

# **Willoughby City Section 94A Development Contributions Plan 2011**

**(Now Repealed)**



**Willoughby City Council  
November 2011**

**(Repealed on 4 July 2019)**

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## 1.0 INTRODUCTION

Section 94A of the *Environmental Planning and Assessment Act 1979* [the Act] contains provisions that allow the Council to impose, as a condition of development consent or as a condition of a complying development certificate, a requirement that the applicant pay a levy of the percentage of the proposed cost of carrying out the development.

For Council to impose a condition under section 94A, a contributions plan that complies with clause 27(1) of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) must be in place.

The ***Willoughby City Section 94A Development Contributions Plan 2011*** authorises a condition of development consent or a complying development certificate to require the payment of a fixed levy.

The quantity of the levy and the types of development application which attract the levy are set out in other clauses of this Plan.

Levies paid to the Council will be applied towards the provision, extension or augmentation of public facilities, or towards recouping the cost of their provision, extension or augmentation.

The draft Plan applies to the whole City, except the Chatswood Central Business District (CBD) and repeals all existing Contributions Plans (S94 Plans) in so far as they apply to this land.

Nothing in this Plan is intended to limit the Council's power to impose a condition under section 80A of the Act or section 97 of the *Local Government Act 1993*.

## 2.0 SUMMARY SCHEDULES

The following summary schedules are included in this Plan:

**Schedule 1** Summary of levy by development type.

**Schedule 2** Summary of works for which levies are required. The schedule was adopted in 2011 and provides an estimated cost of works and the estimated time frame for their implementation.

### **Schedule 1: Summary of section 94A levies by proposed cost of development**

Area	Proposed cost of Development	Levy
All of City excluding Chatswood CBD (See Map 1)	Up to and including \$100,000	Nil
	More than \$100,000 up to and including \$200,000	0.5%
	More than \$200,000	1%

#### **Notes:**

1. Clause 25K of the Environmental Planning and Assessment Regulation 2000 sets the maximum percentage of a section 94A levy as 1% of the proposed cost of carrying out the development.
2. Clause 25J of the Regulation provides the method for determining the proposed cost of development. Sub-clause 25J(2) provides that the Council may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the Council to provide such estimates. Refer to clause 3.8 of this Plan.
3. Refer to clause 3.4 of this Plan for applicable changes to the section 94A levy arising from any Ministerial direction under section 94E of the Act.
4. Refer to the Attachment at the end of this Plan for the content of relevant Ministerial directions. Copies or extracts from relevant Ministerial directions may be attached from time to time as administrative steps to assist with the interpretation and operation of this Plan.

### **Schedule 2: Summary of works**

This schedule is provided after Annexure 1

## **3.0 ADMINISTRATION AND OPERATION**

### **3.1 Name of the Plan**

This Plan is called *The Willoughby City Section 94A, Development Contributions Plan 2011 (the Plan)*.

### **3.2 Purposes of the Plan**

The purposes of the Plan are:

- (a) To authorise the imposition of conditions on development consents, and complying development certificates, requiring that the applicant pay to the Council a levy determined in accordance with this Plan.
- (b) To ensure that adequate public facilities are provided to meet the demand created by development.
- (c) To assist the Council in the provision, extension or augmentation of public facilities.
- (d) To provide a comprehensive framework for the assessment, collection, expenditure, accounting and indexing of development contributions on an equitable basis.
- (e) To enable the Council to be both publicly and financially accountable in its assessment and administration of this Plan.

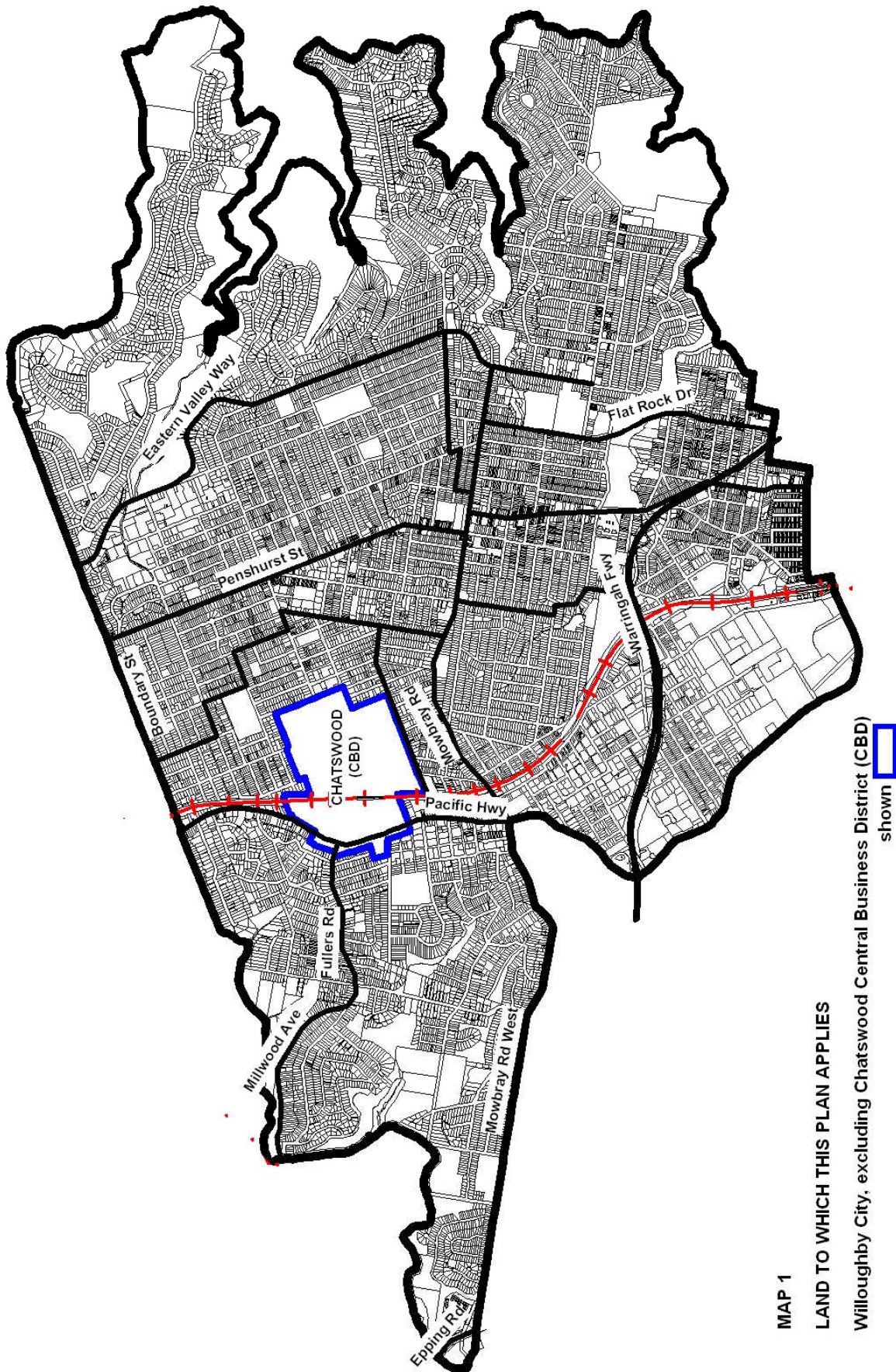
### **3.3 Land and development to which Plan applies**

#### **3.3.1 Land to which Plan applies**

This Plan applies to all land within Willoughby City except the Chatswood Central Business District (CBD) as shown on Map 1.

#### **3.3.2 Development to which Plan applies**

- a) This Plan applies to all development applications and applications for complying development certificates in respect of development on land to which this Plan applies, other than development:
  - (i) for the purpose of disabled access;
  - (ii) for the sole purpose of affordable housing;
  - (iii) for the purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building;
  - (iv) for the sole purpose of the adaptive reuse of an item of environmental heritage, or



MAP 1

LAND TO WHICH THIS PLAN APPLIES

Willoughby City, excluding Chatswood Central Business District (CBD)  
shown 

- (v) other than the subdivision of land, where under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.
- (b) Council may, at its discretion, waive the requirements of this Plan for applications submitted by or on behalf of Willoughby City Council or community non-profit organisations for the provision of a public purpose or infrastructure and facilities for charitable organisations.

### **3.3.3 Transitional provision**

This Plan applies to an application for development or a complying development certificate which is made on or after the date on which this Plan is made. Applications made but not determined before this date, will be considered under the relevant existing Council S94 Plans.

## **3.4 What this Plan authorises**

This Plan authorises the Council to impose conditions on development consents granted to development to which this Plan applies requiring the applicant to pay to the Council a levy of 0.5% or 1% of the proposed cost of carrying out the development, provided that the Council does not also impose on the consent a condition pursuant to section 94 of the Act.

This Plan requires a Certifying Authority to impose a condition on a complying development certificate for development to which this Plan applies, requiring the applicant to pay to the Council a levy of 0.5% or 1% of the proposed cost of carrying out the development, in accordance with this Plan.

Conditions authorised by this Plan are subject to any direction given by the Minister under section 94E of the Act from time to time, and this Plan authorises the imposition of conditions which are in accordance with any such direction. Any relevant Ministerial direction under section 94E of the Act which has been made and is in force from time to time is included in the Attachment to this Plan.

## **3.5 Repeal of Willoughby City Council Section 94 Contributions Plans**

This Plan has been prepared under the provisions of Part 4 Division 6 of the Act and Part 4 of the Regulation.

This plan repeals the following Willoughby City Council Section 94 Contributions Plans in so far as they apply to the land the subject of this Plan:

- Section 94 Contributions Plan Car Parking

- Willoughby City Council Section 94 Contributions Plan Childcare Facilities
- Section 94 Drainage Contributions Plan
- Willoughby Section 94 Contributions Plan for Open Space, Recreation and Community Facilities
- Willoughby City Council Section 94 contributions Plan for Road and Traffic/Transport Management.
- St Leonards Section 94 Contributions Plan.

### **3.6 Approval and commencement of Plan**

This Plan was approved by Willoughby City Council on 28 November 2011 and commenced on 1 February 2012.

**Note:** Amendments carried out to this Plan are listed in the table contained in Annexure 2.

### **3.7 Calculating the levy**

The levy is calculated using the percentage rate set out in Schedule 1 Summary of section 94A levies by proposed cost of development (clause 2) and the proposed cost of development. The formula for calculating the levy is:

$$L = \%LR \times \$C$$

Where

<b>L</b>	is the levy payable
<b>%LR</b>	is the levy rate (see Schedule 1)
<b>\$C</b>	is the proposed cost of carrying out the development

### **3.8 Determining the proposed cost of development**

Clause 25J of the Environmental Planning and Assessment Regulation 2000 sets out how the proposed cost of carrying out development is to be determined in relation to the S94A levy (see Attachment 2).

A development application or an application for a complying development certificate must be accompanied by a report setting out an estimate of the proposed cost of carrying out development prepared as follows:

- (a) A Cost Summary Report in accordance with Attachment 3, prepared by the applicant or a person acting on behalf of the applicant, where the proposed cost of development is up to and including \$500,000, (see Attachment 3) or
- (b) A Detailed Cost Summary Report in accordance with Attachment 4 prepared by a registered quantity surveyor engaged by or on behalf of the applicant, at the applicant's cost, where the proposed cost of development is in excess of \$500,000 (see Attachment 4).

The Council may, at the applicant's cost, engage a person referred to in this clause to review a report submitted by an applicant in accordance with clause 3.8.

Upon reviewing an estimated development cost provided under (a) or (b), the Council or Certifying Authority in the case of a Complying Development, may appoint a person to review the estimate provided by the owner, a person acting on behalf of the applicant or a quantity surveyor who was engaged by the applicant.

The review is to be undertaken at the applicant's cost.

**Notes:**

1. Refer to clause 3.13 for provisions relating to the adjustment of the proposed cost of development prior to the payment of a section 94A levy.
2. The quantity surveyor must be registered by the Australian Institute of Quantity Surveyors.
3. The review of a quantity surveyor's estimate must be provided by a person of equivalent qualifications.

### **3.9 *Payment of levy***

Payment of a section 94A levy is to be made in accordance with the terms of the condition imposed on the development consent or complying development certificate. Such conditions will generally require payment in accordance with paragraphs (a) to (d) below:

- (a) in the case of consent to complying development - before the notice to commence work is submitted to the Council.
- (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 issued.

The amount to be paid will be calculated at the indexed rate(s) applicable at the time of payment. Refer to clause 3.13.

### **3.10 *Application of levy***

Money paid to the Council under a condition authorised by this Plan is to be applied by the Council towards the cost of such of the public facilities listed in the Schedule 2 Summary of Works in this Plan.

### **3.11 *Priorities for the expenditure of money obtained from levies authorised by this Plan?***

Subject to s93E(2) of the Act, the community infrastructure listed in Schedule 1 is to be provided in accordance with the staging set out in that Schedule.

### **3.12 *Planning agreement***

The Council may enter into a planning agreement under Section 93F of the Act with an applicant as an alternative to imposing a condition authorised by this Plan.

### **3.13 *Deferred or periodic payment***

Where the applicant makes a written request supported by reasons for payment of the section 94A levy other than as required by clause 3.9, 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;
- (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.

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 plus an amount equal to thirteen months interest plus any changes associated with establishing or operating the bank security.;
- (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 section 94A levy will be adjusted in accordance with clause 3.13.

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.

### ***3.14 Adjustment of levies and proposed cost of development***

In accordance with clause 25J(4) of the Regulation and, for the purposes of this Plan, the proposed cost of carrying out development is to be indexed to reflect quarterly variations in the Consumer Price Index, All Group Index Number for Sydney between the date the proposed cost was determined by Council and the date the levy is paid.

The formula governing indexation of the proposed cost of carrying out development is as follows:

$$IDC = ODC \times CP2/CP1$$

Where:

IDC = the indexed development contribution payable

ODC = the original development contribution determined by the Council as a percentage of the cost as set down in this contributions plan

CP2 = the quarterly Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) immediately prior to the date of payment

CP1 = the quarterly Consumer Price Index, All Groups, Sydney as published by the ABS immediately prior to the date of imposition of the condition requiring payment of the contribution.

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

### **3.15 Pooling of levies**

For the purposes of s93E(2) of the Act, this plan authorises money obtained from levies paid in respect of different developments to be pooled and applied by the Council progressively towards the community infrastructure listed in Schedule 2 in accordance with the staging set out in that Schedule.

### **3.16 Construction certificates and certifying authority**

A certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of a section 94A levy before the work is carried out in accordance with the consent has been satisfied.

The certifying authority must ensure that the applicant provides a receipt(s) confirming that the levy has been fully paid. Where the certifying authority is not the Council, a copy of the receipt must be provided with the copies of the documentation submitted by the accredited certifier to the Council following determination of the construction certificate application.

The exception to this requirement may occur where the Council has agreed to the payment of the levy in a particular manner after a construction certificate is issued. In these cases, the accredited certifier must provide a copy of the agreement with the copies of documentation submitted to the Council following determination of the construction certificate application.

**Note:** An agreement referred to in this clause may or may not be a planning agreement under section 93F of the Act.

## **4.0 DEMAND FOR COMMUNITY INFRASTRUCTURE**

Section 94A levies acquired by condition of consent under this Plan are to be applied to the provision, extension or augmentation of the following categories of Key Community Infrastructure located across the City.

- Local roads;
- Local bus facilities;
- Local parks;
- Local sporting, recreational and cultural facilities and local social facilities (being community and child care centres and volunteer rescue and volunteer emergency services facilities);
- Local car parking facilities;
- Drainage and stormwater management works;
- Land for community infrastructure (except land for riparian corridors);
- District infrastructure where there is a direct connection with the development to which the contribution relates.

The demand for public facilities is related to expected residential, commercial, retail and other non-residential development across the City.

Demand for the public facilities has been identified by a series of studies, surveys and investigations, which are listed by category in Annexure 1.

### **4.1 *Expected residential development***

Residential development is expected across the City within the residential and business zones. Types of residential development include single dwelling-houses, dual occupancies, secondary dwellings, semi-detached dwellings, attached dwellings, multi-unit dwellings, residential flat buildings, boarding houses, and shoptop housing. Residential development will occur in the form of new development and alterations and additions to existing development.

Residential development will include both alterations and additions to existing stock as well as new development.

The Inner North Sub-Regional Strategy has identified an increase of 6,800 dwellings by 2031 in Willoughby.

### **4.2 *Expected retail, business, office, industrial and other non-residential development***

It is considered that the non residential areas of Willoughby will continue to be developed for a variety of land-uses.

In particular the business and industrial zones will come under continued pressure for redevelopment, particularly due to the proximity of Willoughby to the Sydney CBD and as part of the “Global Arc”, increased demand for retail, business, office and industrial space and newly developed transport infrastructure.

The draft Inner North Sub-regional Strategy has identified an increase in employment of 16,000 jobs by 2031 in Willoughby City.

The draft Willoughby Local Environmental Plan 2011 (which will replace the existing Willoughby Local Environmental Plan 1995 and Sydney Regional Environmental Plan No 5 – Chatswood Town Centre), the Willoughby City Strategy, the draft Inner North Subregional Strategy identify and provide opportunities for additional development that will generate demand for Key Community Infrastructure.

The expected development opportunities which will generate the demand for Key Community Infrastructure include:

- Dwelling houses
- Semi detached and attached dwellings
- Dual Occupancies and Secondary Dwellings
- Multi unit dwellings
- Shoptop housing
- Residential Flat Buildings
- Subdivisions
- Mixed Use development
- Commercial development including business, office and retail premises
- Industrial and associated development
- High technology development
- Alterations and additions to residential, commercial and industrial development
- Change of use

The relationship between expected development and the demand for Key Community Infrastructure is established through:

- the likely population and employment growth that will require the provision of additional public facilities to meet additional demand.
- the likely population and employment growth will diminish the enjoyment and standard of public facilities for the existing population unless additional facilities are provided to meet the additional demand.
- the resulting increased investment in private sector developments including rebuilding and expansion of developments creates community demands and expectations for increased and improved investment in public facilities.

Willoughby City Council is committed to promoting sustainability across all areas of the community. Council defines this as delivering, social, cultural and environmental

systems that operate in harmony for the benefit and wellbeing of all residents and workers. The objective is to enable residents to enjoy a good quality of life in an active and vibrant community. Council's role in the provision of community and recreation facilities and civil infrastructure all contribute to the collective and individual wellbeing. Council aims to provide access and equity to all services and facilities for all members of the community.

The Willoughby City S94A Development Contributions levy will assist Council to provide high quality and diverse public facilities for the new residents and workers of Willoughby City.

## 5.0 DEFINITIONS

<b>ABS</b>	the Australian Bureau of Statistics.
<b>Accredited Certifier</b>	the holder of a certificate of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> in relation to those matters.
<b>Applicant</b>	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 type.
<b>Contributions Plan</b>	a Contributions Plan approved under the Environmental Planning and Assessment Act 1979.
<b>Council</b>	the Council of the City of Willoughby.
<b>CPI</b>	Sydney All Groups Consumer Price Index as published by the Australian Bureau of Statistics
<b>Key Community Infrastructure</b>	public amenities and public facilities and services, but does not include water supply or sewerage services.
<b>Public facilities</b>	public amenities or public services as referred to in section 94A of the Act.
<b>Planning agreement</b>	a voluntary agreement referred to in section 93F [of the Act] (section 93C of the Act).
<b>Proposed cost of development</b>	the cost of development proposed in a development application or a complying development application as determined by the Council under the provisions of clause 25J of the Regulation.
<b>Section 94A levy</b>	a fixed development consent levy under section 94A of the Act.
<b>The Act</b>	the <i>Environmental Planning and Assessment Act 1979</i> as amended.
<b>The Regulation</b>	the <i>Environmental Planning and Assessment Regulation 2000</i> as amended.
<b>Works in Kind</b>	the construction or provision of the whole or part of a public facility that is identified in a works schedule in a contributions plan.

## **ANNEXURE 1 – SUPPORTING DOCUMENTS**

- Willoughby City Strategy
- Willoughby City Strategy Discussion Paper - Housing
- Willoughby City Strategy Discussion Paper – Access and Infrastructure
- Willoughby City Strategy Discussion Paper – Natural Environment
- Willoughby City Strategy Discussion Paper – Community and Cultural Life
- Willoughby City Strategy Discussion Paper – Economy and Education
- Willoughby City Strategy Discussion Paper - Governance
- Willoughby City Council – 2011 – 2015 Delivery Programme
- Willoughby Local Environmental Plan 1995 / Draft Willoughby Local Environmental Plan 2011
- Willoughby Development Control Plan
- Willoughby Social Plan 2005-2009
- Willoughby City Council Integrated Transport Plan 2001
- Willoughby Bike Plan
- Willoughby City Council Open Space Plan 1996
- Willoughby City Council Recreation Plan 1993
- Plan of Management – Castle Cove Park and Golf Course
- Plan of Management – Chatswood Parks Central Business Districts
- Plan of Management – Cortile Reserve Castlecrag (May 2003)
- Plan of Management – Middle Harbour Ward Parks (May 2003)
- Plan of Management – Northbridge Ward Parks (May 2003)
- Plan of Management – Chatswood West Parks (May 2003)
- Plan of Management – Urban Bushland
- Willoughby Sustainability Charter
- Willoughby City Council Sustainability Action Plan 2011 - 2015
- Environmental Management Plan for the City of Willoughby - 2000
- Council Property Plan
- NSW Department of Planning Development Contributions Practice Note December 2006

## ANNEXURE 2 – AMENDMENTS TO PLAN

Amendment No.	Dates of approval and commencement	Clauses Amended	Description of amendment
1	Adopted 13 February 2017 Commenced 2 March 2017	Clause 3.14 Adjustment of Levies and proposed cost of development  Clause 5.0 Definitions	The amendments relate solely to the method of indexing contribution fees. References to the now discontinued  <i>“Building Price Index (Enterprise Bargaining Agreement) published by NSW Public Works”</i>  replaced with the  <i>“Consumer Price Index (CPI) Sydney – All Groups as published by the Australian Bureau of Statistics”</i> .

Note This table of amendments does not form part of the approved Willoughby Section 94A Development Contributions Plan 2011. It is provided to assist with interpretation and will be changed from time to time as amendments are made.

## SCHEDULE 2 – SUMMARY OF WORKS

Levies paid to Council under this Plan will be applied towards meeting the cost of provision or augmentation of key community infrastructure. The following works schedule provides a summary of new public facilities, which will be provided by Council over the next 5-10 years as well as the priority, estimated cost of provision and timing.

**MAP 2** is a Location Plan of the public facilities listed in the Works Schedule.

MAP REF.	LOCATION	DESCRIPTION	ESTIMATED COST (\$)	TIME FRAME Essential Short-term (1-3 yrs) Med-term (3-5 yrs) Long-term (5+ yrs)
<b>Bushland</b>				
1	Castle Cove	Walking tracks – New walking track connecting foreshores. HD Robb Reserve.	180,000	Short-term
2	Castle Cove	Walking tracks – Upgrade walking track. Explosives Reserve.	70,000	Short-term
3	Castlecrag	Walking tracks & shared pathways – Upgrade and implement walking tracks. Griffin Reserves.	350,000	Medium-term
4	Northbridge	Walking tracks – New tracks and links from Warners Park to Sailors Bay Estuary.	200,000	Medium-term
5	Artarmon	Walking tracks – Upgrade tracks and links from Artarmon Station to Long Bay Estuary.	50,000	Medium-term
6	Chatswood	Walking tracks – Links for walking tracks from Chatswood CBD to Lane Cove River.	250,000	Medium-term
7	All	Signage – Directional and interpretive signs on walking tracks for self guiding walks.	90,000	Short-term
8	Middle Harbour suburbs	Stormwater outlets – Rock armouring and vegetation stabilisation of stormwater outlets in bushland leading to Middle Harbour.	150,000	Short-term
9	Lane Cove River suburbs	Stormwater outlets – Rock armouring and vegetation stabilisation of stormwater outlets in bushland leading to Lane Cove River.	60,000	Short-term
10	All	Creeks & streams – Rock armouring of creek banks and watercourses in all catchments.	150,000	Short-term
11	All	Foreshores – Sea wall reconstruction using sandstone to stabilise foreshore areas and access.	100,000	Long-term
<b>Total Bushland</b>			<b>1,650,000</b>	
<b>Parks &amp; Reserves</b>				
12	Willoughby	Master Plan – Willoughby Park – Implementation of works as per 2006 Master Plan.	900,000	Short-term
13	St Leonards	Master Plan – Gore Hill Park – Implementation of works as per 2007 Master Plan.	2,500,000	Short-term
14	Naremburn	Master Plan –	900,000	Medium-term

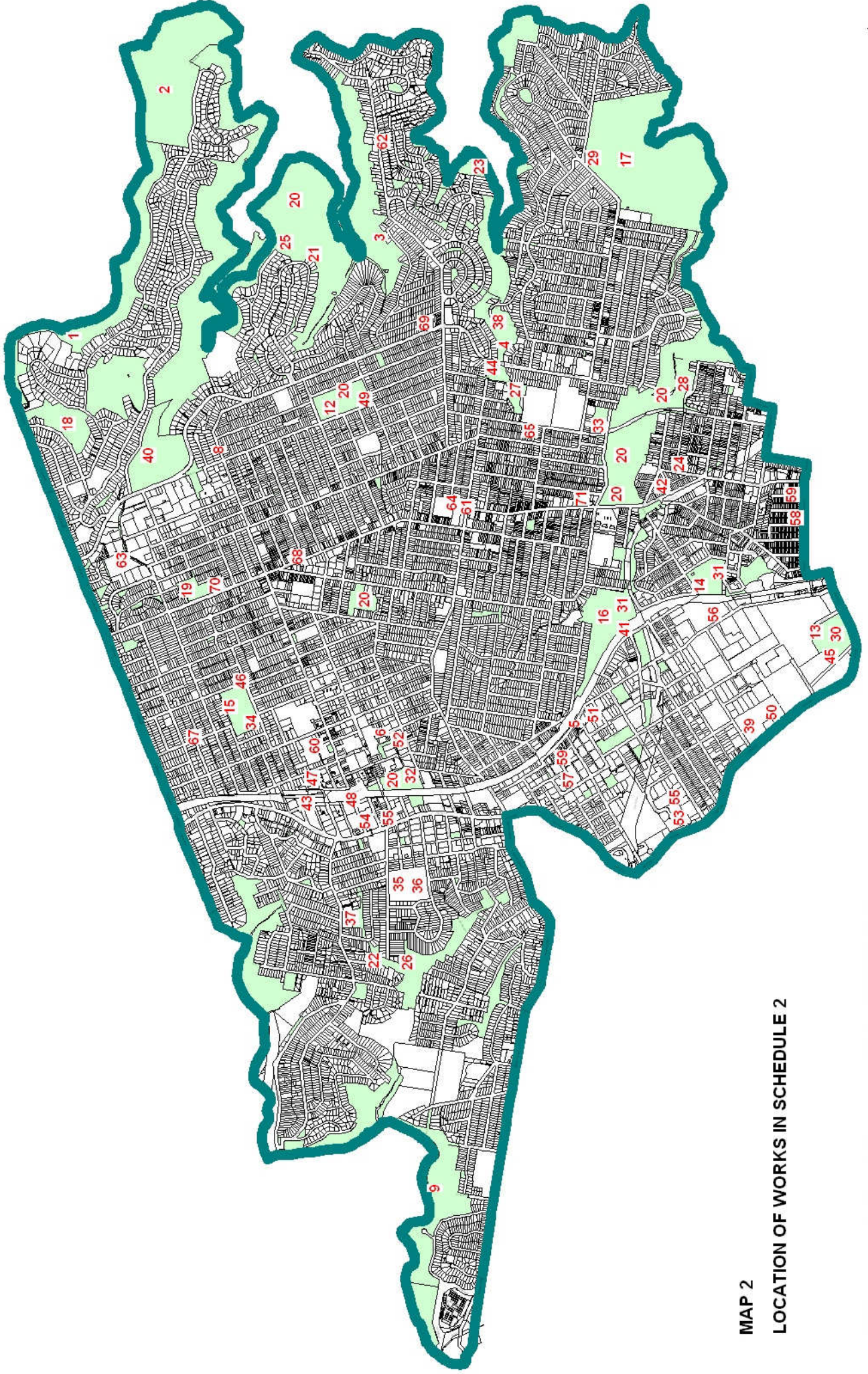
		Naremburn Park – Implementation of works as per 2008 Master Plan.		
15	Chatswood	Master Plan – Beauchamp Park – Implementation of works as per 2008 Master Plan.	1,500,000	Short-term
16	Artarmon	Master Plan – Artarmon Reserve – Implementation of works as per 2000 Master Plan.	300,000	Medium-term
17	Northbridge	Master Plan – Northbridge Park Implementation of works as per 2010 Master Plan.	1,500,000	Medium-term
18	Castle Cove	Master Plan – Castle Cove Park – Implementation of works as per 2006 Master Plan.	600,000	Medium-term
19	Chatswood	Master Plan – Implementation of works for Muston Park as per the 2011 Master Plan.	400,000	Medium-term
20	All	Access DDA plans – Implementation of Access Plans – Hallstrom, Bicentennial Reserve and Flat Rock Gully, Willoughby, Harold Reid, Chatswood and Bales as per Disability Discrimination Plan – Action Plan.	300,000	Short-term
21	Middle Harbour Ward	Playgrounds – Upgrading 7 playgrounds in Ward, Based on average cost of upgrade @ \$150,000.	1,050,000	Short-term
22	Chatswood West Ward	Playgrounds – Upgrading 9 playgrounds in Ward, Based on average cost of upgrade @ \$150,000.	1,350,000	Short-term
23	Sailors Bay Ward	Playgrounds – Upgrading 8 playgrounds in Ward, Based on average cost of upgrade @ \$150,000.	1,200,000	Short-term
24	Naremburn Ward	Playgrounds – Upgrading 9 playgrounds in Ward, Based on average cost of upgrade @ \$150,000.	1,350,000	Short-term
25	Middle Harbour Ward	Picnic shelters, BBQs, seats – Upgrade and/or install covered picnic shelters, new bench seating and BBQs.	100,000	Medium-term
26	Chatswood West Ward	Picnic shelters, BBQs, seats – Upgrade and/or install covered picnic shelters, new bench seating and BBQs.	100,000	Medium-term
27	Sailors Bay Ward	Picnic shelters, BBQs, seats – Upgrade and/or install covered picnic shelters, new bench seating and BBQs.	100,000	Medium-term
28	Naremburn Ward	Picnic shelters, BBQs, seats – Upgrade and/or install covered picnic shelters, new bench seating and BBQs.	100,000	Medium-term
<b>Total Parks &amp; Reserves</b>			<b>14,250,000</b>	
<b>Sportsgrounds &amp; Sport Facilities</b>				
29	Northbridge	Northbridge Park Oval - New multi-sports synthetic grassfield and new cricket nets.	1,300,000	Short-term
30	St Leonards	Synthetic grass field – Gore Hill Park Oval – New synthetic grass field for AFL, Frisbee and cricket.	1,000,000	Medium-term

31	Naremburn / Artarmon	Synthetic grass field – Naremburn / Artarmon New synthetic grass field for soccer, frisbee and cricket.	1,000,000	Medium-term
32	Chatswood	Synthetic grass field – Chatswood – New synthetic grass field for soccer and cricket.	1,000,000	Short-term
33	Northbridge / Willoughby	Willoughby Leisure Centre Implementation of Aquatic Strategy 2010	20,000,000	Medium-term
34	Chatswood	Sports training court – Beauchamp Park – New multi-sport synthetic court.	80,000	Medium-term
35	Chatswood	Sports training Courts – Chatswood High School Oval – New multi-sport synthetic court.	200,000	Medium-term
36	Chatswood	Indoor sport facility – New gymnasium with 2 multi-sport courts in partnership with Chatswood High School.	2,000,000	Long term
37	Chatswood	Refurbishment of existing tennis courts into multi-sports courts.	500,000	Short-term
38	Northbridge	Redevelopment of recreation facilities at Northbridge Bowling Club, Warners Park.	1,000,000	Long-term
39	Artarmon	Indoor sports facility at Gore Hill Technology Park.	200,000	Medium term
40	Castle Cove	Redevelopment of recreation facilities at Willis Park-tennis complex	500,000	Medium term Long term
<b>Total Sportsgrounds &amp; Sport Facilities</b>			<b>29,280,000</b>	

<b>Libraries</b>				
41	Artarmon	Artarmon Branch Library- Library upgrades	166,800	Short-term
42	Naremburn	Naremburn Branch Library- Library upgrades	91,600	Medium-term
<b>Total Libraries</b>			<b>258,400</b>	
<b>Community Facilities</b>				
43	Chatswood	Zenith Theatre & Convention Centre- Improvements	195,000 80,000	Short-term Medium-term
44	Northbridge	Warners Park – Centre Improvements	115,550	Short-term
45	St Leonards	Gore Hill Pavilion- Improvements	75,900	Medium-term
46	Chatswood	Beauchamp Park & Pavilion- Improvements	218,200	Short-term
47	Chatswood	Joe Ciantar Music Studio- Improvements	28,650	Short-term
48	Chatswood	MOSAIC Multicultural Centre - Capacity Upgrading	40,000	Short-term
49	Willoughby	Willoughby Park Centre Upgrading	500,000 500,000	Short term Long term
50	Community Facility Artarmon	Community facility at Gore Hill Technology Park	100,000	Medium term
<b>Total Community Facilities</b>			<b>1,853,300</b>	
<b>Childcare</b>				
51	Artarmon	Artarmon Children's Centre- Rebuild	1,500,000	Long-term
52	Chatswood	Devonshire Street Children's Daycare Centre- Improvements	10,000	Short-term
<b>Total</b>			<b>1,510,000</b>	

<b>Childcare</b>				
<b>Bicycle Paths</b>				
53	St Leonards	Route 22- Extension of cycle network	650,000	Long-term
54	Chatswood	Route 4- Extension of cycle network	30,000	Medium-term
55	St Leonards & Chatswood	Routes 22 & 4- Upgrading facilities along routes	20,000	Long-term
56	Artarmon to St Leonards	Routes 20- Upgrading facilities along routes	50,000	Medium-term
57	Artarmon to Lane Cove	Route 17- Extension of cycle network	40,000	Medium-term
58	St Leonards to Naremburn	Route 26- Extension of cycle network	55,000	Medium-term
59	Artarmon & Naremburn	Routes 17 & 26- Upgrading facilities along routes	10,000	Long-term
<b>Total Bicycle Paths</b>			<b>855,000</b>	
<b>Pedestrian Access</b>				
60	Chatswood CBD	Implement Pedestrian Access Mobility Plan Recommendations	200,000	Medium term
61	Willoughby (Penshurst shops & schools)	Implement Pedestrian Access Mobility Plan Recommendations	100,000	Medium
62	Castlecrag	Construction of 3 pedestrian refuges- Edinburgh Road between Eastern Valley Way & Linden Way	30,000	Long-term
63	Castle Cove	Pedestrian bridge over Scotts Creek at Eastern Valley Way	50,000	Medium-term
64	Willoughby	Pedestrian fencing to be installed on Mowbray Road at Willoughby Girls' High School	40,000	Medium-term
65	Willoughby	Pedestrian refuge on Alpha Road, north of Frenchs Road	50,000	Medium-term
66	Willoughby City Wide	Implementation of missing links footpath masterplan	50,000 100,000 200,000	Short term Medium term Long term
<b>Total Pedestrian Access</b>			<b>820,000</b>	
<b>Traffic Management</b>				
67	North Chatswood	Implementation of North Chatswood LATM Study Recommendations	265,000	Medium-term
68	North Willoughby	Implementation of North Willoughby LATM Study Recommendations	265,000	Medium-term
<b>Total Traffic Management</b>			<b>530,000</b>	
<b>Bicycle Facilities</b>				
69	Castlecrag	Installation of lockers for commuters at Eastern Valley Way & Edinburgh Road bustops	15,000	Medium-term
70	Willoughby	Installation of lockers for commuters at Penshurst Street bustops at Muston Park	15,000	Long-term
71	Naremburn	Installation of lockers for commuters at Willoughby Road & Small Street bustops	15,000	Long-term
<b>Total Bicycle Facilities</b>			<b>45,000</b>	

<b>Public Transport</b>				
<b>72</b>	Willoughby City wide	Install bus shelters at various locations in residential streets as agreed with Council's bus shelter programme	60,000	Medium-term
<b>73</b>	Willoughby City wide	Provision of shuttle bus	100,000	Short term
<b>Total Public Transport</b>			<b>160,000</b>	



MAP 2  
LOCATION OF WORKS IN SCHEDULE 2

Projects not indicated on map: 7, 10, 11, 66, 72, 73

## ATTACHMENT 1 - Ministerial directions under section 94E of the Act

### ATTACHMENT: 1

#### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

##### DIRECTION UNDER SECTION 94E

I, the Minister for Planning, under section 94E of the *Environmental Planning and Assessment Act 1979* ("the Act"), direct consent authorities that:

- (1) The maximum percentage of the levy for development under section 94A of the Act, having a proposed cost within the range specified in the Table to Schedule A, is to be calculated in accordance with that Table.
- (2) Despite subclause (1), a levy under section 94A of the Act cannot be imposed on development:
- a) for the purpose of disabled access,
  - b) for the sole purpose of affordable housing,
  - c) for the purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building,
  - d) for the sole purpose of the adaptive reuse of an item of environmental heritage, or
  - e) other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.

In this direction words and expressions used have the same meaning as they have in the Act. The term "item" and "environmental heritage" have the same meaning as in the *Heritage Act 1977*.

This direction does not apply to development applications and applications for complying development certificates finally determined before 1 December 2006.



FRANK SARTOR, M.P.,  
Minister for Planning,  
Sydney.  
[Dated: 10 November 2006]

##### SCHEDULE A

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001–\$200,000	0.5 percent
More than \$200,000	1.0 percent

## ATTACHMENT 2 - Clause 25J of the Environmental Planning and Assessment Regulation

### ATTACHMENT: 2

#### 25J Section 94A levy—determination of proposed cost of development

- (1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 94A levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
  - (a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
  - (b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
  - (c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
- (2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
- (3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
  - (a) the cost of the land on which the development is to be carried out,
  - (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
  - (c) the costs associated with marketing or financing the development (including interest on any loans),
  - (d) the costs associated with legal work carried out or to be carried out in connection with the development,
  - (e) project management costs associated with the development,
  - (f) the cost of building insurance in respect of the development,
  - (g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
  - (h) the costs of commercial stock inventory,
  - (i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,
  - (j) the costs of enabling access by disabled persons in respect of the development,
  - (k) the costs of energy and water efficiency measures associated with the development,
  - (l) the cost of any development that is provided as affordable housing,
  - (m) the costs of any development that is the adaptive reuse of a heritage item.
- (4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.
- (5) To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.

## ATTACHMENT 3 - Cost Summary Report

### COST SUMMARY REPORT

Development Cost no greater than \$500,000

DEVELOPMENT APPLICATION No: _____	Reference: _____
COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No: _____	
CONSTRUCTION CERTIFICATE No: _____	Date: _____
APPLICANTS NAME: _____	
APPLICANTS ADDRESS: _____	
DEVELOPMENT NAME: _____	
DEVELOPMENT ADDRESS: _____	

#### ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	\$	Hydraulic services	\$
Structure	\$	Mechanical services	\$
External walls, windows and doors	\$	Fire services	\$
Internal walls, screens and doors	\$	Lift services	\$
Wall finishes	\$	External works	\$
Floor finishes	\$	External services	\$
Ceiling finishes	\$	Other related work	\$
Fittings and equipment	\$	Sub-total	\$

Sub-total above carried forward	\$
Preliminaries and margin	\$
<b>Sub-total</b>	\$
Consultant Fees	\$
Other related development costs	\$
<b>Sub-total</b>	\$
Goods and Services Tax	\$
<b>TOTAL DEVELOPMENT COST</b>	\$

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate.
- Calculated the development costs in accordance with the definition of development costs in clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- Included GST in the calculation of development costs.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position and Qualifications: \_\_\_\_\_

## ATTACHMENT 4 - Detailed Cost Summary Report

### REGISTERED\* QUANTITY SURVEYOR'S DETAILED COST REPORT

Development Cost in excess of \$500,000

\*A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No: _____	Reference: _____
COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No: _____	
CONSTRUCTION CERTIFICATE No: _____	Date: _____
APPLICANTS NAME: _____	
APPLICANTS ADDRESS: _____	
DEVELOPMENT NAME: _____	
DEVELOPMENT ADDRESS: _____	

#### DEVELOPMENT DETAILS:

Gross Floor Area - Commercial	m <sup>2</sup>	Gross Floor Area – other	m <sup>2</sup>
Gross Floor Area – Residential	m <sup>2</sup>	Total Gross Floor Area	m <sup>2</sup>
Gross Floor Area – Retail	m <sup>2</sup>	Total Site Area	m <sup>2</sup>
Gross Floor Area – Car Parking	m <sup>2</sup>	Total Car Parking Spaces	
<b>Total Development Cost</b>	\$		
<b>Total Construction Cost</b>	\$		
<b>Total GST</b>	\$		

#### ESTIMATE DETAILS:

<b>Professional Fees</b>	\$	<b>Excavation</b>	\$
% of Development Cost	%	Cost per square metre of site area	\$ /m <sup>2</sup>
% of Construction Cost	%	<b>Car Park</b>	\$
<b>Demolition and Site Preparation</b>	\$	Cost per square metre of site area	\$ /m <sup>2</sup>
Cost per square metre of site area	\$ /m <sup>2</sup>	Cost per space	\$ /space
<b>Construction – Commercial</b>	\$	<b>Fit out – Commercial</b>	\$
Cost per square metre of commercial area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of commercial area	\$ /m <sup>2</sup>
<b>Construction Residential</b>	\$	<b>Fit-out – Residential</b>	\$
Cost per square metre of residential area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of residential area	\$ /m <sup>2</sup>
<b>Construction – Retail</b>	\$	<b>Fit-out – Retail</b>	\$
Cost per square metre of retail area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of retail area	\$ /m <sup>2</sup>

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate.
- Prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.
- Calculated the development costs in accordance with the definition of development costs in the S94A Development Contributions Plan of the Council of Willoughby City at current prices.
- Included GST in the calculation of development costs.
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position and Qualifications: \_\_\_\_\_