

VERSION 8.4

Chirnside Park Major Activity Centre

Development Contributions Plan

YARRA RANGES SHIRE COUNCIL

FEBRUARY 2013

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1. INTRODUCTION

1.1. BACKGROUND

This Chirside Park Development Contributions Plan (DCP) has been developed to support the funding of infrastructure in the Chirside Park Major Activity Centre (MAC).

The Chirside Park Major Activity Centre Masterplan has been prepared by Yarra Ranges Council in conjunction with Woods Bagot to guide future development in the Chirside Park MAC following on from the Chirside Park Major Activity Structure Plan (2006). The Masterplan provides direction for the development of the Chirside Park MAC in relation to:

- Land use (such as residential development of varying densities, retail, commercial uses, open space and community facilities);
- Transport (such as the primary arterial and local arterial road network, collector roads & proposed public transport);
- Open space (passive and active); and
- Urban Design.

Improved social, economic, environmental and urban design outcomes are achieved through the provision of infrastructure to support the development of urban areas. The delivery of key infrastructure in a timely and efficient manner is fundamental to sustainable outcomes in urban areas such as the Chirside Park MAC.

The Chirside Park Major Activity Centre Masterplan identifies a range of physical infrastructure required as part of the development of the Chirside Park MAC. Not all of this infrastructure will be funded through the DCP.

This infrastructure is provided through a number of mechanisms including:

- Development including subdivision construction works by developers;
- Development contributions;
- Utility service provider contributions; and
- Capital works projects by Council, State government agencies and community groups.

This DCP will collect levies to ensure that the infrastructure set out in this plan is funded to enable Yarra Ranges Council to provide the infrastructure. However, this DCP is not the sole source of funding for all infrastructure in the Chirside Park MAC. The full range of infrastructure identified in the Chirside Park Major Activity Centre Structure Plan and Master Plan will only be delivered if infrastructure is provided by a variety of funding sources. Decisions have been made about the type of infrastructure which will be funded by this DCP, and these decisions are in line with the Ministerial Direction for Development Contributions.

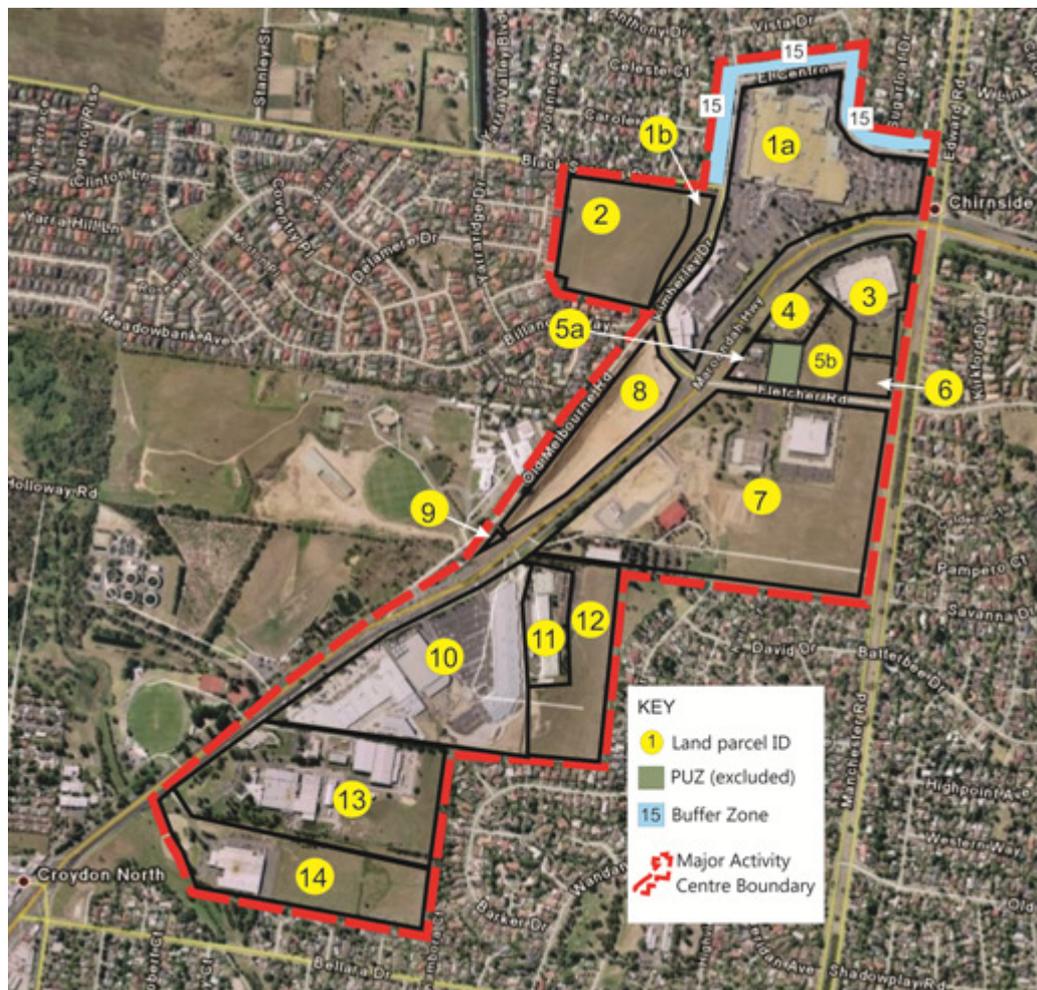
This DCP has been developed in accordance with the provisions of Part 3B of the Planning and Environment Act and the Victorian State Government *Development Contributions Guidelines (2007)*.

1.2. THE DCP AREA

The DCP applies to land within the Main Catchment Area (MCA) as outlined in Figure 1. This area is based on the “consolidation precinct” identified for Chirnside Park in the *Shire of Yarra Ranges Housing Strategy* (adopted May 2009). The area is generally bounded by:

- Existing development on Kimberley Drive, El Centro Drive and Viewpoint Drive to the north (parcels on these roads directly opposite the Chirnside Park Shopping Centre are included within the MCA - see section 1.3);
- Existing residential development, Old Melbourne Road and the Maroondah Highway to the west;
- Manchester Road and existing residential development to the east; and
- Existing residential development near Bellara Drive to the south.

FIGURE 1 CHIRNSIDE PARK DCP MAIN CATCHMENT AREA



Source: Urban Enterprise

1.3. BUFFER ZONE

The Buffer Zone (shown as Area 15 in Figure 1) includes land parcels located immediately opposite the Chirnside Park Shopping Centre on Viewpoint Drive, El Centro and Kimberley Drive (excluding Area 2). The relevant land parcels are highlighted in Figure 2.

Whilst the existing Residential 1 Zone that applies to these parcels is to be retained, the area is included within the Main Catchment Area as it falls within the “consolidation precinct” for Chirnside Park in the *Shire of Yarra Ranges Housing Strategy* (2009).

Development and subdivision in this area are exempt from development contributions if the resulting lots are for residential use only and will comprise no more than 2 dwellings.

FIGURE 2 BUFFER ZONE (AREA 15) PARCELS



Source: Yarra Ranges Council, 2010, annotated by Urban Enterprise.

1.4. DCP TIMEFRAME

For the purposes of the DCP a 20 year life has been adopted. This period commences from the date that the DCP is incorporated into the Yarra Ranges Planning Scheme.

If any land parcel as defined in this DCP is not developed or subdivided within the DCP timeframe, Council will be responsible for bearing the contribution on behalf of this parcel. Based on information currently available, Council expects that around half of the land area within the Major Activity Centre will not be developed within the DCP timeframe, given the nature of existing development.

1.5. DEFINITIONS

A number of key terms are used throughout the document. For the purposes of this DCP, these are defined as follows:

- **Main Catchment Area (MCA)** - the area for which development contributions under this Development Contributions Plan area collected. This area is covered by the Development

Contributions Plan Overlay (DCPO) and correlates with the 'consolidation precinct' for Chirnside Park identified in the Shire of Yarra Ranges Housing Strategy (2009).

- **Parcel Area** - means the gross area of a particular land parcel or title. As at the date of this DCP, the parcel area of each land parcel or title is shown in Table 1 of this DCP. The subdivision or consolidation of land will alter the figures but the overall total of the combined Parcel Areas will remain the same;
- **Development Footprint Area** - that part of a Parcel Area which comprises new gross floor area space and the areas occupied by car parking at the rate as applied for any planning permit issued, and the additional internal access roads, landscaping and open space required under the scheme. The Development Footprint Area cannot exceed the Parcel Area. In the case of residential subdivision, the Development Footprint Area is the gross land area to be subdivided;
- **Commercial Use** - the use of land for a purpose other than residential;
- **Highway Frontage** - the length of the frontage of a property to Maroondah Highway.

2. STATUTORY FRAMEWORK AND STRATEGIC CONTEXT

2.1. PLANNING AND ENVIRONMENT ACT

Part 3B of the *Planning and Environment Act 1987* outlines the statutory provisions relating to development contributions. In summary, Part 3B provides for, amongst other things:

- The inclusion of a DCP in the Planning Scheme, for the purpose of levying contributions for the provision of works, services and facilities (Section 46I);
- The provision to impose either a development infrastructure levy or a community infrastructure levy (Section 46J);
- The contents required of a DCP (Section 46K);
- The setting of limits in respect of a community infrastructure levy. In the case of the construction of a dwelling, the community levy must not exceed \$900 per dwelling (Section 46L).
- The provision for the Minister to issue written directions relating to the preparation and content of a DCP (Section 46M);
- The collection of a development infrastructure levy, by way of a condition on a planning permit either requiring the payment of a levy within a specified time, or entering into an agreement to pay the levy within a specified time (Section 46N).

2.2. STATE PLANNING POLICY CONTEXT

The Minister's Direction dated 15 May 2003 outlines what may be funded with a development contribution levy, namely:

- Acquisition of land for roads, public transport corridors, drainage, public open space, community facilities;
- Construction of roads, including bicycle, footpaths and traffic management devices;
- Construction of public transport infrastructure, including fixed rail infrastructure, railway stations, bus stops and tram stops;
- Basic improvements to public open space, including earthworks, landscaping, fencing, seating and playground equipment;
- Drainage works;
- Buildings and works for maternal and child health centre, child care centre, kindergarten or a combination of these.

The Victorian State Government has published a set of documents which make up the *Development Contributions Guidelines (2007)*. The *Development Contributions Guidelines (2007)* are available through the Department of Planning and Community Development (DPCD) website.

These documents provide guidance as to how DCPs are to be prepared and administered including the matters that DCPs are to consider.

2.3. LOCAL PLANNING CONTEXT

A number of strategic planning documents have been prepared by, or on behalf of Council that identify the need, standard and costs for the infrastructure items that are included in this DCP.

The key strategic documents that have informed the provision of infrastructure items to be financed by the DCP are:

- Chirside Park Major Activity Centre Masterplan, Woods Bagot (2009);
- Lilydale and Chirside Park Activity Centres Transportation Study, Ratio Consultants (2008);

This DCP has been prepared in close consultation with Council officers from relevant departments of the Yarra Ranges Council. Council officers have also provided strategic planning information and advice regarding costs for this DCP where appropriate.

3. NEED AND NEXUS

3.1. INTRODUCTION

Council, through the preparation of the Chirnside Park Major Activity Centre Masterplan, has identified a need for each development infrastructure project that has been included in this DCP. Council has identified that each item is needed in order to provide for the wellbeing, health and safety of the future community.

No Community Infrastructure items have been identified to be included in this DCP.

The cost apportionment methodology adopted in this DCP relies on the nexus principle. The Main Catchment Area (MCA) for this DCP is deemed to have a nexus with an infrastructure item if the users and occupants of the Major Activity Centre are likely to make use of the infrastructure item.

3.2. DEMAND UNITS

This DCP uses three different Demand Units to calculate a land owner's Development Contribution Levy. The three Demand Units are:

- **Development Footprint Area;**
- **Parcel Area;** and
- **Highway Frontage.**

Each of these terms is defined in Part 1.5 of this DCP.

The different Demand Units apply in different scenarios as follows:

- Area 15 (Buffer Zone) - **Parcel Area** Demand Unit;
- Frontage to Green Spine - **Highway Frontage** and **Parcel Area** for the calculation of the cost and **Development Footprint Area** Demand Unit for the charging of the levy;*
- Remainder of Main Catchment Area - **Development Footprint Area** Demand Units.

* Part 3.5 of this DCP explains why and how the **Highway Frontage** Demand Unit together with the **Parcel Area** Demand Unit is to be applied to collect contributions for the Green Spine.

3.3. RESIDENTIAL AND COMMERCIAL USES

Residential and Commercial Uses will be charged a Development Infrastructure Levy. The Demand Unit **Development Footprint Area** is intended to identify the extent of development proposed taking into account all of its various components. However, this Demand Unit focuses on the extent of site coverage of a development rather than the leasable floor area of a building. The rationale is that higher intensity developments should not be penalised.

The **Development Footprint Area**, for any given parcel, cannot exceed the **Parcel Area**.

3.4. PUBLIC OPEN SPACE CONTRIBUTIONS AND THE URBAN PARK

An Urban Park is proposed with a site area of 1 hectare. The Urban Park is a key infrastructure item for the Major Activity Centre. It is not only a local park but also serves a higher order function as the key open space provision for residents, employees and visitors to the activity centre.

The Chirnside Park Urban Design Masterplan identifies that there is a lack of open space within close proximity of the Centre (page 12).

In this DCP, the infrastructure item Urban Park comprises three infrastructure projects namely, project DI_LA_1, project DI_OS_1a and project DI_OS_1b. The former includes land acquisition and the other items include works associated with the Urban Park.

Two separate charge areas have been created for the Urban Park. These reflect the greater usage of the Urban Park by residents and workers from land parcels in the northern section of the Activity Centre that are closest to the park.

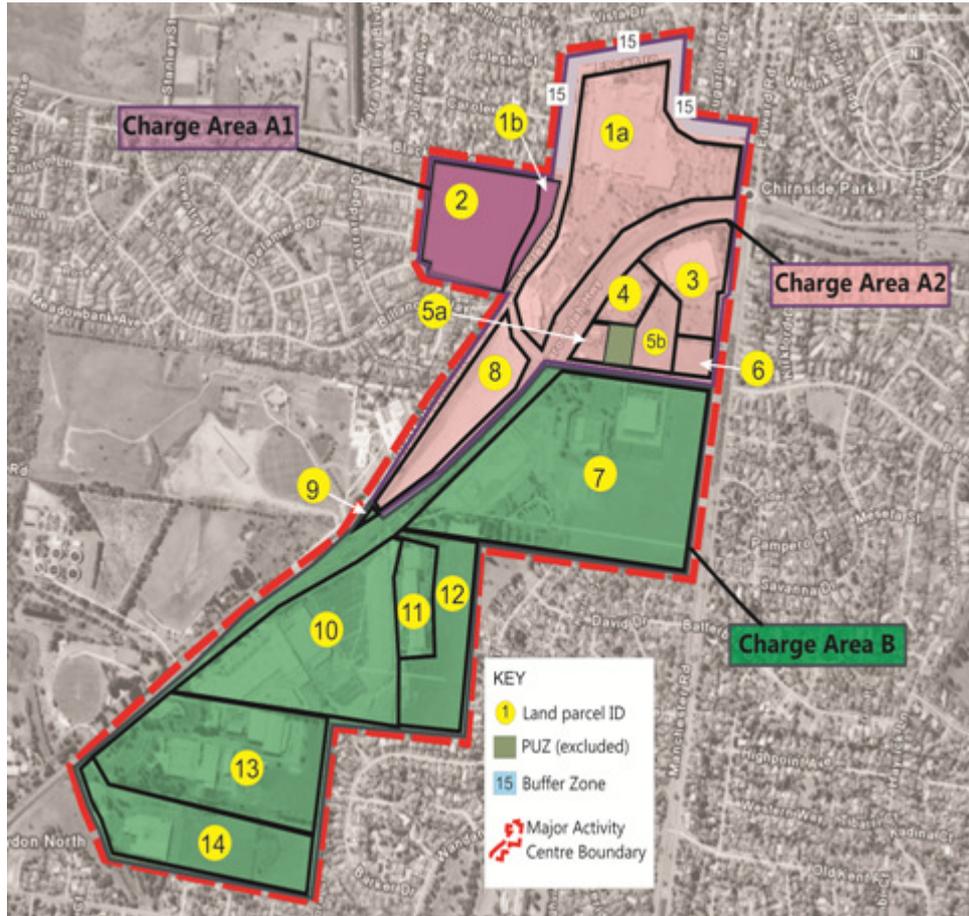
Charge Area A1 comprises Parcels 1b and 2. These two parcels are zoned Residential 2 and each include part of the site of the proposed Urban Park. A levy in the form of a 5% land area contribution in a location to the satisfaction of Council is required for these two parcels. This recognises that the amenity of future development on these parcels will derive a direct benefit from the provision of public open space on the land. The levy is also consistent with the 5% public open space contribution required under the Schedule to Clause 52.01 for other vacant Residential 2 Zoned sites in the DCP Main Catchment Area (Parcels 7 and 12).

Charge Area A2 comprises parcels within convenient walking distance of the Urban Park. A land contribution to public open space is not appropriate for these parcels because of site constraints and their proximity to the Urban Park. Each of these parcels are zoned for business or mixed use. The levy for these parcels has been apportioned according to their land area. These parcels will pay development contributions towards the Urban Park based on Development Footprint Area (DFA).

Land parcels within the MAC but not within Charge Area A ('Charge Area B') are not required to make development contributions towards the Urban Park under this DCP. Rather, land parcels within Charge Area B are required to make a public open space contribution under Clause 52.01 of the Yarra Ranges Planning Scheme. This may be a land contribution or a payment of cash in lieu of land. Contributions towards Public Open Space (POS) will be used to provide local POS in locations preferred by Council, or contribute to other POS provision which serves a broader function.

The charge areas are shown in Figure 3.

FIGURE 3 CHARGE AREAS



Source: Urban Enterprise.

Urban Park levies will be charged on the basis of **Development Footprint Area** (with the exception of the Buffer Zone which is levied on **Parcel Area**).

The location of any land transferred must be to the satisfaction of Council.

3.5. GREEN SPINE

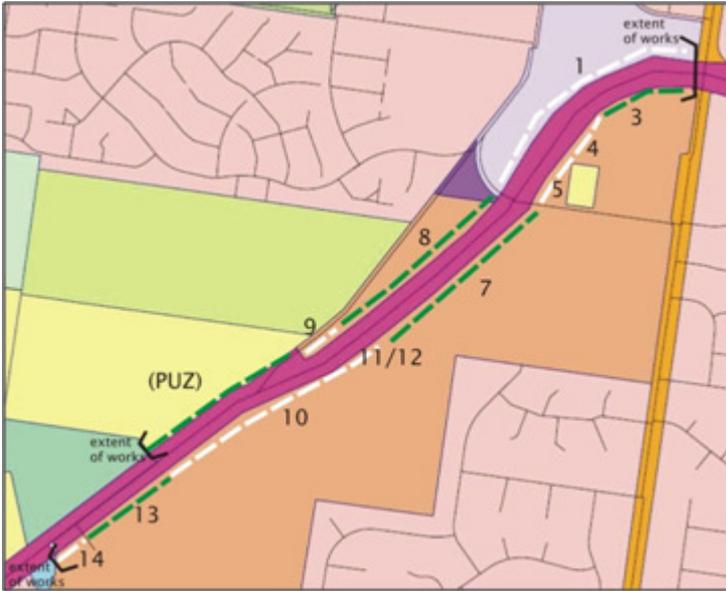
Each land parcel fronting the Maroondah Highway is deemed to have a direct nexus with Infrastructure Project DI_OS_2 "Green Spine - Improvements". Parcels not having a frontage to the Maroondah Highway are still deemed to benefit from the Green Spine although to a lesser extent. Therefore, the manner in which the Development Infrastructure Levy is calculated varies for those parcels that have **Highway Frontage** and those that do not.

For the Green Spine - Improvements Infrastructure Project, the cost has been apportioned on the basis of **Highway Frontage** and **Parcel Area**, but the levy will be charged on the basis of Highway Frontage and Development Footprint Area (with the exception of Area 15 - Buffer Zone, which is levied based on Parcel Area).

The Green Spine extends along both sides of the Maroondah Highway from Manchester Road to the municipal boundary on the north side of the highway at the easternmost point of Hughes Park. The Green Spine continues on the south side of the Highway to the municipal boundary at Brushy Creek. Figure 4 shows the extent of the Green Spine construction works.

Hypothetical examples of the calculation of the Development Infrastructure Levy for the Green Spine - Improvements Infrastructure Project are set out in Appendix C.

FIGURE 4 GREEN SPINE EXTENT OF WORKS



Source: Urban Enterprise.

3.6. STRATEGIC PLANNING

It is common practice to include strategic planning, infrastructure planning and development contributions planning costs in a DCP.

In this DCP, the cost of the Strategic Planning item is apportioned on the basis of Parcel Area as shown in Table 1. For the Strategic Planning item, the levy will be charged on the basis of **Development Footprint Area** (with the exception of Area 15 - Buffer Zone, which is levied on **Parcel Area**).

3.7. LAND BUDGET AND DEMAND UNIT SUMMARY

Table 1 shows the demand units for each infrastructure item by parcel. The total demand units in this table have been used to calculate the Development Infrastructure Levy for each item in this DCP.

TABLE 1 LAND BUDGET AND DEMAND UNITS SUMMARY

Item	Urban Park		Green Spine		Strategic Planning
	Parcel Area (ha) within Charge Area A1	Parcel Area (ha) within Charge Area A2	Parcel Area (ha)	Highway Frontage (m)	Parcel Area (ha)
Parcel No.					
1a	0.0	12.0	12.0	616	12.0
1b	0.7	0.0	0.7	0	0.7
2	6.2	0.0	6.2	0	6.2
3	0.0	4.0	4.0	264	4.0
4	0.0	1.0	1.0	147	1.0
5a	0.0	0.6	0.6	103	0.6
5b	0.0	1.7	1.7	0	1.7
6	0.0	0.8	0.8	0	0.8
7	0.0	0.0	21.4	522	21.4
8	0.0	4.0	4.0	557	4.0
9	0.0	0.0	0.2	86	0.2
10	0.0	0.0	11.6	631	11.6
11	0.0	0.0	2.1	0	2.1
12	0.0	0.0	5.6	4	5.6
13	0.0	0.0	10.9	242	10.9
14	0.0	0.0	8.8	39	8.8
15	0.0	3.4	3.4	0	3.4
Total	6.9	27.5	95.0	3211	95.0

Source: Urban Enterprise.

4. INFRASTRUCTURE ITEMS TO BE FUNDED BY DCP

4.1. COMMUNITY INFRASTRUCTURE ITEMS

No community infrastructure items are included in the DCP.

4.2. DEVELOPMENT INFRASTRUCTURE ITEMS

Strategic planning undertaken by Yarra Ranges Council has identified a requirement for 5 development infrastructure items to be funded by this DCP. These development infrastructure items are:

- **DI_LA_01** Urban Park - land acquisition;
- **DI_OS_1a** Urban Park - improvements;
- **DI_OS_1b** Urban Park - pedestrian crossing;
- **DI_OS_2** Green Spine - improvements; and
- **DI_O_1** Strategic Planning and Development Contributions Planning.

Appendix A - DCP Infrastructure Project Sheets provides detail on each of these projects in terms of the costing, apportionment and strategic justification of each item.

The location of each project is shown in Appendix B - DCP Infrastructure Location Map.

4.3. OTHER FUNDING SOURCES

Funds to cover any shortfall in the DCP will be sought from alternative sources, including general rates and Federal and State government funding. As stated previously, if any parcel as defined in this DCP is not developed or subdivided within the DCP timeframe, Council will be responsible for bearing the contribution on behalf of this parcel. Further, in determining the charge per demand unit, the total cost of each infrastructure item has been divided by the total demand units occurring within the relevant Charge Area (existing and anticipated demand units). This ensures new development will only pay its share of usage and demand generated from existing development will be met by Council.

4.4. DEVELOPER FUNDED ITEMS

A number of infrastructure items have been identified to support the proposed development of specific parcels within the Chirnside Park MAC. These items have been identified through discussion between Council and the relevant developers and are the subject of various separate agreements. The items are to be funded by the relevant developers/landowners and include:

ROADS AND PATHS

- Intersection Kimberley Drive and entrance to Parcel 8 - roundabout or other appropriate treatment is required by an existing permit condition to the Parcel 8 landowner;

- Intersection Kimberley Drive and Black Springs Road - signalised intersection required for access to Chirnside Park Shopping Centre;
- Intersection Manchester Road and Parcel 7 access road - signalised intersection to provide access to Parcel 7;
- Intersection Maroondah Highway and Kimberley Drive/Fletcher Road - upgrade to existing signalised intersection. *(Under investigation by VicRoads)*
- Intersection Maroondah Highway and Parcel 3 - new intersection to provide access to site. *(Under investigation by VicRoads)*
- Kimberley Drive works - road realignment and streetscaping;
- Fletcher Road works - streetscaping;
- Revised access from Manchester Road into Parcel 3 at existing median opening;
- Intersection Maroondah Highway and Manchester Road - upgrade existing signalised intersection. *(Under investigation by VicRoads)*

PUBLIC TRANSPORT

- Public Transport Interchange - new bus interchange to replace existing, including shelter, seating and timetables;
- Bus stop - new bus stop to service proposed commercial development on Parcel 7.

TRAILS

- Pedestrian link to connect residential land to the south with Parcel 7.

OPEN SPACE

- Pedestrian spine land acquisition and improvements - streetscaping along Kimberley Drive for pedestrian flow and circulation and outdoor dining;
- Hedwig Drive Park - acquisition of land adjacent to existing park and improvements;
- Land to be provided to Council and improved by Parcel 7 landowner for local open space.

5. CALCULATION OF LEVIES

5.1. METHOD OF CALCULATING LEVIES

The DCP Infrastructure Project Sheets in Appendix A identify the levies assigned to each infrastructure item. The method of calculation is described in this section.

5.2. PROJECT COSTS

Each item in the DCP has a cost specified for either capital works or land acquisition. These costs are listed in Appendix A - DCP Infrastructure Project Sheets. The costs are expressed in March 2012 dollars and will be indexed annually in accordance with the indexation method specified in this DCP.

5.3. PROJECT TIMING

Timing of the provision of the infrastructure items included in this document will be dependent on the timing of development within the Major Activity Centre. The Green Spine should be progressively implemented following the commencement of development in the MAC. Development of the Urban Park will generally coincide with the development of Parcel 2 and/or the additional development of the Chirside Park Shopping Centre site.

Indicative timing has been included for each item in Appendix A - DCP Infrastructure Project Sheets.

5.4. EXTERNAL USAGE

Each item included in this DCP has been identified specifically to support the development of the Chirside Park Activity Centre and the future increase in population, employment and visitation generated. It is anticipated that there will be some external usage of these proposed infrastructure items. While existing residents may utilise the infrastructure items funded by the DCP to some extent, so may many new residents of the Major Activity Centre utilise facilities in existing areas outside the MAC. To account for external usage, Council has discounted the cost of the Green Spine by 15% cent to recognise that residents outside the Main Catchment Area will use the new infrastructure. In relation to the Urban Park, the DCP is expected to collect in the order of 63% of the total cost of the park. The remaining 37% of the cost of the Urban Park will be met by Council which acknowledges that it will be used by residents who reside outside the Main Catchment Area.

Contributions under the DCP are only triggered when sites are actually developed. The Activity Centre includes a number of sites that already contain existing buildings some of which are ripe for redevelopment, while others are unlikely to be replaced in the foreseeable future. Under the DCP it is assumed that not all potential development sites will be developed within its 20 year time frame. The DCP recognises this, and acknowledges that Council contributions will make up the difference between the development contributions received, and the total cost of the project.

It is estimated that Council contributions will be approximately 48% of the total cost of the proposed infrastructure items. This level of contribution by Council will provide a reasonable recognition of the extent of the external usage of the proposed infrastructure items.

5.5. COST APPORTIONMENT METHOD

The cost of each of the infrastructure items has been apportioned based on the likelihood that an item will be used by residents, employees and visitors to the Major Activity Centre.

The method and justification for the cost apportionment that has been used for each infrastructure item is outlined in the DCP Infrastructure Project Sheets (Appendix A).

5.6. DEVELOPMENT CONTRIBUTION RATES PER DEMAND UNIT

Table 2 contains a summary of the development contributions that are required to be made in the Chirnside Park Major Activity Centre. These contributions are in March 2012 dollars. Levies will be indexed annually in accordance with the method specified in this DCP.

TABLE 2 LEVY CALCULATION SUMMARY

	Urban Park	Green Spine - (Parcel Area)	Green Spine (Highway Frontage)	Strategic Planning
Item Cost to MCA	\$ 4,659,589.18	\$ 1,936,445.59	\$ 1,936,445.59	\$ 427,448.00
Value of 5% land contribution (Charge Area A1)	\$1,207,500.00	\$0	\$0	\$0
Cost to be met through DCP	\$3,452,089.18	\$ 1,936,445.59	\$ 1,936,445.59	\$ 427,448.00
Demand Units	27.5	95.0	3211	95.0
Levy per Demand Unit	\$ 125,530.52,	\$ 20,383.64	\$ 603.07	\$ 4,499.45

Note: a 15% discount has been included for the Green Spine to account for external usage

Source: Urban Enterprise.

6. DCP ADMINISTRATION

6.1. INDEXATION OF LEVIES

Infrastructure and land values listed in this DCP are in March 2012 dollars. They will be adjusted annually according to the following specified method:

The Development Contribution for each demand unit must be adjusted as follows:

- In relation to the costs associated with all infrastructure items other than land, the cost must be adjusted and the contribution amounts recalculated according to the following method:
 - The capital costs of each infrastructure item must be adjusted by reference to the *Producer Prices Index Australia* (Australian Bureau of Statistics Catalog No. 6427.0), Table 15 - Selected Output of Division E Construction - Building Construction Victoria (for buildings) and Roads and Bridges Victoria (for roads, intersections, trails, bridges, etc.) or similar index if this is not available.
 - The revised infrastructure costs and the adjustment of the contributions must be calculated as at 1 July in each year.
- In relation to the cost of land required under the DCP, the land value must be adjusted by adopting a revised land value for each parcel to be acquired based on the same valuation principles. The revised land value and the adjustment of the contributions must be calculated as of 1 July in each year.
- Within 14 days of the adjustments being made, the Responsible Authority must publish a notice of the amended contributions in a newspaper circulating in the municipality.

6.2. VALUATION OF LAND

The initial valuation assessment for land required for the Urban Park was undertaken by an independent valuer at the request of Council (Eastside Property Valuers, 3/9/2009).

A second valuation assessment for land required for the Urban Park was undertaken in April 2012 by Eastside Property Valuers.

Land required for the Urban Park is to be re-valued on an annual basis in accordance with the indexation method described in Section 6.1.

6.3. COLLECTING AGENCY

Yarra Ranges Shire Council is the Collecting Agency pursuant to section 46K of the *Planning and Environment Act 1987*.

6.4. DEVELOPMENT AGENCY

Yarra Ranges Shire Council is the development agency for all infrastructure items pursuant to Section 46K of the *Planning and Environment Act 1987* with the exception of those items outlined in Section 5.4 of this DCP.

6.5. COLLECTION OF LEVIES

The Development Infrastructure Levy will be collected by Yarra Ranges Shire Council as follows:

- For the subdivision of residential land, before the issue of a Statement of Compliance under the Subdivision Act 1988 in respect of the subdivision creating any new residential lot;
- In relation to the development of commercial land, 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 Council to secure the payment of the development contribution by some other means or other timeframe.

The Responsible Authority will impose conditions on a planning permit for subdivision or for the development of commercial land to collect the levies generally as follows:

FOR SUBDIVISIONS OF RESIDENTIAL LAND

A Development Infrastructure Levy must be paid to the Council in accordance with the provisions of the approved Development Contributions Plan for the land within the following specified time, namely after Certification of the relevant plan of subdivision but not more than 21 days prior to the issue of a Statement of Compliance in respect of that plan.

FOR A PERMIT FOR THE DEVELOPMENT OF COMMERCIAL LAND

Unless some other arrangement has been agreed to by Council in a section 173 agreement, prior to the commencement of any development, the Development Infrastructure Levy must be paid to the Council in accordance with the provisions of the approved DCP for the land.

NO PERMIT REQUIRED FOR THE DEVELOPMENT OF LAND

Where no planning permit is required for the development of land, unless some other arrangement has been agreed to by Council in a section 173 agreement, prior to the commencement of any development, the Development Infrastructure Levy must be paid to the Council in accordance with the provisions of the approved DCP for the land.

6.6. ADMINISTRATIVE PROCEDURES

Council will undertake ongoing accounting and review of this DCP in terms of:

- The relevance of projects listed in the DCP;
- The level of contributions collected;
- The construction costs of infrastructure projects;
- The land costs of infrastructure projects;
- Updating the DCP to reflect any relevant amendments to the Planning and Environment Act, or any new Ministerial Directions relating to development contributions.

Council will be required to undertake a formal review of this DCP every five years during the lifespan of the DCP.

Funds collected through development contributions will be held in a specific interest-bearing reserve account in accordance with the provisions of the Local Government Act 1989 (Part 3b Section 46Q(1)(a)). All monies held in this account will be used solely for the provision of infrastructure as itemised in this DCP.

If Council resolves not to proceed with any of the infrastructure projects listed in this Development Contribution Plan, the Council will comply with Section 46(Q) of the Planning & Environment Act 1987.

6.7. METHOD OF PROVISION

Responsibility for the delivery of infrastructure works as described in this DCP resides with Yarra Ranges Shire Council.

Infrastructure works may be provided by developers with a credit provided against their development contribution, subject to the agreement of the Council. The process by which developers may receive this credit is outlined in Section 7 - Implementation Strategy.

7. IMPLEMENTATION STRATEGY

7.1. INTRODUCTION

This section provides further details of the implementation of the DCP following on from the method of provision outlined in Section 6, particularly with regards to the provision of land and works in-kind.

7.2. EXAMPLES OF LEVIES PAYABLE

Appendix C contains worked examples of how levies are calculated for different development types and locations. These serve as a guide for the administration of this DCP at the time a contribution is to be calculated and levied in relation to a specific permit application.

7.3. DEVELOPMENT AT UPPER LEVELS

Development Footprint Area includes development at upper levels.

Where development occurs at upper levels only, the demand units generated by the development are equal to the footprint area of the new building plus the area of any additional associated car parking, landscaping, internal roads and open space.

For example, the Chirnside Park Shopping Centre already occupies all of the land on which it is located. If the Centre is extended to include an additional level of development over any part of the land, this would equate to the **Development Footprint Area**. Any further extensions or development over this part of the land are exempt from additional contributions. That is, **the Development Footprint Area for a particular parcel cannot exceed the Parcel Area**.

7.4. PROVISION OF LAND AND WORKS IN-KIND

As outlined in Section 6, payment of development contributions is to be made in cash.

Alternatively, infrastructure works and land may be provided by developers with a credit provided against their development contribution, subject to the agreement of the Council. In determining whether to agree to the provision of works in lieu of cash the Council will have regard to the following:

- Only works or land identified in the DCP can be provided in lieu of cash;
- Works must be provided to a standard that generally accords with the DCP unless agreed between Council and the developer;
- Detailed design must be approved by the Council and generally accord with the standards outlined in the DCP unless agreed by the Council and the developer;
- The construction of works must be completed to the satisfaction of the Council.
- The impact on the DCP must be cost and revenue neutral.

Where Council 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 DCP taking into account the impact of indexation;

- The value of works provided in accordance with the principles outlined above, will be offset against the development contributions liable to be paid 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 Council for any excess credit at the time of provision in the DCP;

7.5. **LAND**

As with works-in-kind, the provision of any land in lieu of development contributions would be at the discretion of Council and formalised in an agreement between the developer and Council pursuant to Section 173 of the *Planning and Environment Act 1987*.

In addition, land (or an equivalent cash contribution) is to be vested in Council to satisfy Public Open Space contributions under Clause 52.01. Clause 52.01 applies to Charge Area B.

7.6. **INFRASTRUCTURE SUMMARY AND SUGGESTED LAND / WORKS TO BE PROVIDED IN-KIND**

Table 3 provides a summary of the infrastructure items in the DCP, including capital cost, apportionment, strategic justification and whether the item can be provided as works-in-kind. The Table indicates the developer credit that would be attributed for the provision of the item as works-in-kind (subject to annual indexation).

Table 3 provides the starting point for Council and developers agreeing to a schedule of land and works that each developer can provide as an offset to their development contribution.

TABLE 3 INFRASTRUCTURE SUMMARY

Project ID	Category	Project Summary	Land Capital Cost	Construction Capital Cost	Cost Apportionment	Strategic Justification	Can be provided in kind?
DI_LA_1	Land	Urban Park - land acquisition	\$ 3,500,000	\$ -	Cost apportioned on the basis of Development Footprint Area to all parcels within Charge Area A2, 5% land contribution from parcels in Charge Area A1, with any shortfall to be funded by Council.	Land needed for an Urban Park to serve the new community including an increase of 1,120 dwellings and 2,800 residents, plus employees and visitors. The Urban Park serves the whole of the MAC as a focal point for the centre.	Yes
DI_OS_1a	Open Space	Urban Park - improvements	\$ -	\$ 1,045,681		Improvements to the Urban Park to serve the increase of 1,120 dwellings and 2,800 residents, plus employees and visitors. The Urban Park serves the whole of the MAC as a focal point for the centre.	Yes
DI_OS_1b	Open Space	Urban Park - Pedestrian crossing	\$ -	\$ 113,909		Pedestrian crossing identified in the Masterplan required to provide pedestrian access to the Urban Park across Kimberley Drive from the Shopping Centre.	Yes
DI_OS_2	Open Space	Green Spine	\$ -	\$ 4,556,343	Cost apportioned based on Highway Frontage and Parcel Area .	Green Spine is both a pedestrian and cycling circulation route and open space along the Maroondah Highway corridor. Includes native trees and shared paths, along the length of the MAC. To be funded by all new development. Existing pedestrian and bicycle facilities are limited, Hike and Bike Yarra Ranges Plan outlines Council's commitment to establishing safe networks between communities.	Yes
DI_O_1	Other	Strategic Planning and Development Contributions	\$ -	\$ 427,448	Cost apportioned based on Parcel Area .	Strategic planning and development contributions planning necessary to plan for the development and funding of the new community.	No
TOTAL			\$ 3,500,000	\$ 6,143,380			

7.7. DCP SUMMARY TABLES

The following summary tables serve as a quick reference guide. For more detail on any of these items refer to the relevant section of this document. All dollar values shown in this table are current as of March 2012 and are subject to indexation and review in accordance with the methods outlined within Section 6 of this document.

TABLE 4 LEVY SUMMARY PER ITEM

Infrastructure Items	Demand unit	Development Infrastructure Levy to be collected per demand unit
Urban Park	Hectare of Development Footprint Area in Charge Area A2 (or Parcel Area for Area 15 - Buffer Zone)*	\$ 125,530.52
Green Spine	Metre of Highway Frontage	\$ 603.07
	Hectare of Development Footprint Area (or Parcel Area for Area 15 - Buffer Zone)	\$ 20,383.64
Strategic Planning	Hectare of Development Footprint Area (or Parcel Area for Area 15 - Buffer Zone)	\$ 4,499.45

* Plus 5% land contribution from parcels within Charge Area A1

TABLE 5 LEVY SUMMARY PER CHARGE AREA

Charge Area	Levy per ha of Development Footprint Area	Levy per metre of Highway Frontage	Public Open Space contribution under Clause 52.01
Charge Area A1	\$ 24,883.09 plus 5% land contribution towards Urban Park	\$ 603.07	No
Charge Area A2	\$ 150,413.61	\$ 603.07	No
Charge Area B	\$ 24,883.09	\$ 603.07	Yes

7.8. COST TO COUNCIL

Council is responsible for funding:

- External cost apportionment - equivalent to 15% of the cost of delivering the Green Spine; and
- Levies for any land which is not developed within the DCP timeframe.

Table 6 shows an estimate of Council's potential funding liability in delivering the infrastructure items identified in this DCP. Council expects to contribute in the order of \$4.5m (46% of the total capital cost of providing the infrastructure items).

TABLE 6 PROJECTED FUNDS TO BE COLLECTED UNDER DCP

Item	Urban Park	Green Spine		Strategic Planning	Total
Parcel No.	Parcel Area	Parcel Area	Highway Frontage	Parcel Area	
Total Demand Units projected to be developed	13.8	48.2	1717.0	48.2	
Levy payable per demand unit	\$ 125,530.52	\$ 20,383.64	\$ 603.07	\$ 4,499.45	
Total Funds projected to be collected under DCP	\$ 2,939,821.12 ²	\$ 982,491.34	\$ 1,035,464.68	\$ 216,873.62	\$ 5,174,650.75
Total Project Cost	\$ 4,659,589.18	\$ 2,278,171.28	\$ 2,278,171.28	\$ 427,448.00	\$ 9,643,379.75
Total to be funded by Council¹	\$1,719,768.07	\$ 1,295,679.94	\$ 1,242,706.60	\$ 210,574.38	\$ 4,468,728.99
% of project cost to be funded by Council	37%	57%	55%	49%	46%

1 This includes both the external cost apportionment (15%) and the levies for land which is not expected to be developed in the DCP timeframe.

2 Includes value of land to be provided by parcels within Charge Area A1 (\$1,207,500)

APPENDICES

Appendix A. DCP INFRASTRUCTURE PROJECT SHEETS

DI_LA_1	Urban Park - land acquisition				
Description	Land acquisition for large central park with both passive and active opportunities. Total land area: 1ha, 0.35ha to be provided through 5% land contributions from Parcels 1b and 2, remaining land to be acquired 0.65ha.				
	<table border="1"> <thead> <tr> <th>Infrastructure Type</th> <th>Infrastructure Category</th> </tr> </thead> <tbody> <tr> <td>Development</td> <td>Land</td> </tr> </tbody> </table>	Infrastructure Type	Infrastructure Category	Development	Land
Infrastructure Type	Infrastructure Category				
Development	Land				
Project Cost	\$3,500,000				
Indicative Provision Trigger	Urban Park construction coinciding with development of Parcel 2 and/or Shopping Centre redevelopment.				
Project Timing	2018				
Strategic Justification	Land needed for an Urban Park to serve the new community including an increase of an estimated 1,120 dwellings and 2,800 residents, plus employees and visitors. The Urban Park serves the whole of the MAC as a focal point for the centre. It is needed to provide a large tract of open space for all new residents, employees and visitors.				
Existing Usage Discount	0%				
Project Cost to MCA	\$3,500,000				
Apportionment of Costs	5% land contribution to be made by Parcels 1b and 2, remaining acquisition cost apportioned to parcels in Catchment A2, with any shortfall to be funded by Council.				
Demand Units	27.5				
Levy Amount	See Table 2				
Costing Justification	Council land valuation (13-4-12)				

The Project Cost is expressed in March 2012 dollars.

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DI_OS_1a	Urban Park - improvements				
Description	Open grassed area, gathering spaces, BBQ area, seating and shaded areas, landscaping, space for events. Construct a network of paved shared paths at least 2.5m wide within the park.				
	<table border="1"> <thead> <tr> <th>Infrastructure Type</th> <th>Infrastructure Category</th> </tr> </thead> <tbody> <tr> <td>Development</td> <td>Open Space</td> </tr> </tbody> </table>	Infrastructure Type	Infrastructure Category	Development	Open Space
Infrastructure Type	Infrastructure Category				
Development	Open Space				
Project Cost	\$1,045,681				
Indicative Provision Trigger	Urban Park construction coinciding with development of Parcel 2 and/or Shopping Centre redevelopment.				
Project Timing	2018				
Strategic Justification	Land needed for an Urban Park to serve the new community including an increase of an estimated 1,120 dwellings and 2,800 residents, plus employees and visitors. The Urban Park serves the whole of the MAC as a focal point for the centre. It is needed to provide a large tract of open space for all new residents, employees and visitors.				
Existing Usage Discount	0%				
Project Cost to MCA	\$1,045,681				
Apportionment of Costs	Cost apportioned to all parcels in Catchment A, with any shortfall to be funded by Council.				
Demand Units	27.5				
Levy Amount	See Table 2				
Costing Justification	Council officers				

The Project Cost is expressed in March 2012 dollars.

DI_OS_1b	Urban Park - Pedestrian crossing				
Description	Pedestrian crossing at Kimberley Drive to provide access to Urban Park.				
	<table border="1"> <thead> <tr> <th>Infrastructure Type</th> <th>Infrastructure Category</th> </tr> </thead> <tbody> <tr> <td>Development</td> <td>Open Space</td> </tr> </tbody> </table>	Infrastructure Type	Infrastructure Category	Development	Open Space
Infrastructure Type	Infrastructure Category				
Development	Open Space				
Project Cost	\$113,909				
Indicative Provision Trigger	Urban Park construction coinciding with development of Parcel 2 and/or Shopping Centre redevelopment.				
Project Timing	2018				
Strategic Justification	Pedestrian crossing identified in the masterplan required to provide pedestrian access to the Urban Park across Kimberley Drive from the Shopping Centre.				
Existing Usage Discount	0%				
Project Cost to MCA	\$113,909				
Apportionment of Costs	Cost apportioned to all parcels in Catchment A, with any shortfall to be funded by Council.				
Demand Units	27.5				
Levy Amount	See Table 2				
Costing Justification	Council officers				

The Project Cost is expressed in March 2012 dollars.

DI_OS_2**Green Spine - improvements****Description**

Developers are to fund/undertake works within Maroondah Highway road reserve, including path in setback, street furniture, combined sealed path and toppings. Off-road shared use paths on both sides of the Maroondah Highway. This item includes connections from the Green Spine path to existing trails, such as Brushy Creek.

Infrastructure Type

Infrastructure Category

Development

Open Space

Project Cost

\$4,556,343

Indicative Provision Trigger

Progressive implementation after commencement of first development.

Project Timing

2014 onwards

Strategic Justification

Green Spine is both a circulation route and open space along the Maroondah Highway corridor. Includes native trees and shared paths, along the length of the MAC. To be funded by all new development. Existing pedestrian and bicycle facilities are limited, Hike and Bike Yarra Ranges Plan outlines Council's commitment to establishing safe networks between communities.

Existing Usage Discount

15%

Project Cost to MCA

\$3,872,891

Apportionment of Costs

Cost apportioned based Highway Frontage and Parcel Area.

Frontage (m)

Site area (ha)

Weighting

50%

50%

Demand Units

3211

95.0

Levy Amount

\$603.07

\$20,383.64

Costing Justification

Council officers

The Project Cost is expressed in March 2012 dollars.

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DI_0_1	Strategic Planning and Development Contributions Planning	
Description	Costs of preparing strategic plans and a development contributions plan.	
	Infrastructure Type	Infrastructure Category
	Development	Other
Project Cost	\$427,448	
Indicative Provision Trigger	Complete	
Project Timing	Complete	
Strategic Justification	Strategic planning and development contributions planning is necessary for the comprehensive planning for the development and funding of the new community.	
Existing Usage Discount	0%	
Project Cost to MCA	\$427,448	
Apportionment of Costs	Cost apportioned based on Parcel Area.	
Demand Units	95.0	
Levy Amount	\$4,499.45	
Costing Justification	Council officers	

The Project Cost is expressed in March 2012 dollars.

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Appendix B. DCP INFRASTRUCTURE LOCATION MAP

FIGURE 5 LOCATION OF DCP INFRASTRUCTURE ITEMS



Appendix C. EXAMPLES OF LEVIES PAYABLE

Example 1

- Developer A submits a permit application for a medical centre to be located at the corner of Kimberley Drive and Black Springs Road;
- The proposed medical centre is 2 storeys with a **Development Footprint Area** of 300m²;
- The land to be developed has a Parcel Area of 500m².

CALCULATION OF LEVY

Item	Development Infrastructure Levy payable per demand unit	Subject Development demand units	Unit	Contribution to be levied
Urban Park	\$ 125,530.52	0.05	ha	\$6,276.53
Green Spine - Highway Frontage	\$ 603.07	0	Metres	\$0.00
Green Spine - Parcel Area	\$ 20,383.64	0.05	Hectares	\$1,019.18
Strategic Planning	\$ 4,499.45	0.05	Hectares	\$224.97
Total	n/a	n/a		\$7,520.68

SUMMARY OF CONTRIBUTION

- The parcel falls within Area 15, and is therefore levied based on Parcel Area. The parcel has an area of 500m² (0.05ha);
- The parcel falls within Charge Area A2, and is therefore subject to the Urban Park development contribution;
- The subject site does not have frontage to the Maroondah Highway, and is therefore not subject to the Green Spine - Highway frontage contribution;
- The site is subject to the Green Spine - Parcel Area and Strategic Planning contributions based on parcel area.
- The total contribution to be levied as shown in the table above would be included as a condition on the permit if approved.

Example 2

- The Parcel 1a landowner submits a permit application to build a new mixed use building near Chirside Park Shopping Centre;
- The plans include a new building with retail on the ground floor, office uses on upper levels and a **Development Footprint Area** of 10,000m² with a frontage to the Maroondah Highway of 50m.

CALCULATION OF LEVY

Item	Development Infrastructure Levy payable per demand unit	Subject Development demand units	Unit	Contribution to be levied
Urban Park	\$ 125,530.52	1	ha	\$ 125,530.52
Green Spine - Highway Frontage	\$ 603.07	50	Metres	\$30,153.31
Green Spine - Parcel Area	\$ 20,383.64	1	Hectares	\$20,383.64
Strategic Planning	\$ 4,499.45	1	Hectares	\$4,499.45
Total	n/a	n/a		\$180,566.92

SUMMARY OF CONTRIBUTION

- Parcel 1a falls within the Main Catchment Area and is therefore levied on **Development Footprint Area**, not **Parcel Area**. This includes the footprint of the building (not necessarily ground floor) plus the area of any car-parking, internal roads and open space provided to support that building, plus the **Development Footprint Area** of any levels added to existing buildings;
- The parcel falls within Charge Area A2, and is therefore subject to the Urban Park development contribution;
- The development is required to contribute to the Green Spine item commensurate to the **Highway Frontage** of the development (50m) and the **Development Footprint Area** (1ha);
- The site is subject to the Strategic Planning contribution based on Development Footprint Area.
- The total contribution to be levied as shown in the table above would be included as a condition on the permit if approved.

Example 3

- A permit application is submitted for an extension to the existing Chirnside Park Shopping Centre;
- The application includes a first floor extension to the existing shopping centre with a building area of 12,000m², with a **Highway Frontage** of 100m;
- The area of additional car parking and landscaping required to support the development is 4,000m².

CALCULATION OF LEVY

Item	Development Infrastructure Levy payable per demand unit	Subject Development demand units	Unit	Contribution to be levied
Urban Park	\$ 125,530.52	1.6	ha	\$200,848.83
Green Spine - Highway Frontage	\$ 603.07	100	Metres	\$60,306.62
Green spine - Parcel Area	\$ 20,383.64	1.6	Hectares	\$32,613.82
Strategic Planning	\$ 4,499.45	1.6	Hectares	\$7,199.12
Total	n/a	n/a		\$300,968.39

SUMMARY OF CONTRIBUTION

- The site is levied on **Development Footprint Area**, including the area of the building (not necessarily ground floor) plus the area of any car-parking, internal roads and open space provided to support that building, plus the **Development Footprint Area** of any level added to existing buildings;
- The parcel falls within Charge Area A2, and is therefore subject to the Urban Park development contribution;
- The development is required to contribute to the Green Spine item commensurate to the **Highway Frontage** of the development (50m) and the **Development Footprint Area** (1ha);
- The site is subject to the Strategic Planning contribution based on Development Footprint Area.
- The total contribution to be levied as shown in the table above would be included as a condition on the permit if approved.

Example 4

- A permit application is submitted for a residential subdivision of parcel 12;
- The entire site is to be subdivided (a gross area of 5.6ha).

CALCULATION OF LEVY

Item	Development Infrastructure Levy payable per demand unit	Subject Development demand units	Unit	Contribution to be levied
Urban Park	\$ 125,530.52	0	ha	\$0.00 (POS contribution required under Clause 52.01)
Green Spine - Highway Frontage	\$ 603.07	4	Metres	\$2,412.26
Green spine - Parcel Area	\$ 20,383.64	5.6	Hectares	\$114,148.37
Strategic Planning	\$ 4,499.45	5.6	Hectares	\$25,196.93
Total	n/a	n/a		\$141,757.57

SUMMARY OF CONTRIBUTION

- The site is levied on **Development Footprint Area**, including the area of the building (not necessarily ground floor) plus the area of any car-parking, internal roads and open space provided to support that building, plus the **Development Footprint Area** of any level added to existing buildings;
- The parcel falls within Charge Area B, and is therefore **not** subject to the Urban Park development contribution. Rather, a contribution to Public Open Space under Clause 52.01 is required;
- The development is required to contribute to the Green Spine item commensurate to the **Highway Frontage** of the development (4m) and the **Development Footprint Area** (5.6ha);
- The site is subject to the Strategic Planning contribution based on Development Footprint Area.
- The total contribution to be levied as shown in the table above would be included as a condition on the permit if approved, along with the required contribution to Public Open Space in either cash or land as per Clause 52.01 of the Planning Scheme.