



MOSPLAN CONTRIBUTIONS PLAN 2022

Adopted by Council 7 June 2022

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Mosman Contributions Plan 2022

Part A – Summary Table

The Works Program detailed in Appendix B to this Plan identifies the public facilities for which Section 7.12 levies will be required.

Money paid to Council under a condition authorised by this Plan is to be applied by the Council towards meeting the cost of one or more of the public facilities that will be or have been provided within the area as listed in the Works Schedule included in Appendix B to this Plan.

Summary of Levy Rates

The Section 7.12 Levy will be applied at the following rates:

Table 1 – Development in all areas to which this plan applies

Type of Development	Levy (%)
All development types valued at \$100,000 or less	0.0%
All development types valued at \$100,001 and up to \$200,000	0.5%
All development types valued in excess of \$200,000	1.0%

Part B – Expected development and demand for public facilities

At the 2016 Census, Mosman had an estimated resident population of 30,260 people, accounting for 0.6% of the Greater Sydney population (of 4.82 million) and 3.4% of the North District population (of 886,500). The population increased at 0.6% per annum from 29,351 people in 2011. Mosman is projected to have a population of 31,630 people by 2041, reflecting an average annual growth rate of 0.2%.

The incoming population over the period 2022- 2032 will generate demands for new public facilities as well as having the potential to diminish the existing population's enjoyment and standards of public facilities. A Section 7.12 levy is therefore proposed to enable the collection of contributions for the purposes of augmenting existing public facilities and providing new public facilities.

Money paid to Council under a condition authorised by this Plan is to be applied by the Council towards meeting the cost of one or more of the public facilities that will be or have been provided within the area as listed in the Works Schedules included in Appendix B to this Plan.

Part C – Administration and operation of the plan

1. Name of plan

This development contributions plan is called the Mosman Contributions Plan 2022.

2. Land to which plan applies

This plan applies to all land within the Mosman local government area as shown on Map 1 in Appendix A.

Map 2 included in Appendix A shows the areas to which the Works Schedule included in this Plan apply.

This development contributions plan applies to applications for development consent and applications for complying development certificates under Part 4 of the *Environmental Planning and Assessment Act 1979* (Act).

Table 2 included in Part A of this Plan shows the rates at which the levy will be applied.

3. Commencement

This contributions plan commences on 7 June 2022 and will apply to development applications or applications for complying development certificates under Part 4 of the Environmental Planning and Assessment Act made after that date.

4. Repeal of other contributions plans applying to the land

On its commencement and subject to Clause C.5, this Plan repeals Mosman Council Contributions Plan 2018.

5. Savings and transitional provisions

If a development application has been made but has not been finally determined before notification of the adoption of this Plan has been published in the local newspaper, the application is to be determined in accordance with the Contributions Plan in effect at the time the application was originally made.

6. Purpose of plan

The primary purposes of this contributions plan are:

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 7.12 of the Act (see clause 7);

- To require a certifying authority (the Council or an accredited certifier) to impose, as a condition of issuing a complying development certificate, a requirement that the applicant pay to Council a levy determined in accordance with this Plan.
- To assist the council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area.
- To identify publicly the purposes for which the levies are required.

7. Exemptions to the levy

The Section 7.12 levy provided for by this Plan will not be imposed on development:

- for the purpose of disabled access
- for the sole purpose of providing affordable housing
- for the purpose of reducing the consumption of mains supplied potable water, or reducing the energy consumption of a building;
- for the sole purpose of the adaptive reuse of a heritage item identified in Council's Heritage Schedules in the Mosman LEP 2012;
- other than the subdivision of land, where a condition under Section 7.11 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out;
- where the proposed cost of carrying out the development is \$100,000 or less.

Council may consider exempting the following development, or components of developments from the section 7.12 levy for:

- development for the purpose of providing infrastructure funded by section 7.12 levies;
- development that involves rebuilding or repair after natural disasters such as flooding, tidal inundation or bushfires;
- developments by a not-for profit charity (as defined by the ATO), but only in cases where the development is of a small scale, for example a retail outlet operated by the Salvation Army, St Vincent de Paul or similar organisations, and where Council considers that there will not be an increase in the demand for public works or infrastructure as a result of the development which would warrant the payment of a section 7.12 levy;
- applications submitted by or on behalf of Mosman Council.

8. Pooling of levies and unspent section 7.11 monies

This plan expressly authorises section 7.12 levies paid for different purposes to be pooled and applied progressively for those purposes. The priorities for the expenditure of the levies are shown in the works schedule included in Appendix B of this Plan.

This plan also expressly authorises that unspent monies collected through previous section 7.11 and section 7.12 plans is to be expended on works identified in those plans where those works have been carried across to the Works Schedule included in this Plan.

Furthermore, where works identified in previous plans are no longer considered necessary then this Plan authorises that the unspent money be transferred to this plan and spent on the works identified in the Works Schedules included in Appendix B of this plan, which are similar to the works categories included in the previous section 7.11 plans. Works that have an allocation of funds collected from previous section 7.11 plans are indicated in the Works Schedule.

9. Construction Certificates & the Obligation of Accredited Certifiers

This Plan requires a certifying authority (the council or an accredited certifier) to impose a condition on a complying development certificate requiring an applicant for a complying development certificate to pay the Council a levy prior to the commencement of any construction works on site in accordance with the provisions of Table 2 in Part A of this Plan.

In accordance with clause 156 of the *Environmental Planning and Assessment Regulation 2000* (Regulation), 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 levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council. 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.

10. Calculation of levy

The levy will be calculated as follows:

Levy payable = %C x \$C

Where

%C is the levy rate applicable

\$C is the proposed cost of carrying out the development as certified.

The proposed cost of carrying out the development will be determined in accordance with clause 208 of the Regulations. A Cost Summary Report Form or Detailed Cost Report Form

(which can be found on Council's website) must be completed to enable Council to determine the amount of the levy to be paid.

The value of the works must be provided by the applicant at the time of the request, and if the quantum of works exceeds \$1.2 million, must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications. A Cost Summary Report or Detailed Cost Report should not predate the payment of the levy by more than 3 months.

Without limitation to the above, council may review the valuation of works and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and no construction certificate will be issued until such time that the levy has been paid.

11. Adjustments

Levies required as a condition of consent authorised by this Plan will be calculated in accordance with Clause C.11 of this Plan. The levy required is to be adjusted at the time of payment of the levy in accordance with the following formula, and applying quarterly adjustments to the CPI where necessary:

Levy at time of payment = $\$C_0 + A$

where

$\$C_0$ is the original levy as determined in accordance with the applicable rates included in Table 2 in Part A of this Plan.

A is the adjustment amount which is = $\frac{\$C_0 \times (\text{Current CPI} - \text{Base CPI})}{\text{Base CPI}}$

where:

Current CPI is the Sydney All Groups Consumer Price Index as published by the Australian Bureau of Statistics and available at the time of payment.

Base CPI is the Sydney All Groups Consumer Price Index as published by the Australian Bureau of Statistics at the date of certification of the cost report.

Note: In the event that the Current CPI is less than the previous CPI, the Current CPI shall be taken as not less than the previous CPI.

12. Timing of payment

A levy must be paid to Mosman Council prior to the issue of a construction certificate, or for development subject to a complying development certificate, before any construction works commence on the site.

13. Deferral or periodic payments

In view of the nature and scale of most development in Mosman Council's policy is not to accept deferred or period payments; however, in extenuating circumstances Council may accept for a 12 month period an irrevocable bank guarantee for the amount of the contribution.

If the Council decides to allow acceptance of a bank guarantee it will be conditional upon:

- a) the applicant entering a Deed of Agreement with the Council in a form approved by the Council pursuant to which the applicant agrees to pay the outstanding amount of the section 7.12 levy that is deferred plus interest accrued on such amount at the current bank bill rate per annum by a specified date (which must be a date that is prior to 12 months expiring from the date that payment of the section 7.12 levy was originally due);
- b) the applicant lodging with the Council an irrevocable bank guarantee issued by an Australian trading bank pursuant to which the bank unconditionally agrees to pay to the Council, if the Council so demands in writing, an amount equivalent to the outstanding amount of the section 7.12 levy that is deferred plus the interest that would be accrued on such amount at the current bank bill rate per annum if it was paid on the date specified for payment in the Deed of Agreement referred to in paragraph (a) above;
- c) the Council being entitled, without reference to the applicant, landowner or person who lodged the bank guarantee referred to in paragraph (b) above, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development to which the said bank guarantee relates, to immediately demand that the bank pay to the Council the amount guaranteed under the bank guarantee if the outstanding amount of the section 7.12 levy that is deferred plus interest would have accrued on such amount at the current bank bill rate per annum has not been paid by the date specified for payment in the Deed of Agreement referred to in paragraph (a) above.
- d) the bank's obligations under the bank guarantee referred to in paragraph (b) being discharged only when payment to the Council is made in accordance with the bank guarantee or when the Council notifies the bank in writing that the bank guarantee is no longer required;

- e) the applicant paying all costs associated with the preparation, negotiation and execution of the Deed of Agreement referred to in paragraph (a) above; and
- f) the applicant paying to the Council a non-refundable administration fee of \$500.

14. Refunds

There are generally no refunds of Section 7.12 levy payments made under this Plan.

15. Alternatives to payment

For circumstances in which a section 7.12 levy is payable under this Plan, council will consider varying this requirement in the following circumstances:

- (i) Where Council agrees to negotiate a Planning Agreement with the applicant and where that agreement is successfully completed;
- (ii) Where Council agrees to the preparation of a site specific Section 7.11 Plan to apply to the development application that would otherwise be subject to the levy and where that plan is successfully completed;
- (iii) Where the applicant offers to provide for the carrying out of works in kind, or a material public benefit in lieu of some, or all, of the Section 7.12 levy. If Council agrees to the applicant's offer, a condition will be included in the consent for the development requiring payment of the agreed works in kind or public benefit. If Council does not agree then the requirement for payment of the Section 7.12 levy will stand.

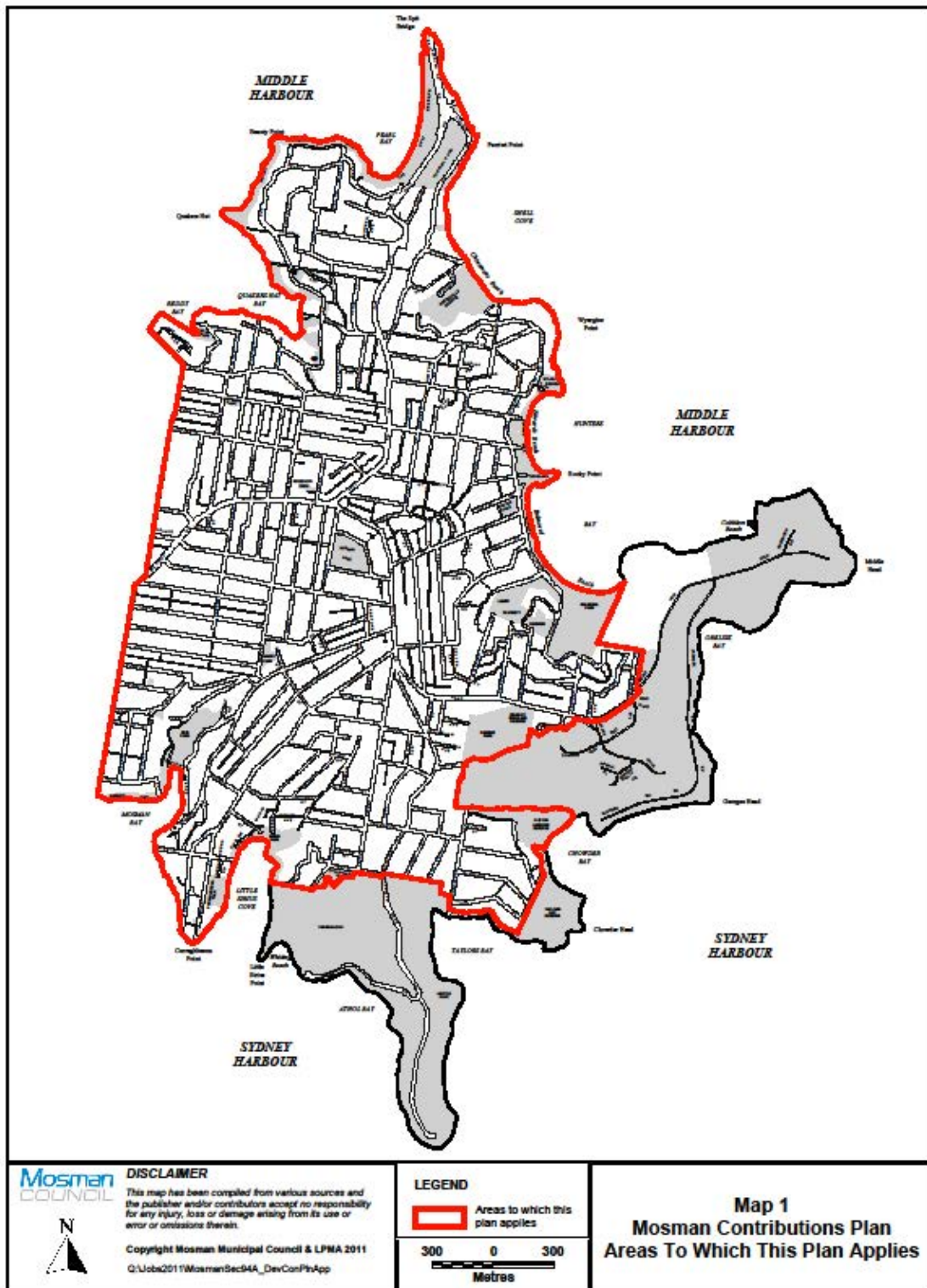
APPENDIX A - MAPS

The following maps are included:

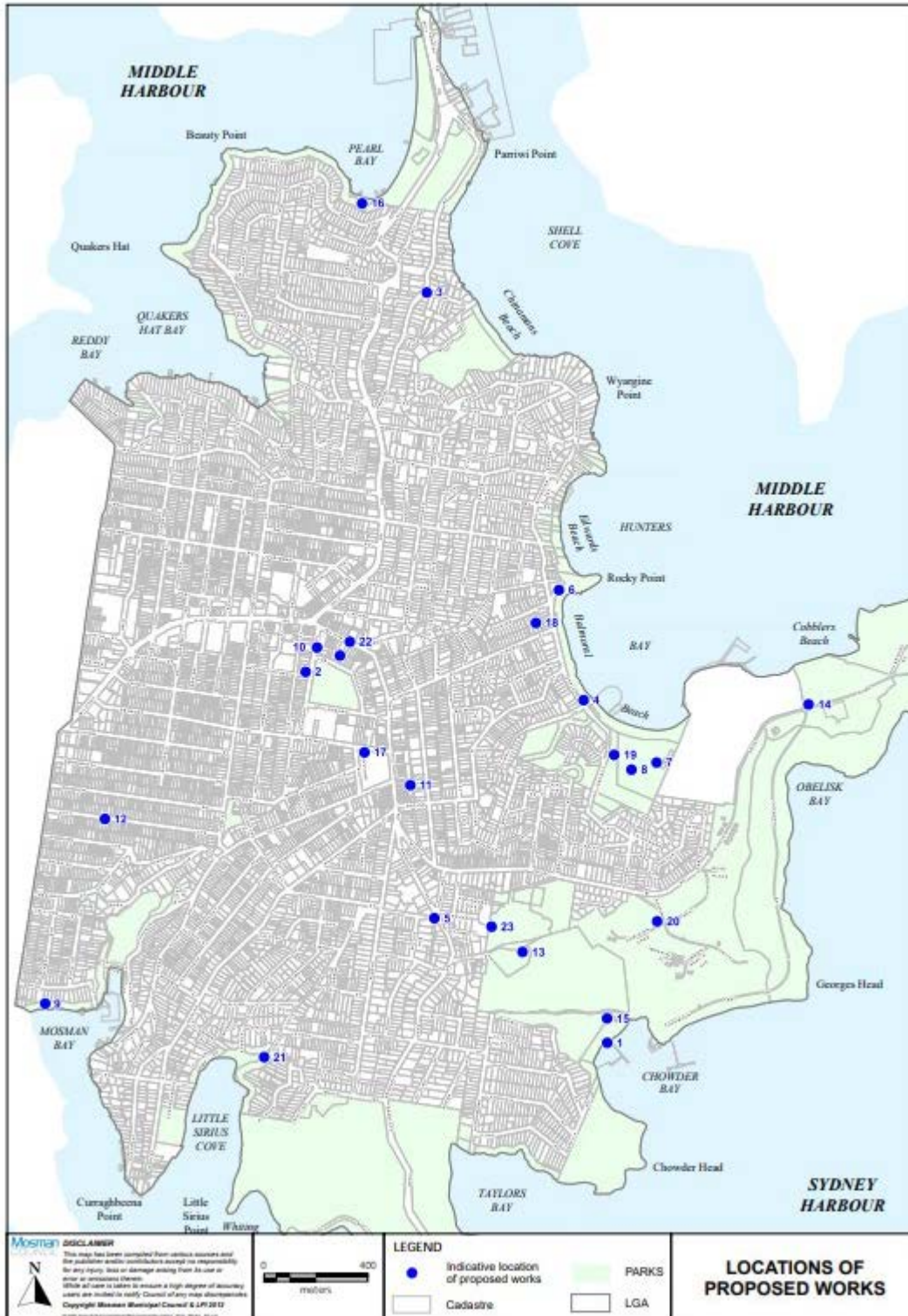
Map 1 - Showing the area to which this Plan applies

Map 2 - Shows the areas to which the Works Schedule included in this Plan apply

Map 1 - Area to which this Plan applies



Map 2 - Location of Proposed Works



NOTES TO MAP 2

* Not all works listed in the Works Schedule are shown on map; where projects are across a number of sites, only one has been shown

* Where works have multiple locations, only one has been shown

* Council manages Georges Heights Oval and Middle Head Oval and associated facilities, even though they are outside Council's area

APPENDIX B - WORKS SCHEDULE**Table 2: Schedule of section 7.12 funded projects**

The works schedule identifies the public facilities for which section 7.12 levies will be required. Table 2 identifies the works schedule and a summary of the expenditure on the respective items. Appendix A – Maps, identifies these facilities on a map.

Levies paid to Council will be applied towards meeting the cost of provision or augmentation of public facilities.

Project	Further Detail	Priority	Estimated cost	Map reference
Accessibility Works	Works to improve accessibility identified in Council's Disability Inclusion Access Plan	High-Low*	\$390,000	
Clifton Gardens Access Ramp	Review of the design of the access ramp to the foreshore of Clifton Gardens	High	\$15,000	1
Lift Upgrades	Lift replacements/refurbishments at Library, Art Gallery and Vista St Car Park (2)	Medium-High*	\$860,000	2
Pram Ramp Renewal	Locations to include but not limited to Parriwi Rd – Cyprian St , Calliope St – Calliope Ln, Cobbitte St – Cobbittee Ln, Cartref Ln – Rangers Av, Wunda Rd – Wolger Rd, and Spencer Ln – Keston Av.	High – Low*	\$25,000	3
Accessible Parking Project	Improve access to mobility parking areas using technology	High	\$10,000	4
Active Transport Plan	Works to improve transport infrastructure identified in Council's Active Transport Plan including Queen Street and Bradleys Head Road Intersection Review and Upgrade for Pedestrian and Cycle Safety; Pedestrian Crossing - Beach Lane.	High - Low*	\$660,000	5
Art in Public Places	Locations include but not limited to Balmoral, Spit Junction, Mosman Junction, The Spit, Sirius Cove and Bradleys Head	Medium	\$150,000	6
Balmoral Oval Long Jump	Improvements to the long jump facility at Balmoral Oval.	Medium	\$40,000	7

Project	Further Detail	Priority	Estimated cost	Map reference
Balmoral Oval playing surface	Playing surface upgrade with natural turf and associated works. Design and project management.	High	\$450,000	8
Bushland Regeneration	Includes bush regeneration works, walking tracks and signage, and fencing at various bushland and unmade road sites	High – Low*	\$1,250,000	9
Community Noticeboards	Provision of electronic community notice boards in Mosman business centres –Locations include but not limited to Spit Junction, Mosman Junction, Balmoral, The Spit	Medium	\$75,000	10
EV Charging Facilities	Provision of electric vehicle charging facilities. Locations include but not limited to Raglan St Car Parks, Balmoral Oval Carpark	High	\$40,000	11
Footpaths: Missing Links	Installation of footpaths where there are missing links. Locations include but are not limited to Holt Avenue and The Grove.	High	\$100,000	12
Marie Bashir Sports Centre	Upgrades to Marie Bashir Sports Centre to ensure access to high quality sporting facilities.	High	\$150,000	13
Middle Head Oval Redevelopment	Design, project management and construction of new multipurpose building including provision of female toilet/change room facilities.	High	\$1,115,000	14
Park Furniture Upgrades	Upgrade and standardisation of public furniture and bollards within each reserve, Locations include but not limited to Balmoral and Clifton Gardens.	Medium	\$400,000	15
Pearl Bay Bushland and Dinghy Rack Renewals	Provision of new dinghy racks including facilities to cater for longer watercraft like kayaks.	High	\$45,000	16
Pedestrian Safety	Improvements to pedestrian safety including provision of new “Look Out” stamps on roads/footpaths in commercial areas, around schools and other high pedestrian zones.	High	\$45,000	17
Playground Upgrades	Development and implementation of new playground equipment and associated landscaping works. Locations include but not limited to Hunter Park, Reid Park and Bay St.	Medium	\$885,000	18
Balmoral Oval – toilets/change rooms	Enhancement and upgrades of public toilets and change room facilities. Includes design, project management and construction	High	\$120,000	19
Georges Heights – toilets/change rooms	Enhancement and upgrades of public toilets and change room facilities. Includes design, project management and construction	High	\$550,000	20
Sirius Cove – toilets/change rooms	Enhancement and upgrades of public toilets and change room facilities	High	\$75,000	21
Public Garden Upgrades and	Upgrade high profile public gardens, roundabouts and road buildouts. Locations	Medium	\$300,000	22

Project	Further Detail	Priority	Estimated cost	Map reference
Renewals	include but not limited to The Esplanade, Military Road, the Art Gallery, and Awaba St.			
Rawson Oval Pavilion Refurbishment	Design, project management and construction of new multipurpose building including provision of female toilet/change room facilities. Includes provision for internal renewal of public amenities	High	\$615,000	23
Library Precinct Project	Redevelopment of Barry O'Keefe Library and adjacent carpark. This project will be subject to detailed design, costing during the ten-year period of this Contributions Plan.	Low	\$24,000,000	24

NOTE TO TABLE

Some items in the Works Schedule are not mapped if the location of the proposed works is not precisely known at this stage, including works to occur in corridors and parks. Works post 4 year horizon will require further scope and detailed specifications.

Priority:

High Priority works are scheduled from 1 - 3 years

Medium Priority works are scheduled from 3 - 5 years

Low Priority works are scheduled from 5-10 years

* - Multiple project with varying priorities

Table 3: Works Schedule

The works that will be funded from this Contributions Plan in the period of 2022/23 to 2025/26, aligning with Council's Strategic Community Plan 2022/23 to 2025/26, are as follows:

Project	2022/23	2023/24	2024/25	2025/26
Accessibility Works			\$45,000	\$45,000
Accessibility: Clifton Gardens Ramp Review	\$15,000			
Accessibility: Lift Upgrade	\$280,000	\$280,000	\$300,000	
Accessibility: Pram Ramp Renewal	\$25,000			
Accessible Parking Project	\$10,000			
Active Transport Plan	\$75,000	\$60,000		\$75,000
Art in Public Places	\$25,000	\$25,000	\$25,000	\$25,000
Balmoral Oval Long Jump Renewal	\$40,000			
Balmoral Oval Restoration		\$450,000		
Bushland Regeneration	\$125,000	\$125,000	\$125,000	\$125,000
Digital Community Noticeboards	\$25,000	\$25,000	\$25,000	
EV Charging Stations	\$20,000		\$20,000	
Footpaths: Missing Links and Permeable Paving			\$50,000	\$50,000
Marie Bashir Renewals - painting, AC pumps				\$150,000
Middle Head Oval Redevelopment	\$40,000		\$75,000	\$1,000,000
Park Furniture Upgrades			\$50,000	\$50,000
Pearl Bay Bushland and Dinghy Rack Renewals	\$45,000			
Pedestrian Safety: Renewal of Look Out Stamps	\$15,000	\$15,000	\$15,000	
Playground Upgrades	\$135,000	\$250,000		\$250,000
Public Amenities Internal Refurbishment: Balmoral Oval		\$120,000		
Public Amenities Internal Refurbishment: Georges Heights				\$300,000
Public Amenities Internal Refurbishment: Sirius Cove		\$75,000		
Public Garden Upgrades and Renewals			\$75,000	
Rawson Oval Pavilion Refurbishment	\$40,000	\$75,000	\$500,000	

There are exiting loan repayments in addition to the above for works undertaken in the 2018 Contributions Plan. This primarily relate to the Allan Border Oval Pavilion Redevelopment.

The above has been aligned with Council's 2022-2026 MOSPLAN Delivery Program and 2022-2023 Operational Plan. Projects identified post years 2025-2026 include:

- Continuation of expenditure on Art in Public Places
- Continuation of expenditure on Accessibility Works
- Continuation of expenditure on Active Transport
- Continuation of expenditure on Bushland Regeneration
- Continuation of expenditure on Park Furniture
- Continuation of expenditure Playgrounds
- Continuation of expenditure Playgrounds
- Continuation of expenditure Open Space
- Continuation of expenditure Public Gardens
- Commencement of the Library Precinct Project.

In regard to the Library Precinct Project, Council has identified a possible renewal of these assets in a 10-year horizon. The expenditure profile of the Plan has been modelled to allow for the provision of \$6 million within the fund to allocate to these works. The Project at this stage has not been fully scoped but has been included in Council's 2022-2026 MOSPLAN Delivery Program for further consideration. It will be subject to further feasibility reports to Council and formal Council resolutions.

APPENDIX C - PROCEDURE FOR ESTABLISHING COSTS

A cost summary report is required to be submitted to allow council to determine the contribution that will be required. The following should be provided:

- A Cost Summary Report Form which can be found on Council's website must be completed for works with a value no greater than \$1.2 million. However, should Council consider that the costs included in the Cost Summary Report are not an accurate indication of the costs of the development based on Council's previous experience with this type of development, then Council reserves the right to require the submission of a Registered Quantity Surveyor's Report to be prepared in accordance with the Registered Quantity Surveyor's Detailed Cost Report form which can be found on Council's website.
- A Quantity Surveyor's Detailed Cost Report Form which can be found on Council's website must be completed by a registered Quantity Surveyor for works with a value greater than \$1.2 million. Section 208 of the Regulation sets out the matters that should be included in the estimation of the construction costs by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
 - a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation.
 - b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed.
 - c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights. Section 208 of the Regulation also specifies the matters that do not need to be taken into account when determining the cost.

APPENDIX D – Project Modelling and Expenditure Profile

The anticipated date of implementation of each project and the anticipated expenditure profile from the Developer Contribution Fund is detailed below. It should be noted that for the larger scale projects, loans may be taken to supplement this funding. This would form part of a separate Council report when the scopes of larger scale projects are further refined. The profile also includes existing carry over loan repayments from works undertaken through the 2018 Contributions Plan.

This expenditure profile has been matched to Council's Long Term Financial Plan and has been modelled against Council's current anticipated income for the next 10 years. It should be noted that the below profile is an estimate and will be reviewed each year with Council's annual budget process.

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