



Frenchs Forest Contributions Plan

Northern Beaches Council

Final Report

July 2023

Local Government >>

Local Government Committee Members

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The Independent Pricing and Regulatory Tribunal

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Acknowledgment of Country

IPART acknowledges the Traditional Custodians of the lands where we work and live. We pay respect to Elders both past and present.

We recognise the unique cultural and spiritual relationship and celebrate the contributions of First Nations peoples.

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Executive Summary

The *Frenchs Forest Town Centre Contributions Plan 2022* (the contributions plan) was submitted by Northern Beaches Council to IPART for assessment in August 2022 as it seeks to levy development contributions above the \$20,000 cap.

We have assessed the contributions plan against the Department of Planning and Environment's (DPE) Practice Note criteria and found it satisfactory with some recommendations. See our [Information Paper](#) for more detail on our assessment approach.

Assessment Summary

Essential Works List As per 3.2 of the practice note	Nexus Connection with new population	Reasonable cost	Reasonable timetable	Consultation	Other relevant matters
 Partially Supported Recommendations	 Supported Evidence Provided	 Partially Supported Recommendations	 Supported Evidence Provided	 Supported Evidence Provided	 Partially Supported Recommendations

Our recommendations include:

- removing community building costs as it does not meet the essential works list criteria
- removing some open space embellishment costs as they have been funded by grants from the NSW Government
- using up to date valuations for land acquisitions and including a land administration component
- revise cost estimates when designs are available
- use appropriate indexation for land and works
- update the work schedule with minor matters.

After incorporating our recommendations, we have determined that the reasonable total cost of works and land for the contributions plan is **\$64,269,335**. This results in an estimated development contribution rate for a 2-bedroom dwelling to be **\$25,456**.

1 Overview

Northern Beaches Council (the council) submitted the Frenchs Forest Town Centre Contributions Plan 2022 (the contributions plan) to IPART in August 2022. The council seeks to levy the uncapped contributions amount in the contributions plan above the \$20,000 cap. To do so, IPART must review the plan, which is then provided to the Minister for Planning and Homes (Minister). After the council makes any changes requested by the Minister (or the Minister's nominee) and adopts the plan, the council can levy the uncapped contributions amount.

The contributions plan will enable council to partially fund the open space, traffic and transport, and stormwater infrastructure required to support the expected 3,894 residents and 1,757 workers¹.

We assessed the contributions plan against the Department of Planning and Environment's (DPE) Practice Note. See our [Information Paper](#) for more detail on our assessment approach.

IPART's assessment of a contributions plan is based around 7 criteria in the Practice Note:

1. the public amenities and public services in the plan are on the essential works list as identified within the Practice Note,
2. the proposed public amenities and public services are reasonable in terms of nexus (the connection between development and the demand created),
3. the proposed development contribution is based on a reasonable estimate of the cost of the proposed public amenities and public services,
4. the proposed public amenities and public services can be provided within a reasonable timeframe,
5. the proposed development contribution is based on a reasonable apportionment between:
 - a. existing demand and new demand for the public amenities and public services, and
 - b. different types of development that generate new demand for the public amenities and public services (e.g. between different types of residential development such as detached dwellings and multi-unit dwellings, and between different land uses such as residential, commercial and industrial).
6. the council has conducted appropriate community liaison and publicity in preparing the contributions plan,
7. and any other matters IPART considers relevant.

Our assessment includes reviewing the contributions plan and the supporting documentation including work schedule, strategic studies, consultant reports and correspondence with the council. The structure of this report is to first provide background on the contributions plan and then analyse each of the essential works list categories in turn.

We released a Draft Report in April 2023 setting out our draft findings and recommendations. We received one submission on the Draft Report – from Northern Beaches Council.

¹ Page 10 and 16 of Appendix B of the Frenchs Forest Town Centre Contribution Plan 2022

Recommendations

1.	Council update cost estimates based on designs in subsequent reviews of the contributions plan.	7
2.	The contributions plan be updated with the 2022 land valuations	7
3.	Council removes the embellishment costs of Brick Pit Reserve, Akora Reserve and Rabbett Reserve funded by grants.	8
4.	Remove the costs for the community hub building from the contributions plan.	9
5.	Include an administration cost of \$12,000 per land acquisition where the council will have to acquire on a market basis. Council to provide actual costs as part of the next review.	11
6.	The work schedule to be updated as per the version dated 7 November 2022 subject to the minister's advice on including the recommendations of this report.	12
7.	Council adopts a land value index for future land acquisitions and the use of ABS PPI for indexing the future cost of works.	13
8.	Council should submit the plan to IPART for assessment within 3 years from the date the plan becomes an "IPART reviewed contributions plan" within the meaning of the Minister's 2019 Direction.	13

2 Frenchs Forest Town Centre Contributions plan

The Frenchs Forest Town Centre is located within the Northern Beaches Council and is 13 kilometres north of the Sydney CBD. The precinct is focused on the redevelopment of the existing Forest High School site and surrounds. It is expected to provide 1,930 new dwellings for 3,894 residents and non-residential floor space for 1,757 workers which is about 23% of the total future population of Frenchs Forest². The Frenchs Forest Town Centre is phase 1, of 3, of the Northern Beaches Hospital Precinct which is slated to be redeveloped over the next 20 years.

Figure 1 Frenchs Forest Town Centre

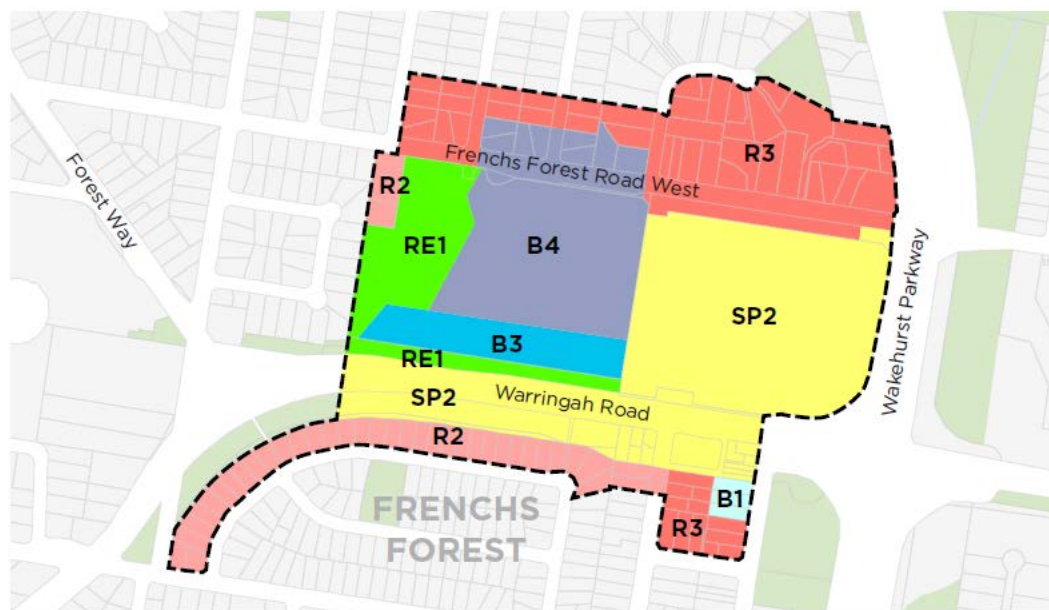


Figure 5: Land zoning

Land Zone

B1	Neighbourhood Centre	B3	Commercial Core
B4	Mixed Use	R2	Low Density Residential
R3	Medium Density Residential	RE1	Public Recreation
SP2	Infrastructure		

Source: Page 10 of Appendix B, Frenchs Forest Town Centre Contributions plan 2022, Northern Beaches Council

To support the development, the contributions plan proposes:

- Traffic and transport works and land acquisitions
- Open space and recreation works and land acquisitions with associated stormwater infrastructure.

² Pg 5 of Appendix B, Frenchs Forest Town Centre Contribution Plan 2022

3 Detailed Assessment

3.1 Overview

This section presents our detailed assessment of the *Frenchs Forest Town Centre Contributions Plan*, submitted by Northern Beaches Council (the council). The paper explains how we assessed community consultation and each category of costs in the plan, issues relating across the entire plan, and our recommendations. We conducted our assessment against the criteria in the Department of Planning and Environment's (DPE) Practice Note³.

This report is accompanied by an [Information Paper](#) outlining IPART's general process for reviewing contributions plans. It includes information such as the context, rationale, terms of reference, methodology and timeline.

Table 1 Assessment summary

Criteria	Traffic and Transport	Open Space and Recreation Stormwater
Essential Works List	Demonstrated	IPART Recommendations
Nexus	Demonstrated	Demonstrated
Reasonable Cost	IPART Recommendations	IPART Recommendations
Timing	Demonstrated	Demonstrated
Apportionment	Demonstrated	Demonstrated
Consultation	Demonstrated	
Other	IPART Recommendations	

3.2 Community Consultation

Northern Beaches Council conducted community consultation on the contributions plan from 18 March to 1 May 2022 in which it received 42 submissions. Council made amendments to the contributions plan to address some of the concerns raised in the submissions. We have determined that this meets the requirement of the practice note.

3.3 Traffic and Transport

The contributions plan includes traffic and transport infrastructure and associated land acquisitions required by the new residents and workers within the precinct. These include:

- new roads (extension and access roads) and underground 33kV powerlines

³ Practice Note: [Local Infrastructure Contributions - January 2019 \(nsw.gov.au\)](#)

- widening of existing roads
- 4 intersection upgrades
- bus stop relocations
- traffic calming infrastructure
- off-road share paths.

The proposed cost of this infrastructure is shown in Table 1 below:

Table 2 Traffic and transport costs (\$Mar22)

Item	Cost
New Roads works	4,058,160
New Roads land acquisition	10,952,124
Road widening works	14,693,034
Road widening land acquisitions	6,090,000
Intersection upgrades works	887,855
Bus stops	79,666
Traffic Calming	609,474
Active transport	340,405
Total	37,710,718

Source: Finalised schedule of works – 7 November 2022, Northern Beaches Council

The proposed attributable contribution is \$4,694 per resident and \$272/m² of non-residential development.⁴

3.3.1 Criterion 1: Essential Works List

The proposed traffic and transport infrastructure are consistent with the essential works list in DPE's [Practice Note](#).

3.3.2 Criterion 2: Nexus

We have determined that the proposed traffic and transport works are required because of the new residents and workers within the Frenchs Forrest Town Centre. The nexus for these works is established through the Transport Strategic Design prepared by ARUP on behalf of Northern Beaches Council.

Council's proposal to widen Frenchs Forest Road and Naree Road requires the undergrounding of the 33kV powerlines to meet safety requirements. Ausgrid's design requirements necessitate the undergrounding of the powerlines through to Wakehurst Parkway. As such it is appropriate to allocate the entire cost of this undergrounding to the contributions plan.

⁴ IPART calculations

3.3.3 Criterion 3: Reasonable cost

We have assessed that the infrastructure costs prepared by Mitchell Brandtman based on the ARUP – Frenchs Forest Town Centre Transport Design are reasonable. The costs estimates were prepared in line with IPART's 2014 Benchmarks⁵, which includes:

- congestion allowances of 25% and 40%
- delivery agency charges of 10%
- design allowance of 5%
- 30% contingency.

The use of IPART's 2014 benchmarks for substantive items such as sub-arterial road widening, new signals, and new 3-lane sub-arterial roads are appropriate at this early stage of the contributions plan. However, once these works have progressed to design stage, we would expect a more detailed cost estimate based on the specific works and with a commensurate change in the add-on costs especially around contingency and congestion.

Recommendation



1. Council update cost estimates based on designs in subsequent reviews of the contributions plan.

The land acquisition cost was prepared by Crushman & Wakefield for the council after the adoption of the contributions plan. We have used these valuations in our assessment as it is the most recent available. The valuation of these acquisitions is assumed to be acquired under the provisions of the *Land Acquisition (Just Terms Compensation) Act, 1991*. We have assessed that these are reasonable costs prepared by a qualified land valuer.

Recommendation



2. The contributions plan be updated with the 2022 land valuations

3.3.4 Criterion 4: Reasonable Timeframe

The contributions plan has identified reasonable timeframes associated with all the proposed works. We expect the infrastructure to be delivered in conjunction with associated development and when the council can acquire the required lands.

⁵ IPART Local Infrastructure Benchmark Costs Final Report, dated April 2014.

3.3.5 Criterion 5: Apportionment

The demand for traffic and transport infrastructure within the Frenchs Forest Town Centre is split between the new residents and workers. ARUP's traffic modelling shows that the morning (AM) traffic generation attributed to residential development is 48%.⁶ Council has used the morning period for the basis of the apportionment because the peak traffic flow is at its most dense during this period. We consider that peak flow is an appropriate method for apportioning traffic and transport costs in the contributions plan.

3.4 Open Space and Recreation and Stormwater

Prior to submission of the contributions plan to IPART for assessment, the council obtained a grant for open space embellishment of existing portions of Brick Pit Reserve, Akora Reserve and Rabbett Reserve. These grants did not include the cost of water management facilities or embellishment of any additional land to be acquired. In our draft report, we agreed with council that these costs should be removed from the contributions plan, given they were to be fully funded by grants.

In its submission to our draft report, council stated that the grant funding of \$6.2 million it received for the embellishment of these reserves is based on 2018 cost estimates. Council estimates that costs have risen by 31% between 2018 and 2023, increasing the total embellishment costs at these existing reserves to around \$8.1 million.⁷ As such, council submitted that the embellishment costs of the existing portions of Brick Pit Reserve and Akora Reserve be removed. It argues that \$2.0 million of embellishment costs for Rabbett Reserve be included in the contributions plan.

We consider that only the portion of reasonable embellishment costs not funded by grants should be included in the contributions plan. This means that developers do not pay for any costs funded by grants. Based on council's updated costs, the total cost net of grants for embellishments at these 3 reserves is \$1,911,307.

The costs of land acquisitions and associated embellishment and water management infrastructure are to remain the contributions plan.

Recommendation



3. Council removes the embellishment costs of Brick Pit Reserve, Akora Reserve and Rabbett Reserve funded by grants.

The remaining items include the following open space and recreation works and associated stormwater infrastructure to support the new residents and workers:

- land and embellishment for a new park in the proposed Town Centre

⁶ Residential AM trips as a portion of total AM trips. ARUP, Frenchs Forest Town Centre Transport Strategic Design, 3 September 2021, table 3, p.52.

⁷ Northern Beaches Council, Submission to IPART's Draft Report, June 2023, pp 3.4.

- land and embellishment for additional open space in Akora Reserve and Rabbett Reserve
- biofiltration basin and associated items in Brick Pitt Reserve and Akora Reserve
- upgrade of 2 existing fields with lighting, carparking, and landscaping at Forestville Park.

Table 3 Open space and recreation and stormwater costs (\$Mar22)

Item	Cost
Land Acquisitions	8,119,543
Town Centre Embellishment	6,741,149
Local Open Space Embellishment and Biofiltration basin and associated items	3,991,384
Active Open Space Embellishment	6,927,611
Total	25,779,686

Note: Totals may not sum due to rounding.
Source: IPART calculations

The attributable contribution is \$6,552 per resident and \$4 per m² of non-residential development.⁸

3.4.1 Criterion 1: Essential Works List

Most of the open space and recreation and associated stormwater infrastructure are in line with the essential works list in DPE's [Practice Note](#).

The construction cost of community buildings is not consistent with the essential works list in DPE's Practice Note. Council has acknowledged that the inclusion of this item is an error and should be removed from the contributions plan.^{9, 10}

Recommendation



4. Remove the costs for the community hub building from the contributions plan.

⁸ IPART calculations

⁹ Email from Robert Platt (Northern Beaches Council) dated 7 February 2023

¹⁰ Northern Beaches Council, Submission to IPART's Draft Report, June 2023, p 2.

3.4.2 Criterion 2: Nexus

We assessed that all the open space and recreation and stormwater works are required to support the new residents and workers in the Frenchs Forest Town Centre. The demand of infrastructure is established in the *Frenchs Forest Open Space and Recreation Options Analysis 2019* and *Addendum 2 2021* by Otium consulting. The nexus for the bioswale and associated infrastructure is established through the *Frenchs Forest Planning Precinct WSUD strategy 2019* prepared by Alluvium.

Even though some of the open space and recreation works are outside the contribution catchment of the contributions plan nexus is still established. This is because the contribution catchment relates to the application of the contribution levy on development. The new residents can easily access the local reserves and district sporting facilities identified outside the contribution catchment.

3.4.3 Criterion 3: Reasonable Costs

We have assessed that the infrastructure costs prepared by Mitchell Brandtman based on the designs prepared by and for council are reasonable. These include Alluvium for the bioswale, Tyrrell Studies for the Town Centre Park, Thompson Berrill for the reserves and council's own designs for Forestville Park. The costs estimates were prepared in line with IPART's 2014 Benchmarks¹¹ which includes:

- delivery agency charges of 10%
- design allowance of 5%
- 20% contingency

3.4.4 Criterion 4: Reasonable Timeframe

The contributions plan has proposed reasonable timeframes associated for all the proposed works. We expect the infrastructure to be delivered in conjunction with the associated development and when the council can acquire the required land.

3.4.5 Criterion 5: Apportionment

We have assessed that the proposed apportionment of the town centre open space between the new residents and workers is appropriate. We have also assessed that the apportionment of the total cost of open space and stormwater land and works, including the Forestville sporting fields upgrades to the new residents as appropriate.

¹¹ IPART Local Infrastructure Benchmark Costs Final Report, dated April 2014.

For infill development, such as the Frenchs Forest Town Centre, there is little or no availability of new lands to be used for open space and recreation purposes. This is because most of the lands have existing uses, and the acquisition costs of these lands are substantial. The most efficient way to provide access to open space and recreation infrastructure is to upgrade existing facilities. This will increase the carrying capacity of the existing infrastructure to accommodate the demands of the new residents.

3.5 Plan Administration Costs

We have assessed it appropriate that the Frenchs Forest Town Centre Contributions plan uses the industry standard of 1.5% of the cost of works as the basis of plan administration costs.

In council's application for assessing the contributions plan, it requested an additional 1% of land acquisition costs to recover associated project management cost. The council indicated that it will be required to negotiate with each individual property owner incurring costs for surveys, conveyancing, valuations, and legal fees.

Historically, IPART has not allowed the inclusion of a separate administrative cost for land acquisitions as it deemed to be included in plan administration. This is because it was assumed that land required for local infrastructure would be dedicated as part of the development process where the council incurs minimal administrative costs.

For in-fill developments and precincts of fragmented land ownership, we acknowledge that councils will incur administrative costs when actively acquiring land. Councils cannot rely on the development process for land to be dedicated if it needs to deliver infrastructure in a timely manner.

However, we disagree with the council's proposal of a 1% administration charge on the land value. The cost of acquiring the land is transactional and therefore correlated with the number of land acquisitions and not to the value of the land acquisition. We therefore propose that council include \$12,000 per land acquisition as land administration cost. The \$12,000 estimate is based on 1% of the total value of land acquisitions divided by the number of acquisitions in the contributions plan.

Recommendation



5. Include an administration cost of \$12,000 per land acquisition where the council will have to acquire on a market basis. Council to provide actual costs as part of the next review.

3.6 Cross Category Issues

3.6.1 Updates to the work schedule

Over the course of IPART's assessment of the contributions plan, the council provided updated worked schedules on 5 August and 7 November 2022. The substantive matters of grants being confirmed for the open space embellishment and land valuations have been dealt with previously.

There have also been several minor updates to the work schedule which include:

- updated dwelling numbers
- application of indexation
- references for data sources
- inclusion of water harvesting schemes
- relabelling of works
- updated contingencies and congestion factors based on IPART benchmarks.

We have assessed that these changes are appropriate.

Recommendation



6. The work schedule to be updated as per the version dated 7 November 2022 subject to the minister's advice on including the recommendations of this report.

3.6.2 Indexation

The Frenchs Forest Town Centre Contributions Plan indexes the contribution rates with *ABS Consumer Price Index (All Groups Index) for Sydney*. This indexation methodology may not accurately reflect the price movements of future land acquisitions or the cost of future construction of the proposed infrastructure. In our Draft Report, we recommended that council investigate the use of:

- a land value index for land acquisitions; and
- the use of *ABS PPI (Road and Bridge Construction NSW)* for road and stormwater works and *ABS PPI (Non-residential Construction NSW)* for open space works.

In its submission to our Draft Report, Northern Beaches Council proposed that it apply a land value index to costs of land yet to be acquired in the plan. That proposed index would draw on:

- the revaluations undertaken by the Valuer General every three years, and

-
- the annual percentage change identified in the Valuer General's report on land values in the Northern Beaches Local Government Area.¹²

We are supportive of the use of an index that reflects the best estimate of changes in costs of future land acquisitions. We also consider that council's proposed approach to estimating the value of land to be acquired is reasonable. We recommend that council clearly set out in the plan how these two indexes are applied, and update land costs in line with movements in those indexes.

We also support indexation of future works costs in the plan by appropriate ABS PPI(s).

Council should monitor the relative performance of any indexes it applies in the plan prior to the next review.

For both land and works costs, any historical acquisitions when the plan is next reviewed should be indexed by CPI only.

Recommendations



7. Council adopts a land value index for future land acquisitions and the use of ABS PPI for indexing the future cost of works.

3.6.3 Review of Frenchs Forest Town Centre Contributions Plan within 3 years

Regular review of a contributions plan ensures contribution rates most accurately reflect the council's actual costs in delivering the local infrastructure. Generally, we prefer councils review their contributions plan every 3 to 5 years, depending on the stage and rate of development in the plan's precinct.

Frenchs Forest Town Centre Contributions Plan is a new plan, and no development has occurred in the precinct. Within 3 years, the Council should have an updated understanding of the cost of land and works in the plan as development begins. We therefore recommend that the council complete a review of the plan within 3 years of it becoming an "IPART reviewed plan", and submit the reviewed plan to IPART for assessment.

Recommendation



8. Council should submit the plan to IPART for assessment within 3 years from the date the plan becomes an "IPART reviewed contributions plan" within the meaning of the Minister's 2019 Direction.

¹² Northern Beaches Council, Submission to IPART's Draft Report, June 2023, p 2.

3.6.4 Assessment against EPA regulations and requirements

As part of our assessment, we have checked the contributions plan contains the information required by Clause 212 of the Environmental Planning and Assessment Regulation 2021. This clause requires certain information to be included in a contributions plan for the purposes of establishing scope and location. A summary of this analysis is provided in Table 4 below. We found that the contributions plan sets out the information required by the regulation.

Table 4 Assessment against EPA regulations and requirements

Subclause		Location in CP
1(a)	Purpose of the plan.	Section 1.1
1(b)	Land to which the plan applies.	Section 1.2
1(c)	The relationship between the expected types of development in the area to which the plan applies and the demand for additional public amenities and services to meet that development.	Appendix B
1(d)	The formulas to be used for determining the section 7.11 contributions required for different categories of public amenities and services.	Section 2
1(e)	The section 7.11 contribution rates for different types of development, as specified in a schedule in the plan.	Plan Summary
1(f)	A map showing the specific public amenities and services proposed to be provided by the council,	Appendix A
1(g)	a works schedule that contains an estimate of their cost and staging (whether by reference to dates or thresholds).	Appendix A
1(h)	If the plan authorises monetary section 7.11 contributions or section 7.12 levies paid for different purposes to be pooled and applied progressively for those purposes, the priorities for the expenditure of the contributions or levies, particularised by reference to the works schedule.	Section 5.3
2(b)	If a contributions plan authorises the imposition of a development levy condition, the plan must contain the method, if any, of adjusting the proposed cost of carrying out the development, after being determined by the consent authority, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan between the day of the determination and the day by which the levy must be paid.	Section 4.2
3	A contributions plan must contain information about the council's policy about the following— (a) the timing of the payment of monetary development contributions, (b) development levies, (c) the imposition of development contribution conditions or development levy conditions that allow deferred or periodic payment.	Section 4

Subclause	Location in CP
<p>4 A contributions plan that provides for the imposition of development contribution conditions or development levy conditions in relation to the issue of a complying development certificate must provide that monetary payments in accordance with the conditions must be made before the commencement of the building work or subdivision work authorised by the certificate</p>	Section 3.4.1
<p>5 In determining the section 7.11 contribution rates or section 7.12 levy percentages for different types of development, the council must take into consideration the conditions that may be imposed under section 4.17 (6)(b) of the Act or section 97 (1)(b) of the Local Government Act 1993.</p>	N/A
<p>6 A contributions plan may authorise monetary development contributions or development levies paid for different purposes to be pooled and applied progressively for the different purposes only if the council is satisfied that the pooling and progressive application will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.</p>	Section 5.3

4 Recommended Contribution Rates

Incorporating the recommendations in this report, we estimate the following contribution rates.

Table 5 Residential Development Contribution Rates

Facility type	Per resident	Boarding house rooms	Seniors Living self contained dwellings	0-1 bedroom dwellings (incl secondary dwellings)	2 bedroom dwellings (incl secondary dwellings)	3 bedroom+ dwelling or house lot
Open space land	\$2,085	\$2,919	\$3,128	\$3,148	\$4,666	\$6,617
Open space works	\$4,466	\$6,253	\$6,700	\$6,744	\$9,994	\$14,173
Roads and active transport land	\$2,126	\$2,976	\$3,189	\$3,210	\$4,757	\$6,746
Roads and active transport works	\$2,593	\$3,631	\$3,890	\$3,916	\$5,803	\$8,229
Administration	\$106	\$148	\$159	\$160	\$237	\$336
Total	\$11,377	\$15,927	\$17,065	\$17,178	\$25,456	\$36,101

Note: Totals may not sum due to rounding.

Source: IPART calculations

Table 6 Non-residential development and residential care facility

Facility type	Rate per m2
Open space land	\$0
Open space works	\$4
Roads and active transport land	\$125
Roads and active transport works	\$148
Administration	\$2
Total	\$279

Note: Totals may not sum due to rounding.

Source: IPART calculations

Table 7 Total Costs

Categories	Costs
Open space land	\$8,119,543
Open space works	\$17,660,143
Roads and active transport land	\$17,246,124
Roads and active transport works	\$20,668,594
Administration	\$574,931
Total	\$64,269,335

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