



Woollahra Municipal Council

Section 94 Contributions Plan 2002

June 2008 Amendment

Acknowledgments

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Additional work, including editing and the completion of a final draft, was carried out by Burrell Threlfo and Pagen Pty. Ltd. in conjunction with Woollahra Council planners.

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1. Introduction

1.1. Section 94 contributions plans

Section 94 of the *Environmental Planning and Assessment Act 1979* (the Act) contains provisions that allow Council to impose conditions of consent on a development application or an application for a complying development certificate to require the dedication of land free of cost or the payment of a monetary contribution or both, in order to meet demand for public amenities and public services the demand for which would be generated by the proposed development.

Council can accept a material public benefit in part or full satisfaction of such a condition. A condition can also be imposed to partly or wholly recoup funds that have been spent if those funds were spent to provide for demand (or a component of that demand) ahead of that demand occurring.

There are a number of fundamental principles that Council is required to follow when imposing contributions under section 94:

- Council must establish a **nexus** (or direct relationship) between the need created by a new development and the provision of public amenities and public services.
- The contributions must relate to or be imposed for a **planning purpose**.
- The contributions must be **reasonable** for the particular development.
- The contributions must be spent within a **reasonable time**
- The funds collected must be **accounted for** in a clearly identifiable manner and in the prescribed form and manner.

For Council to impose a condition under section 94, a contributions plan that complies with the above principles and clause 27(1) of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) must be in place. That plan must also set out in detail the manner in which Council has arrived at and calculated the contribution.

Note: Clause 27(1) of the Regulation provides that a contributions plan must include particulars of the following:

- (a) *the purpose of the plan;*
- (b) *the land to which the plan applies,*
- (c) *the relationship between the expected types of development in the area and the demand for additional public amenities and services to meet that development,*
- (d) *the formulas to be used for determining the section 94 contributions required for different categories of public amenities and services,*
- (e) *the contribution rates for different types of development, as specified in a schedule to the plan,*
- (f) *the Council's policy concerning the timing of the payment of monetary section 94 contributions and the section 94 conditions that allow deferred or periodic payment,*
- (g) *a works schedule of the specific public amenities and services proposed to be provided by the Council, together with an estimate of their cost and staging.*

1.2 How to use this plan

This plan is designed for use primarily by:

- applicants seeking consent for development proposals
- Council's assessment officers
- Council's decision makers

Applicants should read all parts of the plan as there are numerous requirements and provisions that apply to contributions. Many of these must be considered and satisfied as part of the process for any development proposal subject to a contribution.

Key steps in using the plan are summarised below.

<i>Determining whether the plan applies to a development proposal</i>	clause 3.3	lists the types of development for which contributions are required
<i>Determining the rate and type of contribution</i>	Part 2	contains a summary schedule of monetary contribution rates for the types of development
		Formulas for monetary contributions are in:
	clause 4.6.4	– for public recreation
	clause 4.7.4	– for public car parking
	clause 4.8.4	– for civic improvement works
	clause 3.9	sets out provisions and considerations for material public benefits
	clause 3.10	sets out contributions by means of land dedication
	clause 3.11	sets out contribution requirements for major development types
	clause 3.13	establishes that indexation of monetary contributions will occur on an annual basis
<i>Paying monetary contributions</i>	clause 3.7	lists the timing for payment depending on the type of consent required
<i>Making deferred or periodic payments</i>	clause 3.8	sets out the circumstances where deferred or periodic payments may be made and the requirements that must be met by an applicant
<i>Reducing or waiving contributions</i>	clause 3.14	describes circumstances where contributions may be reduced or waived
<i>Understanding the basis of the contributions</i>	Part 4	includes details on nexus, expected population growth and development, demand on public facilities, additional public facilities to be provided, and apportionment of the cost of facilities between the existing and new populations.

2. Summary schedules

2.1. Schedule of contribution rates

CONTRIBUTION RATES BY FACILITY	APPLICABLE TO	AMOUNT
Recreation	Municipal – wide residential except replacement dwelling house	\$729/person
Parking - Double Bay	shortfall in on-site provision for retail, commercial and other business	\$27,325 /space
Parking - Rose Bay	shortfall in on-site provision for retail, commercial and other business	\$18,760/space
Civic Improvements – Double Bay	residential retail commercial and other business	\$531/person \$13/m ² \$27/m ²
Civic Improvements – Rose Bay	residential retail commercial and other business	\$574/person \$14/m ² \$29/m ²
Administration	all contributions	1.5c/\$

Note: Residential development in the Double Bay or Rose Bay Commercial Centres is liable for both the Municipal - wide recreation contribution and the civic improvements contribution.

CONTRIBUTION RATES BY TYPE OF DEVELOPMENT	AMOUNT			
RESIDENTIAL <i>(persons)</i>	Recreation	Civic Improvements <i>Double Bay Rose Bay</i>		Administration
1-bedroom unit (1.3)	\$948/unit	\$690/unit	\$746/unit	1.5c/\$
2-bedroom unit (1.8)	\$1,312/unit	\$956/unit	\$1,033/unit	1.5c/\$
3-bedroom unit (2.2)	\$1,604/unit	\$1,168/unit	\$1,263/unit	1.5c/\$
4 (or more) bedroom unit (2.7)	\$1,968/unit	\$1,434/unit	\$1,550/unit	1.5c/\$
dwelling house (3.0)	\$2,187	\$1,593	\$1,722	1.5c/\$
Subdivision of land for additional dwelling house (3.0)	\$2,187	\$1593	\$1,722	1.5c/\$
RETAIL	Parking	Civic Improvements		Administration
Double Bay	\$27,325 /space	\$13/m ²		1.5c/\$
Rose Bay	\$18,760/space	\$14/m ²		1.5c/\$
COMMERCIAL and OTHER BUSINESS	Parking	Civic Improvements		Administration
Double Bay	\$27,325 /space	\$27/m ²		1.5c/\$
Rose Bay	\$18,760/space	\$29/m ²		1.5c/\$

Note: The contribution rates are rounded up to the nearest whole dollar.

2.2. Works schedule

FACILITY TYPE	PROPOSED WORKS	COST (\$)	COST TO BE RECOVERED UNDER PLAN (\$)	STAGING
Recreation	<ul style="list-style-type: none"> ▪ Floodlighting over fields and courts ▪ Seating, barbecues, picnic tables, etc ▪ Playgrounds in major foreshore parks ▪ Sports facilities ▪ Toilet facilities in major foreshore parks ▪ Recreation needs strategy - part 2 ¹ ▪ Plans of management review ² <p>TOTAL</p>	<p>452,455</p> <p>275,887</p> <p>110,355</p> <p>148,979</p> <p>110,355</p> <p>22,071</p> <p>27,589</p> <p>1,147,691</p>	<p>452,455</p> <p>275,887</p> <p>110,355</p> <p>148,979</p> <p>110,355</p> <p>22,071</p> <p>27,589</p> <p>1,147,691</p>	2002-07
Parking Double Bay	<ul style="list-style-type: none"> ▪ 86 additional spaces to be provided in Cross Street car park³ 	2,349,950	2,349,950	2007-12
Parking Rose Bay	<ul style="list-style-type: none"> ▪ 100 spaces to be provided in redevelopment of Ian Street car park⁴ 	1,876,032	619,090	2002-07
Civic improvements Double Bay	<ul style="list-style-type: none"> ▪ Steyne Park ▪ Bay Street extension ▪ Knox Lane <p>TOTAL</p>	<p>800,990</p> <p>187,887</p> <p>726,918</p> <p>1,715,795</p>	<p>256,317</p> <p>60,124</p> <p>232,614</p> <p>549,055</p>	2002-07
Civic Improvements Rose Bay	<ul style="list-style-type: none"> ▪ Percival Park – new square ▪ New South Head Road transition ▪ Norwich Road <p>TOTAL</p>	<p>276,566</p> <p>321,822</p> <p>59,084</p> <p>657,472</p>	<p>55,313</p> <p>64,364</p> <p>11,817</p> <p>131,494</p>	2002-07
SUBTOTAL		7,746,940	4,797,280	
Plan preparation and administration	<ul style="list-style-type: none"> ▪ s94 plan preparation ▪ s94 plan review and administrative costs <p>TOTAL</p>	<p>60,695</p> <p>27,589</p> <p>88,284</p>	<p>60,695</p> <p>27,590</p> <p>88,285</p>	2002-07

Notes:

1. Part 2 of the recreation needs strategy will refine assessment of the demand for recreation facilities generated by new development.
2. This component of plans of management review will provide management policy and actions for those parks where works are proposed to increase the carrying capacity to meet demand from new development.
3. Parking in Double Bay may be amended following the completion of the Kiaora Lands master plan project.
4. Parking in Rose Bay may be amended following the completion of the expressions of interest process for the existing car parks and the review of car park in the commercial centre.
5. The contribution figure for parking in Rose Bay reflects expected growth in the centre between 2002-2007. If this project is carried out between 2002-2007 the Council is able to recoup funds from development that occurs in the centre after 2007.

3. Administration and accounting

3.1. Name of plan

This document is called the *Woollahra Section 94 Contributions Plan 2002* (the Plan)

3.2. Purpose of plan

The objectives of the Plan are:

- (a) To provide a means by which the Council can implement the provisions of section 94.
- (b) To ensure that adequate public amenities and public services are provided to meet the demand created by new development.
- (c) To provide a comprehensive framework for the assessment, collection, expenditure, accounting and indexation of development contributions on an equitable basis.
- (d) To ensure that the existing community is not burdened by the cost of providing public amenities and public services required as a result of future development.
- (e) To enable the Council to be both publicly and financially accountable in its assessment and administration of this Plan.

3.3. Land and development to which plan applies

3.3.1 Land to which this plan applies

This Plan applies to all land within the Municipality of Woollahra.

3.3.2 Development to which this plan applies

Except as provided in subclause 3.3.3, this Plan applies to development the subject of a development application or an application for a complying development certificate that requires the provision of or increases the demand for public facilities in the Council's area

In particular, a development consent to the following types of development will be subject to a condition that requires payment of a monetary contribution or dedication of land or provision of a material public benefit or a combination of these:

- (a) any development proposal that will result in a net increase in dwellings or dwelling houses
- (b) any subdivision proposal that will result in a net increase in the number of lots where the additional lot or lots are capable of being used for the purpose of a dwelling house
- (c) dual occupancy development on land that is vacant or is to be made vacant for the development to occur
- (d) retail, commercial or other business development (including hotels, motels, serviced apartments and tourist facilities) within Double Bay and Rose Bay commercial centres that yields additional floor area
- (e) a change of use that will result in an intensification of development within Double Bay and Rose Bay commercial centres.

3.3.3 Development to which this plan does not apply

This Plan does not apply to development involving a change of use on land in the Double Bay Commercial Centre to which this Plan applies unless the proposal will also result in a net increase in gross floor area.

Note: Refer to the DCP for Off-street Car Parking Provision and Servicing Facilities for further reference to exclusions

3.3.4 Catchment areas

Within this Plan, the following catchment areas apply:

- For recreation, the catchment is the entire Municipality.
- For parking and civic improvements, there are two separate catchments, Double Bay Commercial Centre and Rose Bay Commercial Centre (**Figures 3.1** and **3.2**)

Note: Residential development in the Double Bay or Rose Bay Commercial Centres is liable for both the Municipal - wide recreation contribution and the civic improvements contribution.

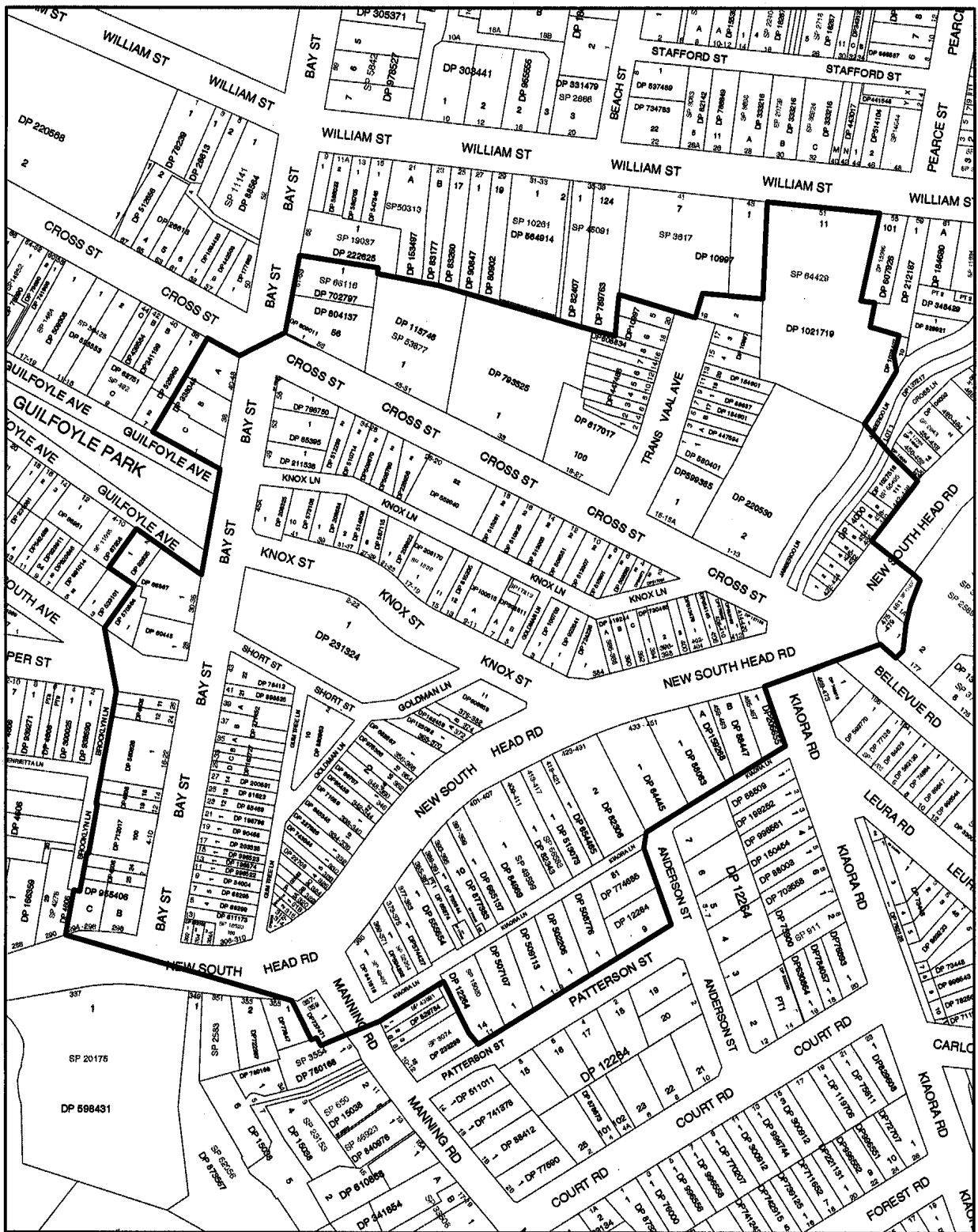


Figure 3.1 Double Bay catchment

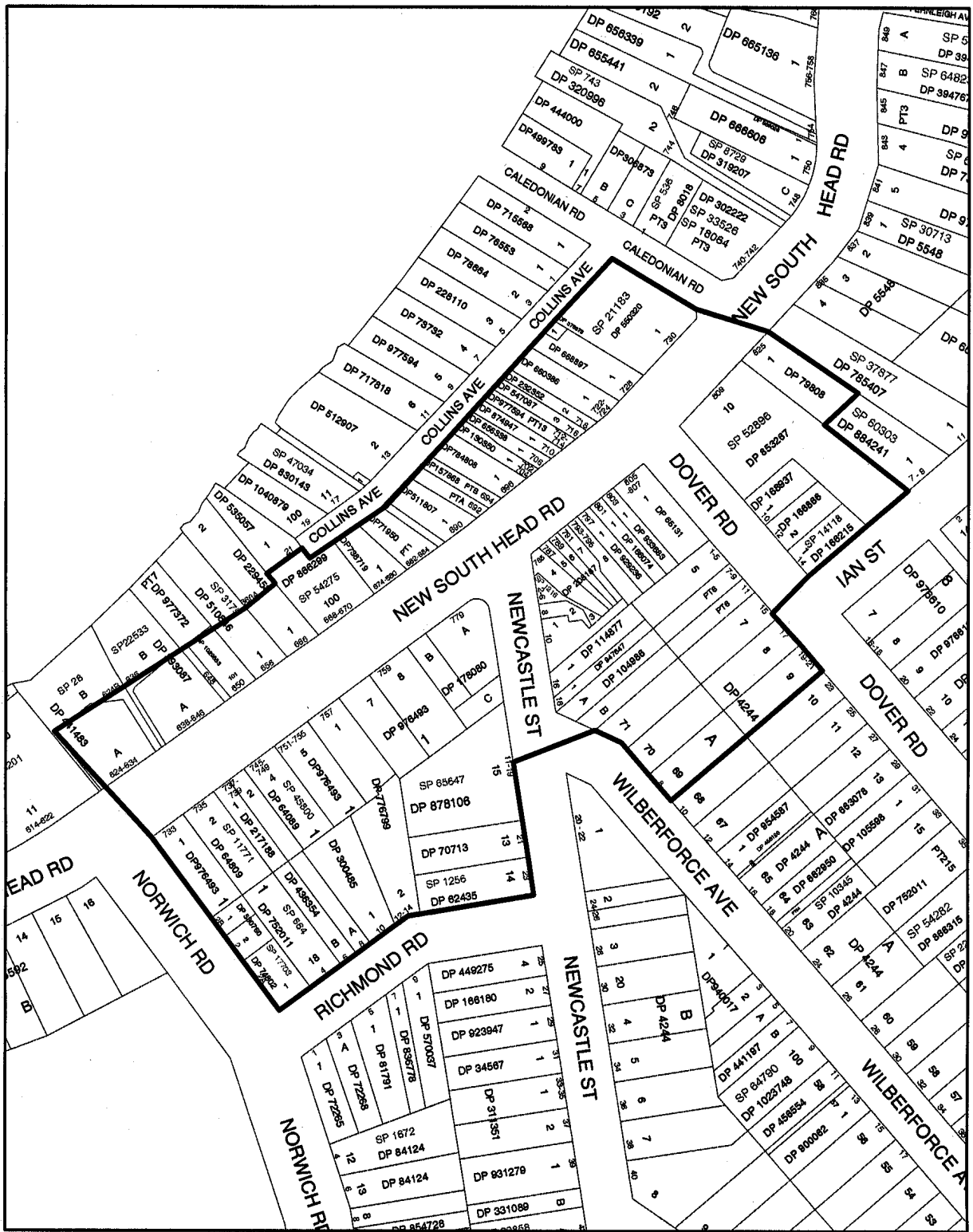


Figure 3.2 Rose Bay catchment

3.4. Relationship with other plans and policies

This Plan has been prepared under the provisions of section 94 of the Act and Part 4 of the Regulation. This Plan supplements the provisions of *Woollahra Local Environmental Plan 1995* and any amendment or local environmental plan that may supersede it.

This Plan repeals *Woollahra Section 94 Contributions Plan 1997* in its entirety.

3.5. Approval and commencement of plan

This Plan was approved by Woollahra Municipal Council on 10 March 2003 and commenced on 31 March 2003.

Note: Amendments have been carried out since 31 March 2003. Refer to the table of amendments.

3.6. Definitions

<i>Applicant</i>	means a person, company or organisation submitting a development application or an application for a complying development certificate or a person, company or organisation authorised to act on a consent.
<i>Council</i>	means the Council of the Municipality of Woollahra.
<i>CPI</i>	means the Consumer Price Index (All Groups Sydney) as published from time to time by the Australian Bureau of Statistics.
<i>Public facilities</i>	mean public amenities or public services as referred to in section 94 of the Act, the need for which is generated or increased by development.
<i>the Act</i>	means the <i>Environmental Planning and Assessment Act 1979</i> as amended.
<i>the Regulation</i>	means the <i>Environmental Planning and Assessment Regulation 2000</i> as amended.

3.7. Payment of contributions

Payment of monetary contributions is to be made:

- a) in the case of consent to complying development – before the complying development certificate is issued.
- b) in the case of consent to development where a subdivision certificate is required – before the subdivision certificate is issued.
- c) in the case of consent to development where a construction certificate is required – before the construction certificate is issued.
- d) in the case of any other development – before the occupation certificate is issued.

The amount to be paid will be calculated at the indexed rate(s) applicable at the time of payment in accordance with part 3.13.

3.8. Deferred or periodic payment

Where the applicant makes a written request supported by reasons for payment of the contribution other than as required by part 3.7, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- a) the reasons given;
- b) whether any prejudice will be caused to the community deriving benefit from the public facilities required by the proposed development;
- c) whether any prejudice will be caused to the efficacy and operation of this Plan; and
- d) whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

Where Council accepts periodic payment by way of instalments, it will be on the basis that each instalment is paid before work commences on the corresponding stage of the development and the amount of each instalment will be calculated on a pro-rata basis in proportion to the cost of the overall development.

Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;
- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or outstanding component of the contribution will be indexed in accordance with part 3.13. Under the indexation provisions, if a deferred or periodic payment is made before the next anniversary of the Plan, there will be no increase in the amount payable. The applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

Every consent issued subject to a condition requiring a contribution under this Plan will include a standard condition setting out the terms of this part 3.8.

3.9. Material public benefit

The Council may accept a written offer for the provision of a material public benefit (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a development consent condition requiring:

- a) dedication of land or a monetary contribution, or both, or
- b) the recoupment of expenditure for the provision of public facilities.

Before deciding to accept an offer for the provision of a material public benefit the Council must be of the opinion that the material public benefit will satisfy the demand for which the dedication of land or monetary contribution, or both, or the recoupment of expenditure is required.

A material public benefit does not need to be a physical work. Where a physical work is offered as the material public benefit, and the Council is of the opinion that the works will satisfy demand, as mentioned

above, the works will be the subject of a written agreement between the applicant and the Council. The agreement will include:

- a) plans and specifications of the works
- b) a timetable for construction
- c) construction details.

Nothing in this clause of the Plan is intended to limit the Council's power to impose a condition under section 80A of the Act in relation to a development application.

3.10. Dedication of land

Under the provisions of section 94 of the Act, land that is required to be dedicated or land that is offered for dedication may include, but is not limited to:

- a) land that has been identified in a Council local environmental plan, development control plan, plan of management or capital works program as suitable for a category of public facility listed in this Plan
- b) land that adjoins an existing parcel of public land that is used for a category of public facility listed in this Plan
- c) foreshore land that may be used for public recreation purposes
- d) land that may be used for a category of public facility listed in this Plan
- e) land that provides a link between existing public open space areas.

In deciding whether to require dedication or to accept an offer of dedication, Council will consider where relevant, matters including:

- a) the dimensions, location and topography of the land;
- b) the current use and improvements on the land;
- c) factors affecting the useability of the land, including soil condition, accessibility, solar access and relationship with existing public facilities;
- d) ongoing costs to Council; and
- e) works proposed to be undertaken by the applicant.

In all cases, before deciding to require dedication of land or accept an offer of land dedication, the Council must be of the opinion that the land will satisfy the demand for a public facility listed in this Plan.

3.11. Major development

As defined in the following table, major development should as far as possible make provision (on or off site) for those facilities for which a contribution is required under this Plan. An applicant for major development should discuss the proposal with Council at an early stage to agree on how the development should be designed to comply with this requirement.

Table 3.1: Major Development

Type of development	Scale of development
Residential other than housing for older people or people with a disability	more than 50 dwellings
Housing for older people or people with a disability	more than 20 dwellings
Residential subdivision for dwelling houses	more than 25 allotments
Retail	more than 500m ² gross floor area
Commercial or other business	more than 500m ² gross floor area

3.12. Complying development

This Plan specifically requires an accredited certifier to impose a condition of consent for the payment of a monetary contribution in accordance with this Plan in the following circumstances:

- Where an application for a complying development certificate for a new dwelling house is made on land the subject of a development consent for subdivision (being a subdivision where the additional lot or lots are capable of being used for the purpose of a dwelling house) issued by the Council before the adoption of a section 94 Contributions Plan and no section 94 contribution was paid.

3.13. Indexation of contributions

To ensure that the value of monetary contributions is not eroded over time by increases in construction costs, including the cost of materials and labour, and by the capital costs associated with the administration of this plan, the contribution rates specified in this Plan will be increased annually on the anniversary of the commencement of the Plan using the formula set out below. If payment is made before the next anniversary of the Plan following the date of development consent, there will be no increase in the amount payable over that stated in the condition of consent.

$$NCR = CYC + CYC \times \left[\frac{CPI_{CY} - CPI_{PY}}{CPI_{PY}} \times \frac{1}{3} \right] + \left[\frac{AWE_{CY} - AWE_{PY}}{AWE_{PY}} \times \frac{1}{3} \right] + \left[\frac{BMPI_{CY} - BMPI_{PY}}{BMPI_{PY}} \times \frac{1}{3} \right]$$

- NCR** - is the new contribution rate
- CYC** - is the current year contribution rate
- CPI** - is consumer price index (Sydney all Groups)
- AWE** - is average weekly earnings for full-time adult employees (all industries)
- BMPI** - is building materials price index (other than house building)
- CPI_{CY}** - is the consumer price index - current year
- CPI_{PY}** - is the consumer price index - previous year
- AWE_{CY}** - is the average weekly earnings - current year
- AWE_{PY}** - is the average weekly earnings - previous year
- BMPI_{CY}** - is the building materials price index - current year
- BMPI_{PY}** - is the building materials price index - previous year

This Plan authorises a condition under section 94 of the Act that contains the above formula.

3.14. Flexibility and avoidance of disputes

The provisions of this Plan are intended to achieve consistent and equitable levying of new development that generates increased demand for public facilities. Council recognises, however, that there may be circumstances where payment of the full contribution assessed in accordance with the provisions of the Plan would not be appropriate because of the development history of the property or the extent to which a development proposal would achieve an adopted planning objective or some other public benefit. In these circumstances, Council may reduce or waive the contribution that would otherwise be required.

4. Strategy plans

4.1. Introduction

The strategy plans provide details of expected development, likely population characteristics, the existing and expected demand for public facilities, the specific public facilities to be levied for under the Plan, the estimated cost and timing of provision of these works and the contribution rates for the various types of development.

The strategies set out in this part are intended, within the scope of section 94 of the Act, to meet the demand for additional or improved public facilities generated by future development in the Council's area. Because preparation of this Plan involves assumptions based on predictions of the future, Council reserves the right to amend these strategies in response to changed conditions. When required, amendment of the Plan will be carried out in accordance with the provisions of the Act and the Regulation.

4.2. Nexus and methodology

A contributions plan is required to include particulars of the relationship (nexus) between the expected types of development and the demand for additional public facilities generated by that development. There are three aspects of nexus: causal, spatial and temporal; that is, the need for the facility being levied for must be a direct result of the development being levied, the facility must be near enough in physical terms to provide benefit to the development and the facility must be provided within a reasonable time.

4.2.1 Methodology

In order to establish the nexus between the expected types of development in the area and the additional or improved public facilities being levied for, the methodology adopted in this Plan is as follows:

- Identify the existing population and development in the Council's area.
- Identify the public facilities that serve the existing population and development and assess whether they are adequate.
- Quantify the expected types of new development.
- Assess the demand for public facilities that will be generated by each expected type of new development.
- Determine the additional public facilities that the Council proposes to provide and estimate their cost.
- Where relevant, apportion the demand for those additional public facilities between existing and new development.

Apportionment is the process that distinguishes the demands generated by all those who may benefit from provision of a public facility so that the levied development pays only for its share of the total demand. Works that can be directly attributed to the demand created by new development will be funded entirely by that development. Where works provide for both the existing and additional population, only the costs apportioned to the additional population are included in the Plan program.

4.2.2 Causal nexus

The expected increase in resident and worker population and in retail and commercial floor area will increase the demand on existing public facilities. Where there is insufficient existing capacity to cater for the increase in demand, additional or improved facilities will be required.

The strategies detail:

- The extent of residential development expected, both in residential zones and in the commercial centres of Double Bay and Rose Bay, and the associated increase in population and its characteristics (part 4.4).
- The extent of retail and commercial development expected in the commercial centres of Double Bay and Rose Bay and the associated increase in worker population (part 4.4).
- For each of the types of facility for which an increased demand is identified (that is, recreation, car parking and civic improvements)
 - a quantification of that demand (parts 4.6.1, 4.7.1, 4.8.1)
 - the amount of new, additional or improved public facilities required, their cost and the timing of their provision (parts 4.6.2, 4.7.2, 4.8.2)
 - the extent to which the proposed public facilities will meet the needs of the existing as well as the additional population (parts 4.6.3, 4.7.3, 4.8.3)
 - calculation of contribution rates for the various types of development (parts 4.6.4, 4.7.4, 4.8.4)
- The costs of preparing and administering the Plan and the extent to which these costs are recoverable through contributions from new development (part 4.9).

4.2.3 Spatial nexus

The schedule of public facilities proposed to meet the demand generated by the expected development (part 2.2) identifies the location of the public facilities to be provided. These locations have been or will be determined with regard to opportunities for provision and to accessibility for the expected users.

4.2.4 Temporal nexus

The public facilities required as a consequence of expected development in the period 2002-2007 are scheduled to be provided within that time. If it is necessary to review the time when facilities are to be provided, Council will amend this Plan.

4.3. Existing population, development and facilities

4.3.1 Population

The Municipality of Woollahra is situated along the southern side of Sydney Harbour to the east of the Central Business District. It is densely settled, with high land values and a relatively high-income population. The population is well established and has been growing – although slowly – for the last decade, following a decline over the previous 25 years. The most recent Estimated Residential Population (ERP) figures are 53,443 for the year 1996 and 55,072 for 2001 (ABS 1997 and 2002), a growth rate of about 0.6% per year.

The majority of growth is attributable to in-migration rather than natural increase, which has resulted in a change to the population profile of the Municipality characterised by smaller, more affluent households than existed before the decline.

4.3.2 Residential development

Between 1991 and 1996, there was a net increase of 314 dwellings within the Municipality, and between 1996 and 2001 a further 519 dwellings were added to the dwelling stock. Council development statistics for the latter period indicate that most new dwellings were in the form of multi-unit development.

Table 4.1: Occupancy Rates by Type of Housing - Woollahra LGA 2001

Housing Type	Dwellings	Occupancy Rate	Percentage of Housing Stock
Separate House	5,054	3.0	23%
Semi-detached, terrace or townhouse	5,001	2.3	22%
Flat, unit or apartment	11,996	1.8	54%
Attached flats and Other	232	1.9	1%
TOTAL	22,283	2.2	100%

Source: ABS, 2002: Based on 2001 Census excluding figures for "unoccupied dwellings" and "housing type not stated"

4.3.3 Commercial centres

Woollahra has a range of commercial centres that provide for the needs of residents and those visiting the area. The major centres, which are also those with potential for future growth and hence likely demand for public facilities, are Double Bay, Rose Bay and Bondi Junction.

Council currently provides public car parking and civic improvements such as footpaths, walkways, fencing, street lighting, public safety facilities, landscaping and street furniture to support the resident and worker population in the centres.

4.3.4 Recreation areas and services

An assessment has been made of the existing level of recreation areas and services in the Municipality. Detailed inventories of existing supply are presented in the *Woollahra Municipal Council Open Space Audit* (EDAW, 2001) and *Woollahra Outdoor Recreation and Open Space Strategy* (Manidis Roberts, 1993).

Table 4.2: Current Public Open Space Provision 2002

Recreational Setting	Open Space Area (m ²)	Per Capita Provision ¹
Civic Spaces	800	0.01
Formal Gardens	1,400	0.03
Small Parks / Playgrounds	82,000	1.49
Outdoor Facilities	463,700	8.42
Parkland	223,200	4.05
Beach / Foreshore	126,300	2.29
Bushland	99,700	1.81
Adjacent to Road	26,000	0.47
Undeveloped	9,200	0.17
Drainage Reserve	600	0.01
Total	1,032,900	18.76

Source: Woollahra Outdoor Recreation and Open Space Strategy, Manidis Roberts 1993; Woollahra Municipal Council Open Space Audit, EDAW/ RPA/Enviroetrics 2001

Note: 1. Based on ERP 2001

With the exception of walkways, cycle ways and floodlighting of sports fields and courts, the existing recreation areas and services are considered to be adequate for the existing population.

4.4. Expected development

4.4.1 Residential

As part of its involvement with the Metropolitan Urban Development Program administered by PlanningNSW, Council has prepared forecasts of future dwelling activity within its area from which estimates of population growth can be drawn. Based on projected dwelling approvals and with reference to differential occupancy rates, the following types of residential development are expected within the Council's area (including the commercial centres):

Table 4.3: Housing and Population Projections: 2002-2007.

Housing Type	Predicted Dwelling increase 2002- 2007	Percentage of Total Increase	Projected Population Growth
Detached dwellings/subdivision	43	5%	129
Townhouses	50	6%	115
Apartments	739	89%	1,330
Total	832	100%	1,574

Note: Occupancy rates used for projection are as for these housing categories in 2001 Census: 3.0 persons per dwelling for detached; 2.3 for townhouses, semi detached and terraces; 1.8 for medium density (ABS 2002)

Occupancy rates have stabilised over the last five-year period and it is assumed that current occupancy rates for the various forms of new housing will continue in the short term.

For the purposes of this Plan, the following dwelling occupancy rates, which are derived from 2001 Census statistics, have been adopted:

- 1-bedroom unit – 1.3 persons
- 2-bedroom unit – 1.8 persons
- 3-bedroom unit – 2.2 persons
- 4- (or more) bedroom unit – 2.7persons
- dwelling house or subdivided lot – 3.0 persons

4.4.2 Commercial centres

Based on studies carried out for the Double Bay and Rose Bay commercial centres and including projections for the Kiaora Lands development in Double Bay, the following development is expected in those centres:

Table 4.4: Commercial Centres Development Potential

Development type and location	Existing Floor Area (m ²)	Projected Additional Floor Area 2002-2007 (m ²)	Projected Additional Residential and Worker Population ² 2002-2007
Double Bay			
Residential ¹	11,600	47,520	601
Retail	28,100	8,900	223
Commercial	26,520	4,200	210
Total	66,220	60,620	1,034
Rose Bay			
Residential ¹	23,500	14,400	182
Retail	9,850	575	14
Commercial	4,700	660	33
Total	38,050	15,635	229

Notes:

1. Included in residential development listed under 4.4.1 Existing floor area derived from known number of dwellings, assuming average unit size of 100m²
2. Projections for residential based on assumed split of 20:50:30 between 1, 2 and 3 bed units; standard unit occupancy of 1.3 person per 1 bedroom unit, 1.8 persons per 2 bedroom dwelling and 2.2 per three bedroom unit; average 1 bedroom unit size of 100m², 2 bedroom unit size of 140m² and 3 bedroom unit size of 180m²

4.5. Increased demand for public facilities

The projected growth will lead to increased demand for the following range of public facilities –

- Recreation throughout the Municipality
- Parking for non-residential development in the Double Bay and Rose Bay commercial centres
- Civic improvements in the Double Bay and Rose Bay commercial centres

as well as to increased administrative costs for the Council in the planning for and provision of these facilities.

4.6. Recreation

4.6.1 Likely demand

The analysis of recreation demand in the 2001 EDAW *Audit* and 1993 Manidis Roberts *Strategy* indicates that –

- The aging of the population will suppress demand for more active pastimes that are traditionally associated with young participants. Informal activities, particularly walking and driving for pleasure, walking the dog, fishing, picnics and barbecues are expected to be more popular than more structured activities such as organised sports. However, most structured open spaces in Woollahra serve a wider role and demand continues to be strong both from district sports associations and from schools.
- Amongst structured activities, highest demand for additional facilities is for cricket, hockey, netball and soccer.

- Informal and unstructured use of parks and reserves will assume greater importance with a wider sector of the community. In particular, demand will increase for formal pathways (walking and cycling) and informal youth recreation facilities.
- Organised sports will continue to be important but only for a proportion of the community.
- Indoor activities (aerobics, gym based-training) are estimated to have lower participation rates although these sports are popular. There is a current lack of indoor sports facilities for activities such as basketball, indoor cricket and squash within the Municipality. The contribution of new development towards increasing this currently unmet demand is not likely to be significant.

The assessment of these studies is that population growth will generate demand for the following recreation areas and services:

- Local open space (playgrounds, informal open space, walkways, cycleways)
- District open space (playgrounds in major foreshore parks, facilities for softball, soccer, netball and hockey)

The existing open space and recreational opportunities are intensely used by the current population, and it is reasonable to assume that the incoming population will have a similar pattern of use. Because of the relatively small geographic area of the Municipality (about 8 kilometres from the eastern to the western extremity), the good public transport network in the area and high car ownership rates, it is reasonable to plan and provide for recreation facilities on a municipality-wide basis.

Without acquisition of more land for recreation purposes, the present per capita levels of open space provision will decrease as a result of population growth. This would result in a diminution of recreation opportunities for the existing population.

4.6.2 Additional public facilities

In order to offset a decrease in open space availability to Woollahra residents resulting from population growth, approximately 2.5 hectares of land would have to be acquired and developed as open space to maintain provision at current levels. As the Municipality is fully developed, land for open space acquisition is not readily available and its cost would be prohibitive. Therefore it is proposed that works be carried out on existing public recreation land to increase its carrying capacity and enhance recreational opportunities to cater for the more intense level of use expected from the projected population.

The Manidis Roberts *Strategy*, EDAW *Audit* and surveys by Council's Parks and Streetscape Section have compared the available facilities in the recreational settings referred to in Table 4.2 with the profile of the incoming population and the following required works have been identified:

- the installation of floodlighting to allow night-time use of certain sporting facilities
- provision of sports facilities, playground equipment, seating, barbecues, picnic tables, toilets

Total costs for the works program and its staging are set out in Table 4.5.

Table 4.5: Recreation Works Program

Proposed Works	Total Cost (\$)	Staging of Works
Floodlighting over fields and courts	452,455	2002-2007
Seating, barbecues, picnic tables and associated facilities	275,887	2002-2007
Playgrounds in major foreshore parks	110,355	2002-2007
Sports facilities	148,979	2002-2007
Toilet facilities in major foreshore parks	110,355	2002-2007
Recreation Needs Strategy Part 2 ¹	22,071	2002-2007
Plans of Management review ²	27,589	2002-2007
TOTAL	1,147,691	

Source: Woollahra Council

Notes:

1. Part 2 of the recreation needs strategy will refine assessment of the demand for recreation facilities generated by new development.
2. This component of plans of management review will provide management policy and actions for those parks where works are proposed to increase the carrying capacity to meet demand from new development.

These facilities can be attributed to demand created by the expected additional population within the 2002-2007 planning period and are intended to increase the useability of existing open space within the Municipality.

4.6.3 Apportionment of costs

The existing recreation areas and services are considered to be adequate for the existing population. On the evidence of Council's booking records, maintenance and condition reports and staff observation, however, there is no spare capacity in existing facilities of the type listed in Table 4.5 to provide for future population growth without a reduction in the standard of provision. The proposed facilities listed in Table 4.5 will not provide a net additional community benefit because they are sufficient only to meet the increase in demand from the expected new population. The whole cost of the proposed facilities will therefore be met by new residential development.

4.6.4 Contribution calculations

A contribution will be levied on the following types of development that generate increased demand for public recreation areas and services:

- development anywhere in the Municipality resulting in a net increase in the number of dwellings or dwelling-houses
- subdivision that will result in a net increase in the number of lots where the additional lot or lots are capable of being used for the purpose of a dwelling-house
- dual occupancy development on land that is vacant or is to be made vacant for the development to occur.

Note:

1. Residential development in the Double Bay and Rose Bay commercial centres is liable for both the Municipal - wide recreation contribution and the civic improvements contribution
2. Residential development does not include hotels, motels, serviced apartments or tourist facilities

The calculation is based on the occupancy rates for the various dwelling types adopted for this Plan:

- 1-bedroom unit – 1.3 persons
- 2-bedroom unit – 1.8 persons
- 3-bedroom unit – 2.2 persons
- 4- (or more) bedroom unit – 2.7 persons
- dwelling house or subdivided lot – 3.0 persons

Formula for recreation contribution per person

$$RC = \frac{RW}{RP}$$

RC is the recreation contribution per person
RW is the apportioned cost of public recreation works
RP is the expected additional population due to new residential development in the Municipality

The recreation contribution per person at the commencement of this Plan is:

$$RC = \frac{\$1,147,691}{1,574}$$

$$= \$729/\text{person}$$

Formula for recreation contribution per dwelling type

$$RC_d = O_d \times RC$$

RC_d is the recreation contribution per dwelling type
O_d is the occupancy rate for the particular dwelling type (see below)
RC is the recreation contribution per person (\$729 at the commencement of this Plan)

The calculations are based on the following occupancy rates adopted in this Plan:

- 1 bedroom unit 1.3 persons
- 2 bedroom unit 1.8 persons
- 3 bedroom unit 2.2 persons
- 4 or more bedroom unit 2.7 persons
- dwelling-house 3.0 persons
- subdivided lot for additional dwelling house 3.0 persons

The recreation contributions for dwelling types at the commencement of this Plan are:

- 1 bedroom unit **RC_{1br}** \$ 948
- 2 bedroom unit **RC_{2br}** \$1,312
- 3 bedroom unit **RC_{3br}** \$1,604
- 4 or more bedroom unit **RC_{4br}** \$1,968
- dwelling house **RC_{dh}** \$2,187
- subdivision of land for additional dwelling-house **RC_{dh}** \$2,187

Formula for recreation contribution for proposed development

To determine the recreation contribution for a residential development proposal that results in a net increase in dwellings or dwelling-houses the following formula is used:

$$RC_{pd} = (n_{1br} \times RC_{1br}) + (n_{2br} \times RC_{2br}) + (n_{3br} \times RC_{3br}) + (n_{4br} \times RC_{4br}) + (n_{dh} \times RC_{dh}) - (n_e \times RC_e)$$

- RC_{pd} is the recreation contribution for the proposed development
- n is the number of dwellings of the relevant type
- RC is the contribution rate for the dwelling of the relevant type
- RC_e is the contribution rate for existing dwellings of the relevant type

Examples

The recreation contribution for a residential development proposal of 10 x 2 bedroom units and 4 x 3 bedroom units that replaces one dwelling-house is:

$$\begin{aligned} RC_{pd} &= (10 \times \$1,312) + (4 \times \$1,604) - (1 \times \$2,187) \\ &= (\$13,120) + (\$6,416) - (\$2,187) \\ &= \$17,349 \end{aligned}$$

The recreation contribution for the subdivision of land for the purpose of two additional dwelling-houses is:

$$\begin{aligned} RC_{pd} &= 2 \times \$2,187 \\ &= \$4,374 \end{aligned}$$

4.7. Parking

4.7.1 Likely demand

Demand for car parking is a function of increased population growth and new retail, commercial and other business development. Residential development throughout the Municipality, including the commercial centres, will provide its own off-street car parking. The *Double Bay Centre Traffic and Parking Study* (PPK 1999) and *Rose Bay Urban Design Study* (Hill Thalys 1998) have estimated the development expected in the 10-year period to 2009 in the commercial centres of Double Bay and Rose Bay and pro rata estimates have been made for 2002-2007 as shown in Table 4.4. The demand for car parking that will be generated is shown in Table 4.6.

Table 4.6: Car Parking Demand – Double Bay and Rose Bay 2002-2007

Location	Additional floorspace (m ²)	Car Parking Demand ¹	Car Parking to be provided by Council (2002-2007)	Car Parking to be provided on site (2002-2007)
Double Bay				
Retail	8,900	312	58	254
Commercial	4,200	84	28	56
Total	13,100	396	86	310
Rose Bay				
Retail	575	20	20	-
Commercial	660	13	13	-
Total	1,235	33	33	-

Notes:

1. Based on estimates provided in *Double Bay Centre Traffic and Parking Study*, PPK Environment & Infrastructure 1999 and *Rose Bay Urban Design Study*, Hill Thalys, 1998. ie: Retail 3.5 spaces/100m² GFA; Commercial 2.0 spaces/100m² GFA

4.7.2 Additional public facilities

At the time of the parking study, on-street parking in Double Bay was often at saturation because workers in the centre occupied about half the on-street spaces intended for short-stay users. As part of its works program outside the scope of this Plan, Council has recently installed additional parking meters to increase turnover of short-stay spaces and eliminate the cost disincentive to use off-street car parking charged at hourly rates. These works will ensure that existing demand for car parking is effectively met by current provision in the centres.

An additional 86 spaces can be provided in a new deck on the Cross Street parking structure. A contribution will be sought where car parking cannot be provided on site.

Table 4.7: Parking Costs

Centre	Proposed Works	Number of new spaces	Cost(\$)
Double Bay ¹	Cross Street carparking structure	86	2,349,950
Rose Bay ¹	Ian Street carparking structure	100	1,876,032

4.7.3 Apportionment of costs

New residential development in the commercial centres is assumed to provide all the parking it generates on site. Parking to be provided under this Plan relates to that generated by retail, commercial and other business development.

The Double Bay and Rose Bay studies show that, provided management of on-street parking is improved as described in part 4.7.2, existing car parking facilities are adequate for the existing development in the respective centres. As the proposed works are solely to cater for future development, there will be no apportionment for these facilities, which will be funded entirely by new development.

Note: See clause 3.3.3 for the exception for change of use proposals

4.7.4 Contribution calculations

Other than the exception referred to in clause 3.3.3(a), a contribution will be levied on the following types of development in the Double Bay and Rose Bay commercial centres that generate increased demand for on-site car parking, to the extent of the shortfall of car parking that cannot or is not required to be provided on the site:

- retail development
- commercial and other business development

The amount of on-site car parking is determined under the development control plan applying to the proposed development.

Formula for contribution per car parking space	
PC	$= \frac{PW}{n}$
PC	is the contribution per car parking space
PW	is the total cost of the public car parking work in the commercial centre
n	is the total number of public car parking spaces to be provided in the public car park
The car parking contributions at the commencement of this Plan are:	
Double Bay	$PC_{DB} = \frac{\$2,349,950}{86}$ $= \$27,325/\text{space}$
Rose Bay	$PC_{RB} = \frac{\$1,876,032}{100}$ $= \$18,760/\text{space}$

Formula for parking contributions for proposed development	
<p>To determine the contribution where there will be a deficiency of on-site parking identified under the development control plan applying to the site, the following formula is used:</p>	
$PC_{pd} = n \times PC_{DB/RB}$	
PC_{pd}	is the car parking contribution for the proposed development
n	is the number of deficient on-site car parking spaces
PC_{DB} or PC_{RB}	is the contribution rate per space for the Double Bay or Rose Bay commercial centre respectively
Example	
<p>The parking contribution for a retail, commercial or other business development in the Double Bay Centre where there is a deficiency of 10 spaces is:</p>	
$PC_{DB} = 10 \times \$27,325$ $= \$273,250$	

4.8. Civic improvements

4.8.1 Likely demand

The *Public Domain Improvement Plans* for Double Bay and Rose Bay have assessed the need for civic improvements within and associated with those centres. The additional resident and worker population accommodated by the new development in the centres as set out in Table 4.4 will generate demand for additional and improved facilities.

4.8.2 Additional public facilities

The *Improvement Plans* have identified the types of public facilities that may be provided to support future development in these centres. Those facilities that are proposed to be provided within the period 2002-2007, together with their estimated costs, are shown in Table 4.8. Costs are based on preliminary estimates made in 1998-99 indexed to allow for inflation. The works will be undertaken within the public parks and road reserves in and adjacent to the commercial centres of Double Bay and Rose Bay.

Table 4.8: Civic Improvements

Centre	Proposed works	Cost	Projected Additional Residential Population	Projected Additional Worker Population
Double Bay	Steyne Park	800,990		
	Bay Street extension	187,887		
	Knox Lane ¹	<u>726,918</u>		
	TOTAL	1,715,795	601	433
Rose Bay	Percival Park – new square	276,566		
	New South Head Road transition	321,822		
	Norwich Road	<u>59,084</u>		
	TOTAL	657,472	182	47

4.8.3 Apportionment of costs

The proposed civic improvements will benefit the existing population as well as the future population. The basis for apportionment between existing and new development is shown below in Table 4.9.

Table 4.9: Civic Improvement Works

Development Type And Location	Existing Population And Workers	Additional Population And Workers	Total Population and Workers at 2007	Additional Population / Workers as Percentage of Total in Centre (2007)
Double Bay				
Residential ¹	209	601	810	74%
Retail ²	703	223	926	24%
Commercial ²	1,326	210	1,536	14%
TOTAL	2,238	1,034	3,272	32%
Rose Bay				
Residential ¹	423	182	605	30%
Retail ²	246	14	260	5%
Commercial ²	235	33	268	12%
TOTAL	904	229	1,133	20%

Notes:

1. Double Bay commercial centre contains 116 existing dwellings; Rose Bay commercial centre contains 235 existing dwellings. (Woollahra Council, 2002). Assume occupancy rate 1.8 persons (ABS, 2002)
2. Worker generation rates: 1 per 40m² retail and 1 per 20m² commercial (RTA, 1993)

The cost of the proposed works will be apportioned to new development at a rate of 32% of the total cost for Double Bay and at 20% for Rose Bay.

Apportioned Cost (\$2002): Total Double Bay cost \$1,715,795 x 0.32 = \$549,055
 Total Rose Bay cost \$657,472 x 0.20 = \$131,494

4.8.4 Calculation of contributions

A contribution will be levied on the following types of development in the Double Bay and Rose Bay commercial centres for which civic improvement works have been or are to be provided:

- retail development
- commercial and other business development
- development resulting in a net increase in dwellings

Note: Residential development in the Double Bay and Rose Bay commercial centres is liable for both the Municipal – wide recreation contribution and the civic improvements contribution

Public facilities related to the Kiaora Lands component of development may be provided as works in kind or another material public benefit.

Formula for civic improvements contributions per person

$$CIC = \frac{CIW}{RP + WP}$$

CIC is the civic improvement contribution per person
CIW is the apportioned cost of the civic improvements works in the relevant centre
RP is the expected additional residential population in the relevant centre
WP is the expected additional worker population in the relevant centre

The calculation for the additional residential population uses the residential occupancy rates adopted in this Plan.
 The calculation for the additional worker population uses rates of 1 worker per 40m² for retail and 1 worker per 20m² for commercial or other business.

The civic improvement contributions per person at the commencement of this Plan are:

Double Bay	CIC_{DB}	=	<u>\$549,055</u>		
			601 + 433		
				=	\$531/person
Rose Bay	CIC_{RB}	=	<u>\$131,494</u>		
			182 + 47		
				=	\$574/person

Formula for civic improvements contributions for retail, commercial and other business development gross floor area (m²)

$$\text{CICR} = \frac{\text{CIC}}{\text{G}}$$

CICR is the civic improvement contribution per m² of retail, commercial or other business gross floor area

CIC is the civic improvement contribution rate per person in the relevant commercial centre

G is the retail (or commercial or other business) floor area that generates one worker

The civic improvements contribution rates per square metre gross floor area at the commencement of this Plan are:

Double Bay

Retail CICR_{DB}	=	$\frac{\$531}{40}$	Commercial CICC_{DB}	=	$\frac{\$531}{20}$
		= \$13/m ²			= \$27/m ²

Rose Bay

Retail CICR_{RB}	=	$\frac{\$574}{40}$	Commercial CICC_{RB}	=	$\frac{\$574}{20}$
		= \$14/m ²			= \$29/m ²

Formula for civic improvement works contributions for proposed development

To determine the civic improvements contributions for a development the following formula is used:

$$\text{CIC}_{pd} = (\text{AR} \times \text{CICR}_{DB}) + (\text{AC} \times \text{CICC}_{DB}) + \text{CIC}_{DB} (n \times \text{O}_d)$$

CIC_{pd} is the civic improvements contribution for the proposed development

AR is the gross floor area of retail development

CICR_{DB} or CICR_{RB} is the contribution rate per m² for retail floor area in the Double Bay or Rose Bay commercial centre respectively

AC is the gross floor area of commercial development

CICC_{DB} or CICC_{RB} is the contribution rate per m² for commercial or other business floor area in the Double Bay or Rose Bay commercial centre respectively

n is the number of dwellings

O_d is the occupancy rate for the relevant dwelling type

CIC_{DB} or CIC_{RB} is the civic improvement rate per person for the relevant commercial centre

Example

The civic improvements contribution for a mixed development proposal of 100m² gross retail floor area, 200m² gross commercial floor area and 10 x 2 bedroom dwellings in the Double Bay commercial centre is:

$$\begin{aligned} \text{CIC}_{pd} &= (100\text{m}^2 \times \$13/\text{m}^2) + (200\text{m}^2 \times \$27/\text{m}^2) + (10 \times \$956) \\ &= \$1,300 + \$5,400 + \$9,560 \\ &= \$16,260 \end{aligned}$$

Note: Residential development in the Double Bay and Rose Bay commercial centres is liable for both the Municipal – wide recreation contribution and the civic improvements contribution

4.9. Plan preparation and administration

The preparation and ongoing administration of a Contributions Plan require the provision of additional resources to ensure that the Plan is effective and achieves the intended purpose. It is appropriate that Council recoups this cost from the proponents of the development that generates the need for the Plan.

The cost of plan preparation, including legal advice, has been capitalised over the life of the Plan.

Plan review and administration activities for which costs are recoverable under this Plan include:

- Review the works program in accordance with the levels of contributions received and expended.
- Review the contribution rates in accordance with construction costs, levels of demand, population and demographic changes and amend the Plan where necessary.

Only that proportion of Council's costs that is the direct result of administration of section 94 is included in the calculation.

Calculation of contributions

The costs for administration of the Plan are as follows:

- Plan preparation - \$60,695
- Review and administrative costs - \$5,518 per year x 5 years = \$27,590

The formula for the calculation of the administrative contribution (as a proportion of the total cost of section 94 works) is:

$$\frac{\text{P} + \text{R}}{\text{W}} \quad \text{where: } \begin{array}{ll} \text{P} & \text{is the cost of Plan preparation} \\ \text{R} & \text{is the salaries and administrative costs} \\ \text{W} & \text{is the total cost of section 94 works} \end{array}$$

Thus, the contribution rate at the commencement of this Plan is:

$$\frac{\$60,695 + 27,590}{5,757,975} = 1.53\% \text{ or } 1.5\text{c}/\$$$

A contribution will be levied for the following types of development that generate demand for the administration of the Plan:

- Residential development of all types

- Retail, commercial and other business development of all types (including hotels, motels, serviced apartments and tourist facilities) in the Double Bay and Rose Bay commercial centres

Example

Administration contribution for development assessed as liable for recreation, parking and civic improvements contribution of \$94,606

= \$94,606 x 1.5c/\$

= \$1,419

5. Supporting documents

This Plan has been supported by extensive assessment of population growth and development in the Woollahra Municipality. This has allowed determination of the long-term needs of the future population to fulfil the nexus and reasonableness criteria.

This Plan has been compiled with reference to guidelines and information contained in the following key documents:

- Department of Urban Affairs and Planning, *Review of the Developer Contributions System*, 2000
- Department of Urban Affairs and Planning, *Section 94 Manual*, 1997
- EDAW/Recreation Planning Associates/Envirometrics- *Woollahra Municipal Council Open Space Audit*, Woollahra Municipal Council, 2001
- Hill Thalys, *Double Bay Urban Design Study*, Woollahra Municipal Council, 2001
- Hill Thalys, *Rose Bay Urban Design Study*, Woollahra Municipal Council, 1998
- Manidis Roberts, *Woollahra Outdoor Recreation and Open Space Strategy*, Woollahra Municipal Council, 1993
- PPK Environment & Infrastructure Pty Ltd, *Double Bay Centre Traffic & Parking Study*, Woollahra Municipal Council, 1999
- Wilde and Woollard Pacific, *Double Bay Urban Design Study Public Domain Improvements Preliminary Estimate*, Woollahra Municipal Council, 1999
- Wilde and Woollard Pacific, *Rose Bay Urban Design Study Public Domain Improvements Preliminary Estimate*, Woollahra Municipal Council, 1998
- Woollahra Municipal Council, *Woollahra Local Environmental Plan 1995*
- Woollahra Municipal Council, *Development Control Plan for Off-Street Car Parking Provision and Servicing Facilities*, 1995
- Woollahra Municipal Council, *Woollahra Section 94 Contributions Plan 1997*
- Woollahra Municipal Council, *Demographic Profile 1998- Woollahra Local Government Area*
- Woollahra Municipal Council, *Rose Bay Centre Development Control Plan 2000*
- Woollahra Municipal Council, *Double Bay Centre Development Control Plan 2002*

Table of Amendments

Amendment No. or amendment type	Dates of approval and commencement	Description of amendment
By resolution of Council (<i>clause 32 Environmental Planning and Assessment Regulation 2000</i>).	a: 22 March 2004 c: 22 March 2004	<ul style="list-style-type: none"> ▪ alterations to contribution rates to reflect annual indexed figures; and ▪ minor typographical corrections to an anomaly in the formula calculation to clause 4.8.4; and ▪ minor typographical corrections to clarify the contributions from residential development towards Municipal wide recreation facilities.
By resolution of Council (<i>clause 32 Environmental Planning and Assessment Regulation 2000</i>).	a: 29 March 2005 c: 29 March 2005	<ul style="list-style-type: none"> ▪ alterations to contribution rates to reflect annual indexed figures
Amendment No.2	a: 26 May 2008 c: 6 June 2008	<ul style="list-style-type: none"> ▪ alteration to contribution rate for public off-street parking in the Double Bay Commercial Centre ▪ alteration to the works schedule relating to cost of car parking in Double Bay ▪ alteration to clause 3.3 – Land and development to which plan applies. This alteration includes the exclusion of certain development in the Double Bay Commercial Centre from the operation of the Plan.

Note: The Table of Amendments does not form part of the approved Section 94 Contributions Plan and is provided to assist with interpretation.

Attachment – Ministerial directions under section 94E of the Act

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**REVOCATION OF DIRECTION IN FORCE UNDER SECTION 94E
AND DIRECTION UNDER SECTION 94E**

I, the Minister for Planning:

1. Pursuant to sections 4(8) and 94E of the *Environmental Planning and Assessment Act 1979* ("the Act"), revoke the direction in force under section 94E of the Act made by Craig Knowles, the former Minister for Infrastructure and Planning, on 6 November 2000, in relation to development applications to carry out development under *State Environmental Planning Policy No 5 – Housing for Older People or People with a Disability* ("SEPP 5"). This revocation applies to development applications made on or after commencement of *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)* ("the SEPP").
2. Pursuant to section 94E of the Act, direct consent authorities that there are no public amenities or public services in relation to which a condition under Division 6 of Part 4 of the Act may be imposed on the class of development consents identified in Schedule A granted to a social housing provider as defined in the SEPP. This direction applies to development applications made by such a social housing provider on or after commencement of the SEPP.

Schedule A

Development consents to carry out development for the purposes of any form of seniors housing as defined in *State Environmental Planning Policy (Seniors Living) 2004*.

FRANK SARTOR

Minister for Planning

Sydney, 14 September 2007

**ENVIRONMENTAL PLANNING AND ASSESSMENT
(LOCAL INFRASTRUCTURE CONTRIBUTIONS) DIRECTION 2012**

under the

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I, the Minister for Planning and Infrastructure, in pursuance of section 94E of the *Environmental Planning and Assessment Act 1979*, give the following Direction.

Minister for Planning and Infrastructure

Dated:

21 August 2012

1 Name of Direction

This Direction is the *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012*.

2 When Direction takes effect

This Direction takes effect on 28 August 2012.

3 Consent authorities to which Direction is given

- (1) This Direction is given to all councils.
- (2) This Direction also applies to any joint regional planning panel ("planning panel") when exercising consent authority functions of one or more councils.

4 No cap on contributions for development on Schedule 1 land

This Direction does not apply to a development consent to the extent that it authorises the carrying out of development on any land identified in Schedule 1, but applies to the carrying out of development on all other land within the State.

5 Definitions

(1) In this Direction:

- (a) **dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile, and
- (b) **residential lot** means a lot created by the subdivision of land for the purpose of a dwelling, not being a lot that, in the opinion of the council (or planning panel), is to be further subdivided for the purpose of creating lots for the purpose of dwellings.

Note. See section 4B of the *Environmental Planning and Assessment Act 1979* for the meaning of "subdivision of land".

(2) A reference in this Direction to a development consent that authorises a dwelling is a reference to a development consent that authorises the erection of the dwelling or the use of a building or part of a building as a dwelling.

Note. See section 4 (2) of the *Environmental Planning and Assessment Act 1979* for interpretation of the phrase "erection of a dwelling".

(3) Notes in this Direction do not form part of this Direction.

6 Maximum amount of monetary contributions under s 94

(1) This clause applies to a development consent to the extent that it authorises one or more dwellings or the subdivision of land into residential lots.

(2) A council (or planning panel) must not grant development consent (other than for development on land identified in Schedule 2) subject to a condition under section 94 (1) or (3) of the *Environmental Planning and Assessment Act 1979* requiring the payment of a monetary contribution that:

- (a) in the case of a development consent that authorises one or more dwellings, exceeds \$20 000 for each dwelling authorised by the consent, or
- (b) in the case of a development consent that authorises subdivision into residential lots, exceeds \$20 000 for each residential lot authorised to be created by the development consent.

(3) A council (or planning panel) must not grant development consent for development on any land identified in Schedule 2 subject to a condition under section 94 (1) or (3) of the *Environmental Planning and Assessment Act 1979* requiring the payment of a monetary contribution that:

- (a) in the case of a development consent that authorises one or more dwellings, exceeds \$30 000 for each dwelling authorised by the consent, or
- (b) in the case of a development consent that authorises subdivision into residential lots, exceeds \$30 000 for each residential lot authorised to be created by the development consent.

(4) A council (or planning panel) may, in a particular case, require, as a condition on the grant of development consent, the payment of a monetary contribution that exceeds the maximum amount of the contribution calculated in accordance with subclause (2) or (3), but only with both the written agreement of the applicant for the consent and the written approval of the Minister, given before the condition is imposed.

7 Pending development applications

(1) This Direction extends to development applications made to a council, but not finally determined, before this Direction takes effect.

(2) This Direction does not apply to:

- (a) any application for modification of a development consent that was granted before this Direction takes effect, and
- (b) any condition of a development consent that was granted before this Direction takes effect.

8 Revocation of existing direction

(1) The *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2011* (which took effect on 4 March 2011) is revoked.

(2) The revocation of the *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2011* does not affect:

- (a) the operation of a condition of a development consent imposed in accordance with that Direction, or

- (b) the operation of a condition of a development consent imposed in accordance with the earlier direction under section 94E of the *Environmental Planning and Assessment Act 1979* that took effect on 16 September 2010 and that was revoked by the *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2011*.

Note.

Section 94EC (1A) of the *Environmental Planning and Assessment Act 1979* provides as follows:

The imposition of a condition by an accredited certifier as authorised by a contributions plan is subject to compliance with any directions given under section 94E (1) (a), (b) or (d) with which a council would be required to comply if issuing the complying development certificate concerned.

Schedule 1 Land in respect of which there is no cap on the amount of the contribution by virtue of this Direction

- (1) Land within the Bathurst Regional Local Government Area identified as Area E in the *Section 94 Contributions Plan Robin Hill - Roads and Drainage Construction*.
- (2) Land within the Blacktown City Local Government Area identified as any of the following:
 - (a) a 1980's Release Area in the *Section 94 Contributions Plan No.1 – 1980's Release Areas*,
 - (b) a catchment area in the *Section 94 Contributions Plan No.2 – Local Roadworks*,
 - (c) Catchment 1:Blacktown, Catchment 2: Rooty Hill/Mount Druitt or Catchment 3: Riverstone/Schofields in the *Section 94 Contributions Plan No.3 – Open Space in Established Residential Areas*,
 - (d) the Mount Druitt Development Area in the *Section 94 Contributions Plan No.4 – Mount Druitt Development Area*,
 - (e) the Parklea Release Area in the *Section 94 Contributions Plan No. 5 – Parklea Release Area*,
 - (f) the Metella Road Toongabbie Floodplain Catchment in the *Section 94 Contributions Plan No.15 – Metella Road Floodplain*.
- (3) Land within the Camden Local Government Area identified as:
 - (a) the Elderslie Release Area or the Spring Farm Release Area in the *Camden Contributions Plan 2011*, or
 - (b) the Narellan Release Area or the Harrington Park Release Area on the map marked 'Camden LGA – Exemptions Area' held at the head office of the Department of Planning and Infrastructure.
- (4) Land within the Campbelltown City Local Government Area identified as the Glenfield Road Urban Release Area in the *Section 94 Development Contributions Plan – Glenfield Road Urban Release Area*.
- (5) Land within the Coffs Harbour City Local Government Area identified as:
 - (a) the Wests Coffs Release Area in the *West Coffs Release Area Contributions Plan 2006*, or
 - (b) the Moonee Release Area identified in the *Moonee Developer Contributions Plan 2008*.
- (6) Land within the Hawkesbury City Local Government Area identified as the Pitt Town Residential Precinct in the *Hawkesbury Section 94 Contributions Plan 2008*.
- (7) Land within the Holroyd City Local Government Area identified as the Neil Street Precinct in the *Neil Street Precinct Section 94 Development Contributions Plan 2007*.
- (8) Land within the Ku-ring-gai Local Government Area identified as:
 - (a) zoned R3 Medium Density Residential, R4 High Density Residential, B2 Local Centre, B4 Mixed Use, B5 Business Development, B7 Business Park, SP2 Infrastructure or RE1 Public Recreation under the *Ku-ring-gai Local Environmental Plan (Town Centres) 2010* and to which the *Ku-ring-gai Contribution Plan 2010* applies, or
 - (b) zoned No 2(d3) Residential "D3" under the *Ku-ring-gai Local Environmental Plan No 194* and to which the *Ku-ring-gai Contribution Plan 2010* applies.
- (9) Land within the Lake Macquarie City Local Government Area identified as:
 - (a) the Northlakes Urban Release Area in the *Lake Macquarie Section 94 Contributions Plan No.2 – Northlakes*, or
 - (b) the Belmont Catchment, the Charlestown Catchment, the Glendale Catchment, the Morriset Catchment or the Toronto Catchment in the *Lake Macquarie Section 94 Contributions Plan No.1 – Citywide*.
- (10) Land within the Liverpool City Local Government Area identified as Carnes Hill, Hoxton Park, Middleton Grange or Prestons in the *Liverpool Contributions Plan 2009*.
- (11) Land within the Marrickville Local Government Area to which the *Marrickville Section 94 Contributions Plan 2004* applies.

- (12) Land within the Palerang Local Government Area identified as Summerhill Road, Matthews Lane, the Woolshed Lane, Wanna Wanna Road, Clare Lane, Joe Rocks Road or Fernloff Road on the map marked 'Palerang LGA – Exemptions Area' held at the head office of the Department of Planning and Infrastructure.
- (13) Land within the Penrith City Local Government Area identified as:
 - (a) Claremont Meadows Stage 2 in the *Claremont Meadows Development Contributions Plan Amendment No.1*, or
 - (b) Glenmore Park Stage 1 in the *Glenmore Park Stage 1 Development Contributions Plan 2008*.
- (14) Land within the Pittwater Local Government Area identified as the *Warriewood Valley Urban Release Area in the Warriewood Valley Section 94 Contributions Plan No. 15 Amendment No.16*.
- (15) Land within the Port Macquarie-Hastings Local Government Area identified as *Kings Creek in the Kings Creek Contributions Plan Version 2.5*.
- (16) Land within the Queanbeyan City Local Government Area identified as the Wanna Wanna Road Precinct on the map marked 'Queanbeyan LGA – Exemptions Area' held at the head office of the Department of Planning and Infrastructure.
- (17) Land within the Shoalhaven City Local Government Area identified as the Riversdale Road Area, the Parma Road Area or the Kangaroo River Bridge Area in the *Shoalhaven Contributions Plan 2010*.
- (18) Land within The Hills Shire Local Government Area identified as any of the following:
 - (a) Kellyville/Rouse Hill in the *Section 94 Contributions Plan No.8 – Kellyville/Rouse Hill*,
 - (b) Bella Vista Village in the *Section 94 Contributions Plan No.2 – Bella Vista Village*,
 - (c) the West Pennant Hills Valley in the *Section 94 Contributions Plan No.2 – West Pennant Hills Valley*,
 - (d) Crestwood in the *Section 94 Contributions Plan No.3 – Crestwood*,
 - (e) Glenhaven in the *Section 94 Contributions Plan No.4 – Glenhaven*,
 - (f) Castle Hill in the *Section 94 Contributions Plan No.5 – Castle Hill*,
 - (g) a Southern Precinct in the *Section 94 Contributions Plan No.7 – Southern Precincts*.
- (19) Land within the Tweed Local Government Area identified as Seaside City in the *Section 94 Contributions Plan No.28 – Seaside City*.
- (20) Land within the Wyong Local government Area identified as:
 - (a) The Entrance District in the *Section 94 Contributions Plan No.3 'The Entrance District'*, or
 - (b) the Warnervale District Release Areas in the *Section 94 Contributions Plan No.7A 'Drainage, Water Quality, Open Space, Community Facilities and Roads – Warnervale District'*.

Schedule 2 Land subject to the \$30,000 maximum contribution

- (1) Land within the Camden Local Government Area identified as Harrington Grove or Mater Dei on the map marked 'Camden LGA – Greenfield Release Areas' held at the head office of the Department of Planning and Infrastructure.
- (2) Land within the Coffs Harbour City Local Government Area identified as the Heames Lake Release Area or Sandy Beach Release Area in the *Heames Lake/Sandy Beach Release Area Developer Contributions Plan 2008*.
- (3) Land within the Eurobodalla Local Government Area identified as Glenella Service Road 1c, Batehaven Greenfield Area, Broulee Greenfield Area, Dalmeny Greenfield Area, Kianga Greenfield Area, Malua Bay Greenfield Area, Bay Ridge 1c, Moruya 1c, Tomakin Greenfield Area, Longbeach Greenfield Area, Moruya South Greenfield Area, Moruya West Greenfield Area, Mystery Bay Greenfield Area, Narooma Greenfield Area, Nelligen 1c, Rosedale Greenfield Area, Central Tilba 1c or Bingi 1c on the map marked 'Eurobodalla LGA – Greenfield Release Areas' held at the head office of the Department of Planning and Infrastructure.
- (4) Land within the Greater Taree City Local Government Area identified as the Old Bar Precinct 2B or Precinct 3 in the *Old Bar Contributions Plan 2010*.
- (5) Land within the Lake Macquarie City Local Government Area identified as North Wallarah in the *Lake Macquarie Section 94 Contributions Plan No.5 – North Wallarah*.
- (6) Land within the Maitland City Local Government Area identified as the Thornton North Release Area in the *Thornton North Section 94 Contributions Plan*.
- (7) Land within the Nambucca Shire Local Government Area identified as the Contribution Catchment on Map C1 in the *Smiths Lane Local Road and Traffic Infrastructure Developer Contribution Plan 2010*.
- (8) Land within the Penrith City Local Government Area identified as:
 - (a) the WELL Precinct in the *Werrington Enterprise Living and Learning (WELL) Precinct Development Contribution Plan*, or

- (b) Glenmore Park Stage 2 in the *Glenmore Park Stage 2 Development Contributions Plan*.
 - (9) Land within the Port Macquarie-Hastings Local Government Area identified as Thrumster, Innes Peninsula, Camden Haven or Lake Cathie / Bonny Hills on the map marked 'Port Macquarie-Hastings LGA – Greenfield Release Areas' held at the head office of the Department of Planning and Infrastructure.
 - (10) Land within the Queanbeyan City Local Government Area identified as Locations 3 and 4 on the Fernleigh/Royalla Rural Roads Contribution Map in the *Queanbeyan City Council – Section 94 Contributions Plan 2012*.
 - (11) Land within Shoalhaven City Local Government Area identified in *Shoalhaven Contributions Plan 2010* as any of the following:
 - (a) Iron Bark Road Tapitallee upgrade area,
 - (b) Flannery Lane upgrade area,
 - (c) Browns Mountain Road upgrade area,
 - (d) Broger's Creek Road gravel upgrade area,
 - (e) Wattamolla Road upgrade area,
 - (f) Graham's Road/unnamed road gravel upgrade area,
 - (g) Spotted Gum Drive upgrade area,
 - (h) Hart Road bitumen upgrade area,
 - (i) Sinclair Road Part 3 bitumen upgrade area,
 - (j) Bendalong Mountain Road upgrade area,
 - (k) Pointer Road upgrade area,
 - (l) Bugong Road upgrade area.
 - (12) Land within The Hills Shire Local Government Area identified as the Balmoral Road Release Area in the *Section 94 Contributions Plan No. 12 – Balmoral Road*.
 - (13) Land within the Tweed Local Government Area identified as Black Rocks, Koala Beach, West Murwillumbah, Tanglewood, Kings Forest – Casuarina Beach, SALT, West Kingscliff, Area 'E' (Terranora), Terranora Village, Bilambil Heights, Cobaki Lakes, Nightcap Village or Hastings Point on the map marked 'Tweed LGA – Greenfield Release Areas' held at the head office of the Department of Planning and Infrastructure.
 - (14) Land within the Wollongong City Local Government Area identified as the West Dapto Release Area in the *West Dapto Section 94 Development Contributions Plan 2010*.
 - (15) Land within a growth centre within the meaning of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (being the North West Growth Centre and the South West Growth Centre) other than land that is a precinct or other area identified in Schedule 1.
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