Eastern Drainage Basin (Construction)	Construction of Drainage Basin in East Catchment	\$685,000	First subdivision within catchment
LA_01	Eastern Drainage Basin (Land)	Land for the provision of Drainage Basin in East Catchment	\$1,000,000	First subdivision within catchment
DR_02	Western Drainage Detention Basin (Construction)	Construction of Drainage Detention Basin in West Catchment	\$393,000	First subdivision within catchment
LA_02	Western Drainage Detention Basin (Land)	Land for the provision of Drainage Detention Basin in West Catchment	\$400,000	First subdivision within catchment
OS_01	Open Space Improvements	Open Space Improvements within Local Park	\$240,988.00	When the last land required for the Local Park has been transferred to Council
PL_01	Planning	Planning Costs – Re-zoning & Development Plan	\$316,123.80	Complete

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COST APPORTIONMENT

The cost of each infrastructure item has been apportioned to each catchment area on the basis of applicable Net Developable Area.

Each infrastructure item has been identified as being required to service the future community of the study area only. Therefore, 100% of the cost of each infrastructure item has been apportioned to the study area (i.e. no external apportionment is included).

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ADDRESS	PROPERTY ID	NET DEVELOPABLE AREA (HA)	EASTERN DRAINAGE BASIN - CONSTRUCTION	EASTERN DRAINAGE BASIN - LAND	WESTERN DRAINAGE DETENTION BASIN - CONSTRUCTION	WESTERN DRAINAGE DETENTION BASIN - LAND	OPEN SPACE IMPROVEMENTS - LOCAL PARK	PLANNING COSTS	TOTAL CONTRIBUTION PAYABLE
WESTERN CATCHMENT									
170 Briody Drive	1	1.711	n/a	n/a	\$81,956.83	\$83,416.62	\$14,404.26	\$18,895.25	\$198,672.95
150 Briody Drive	2	2.259	n/a	n/a	\$108,206.01	\$110,133.34	\$19,017.66	\$24,947.03	\$262,304.03
170 Grossmans Road	3	0.024	n/a	n/a	\$1,163.97	\$1,184.70	\$204.57	\$268.35	\$2,821.60
170 Grossmans Road	4	4.210	n/a	n/a	\$201,673.20	\$205,265.34	\$35,444.91	\$46,496.00	\$488,879.45
Sub total		8.204	n/a	n/a	393,000.00	400,000.00	69,071.40	90,606.63	952,678.03

EASTERN CATCHMENT									
135 Briody Drive	5	2.068	\$69,368.79	\$101,268.30	n/a	n/a	\$17,409.70	\$22,837.74	\$210,884.53
129 Briody Drive	6	1.076	\$36,093.24	\$52,690.86	n/a	n/a	\$9,058.43	\$11,882.69	\$109,725.22
125 Briody Drive	7	1.298	\$43,539.98	\$63,562.02	n/a	n/a	\$10,927.37	\$14,334.33	\$132,363.70
119 Briody Drive	8	2.105	\$70,596.49	\$103,060.57	n/a	n/a	\$17,717.82	\$23,241.93	\$214,616.82
111 Briody Drive	9	1.975	\$66,249.20	\$96,714.17	n/a	n/a	\$16,629.01	\$21,810.70	\$201,400.85
105 Briody Drive	10	1.130	\$37,897.90	\$55,325.40	n/a	n/a	\$9,511.55	\$12,476.83	\$115,211.48
95 Briody Drive	11	1.687	\$56,585.21	\$82,606.14	n/a	n/a	\$14,201.37	\$18,639.50	\$172,021.82
25 Illawong Drive	12	0.711	\$23,863.13	\$34,836.69	n/a	n/a	\$5,989.01	\$7,856.27	\$72,545.09
15 Illawong Drive	13	2.195	\$73,628.86	\$107,487.39	n/a	n/a	\$18,478.87	\$24,240.25	\$223,835.37

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90 Grossmans Road	14	1.194	\$40,058.13	\$58,479.02	n/a	n/a	\$10,053.51	\$13,188.02	\$121,778.68
96 Grossmans Road	15	1.003	\$33,644.53	\$49,116.11	n/a	n/a	\$8,443.87	\$11,076.52	\$102,281.04
120 Grossmans Road	16	1.312	\$44,012.95	\$64,252.49	n/a	n/a	\$11,046.07	\$14,490.04	\$133,801.54
140 Grossmans Road	17	1.305	\$43,761.37	\$63,885.22	n/a	n/a	\$10,982.93	\$14,407.21	\$133,036.73
150 Grossmans road	18	1.362	\$45,700.21	\$66,715.64	n/a	n/a	\$11,469.53	\$15,045.52	\$138,930.89
Sub-total		20.421	685,000.00	1,000,000.00	n/a	n/a	171,916.60	225,517.15	2,082,433.76
Total		28.625	685,000.00	1,000,000.00	393,000.00	400,000.00	240,988.00	316,123.80	3,035,111.80

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IMPLEMENTATION AND ADMINISTRATION

SECTION 173 AGREEMENT

This SIFP will be implemented through section 173 Agreements with each landowner in the Development Plan Area. Each agreement will be based on the section 173 Agreement Principles at Appendix 1, and will describe the implementation principles of this plan, while also including details regarding levies payable for the relevant lot, the infrastructure items to be funded, and the administrative and legal provisions contained within the SIFP and delivery of infrastructure over time.

INDEXATION

Land values and construction costs listed are in July 2015 dollars. They will be indexed annually according to the following methods:

- The costs of infrastructure items will be adjusted by reference to the Producer Price Indexes Australia, Victoria (Table 17 Output of the Construction industries, subdivision and class index numbers - Road and Bridge Construction Victoria) (for roads, bridges, trails, drainage and open space items) and Building Construction Victoria (for buildings and Planning Costs) published by the ABS (Series 6427.0) or similar index.
- Land values will be re-valued annually by a registered valuer based on a before and after methodology for each parcel to be acquired.

The revised infrastructure costs and land values and the adjustment of the contributions must be calculated as of 1 July in each year.

PAYMENT OF LEVIES

Surf Coast Shire Council is the Collecting Agency for the purpose of collecting all levies payable. As the Collecting Agency, Council is also responsible for the administration of this SIFP and its enforcement.

Levies must be paid to Surf Coast Shire Council as follows:

- For the subdivision of land, after certification of the relevant plan of subdivision creating any new lot but not more than 21 days prior to the issue of a Statement of Compliance with respect to that plan under the *Subdivision Act 1988*;
- In relation to the development of land not requiring subdivision (e.g. commercial development or a retirement village), a planning permit condition must require the payment of the development contribution prior to the commencement of works unless there is an agreement with the Responsible Authority to secure the payment of the infrastructure contribution by some other means or other timeframe.

A Statement of Compliance must not be issued until the infrastructure contribution is paid (or equivalent works are provided in-kind).

Funds collected will be held in a specific council reserve account in accordance with the provisions of the *Local Government Act 1989* and the *Planning and Environment Act 1987*. All monies held in this account will be used solely for the provision of infrastructure as itemised in this SIFP.

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Council will be responsible for ongoing accounting and indexation of this SIFP.

METHOD OF PROVISION

Responsibility for the delivery of infrastructure works as described primarily resides with the developers of the land as a works in-kind project with a credit provided against their development contribution, subject to the agreement of the Council.

It is the developer's responsibility to facilitate the delivery of all Infrastructure Projects required to service the development of the subject land. In exceptional circumstances, and provided the Owner has demonstrated to Council's satisfaction that it has made all reasonable endeavours to facilitate delivery of the Infrastructure Project(s), Council may initiate the delivery of the Infrastructure Project(s) based on the below criteria:

- Council will only facilitate an Infrastructure Project at a time when Council determines there are sufficient funds in Council's infrastructure contributions account, collected under this Shared Infrastructure Funding Plan, to meet the cost of delivering the Infrastructure Project(s); and Council's delivery of any Infrastructure Project will be subject to:
 - Councils normal budgetary cycles; and
 - Normal legislative processes and timeframes for any acquisition of land required to facilitate the Infrastructure Project.

Council may enter into Section 173 Agreements, confirming specific credit and project timing with landowners to formalise details of infrastructure items to be provided in-kind. All infrastructure items can be provided in-kind under this agreement.

In determining whether to agree to the provision of works or land in lieu of cash the Responsible Authority will have regard to the following:

- Only works or land identified in the SIFP can be provided in lieu of cash;
- Detailed design must be approved by the Responsible Authority and generally accord with the standards outlined unless agreed by the Responsible Authority and the developer; and
- The construction of works must be completed to the satisfaction of the Responsible Authority.

Where the Responsible Authority agrees that works are to be provided by a developer in lieu of cash contributions:

- The credit for the works provided shall equal the value identified in the SIFP taking into account the impact of indexation;
- The value of works provided in accordance with the principles outlined above, will be offset against the infrastructure contributions made to the SIFP by the developer;
- The developer will not be required to make cash payments for contributions until the value of any credits for the provision of agreed works-in-kind are exhausted;
- Where credit for works-in-kind can't be offset against future levy payments, the developer shall be reimbursed by the Responsible Authority for any excess credit;

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SUBSIDISED DEVELOPMENT SCHEME
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- Council will progressively reimburse developers for any excess credit as Levies are collected for the subsequent subdivision of land within the same charge area. Each progressive payment will only be equal to the applicable liability of the subsequently subdivided land for the land and/or infrastructure project delivered as works-in-kind by the developer.
- Where a developer chooses to bring forward works ahead of the scheduled time in the SIFP, this can be done provided the impact on the SIFP is cost and revenue neutral;
- Where a developer is in credit against their infrastructure contributions liability, this credit will be indexed annually in accordance with the annual increase in the Infrastructure Contributions Levy.

LAND

The provision of land identified in this SIFP is suitable as works in-kind to off-set against a developer's infrastructure contribution. As with works-in-kind, the provision of land would be outlined in an agreement between the developer and the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act (1987)*. The value of the off-set for providing land will equal the value shown in the SIFP, subject to indexation.

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PLANNING COSTS (ITEM PL_01)

Where a land owner has previously made a financial contribution towards the planning cost item (PL_01 – re-zoning and Development Plan) they will be ‘credited’ for that contribution at the time of subdivision (subject to indexation). See below for a list of the land owners and their contributions.

Contributions to Planning Costs

PROPERTY ID	TOTAL CONTRIBUTIONS MADE TO ITEM
1	\$28,816.60
2	\$38,821.60
3	\$378.51
4	\$66,026.96
5	\$31,480.35
6	\$0.00
7	\$0.00
8	\$32,555.60
9	\$20,708.91
10	\$13,746.03
11	\$21,589.47
12	\$0.00
13	\$33,181.70
14	\$10,309.69
15	\$5,833.78
16	\$6,597.67
17	\$0.00
18	\$6,076.93
Total Contributions Made	\$316,123.80

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APPENDIX 1: S173 AGREEMENT PRINCIPLES

The S173 Agreement:

- Is to provide a mechanism to facilitate the delivery of the nominated shared infrastructure as detailed in this Shared Infrastructure Funding Plan
- Is to provide a mechanism to facilitate the equitable contribution of all benefitting landowners to the funding of nominated shared infrastructure
- Is to detail property-specific infrastructure contribution liabilities for nominated shared infrastructure for each property within the DPO10 Area
- Is to detail when property-specific infrastructure contribution liabilities are to be paid
- Is to detail a mechanism by which the physical delivery of infrastructure projects is credited against infrastructure contribution liabilities
- Is to provide a mechanism to ensure that any landowners / developers who exceed their property-specific infrastructure contributions are reimbursed
- Is to specify that Council will only reimburse landowners / developers that exceed their property-specific infrastructure contribution progressively, as levies towards shared infrastructure are collected for the subsequent subdivision of land within the same charge area
- Is to specify that Council will not be responsible for reimbursement in excess of contributions received at any time
- Is to specify that responsibility for the delivery of nominated shared infrastructure rests with benefitting landowners
- Is to specify industry-standard methods to the indexation of nominated shared infrastructure and associated liabilities and credits

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