

Carter Street Precinct Development Contributions Plan 2016



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PART A SUMMARY SCHEDULES

Schedule 1 – Summary schedule of Levy

The Section 94A contributions levy for the Carter Street Precinct is 1% of the cost of development.

The cost of development is to be determined in accordance with Clause 25J of the EP&A Regulation 2000.

The rate of the levy is calculated as follows:

Type of development	Levy (%) of development costs
Residential / mixed use development (B4 and B2 zones) including all forms of multi dwelling housing and communal open spaces	1.0% of the cost of development more than \$200,000.
Employment uses (B6 Enterprise Corridor zone) including commercial and retail development;	0% up to and including \$200,000
Alterations to commercial premises with additional gross floor area (GFA)	1.0% in excess of \$200,000
Industrial development	0% up to and including \$200,000
	1.0% in excess of \$200,000
Other forms of development – such as:	0% up to and including \$200,000
Residential care facilities Hostel / boarding house/ group home Hospital / educational establishment Tourist and visitor accommodation	1.0% in excess of \$200,000
All other development that does not involve the creation of additional dwellings or, in the case of commercial premises –additional GFA	0% up to and including \$200,000
	1.0% in excess of \$200,000

Summary of Contributions by Development Type

This plan applies to all land within the Carter Street Priority Precinct that is part of the local government area of Auburn City Council as shown on the Land Application Map (see Part C Figure 1).

This plan applies to:

- Residential development which would result in the creation of additional dwellings;
- Non-residential development (including commercial and industrial development) and including alterations to commercial premises which results in new or additional gross floor space (GFA);
- Residential care facilities;
- Hostel / boarding house / group home / hospital / educational establishment;
- Tourist and any visitor accommodation.

Schedule 2 – Works program summary for new community infrastructure within the Carter Street Precinct and district facilities for future Carter Street population for which S94A levies will be applied:

Community Infrastructure	Cost Estimate 2016 (\$M)
Carter Street local precinct facilities	
Community and cultural facilities- fit out costs	\$2.5
Local parks – embellishment	\$6.6
Active transport – bridges, cycleways, walking trails	\$5.0
Traffic management – Carter St apportionment	\$5.0
Plan administration (1.5% of total local works)	\$0.2
District facilities	
Sport and recreation facilities	\$15.0
Total value of program (\$ million)	\$34.3

A more detailed list of the works schedule and timing is provided in Part D – Schedule 4.

The Works Program (Part D Schedule 4) and accompanying Public Facilities Location Maps (Part D Schedule 5) identify the public facilities for which Section 94A levies will be required. Schedule 4 lists the works adopted in 2016 and the type of community infrastructure that will be provided by Council over approximately the next 20 years with a summary of the funding allocation.

The Works Program is directed towards providing new and improved district facilities to offer a wider diversity of recreation and leisure opportunities for the future Carter Street residential population and the expected additional worker population throughout the area.

Local community facilities within the Carter Street precinct may also be provided by a Voluntary Planning Agreement (VPA) for developer-in-kind works.

Types of additional community infrastructure addressed by this plan

The new and embellished community infrastructure to be provided to meet the expected future demand is set out in the detailed works program in Schedule 4 and on the Schedule 5 Works Program Maps at Part D of this Plan.

Under this plan, Council will require development contributions for the following types of community infrastructure:

- District open space and recreation facilities including:
 - New and embellished recreation facilities including district sportsfields, indoor recreation facility, walking trails, exercise equipment and children's play equipment;
 - New and embellished local public open spaces and associated landscaping;
- Active transport facilities – cycleways, pedestrian bridges, walking trails, local public transport facilities including bus lay-bys, shelters and bus stop environment improvements;
- District/Local community and cultural facilities including:
 - Community centres and meeting rooms/halls;
 - Libraries and resource materials;
 - Flexible arts / cultural spaces – studios, practice space, exhibition rooms, etc;
- Traffic management works;
- Stormwater management and environmental works, including regeneration of bushland and improvements to any creek systems/waterways that form recreational and movement corridors throughout the area.

PART B- CARTER STREET PRECINCT - EXPECTED DEVELOPMENT AND DEMAND FOR PUBLIC FACILITIES

3.1 Geographic context

The Auburn City Local Government Area (Auburn City LGA) is located 18km west of the Sydney CBD and covers a land area of 31 square kilometres. It encompasses the suburbs of Auburn, Berala, Lidcombe, Newington, Regents Park, Rookwood, Silverwater and Wentworth Point (Map1).

The Carter Street Precinct (Map 2) is within the LGA and is situated in the geographic centre of the Sydney Metropolitan area, about 4km from the Parramatta CBD and adjacent to Sydney Olympic Park.

These areas are strategically located within the Metropolitan Region, proximate to the Sydney rail network, and close to the Parramatta CBD. They are supported economically and socially by surrounding facilities, including Sydney Olympic Park Specialised Precinct, significant employment lands on both sides of Parramatta Road, and extensive areas of open space.

3.2 Location of the Carter Street Priority Precinct

The Carter Street Precinct comprises 52 ha of land directly south west of Sydney Olympic Park. It is located adjacent to the M4 Motorway, north of Lidcombe, and bounded by Edwin Flack Avenue to the north-east, and Haslam's Creek to the north-west. The primary entry to the site is from Parramatta Road via Hill Road and Birnie Avenue.

Currently it comprises an established industrial area / business park with mainly large warehouse facilities offering logistics services.

Map 1: Auburn City LGA



Map 2: Silverwater / Homebush Bay Area and Carter Street Precinct



3.3 Area context of the Carter Street Precinct

The NSW Government endorsed the Carter Street area as a Priority Precinct as part of the 2012-13 Budget and the current Metropolitan Strategy on the basis of its location as part of the broader Sydney Olympic Park Strategic Centre which is designated to accommodate significant jobs and housing growth. The precinct:

- connects to Sydney Olympic Park and parklands, which offer a high level of amenity in a natural environment; and
- is adjacent to major sports, recreational and entertainment facilities.

The relationship between expected development within the Carter Street Precinct and the expected future demand for public facilities is established through:

- The designation by the State Government of the Carter Street area as a "Priority Precinct" and completed a rezoning process on 27 November 2015 to establish new planning controls for the precinct by amending the *Auburn Local Environmental Plan 2010*.
- The making of the Carter Street Precinct Development Control Plan on 9 February 2016 to guide future development.

The rezoning proposal enables the redevelopment of the Priority Precinct for:

- high density residential development including a range of housing options from townhouses to apartments in buildings of 4-22 storeys;
- employment uses along the M4 Motorway corridor, within buildings up to 6 storeys;
- a mixed use village centre and village square focused around Uhrig Road;
- a new primary school;
- a multi-purpose community facility (1,000m²); and
- new open space including a 2.98 hectare park at Hill Road, a village square and park on Uhrig Road, and a new linear foreshore reserve along Haslam's Creek south of John Ian Wing Parade.

In rezoning the Carter Street site for future residential and employment / commercial (office) uses, the Department of Planning and Environment has identified a potential for over 5,500 new dwellings, 13.6 hectares of employment lands and about 204,000 m² GFA commercial floor space for an estimated 6,785 jobs. The precinct is to include a

retail centre along Uhrig Road with up to 12,000 sqm of shops and services.

The precinct is expected to reach a residential population of about 6,000+ by 2036, and an indicative total population of about 12,000 – 15,000 when fully developed by a potential of over 5,500 dwellings as projected by the Department of Planning and Environment. With approximately 6,000 jobs to be provided within the precinct – this represents a significant number of additional people within the precinct whose community infrastructure needs must be considered.

The precinct comprises the following zones:

- a B2 Local Centre zone focussed on Uhrig Road;
- a B6 Enterprise Corridor zone;
- a RE1 Public Recreation zone;
- a R4 High Density Residential zone; and
- a SP2 Infrastructure zone for the school site.

Prior to its rezoning, the entire precinct was a traditional industrial and related employment / business park area accommodating factories, offices, warehouses and the like. With future redevelopment, the precinct will evolve from an industrial area / business park into a high density mixed use, residential and commercial area.

The Carter Street site is somewhat isolated from surrounding residential and employment areas with:

- The M4 Motorway and Parramatta Road acting as a strong visual and physical barrier to Lidcombe residential areas in the south;
- Haslam's Creek separating the precinct from the suburb of Newington to the north and north-west; and
- The large open spaces and facilities of Sydney Olympic Park surrounding the site to the north and east.

The Carter Street Precinct has reasonable access to public transport with the Olympic Park Railway Station located approximately 800 metres (walking/driving distance) from the closest part of the site. Lidcombe Station is located approximately 2.2 kilometres south of the site.

3.4 Expected development and demand for public facilities - Carter Street Precinct within the Silverwater / Homebush Bay area

The Silverwater / Homebush Bay area (Map 2) comprises the existing suburbs of Silverwater and Newington, as well as the designated high density residential growth areas of Wentworth Point, and the Carter Street Precinct. The whole Silverwater / Homebush Bay area – excluding Sydney Olympic Park (653ha) - covers an area of about 467ha, and includes the Silverwater Industrial Area (152ha).

In March 2013 the NSW State Government released its planning blueprint for Sydney in its draft *Metropolitan Strategy*. As part of the on-going review of accelerating and facilitating housing growth by the Department of Planning & Environment in the context of metropolitan planning for Sydney, the State Government nominated – within the Silverwater / Homebush Bay area - two Urban Activation/Priority Precincts at Wentworth Point and Carter Street.

In addition, in the current metropolitan strategy *A Plan for Growing Sydney* (2014), the State Government has also identified the Greater Parramatta to Olympic Peninsula and the Parramatta Road Corridor as priority growth areas / urban renewal projects - which also located within and adjacent to the Silverwater / Homebush Bay area.

In summary, the growth centres within the Silverwater / Homebush Bay area identified by current metropolitan planning strategies are:

- The whole of the Wentworth Point peninsula, including the **Wentworth Point Urban Activation Precinct**, and the Sydney Olympic Park Ferry Terminal development, with a projected future population of 20,200 by 2031;
- The **Carter Street Priority Precinct** adjacent to the northern side of the M4 motorway and Parramatta Road with more than 5,500 new dwellings, and about 204,000 m2 GFA commercial floor space for an estimated 6,785 jobs;
- The **Greater Parramatta to the Olympic Peninsula Priority Growth Area** and the **Parramatta Road Urban Transformation Strategy**.

3.5 Expected population arising from new development

The most current, published population projections for the Silverwater / Homebush Bay area (provided by id Forecast) are those shown in Table 1. According to this data set the population of this area will grow by an additional 30,300 persons between 2011 and 2036 to reach a total of 41,400. This forecast also indicates an additional 9,676 people living within Sydney Olympic Park.

Within the Urban Activation Precincts identified in the NSW Government's *Draft Metropolitan Strategy for Sydney to 2031*, and *A Plan for Growing Sydney* (2014) there is expected to be substantial growth in employment, services and housing within the northern growth area of Auburn City.

The Wentworth Point and the Carter Street precincts will be the major centres for new residential development, together with office/commercial development within the Carter Street Precinct driving population growth within the area.

In terms of future population growth, this population is likely to grow to 41,400 by 2036. This estimate represents an average annual population growth of about 10%. The incoming population will generate demands for new public facilities as well as having the potential to diminish the existing population's enjoyment and standards of public facilities. A Section 94A levy is therefore proposed to enable the collection of contributions for the purposes of augmenting existing public facilities and providing new local public facilities both within the Carter Street Precinct and district facilities where required.

Table 1: Silverwater /Homebush Bay Area - Population Growth Projections

	Census Population 2011	Projected Increase	Projected 2031 Population	Per Cent Increase
Whole of current (former) Auburn LGA* (DP&E 2014)	77,800	52,800	130,600*	67%
Silverwater / Homebush Bay Growth Area	2011	Projected Increase	Projected 2036 Population	
Silverwater / Homebush Bay area – including Wentworth Point, Carter St, Silverwater, Newington (and excluding SOP)	11,100	30,300	41,400	270%
Carter Street Precinct* (with a projected 5,500 + dwellings and assumed average occupancy of 2.16 persons per dwelling)	0	6,000	6,000#	

Source: id Forecast 2016 and *NSW Department of Planning & Environment Population Projections 2014; # Based on assumed 3,000 dwellings completed by 2036.

3.6 Non-residential population growth

The former *Sydney Metropolitan Strategy* (2005) and *Draft West Central Subregional Strategy* (2007) also set a target of 61,000 additional jobs within the Subregion by 2031. Auburn City's share of this target is 12,000 jobs which equates to approximately 20% of the employment target for the Subregion.

The updated employment target as contained within the *Draft Metropolitan Strategy for Sydney to 2031* (2010) cited an increase of 142,000 jobs between 2011 and 2031 for the West Central and North West Subregion.

The Carter Street Precinct includes about 204,000 m² GFA commercial floor space for an estimated 6,785 jobs, and additional employment is also forecast for Sydney Olympic Park.

3.7 Summary of expected development and demand for public facilities

The relationship between expected new development within the Carter Street Precinct - together with other new development within the Silverwater / Homebush Bay area - is established through the State Government's current metropolitan strategy *A Plan for Growing Sydney* (2014). This proposes significant additional housing and employment generating development within this area, and will create the demand for additional local and district community infrastructure for the projected new resident and worker population.

Development within the Silverwater / Homebush Bay growth area over the next 20 years is expected to result from:

- the rezoning for new residential and commercial development of the Carter Street Priority Precinct;
- the continuation of high density apartment housing construction within the whole of Wentworth Point, including the Wentworth Point Urban Activation Precinct; and
- continued redevelopment of detached housing into medium density residential development within the Silverwater area.

The census 2011 population of the northern Auburn LGA area was 11,100. By 2036, this area is expected to have a total population of 41,400 (including a Carter Street population of 6,480) which represents an increase of 300% or 30,300 additional residents over a 25 year period 2011-2036.

The likely population growth will place additional pressure on Council facilities currently provided for the existing population in the Silverwater / Homebush Bay area, unless new facilities are provided to meet that additional demand.

The new public facilities to be provided to meet the expected future demand are set out in summary form in Schedule 2 in Part A of this plan.

Schedule 4 contains a detailed works program and Schedule 5 contains the Public Facilities Location Maps.

3.7 Demographic overview - projected Carter Street community profile

The demographic characteristics of a development area are important in understanding the future social infrastructure needs of that area. A major change in land use, such as from industrial to residential, will generate new social infrastructure demands relevant to the characteristics of the expected population. Council has undertaken an assessment of the likely characteristics of the future population of the Carter Street Precinct.

The future Carter Street population is likely to be similar to other existing Sydney high density residential suburbs such as Rhodes Peninsula and Wolli Creek, and characterised by:

- large working age population with a relatively high income profile;
- a high proportion of tertiary students and much larger proportion of people with university qualifications;
- a predominance of couple families – including a mix of couples without children (including empty nesters);
- smaller households – most commonly single person or couple only (with no dependent children);
- relatively low proportions of school aged children and a low proportion of older people;
- a high proportion of group households;
- a high proportion of people from culturally and linguistically diverse backgrounds – with very high proportions of people who were born overseas, and who speak a language other than English at home;
- a relatively low proportion of people who own their home outright, and a very high proportion who are renting their home;
- a very high rate of internet connectivity;
- education and income levels often higher than the existing or surrounding population
- people seeking convenience to jobs, services and networks.

3.8 General recreation participation trends and community facility needs

The levels and nature of the future population, the use of community facilities and participation in leisure and recreation will be greatly dependent on the profile of the community itself. Age, cultural background, physical ability, socio-economic status and many other factors of the local demography all influence both the opportunity and motivation for participation.

The following are likely characteristics of the current and forecast population that will have a particular bearing on the use of, and demand for community infrastructure and recreation facilities:

- an increasing population and high residential densities within the Carter Street Precinct will increase demand, require easy access to and potential diversity of community and recreation facilities sought;
- high numbers of households without children are likely to / expected to increase demand for unstructured and passive leisure and recreation pursuits such as walking, indoor social activities, and passive use of parks.

Other factors regarded as the catalysts for change in leisure/recreation participation and trends, and relevant to the anticipated future resident population of the Homebush Bay West area include the following:

- increased recognition of the strong links between involvement in recreational activities and good health, and the development of appropriate activities and services which cater for this;
- demand by people for a greater diversity of recreational activities, and increased expectation of people/groups for higher standards in facility provision, and of quality programming, servicing and management;
- greater emphasis on non-competitive, unstructured recreation opportunities and less emphasis on participation and involvement in organised sport;
- recreation participation trends demonstrate the importance of the public domain's 'active transport' elements, that is pathways and cycleways, to the physical recreation preferences of Australians. Three of the top five most popular activities are: walking, cycling, and running;
- more flexible opening hours of facilities and for programming, including weekday, evening and weekend time-slots.
- the growing working population in the Carter Street precinct is anticipated to require daytime leisure/recreation opportunities.

3.9 Range of community infrastructure to be provided under this plan

Council wants to ensure that it has a sustainable local government area, safeguarding the economic, social, cultural, and environmental wellbeing of present and future generations. The section 94A levy will assist Council to provide high quality and diverse public facilities to meet the expectations of the new residents of the area.

It is to be also noted that:

- while the current Council area has a network of 15 district sportsgrounds, only one (Wilson Park) is located in the Silverwater / Homebush Bay area;
- The presence of the SOPA parkland areas provide somewhat limited open space opportunities for the local population in terms of walking distance proximity from the Carter Street Precinct, and these facilities are already heavily used by a wider metropolitan population.

Currently, existing Council facilities within the Silverwater / Homebush Bay area comprise only the Newington Community Centre (512m²) together with an associated library service, existing cycleways, local parks, and two playing fields at Wilson Park. The Wentworth Point area will be provided with a range of local community infrastructure specifically for that local population.

Development generated throughout the Silverwater / Homebush Bay area will require ongoing district and local improvements to, and provision of, public facilities, community facilities and services including, but not limited to:

- **Community centre, library and cultural facilities** – for local communities within the residential area of the Carter Street Precinct;
- **Recreation, sporting and open space** new and upgraded facilities – within the precinct and other parts of the Silverwater / Homebush Bay area – including walking trails and indoor facilities (possibly as part of a community hub);
- **Land acquisition/embellishment** – for new open spaces such as parks, urban plazas – particularly within the Carter Street Precinct;
- **Public domain improvements** – such as additional seating, playgrounds, shade structures, paving, etc (within existing parks) and place making embellishments achieved through cultural art works and installations;
- **Active transport infrastructure** such as bus stops, cycleways and walking trails for transit and exercise purposes, and suitable for a diverse

range of community members, age groups, families, elderly people;

- **Traffic management** works (Schedules 4B and 4C) throughout the whole Silverwater / Homebush Bay area;
- **Stormwater management works;**
- **Environmental works**, including regeneration of bushland and improvements to any creek systems/waterways that form recreational and movement corridors throughout the area

The community infrastructure objective of this Plan is to provide a comprehensive range of public facilities that are considered reasonable and appropriate for the future Carter Street population, both in terms of community and social development facilities, and contemporary recreation participation trends for the projected demographic characteristics of the population, and the types of recreation resources that are currently not available but could be provided to increase the diversity of recreation opportunities for the local community and capable of improvement within the area.

The additional district-type public facilities to be provided to meet the expected future development of the whole Silverwater / Homebush Bay area are set out in Part D Schedule 4.

This plan also provides for the following range of local community infrastructure for the future Carter Street population:

- **Local facilities** – as specified in the *Carter Street Precinct Development Control Plan 2016* (the DCP) - within and adjacent to the Precinct:
 - A multi-purpose community centre (1,000m² minimum) that provides a focal point for community activity and social interaction within the village centre / square adjacent to the park on the eastern side of Uhrig Road, accessible by public transport and in co-location with shops;
 - The dedication and embellishment of a range of open spaces in the form of a large park with playing fields, 3 smaller parks, and a linear foreshore reserve along Haslam's Creek [Figure 9 of the DCP];
 - A cycle / pedestrian bridge over Haslam's Creek [Figure 8 of the DCP] together with an extended walking trail circuit along both sides of Haslam's Creek to promote local recreational walking for the Carter Street community.

- District Facilities to be accessible to the future Carter Street population [Schedule 5 Works Program Maps]:
 - An new multi-purpose indoor recreation facility;
 - Upgraded sporting facilities for team sports at Wilson Park and Newington Reserve.

PART C – ADMINISTRATION AND OPERATION OF THE PLAN

4. What is the name of this plan?

This plan is called the “Carter Street Precinct Development Contributions Plan 2016” – (the plan).

5. Where does this plan apply?

This plan applies to all land within the Carter Street Precinct on the Land Application Map as shown edged heavy black at Figure 1.

6. What is the purpose of this plan?

The purpose of this plan is:

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 94A of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*;
- To assist the Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area; and
- To publicly identify the purposes for which the levies are required.

7. When does this plan commence?

This plan takes effect from the date on which public notice was published, pursuant to clause 31(4) of the *Environmental Planning and Assessment Regulation 2000*. (The Regulation).

This plan was adopted by Council at its meeting of 20 April 2016 and came into force by public notice on 8 May 2016.

8. Relationship with and repeal of other development contribution plans

This plan repeals Part D of the *Auburn Development Contributions Plan 2007* adopted by Council on 6 February 2008.

Any other section 94 contributions plans that are not repealed continue to apply to all areas and development to which they are stated to apply.

All remaining funds collected under Part D of the *Auburn Development Contributions Plan 2007* are to be applied toward completing the Schedule 4 Works Program in this plan.

Figure 1 Land to which Plan applies



9. What is the Section 94A contributions levy?

The rate of the Section 94A contributions levy for the Carter Street Precinct is established in Clause 25K of the *Environmental Planning and Assessment Regulation 2000* which provides the following:

Proposed cost of carrying out the development	Maximum percentage of the levy
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5 per cent
More than \$200,000	1.0 per cent

[Note: These are the maximum allowable rates and are consistent with the rates set out in Schedule 1 applicable to the Carter Street Precinct].

Conditions authorised by this plan are subject to any direction given by the Minister under s94E of the Act from time to time, and this plan authorises the imposition of conditions which are in accordance with any such direction.

Any direction given by the Minister under s94E of the Act and in force from time to time may be attached to this plan or imposed over the top of a contribution authorised by this plan in such a manner as to affect the levying of that contribution, but does not form part of this plan for the purposes of the Act.

10. What does Section 94A of the Act provide?

Section 94A of the Act provides as follows:

94A Fixed development consent levies

(1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.

(2) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 94.

(3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.

(4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the

object of expenditure of any money required to be paid by the condition.

11. Council may require payment of the levy as a condition of development consent

This plan authorises the Council to grant consent to development to which this plan applies subject to a condition requiring the applicant to pay to the Council a levy calculated as per clause 12.

12. How will the levy be calculated?

The levy will be determined on the basis of the rate as set out in Part A Schedule 1 Summary of levy. The levy will be calculated as follows:

$$\text{Levy payable} = \%C \times \$C$$

Where:

%C is the levy rate applicable

\$C is the proposed cost of carrying out development as determined in accordance with clause 17.

13. Development to which this plan applies

This Plan applies to all applications for development consent and complying development certificates required to be made by or under Part 4 of the Act in respect of development on land to which this plan applies.

14. Are there any exemptions to the development contributions levy?

The plan will not impose development contributions in respect of development:

- a) where the proposed cost of carrying out the development is \$200,000 or less;
- b) for the purpose of disabled access;
- c) for the sole purpose of affordable housing;
- d) for the purpose of reducing a building's use of mains-supplied potable water, or reducing the energy consumption of a building;
- e) for the sole purpose of the adaptive reuse of an item of environmental heritage;
- f) that has been the subject of a condition under section 94 under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out;
- h) seniors living development under SEPP Seniors Housing 2004 by a Social Housing provider;

In addition, Council may allow at its discretion for the following exemptions (partial or full):

- i) An application on behalf of the Council for community infrastructure, such as, but not limited to, libraries, community facilities, child care facilities, recreational areas, recreational facilities or car parks;
- j) An application on behalf of the NSW Government for public infrastructure, such as, but not limited, to hospitals, police stations, fire stations, education facilities and public transport infrastructure;
- k) An application for privately funded community infrastructure, such as, but not limited to education facilities, universities, and private hospitals;
- l) Any other development for which Council considers an exemption is warranted, where the decision is made by formal ratification of the Council at a public Council meeting;
- m) An application for an industrial, retail or commercial development, where there is no increase in floor space within an existing building, such as, but not limited to, internal fit-out or alteration to existing structure;
- n) An application for a place of public worship;
- o) An application for demolition (where there is no replacement building or development);
- q) An application for a residential care facility;
- s) An application for an industrial training facility.

Submission requirements for an exemption claim to be considered

For an exemption to be considered in accordance with points j to t above, any such application will need to submit a comprehensive submission arguing the case for exemption and including details of:

- Under which point the exemption claimed is to be considered;
- The mechanism ensuring that such development will remain in the form proposed in the future (i.e. not to increase future demand on public amenities and services). [It is to be noted that where a further development application or application for complying development under the *EP&A Act* is required for any change to the development no mechanism is necessary, however if a change of use is available by way of exempt development then the requirement for a mechanism remains];
- Other items if applicable:
 - How the development will incorporate the maintenance of the item of heritage significance;
 - How the development will contribute to the public benefit of the community;

- Works in the public domain included in the development;
- How the residents/users will utilise existing private facilities attached to the development that replicate those types provided by Council.

A comprehensive submission is not required for points a) to s) listed on the previous page. Whilst assessment of any application will include consideration of the provisions of this plan for any exemption that may be warranted, where a comprehensive submission isn't required, the application should clearly state which point an exemption is expected to ensure it is considered.

Exemptions (partial or full) listed under points j) to s) will only be granted with approval of the Council Officer(s) whose position(s) holds the required Council delegations or in terms of point l) by formal ratification of the Council at a public Council meeting.

15. Complying Development Certificates and the obligations of accredited certifiers

This plan authorises a certifying authority (the Council or an accredited certifier) to issue a complying development certificate in respect of development to which this plan applies subject to a condition requiring the applicant to pay Council a levy in accordance with Clause 9.

The condition imposed must be consistent with Council's standard condition for Complying Development Certificates and be strictly in accordance with this plan.

An accredited certifier must not issue a complying development certificate, construction certificate or occupation certificate unless it has verified that each condition requiring the payment of monetary contributions has been satisfied in accordance with the condition of consent, and until such time as the monetary contribution levied under this plan has been received by the Council.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that the contribution has been fully paid and a copy of such receipt(s) must be included with the copies of the certified plans provided to Council in accordance with the Regulation. Failure to follow this procedure may render such a certificate invalid.

It is the professional responsibility of the accredited certifier to ensure that the contribution has been calculated in accordance with Clauses 9 and 12 of this plan by an appropriately qualified person and to apply the development contribution condition correctly.

16. Construction certificates and the obligations of accredited certifiers

In accordance with Section 94EC of the *EP&A Act 1979* and clause 146 of the *EP&A Regulation 2000*, a certifying authority must not issue a construction certificate or occupation certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

As the construction certificate is issued concurrently, payment is to be made to Council within 7 days of the date of the Complying Development Certificate.

The only exceptions to the requirement are where the Council has agreed to a works in kind, material public benefit, dedication of land, or deferred payment arrangement. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

17. How is the proposed cost of carrying out development determined?

Clause 25J of the *EP&A Regulation 2000* sets out how the proposed cost of carrying out development is to be determined.

That clause provides as follows:

“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.

18. Cost estimate reports must accompany an application for a development application or a complying development certificate

The cost of carrying out a proposed development will be determined in accordance with clause 25J of the *EP&A Regulation 2000*.

To provide Council with reliable information on the cost of carrying out a development, the applicant is to provide details with the development application. There are two levels of information provision, dependent on the scale and cost of construction:

- **Between \$0 and \$1,000,000** – where the cost of carrying out a proposed development is in this range, a Cost Summary Report must be completed by the applicant or a nominated representative such as the Project Architect or Project Manager, and who in the opinion of the Council is suitably qualified to provide a cost summary report.
- **Above \$1,000,000** – where the cost of carrying out a proposed development is in this range, a Detailed Cost Report must be completed by a Quantity Surveyor registered with the Australian

Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification.

Without limitation to the above, Council may review the valuation of works and may seek the services of an independent qualified person to verify the development cost assessment. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant.

Applicants will be required to declare upon signing of application for development/building work that the cost of carrying out development as evidenced by their submitted estimate has been calculated in accordance with the provisions of this plan, in particular clause 17.

19. How will the Council apply money obtained from the levy?

Money paid to the Council under a condition authorised by this plan is to be applied by the Council towards meeting the cost of the public facilities that will be or have been provided as identified in Part D Schedule 4 and 5.

20. Pooling of levies

For the purposes of s93E(2) of the *EP&A Act 1979*, this plan authorises money obtained from levies paid in respect of different developments to be pooled and applied by the Council progressively towards the public facilities listed in Part D Schedule 4 in accordance with the staging set out in that Schedule.

21. The Goods and Services Tax (GST)

At the time this plan was made, the position of the Australian Taxation Office (ATO) was that the payment of development contributions made under the *EP&A Act 1979* is exempt from the Goods and Services Tax (GST). Items in the works program of this Plan have been calculated without any GST component.

22. When is the levy payable?

A levy to be paid by a condition authorised by this plan must be paid to the Council at the time specified in the condition. If no time is specified, the levy must be paid in full prior to the first construction or subdivision certificate issued in respect of the development under Part 4A of the *EP&A Act 1979*.

Payments can be made in person at Council's Customer service centre, located on the ground floor of Auburn City Council Administration Building, 1 Susan Street, Auburn, between 8.30am and 4pm Monday to Friday except public holidays during business hours. Bank Cheques will be accepted by

mail to Auburn City Council – PO Box 118 Auburn NSW 1835.

23. How will the levy be adjusted?

Contributions required as a condition of consent under the provisions of this plan will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Bureau of Statistics.

The following formula for indexing contributions is to be used:

$$\text{Contribution at time of payment} = \$C \times (\text{CP2}/\text{CP1})$$

Where:

\$C is the original contribution as set out in the consent

CP1 is the Consumer Price Index (all groups index for Sydney) used in the proceeding indexation calculation

CP2 is the Consumer Price Index (all groups index for Sydney) at the time of indexation

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

24. Can deferred or periodic payments of levies be made?

The Council may allow deferred or periodic payment of monetary section 94A contributions for staged development applications, subject to consideration of a written application made to the Council.

In all other cases, deferred payment of development contributions may be permitted in the following circumstances and in accordance with the criteria outlined below. For a deferred or periodic payment to be considered, the applicant must satisfy to Council that:

- 1) There are valid reasons for deferred or periodic payment;
- 2) No prejudice will be caused to the community deriving benefit from the services being provided under this plan;
- 3) No prejudice will be caused to the efficiency and operation of this development contribution plan;
- 4) An application for deferred payment or payment by instalments is to be made in writing to Council explaining the circumstances of the request;

5) The timing or the manner of the provision of public facilities included in the works program will not be prejudiced;

6) The works to which the request applies does not relate to public safety or health;

7) The maximum period of deferred payment of the contribution is two years from the standard payment date;

8) The maximum period for payment by instalments is five years from the standard payment date;

9) Deferred payments and payments by instalments are subject to interest charges equivalent to that applied to overdue rates and an administration charge equivalent to the bank guarantee lodgement fee for subdivision related matters as stated in Council's Fees and Charges.

The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

a) The reasons provided by the applicant requesting a deferred or periodic payment;

b) Whether the applicant has provided the Council with adequate security in relation to the deferred or periodic payment;

c) Any other relevant circumstances of the case.

If the Council determines to allow the application, the arrangements relating to the deferred or periodic payment will not take effect until the applicant has entered into a written agreement with the Council reflecting the terms of the Council's approval.

Bank Guarantee

If Council does decide to accept deferred payment or payment by instalments, Council will require the applicant to provide a bank guarantee with the following conditions:

- The Bank Guarantee(s) must be in Australian Dollars from a major Australian Trading Bank and in the name of Auburn City Council;
- The Bank Guarantee(s) must have no end date, be unconditional and irrevocable, and be in favour of the Auburn City Council;
- The bank guarantee must carry specific wording identifying the exact obligation to which it relates (i.e. Section 94A development contributions for development of Lot x DP xxx under Development Consent No. xxx)
- The sum of the Bank Guarantee(s) will be the amount due to Council at the date of issue, plus an additional amount specified by Council to

make provision for any anticipated indexation during the life of the Bank Guarantee until the estimated date of release;

- The bank unconditionally pays the guaranteed sum to Council if Council so demands in writing;
- The bank must 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;
- The bank's obligations are discharged when payment to Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required;
- Where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution, accrued interest and other charges are paid; and
- An administration fee may apply to utilise the bank guarantee option as stated in Council's Fees and Charges.

Deferred or periodic payments may be permitted, in accordance with the above requirements, only with approval of the Council Officer(s) whose position(s) holds the required Council delegations.

25. Payment of contributions

The *Environmental Planning and Assessment Act, 1979* provides that contributions may be in the form of a monetary contribution or the dedication of land. The Act and Regulations also make provision for the carrying out of works in kind or the provision of a material public benefit in partial or full satisfaction of any contribution required. Each method, or any combination of these methods, is considered by this plan to be a form of payment. Any agreement by the consent authority to accept the satisfaction by nonmonetary means of a contribution condition does not alter the total calculated contribution arising from the additional demand generated by the development that is due and payable and no amendment to the contribution condition to reduce the calculated amount will be made. The method of satisfying a contribution does not change the obligation to make the contribution in the quantum specified.

In accordance with the *EP&A Act 1979*, an obligation to provide contributions toward community infrastructure can be satisfied by one or more of the following methods:

- Payment of a monetary contribution;
- The dedication of land; or
- Provision of a material public benefit.

Generally, the method of payment will be specified as a condition of the development consent although Council may consider any of the abovementioned alternative methods of payment at its sole discretion and in accordance with the provision of this plan (see below).

26. Monetary contributions

The monetary contribution is the most common means of satisfying a condition of consent requiring a development contribution.

Contribution payments can be paid in the form of Electronic Bank Transfer (EFT), bank cheque, debit or credit cards (Mastercard & Visa) and cash. Company cheques can be accepted subject to management approval. Personal cheques are not accepted. Credit card payment will be subjected to a surcharge of 1%.

27. Dedication of land

In accordance with the provisions of this plan, Council may require that land be dedicated as a form of contribution toward the provision of community facilities. Where such dedication is required, it must be undertaken in accordance with the following:

- The process for dedication of land is to occur in conjunction with the payment of monetary contributions applicable to any development consent granted for the land;
- The dedication of land is to be 'free of cost' – meaning that all costs associated with the dedication of the land and its transfer to Council's ownership (including but not limited to survey, legal and administration costs) are to borne by the applicant/developer;
- At the time of transfer, the land is to be in a condition which is suitable for its identified public purpose, and is to be cleared of all rubbish, debris and declared weeds, free of contamination and have a separate title.

28. Land contributions

This plan authorises the Consent Authority when granting consent to an application to carry out development to which this Plan applies, to impose a condition under section 94(1) of the *EP&A Act 1979* requiring the dedication of land free of cost to Council for the provision, extension or augmentation of public facilities to be provided by Council.

Wherever land required under this plan is situated within a development site, the Consent Authority will generally require the developer of that land to dedicate the land required under this plan free of cost.

The value of this land will be taken into account in determining the total monetary contributions required by the development under this plan. Council may at its discretion offset the value of the land against contributions for the same facility category. Only land ascribed a value under this plan shall be entitled to an offset.

29. Are there alternatives to payment of the levy?

A person may make an offer to the Council to carry out works or provide another kind of material public benefit or dedicate land, in part or full satisfaction of a section 94A contribution required by a condition of consent imposed under this plan.

If a developer wishes to deliver infrastructure that is included in this plan instead of the Council delivering that infrastructure, then the developer can approach this either one of two ways:

1) If the developer has already received a development consent containing a condition requiring a section 94A contribution, the developer may offer to undertake works- in-kind through a works- in-kind agreement, or offer to dedicate land through a land dedication agreement.

2) The developer may offer to enter into a voluntary planning agreement (VPA) to undertake works, make monetary contributions, dedicate land, or provide some other material public benefit. Planning agreements are the most appropriate mechanism for offers made prior to the issue of a development consent for the development; or

29.1) Works-in-kind and material public benefit (MPB)

The Council may accept an offer by the applicant to provide an 'in-kind' contribution (i.e. the applicant completes part or all of work/s identified in the plan) or through provision of another material public benefit in lieu of the applicant satisfying its obligations under this plan. The decision to accept such offers is at the sole discretion of the Council.

A work in-kind relates to the undertaking of a specific or equivalent work specified in the plan, and is therefore more readily capable, in comparison to other material public benefits of meeting the above criteria.

In accepting material public benefits other than a works-in-kind, Council must be satisfied that the offer provides a substantial benefit to the community not envisaged by the plan and that this benefit warrants Council accepting responsibility in fulfilling the intent of the plan notwithstanding a reduction in expected cash contributions.

Council is under no obligation to accept works-in-kind or material public benefit (MPB) offers and in considering any such offer, will assess the benefits to the Council and the community and give due consideration to relevant matters including those listed below.

In assessing the applicant's offer, the Council will have regard to any relevant requirements of the current Practice Note issued by the NSW Government (DIPNR 2005) and such other matters as the Council considers relevant in the circumstances of the case including, but not limited to:

- 1) The extent to which the works/MPB satisfies the purpose for which the contribution was sought;
- 2) The works-in-kind being facilities which are already included in the plan;
- 3) The extent to which the MPB satisfies a community need or may reduce the demand for levied items;
- 4) The impending need to construct the works for which the contributions are to be offset;
- 5) The provision of the works/MPB will not prejudice the timing, the manner or the orderly provision of public facilities included in the works program or the financial integrity of Council's plan;
- 6) An assessment of the shortfall or credit in monetary contributions as a result of the proposal;
- 7) The availability of supplementary funding to make up the shortfall in contributions;
- 8) Locational and other factors that may affect usability;
- 9) The impact of recurrent operational and maintenance costs;
- 10) The provision of the works/MPB must not result in piecemeal delivery of infrastructure or likely to result in the need to reconstruct the works due to future nearby developments (i.e. normally the works will need to relate to a whole street block or a defined precinct).
- 11) The standard of the works is to Council's full satisfaction and the works are handed over to the Council without restriction or limitation; and
- 12) The value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this Plan.
[Note: Council will not issue credits to applicants for works in kind which are provided in excess of the approved condition outside of a standard procedure involving approval by Council, such as staged development].

If the cost of a work-in-kind exceeds the cash payment required by a development consent under

the facility category that relates to the work-in-kind, Council may consider:

- a) provision of the work at the applicant's expense with Council recouping contributions from future development and reimbursing the applicant for costs exceeding the applicant's share, up to the total estimated cost in the plan; or
- b) granting a credit to the applicant on the basis of the equivalent number of persons, beds or workers that the applicant may rely upon to offset contributions otherwise payable under this plan for other development within the Land Application Map.

29.1.2) Valuation of offer made to the Council as part of a development application ("value of work")

The value of an offer to provide works-in-kind, or a material public benefit towards which the levy is to be applied, in lieu (in full or in part) of satisfying a condition of consent relating to payment of a Section 94/94A contribution will be valued utilising the following mechanism:

- 1) Any credit will be calculated based on the actual cost of works or the agreed cost estimate, whichever is the lesser. The agreed cost estimate will be determined by a review of the costs submitted by the applicant by Council or a Registered Quantity Surveyor at Councils discretion;
- 2) The agreed cost estimate can be amended by submission of a variation request by the applicant which will be reviewed and certified by a registered Quantity Surveyor;
- 3) The actual cost of works is required to be evidenced and verified by a registered Quantity Surveyor;
- 4) The Quantity Surveyor to act on the project will be chosen by Council from a list of 3 recommended by the applicant all of whom are to be members of Panels for The NSW Department of Commerce or Local Government Procurement; and
- 5) Quantity Surveyor service costs are to be borne by the applicant.

29.1.3) Legal agreements pertaining to works in kind

All offers, should they be accepted, to provide works-in-kind, or a material public benefit towards which the levy is to be applied, in lieu (in full or in part) of satisfying a condition of consent relating to payment of a Section 94/94A contribution will be subject to a

legal agreement between Council and the applicant. All agreements will include, but not limited to, the following:

- The works to be undertaken;
- The timing of the works;
- The quality of the works;
- The costs of the works;
- The applicant's rights and responsibilities; and Council's rights and responsibilities.

29.2) Offer to enter into a voluntary planning agreement (VPA)

If an applicant does not wish to pay a levy in connection with the carrying out of development, the applicant may offer to enter into a VPA with the Council under s93F of the *EP&A Act 1979* in connection with the making of a development application.

Under a VPA, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. Those purposes need not relate to the impacts of the applicant's development or to the items listed in Part D Schedule 4.

The applicant's provision under a VPA may be additional to, or instead of, paying a levy in accordance with a condition of development consent authorised by this plan. This will be a matter for negotiation with the Council. The offer to enter into a VPA together with a copy of the draft agreement should accompany the relevant development application / planning proposal.

The Council will publicly notify the draft VPA and an explanatory note relating to the draft agreement along with the development application and will consider the agreement as part of its assessment of that application.

If the Council agrees to enter into the VPA, it may impose a condition of development consent under s93I (3) of the *EP&A Act 1979* requiring the agreement to be entered into and performed. If the Council does not agree to enter into the planning agreement, it may grant consent subject to a condition authorised by this Plan requiring the payment of a levy.

Applicants should refer to the Council's Policy on Planning Agreements, which has been prepared having regard to the Practice Note on Planning Agreements (DIPNR 2005).

30. Savings and Transitional Arrangements

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of this plan.

All applications that have been submitted but not determined at the date of this plan coming into force will be subject to the provisions of this Plan.

31. Are refunds for payments of levies possible?

For a refund of levy payments to be considered, the applicant/landowner must:

- Submit a written request to Council;
- As a part of the request, demonstrate that the development that is the subject of the consent has not been commenced;
- Submit the request for a refund by the first working day after 31 January within the year following payment of the levy e.g. payment is made in April 2016 then refund request can be made until first working day after 31 January 2017; payment is made in January 2017 then refund request can be made until first working day after 31 January 2018; and
- Formally surrender the consent that applied the levy.

In other circumstances considered reasonable by Council at its sole and unfettered discretion, where a formal request is made, part or full refunds may be provided.

Part D – References

32. What definitions apply?

In this plan, unless the context or subject matter otherwise indicates or requires, the following definitions apply:

ABS - means the Australian Bureau of Statistics.

Act - means the *Environmental Planning and Assessment Act 1979* (as amended from time to time).

Community facilities – means a public amenity or public service provided by Council and required to accommodate and support community services, programs, activities, and a person's access to them.

Community infrastructure - means infrastructure of a communal, human or social nature, which caters for the various life-cycle needs of the public including but not limited to childcare facilities, community halls, youth centres, aged persons facilities. [DOP Practice Notes 2005, p5]

Contribution Plan - means a development contribution plan prepared under either Section 94 or Section 94A of the *Environmental Planning and Assessment Act 1979*.

Cost of development – means the anticipated cost of the development as shown in the relevant Cost Summary Report - contained in Schedule 3 of Part D.

Cost Summary Report - Means a report contained in Schedule 3 of Part D, setting out the anticipated cost of the development to which the relevant report relates.

Council - means the current Auburn City Council, and any other alternative Council for the area to be declared.

DCP – means the Carter Street Precinct Development Control Plan 2016

Development Contribution - means the monetary contribution imposed under Section 94A of the Act in a development consent or in a complying development certificate and is calculated as a fixed percentage as shown in Schedule 1 applied to the cost of development as referred to in Schedule 3.

EP&A Act 1979 - means the *Environmental Planning and Assessment Act 1979*.

Land Application Map - means the map provided at Part C Figure 1.

Levy - means a levy under section 94A of the Act authorised by this Plan.

Material Public Benefit - means a facility or work which is offered by a developer as a finished entity either in return for a reduction in the amount of

monetary contributions required or as an additional or partial additional benefit under a Planning Agreement.

Plan - means the *Carter Street Precinct Development Contributions Plan 2016*.

Planning agreement - means a voluntary agreement referred to in s93F of the *Environmental Planning and Assessment Act 1979*.

Public facilities - means public infrastructure, facilities, amenities and services.

Public Facilities Location Maps - means the maps provided at Schedule 5.

Public purpose - includes (without limitation) any of the following:

- (a) the provision of public amenities or public services;
- (b) the provision of affordable housing;
- (c) the provision of transport or other infrastructure relating to land;
- (d) the funding of expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;
- (e) the monitoring of the planning impacts of development; and
- (f) the conservation or enhancement of the natural environment.

Quantity Surveyor's Report - means a report in the format contained in Schedule 3 of Part D, setting out the anticipated cost of the development to which the relevant report relates, prepared by a duly qualified quantity surveyor.

Regulation - means the *Environmental Planning and Assessment Regulation 2000* (as amended from time to time).

Silverwater / Homebush Bay area – means the area north of the M4 comprising Wentworth Point, Newington, Silverwater, the Carter Street Precinct, and Sydney Olympic Park.

Staging - as in schedules 4A, 4B, and 4C means:

- Short Term (ST): 1 – 2 years
- Medium Term (MT): 3 – 4 years
- Long Term (LT): 5 – 10 years
- Ongoing: continuing works

VPA - means a Voluntary Planning Agreement and has the meaning given in Section 93F of the *Environmental Planning & Assessment Act, 1979*.

Works-in-kind - means the construction or provision of the whole or part of a public facility that is identified in a works schedule in a contributions plan.

Works Program - means the works set out in Schedule 4.

33. Schedule 3 (Clause 18) - Cost Summary Reports

(Development Cost Between \$200,001 and \$1,000,000)

Development Application No.

Complying Development Application No.

Construction Date Certificate - Certificate No.

Applicant's Name:

Applicant's Address:

Development Proposal:

Development Details:

Gross Floor Area – Commercial m² Gross Floor Area –
Other m²

Gross Floor Area – Residential m² Total Gross Floor Area m²

Gross Floor Area – Retail m² Total Site Area m²

Gross Floor Area – Car Parking m² Total Car Parking
Spaces

Total Development Cost \$

Total Construction Cost \$

Total GST \$

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 \$

Contingencies \$

Sub-total \$

Consultant Fees \$

Other related development costs \$

Sub-total \$

Goods and Services Tax \$

TOTAL DEVELOPMENT COST \$

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 clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- included GST in the calculation of development cost.

Signed:

Name: _____

Position & Qualifications:

Date: _____

Schedule 3 – Cost Summary Report – Registered Quantity Surveyor

Registered* quantity surveyor's detailed cost report for developments costs in excess of \$1,000,000

*A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No.

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.

CONSTRUCTION CERTIFICATE No.

DATE:

APPLICANT'S

NAME: _____

APPLICANT'S ADDRESS:

DEVELOPMENT DESCRIPTION _____

DEVELOPMENT ADDRESS:

DEVELOPMENT DETAILS

Gross Floor Area – Commercial m2

Gross Floor Area – Residential m2

Gross Floor Area – Retail m2

Gross Floor Area – Car Parking m2

Gross Floor Area – Other m2

Total Gross Floor Area m2

Total Site Area m2

Total Car Parking Spaces

Total Development Cost \$

Total Construction Cost \$

Total GST \$

ESTIMATE DETAILS

Excavation \$

Cost per square metre of site area \$/m2

Demolition and Site Preparation \$

Cost per square metre of site area \$/m2

Construction – Commercial \$

Cost per square metre of commercial area \$/m2

Construction – Residential \$

Cost per square metre of residential area \$/m2

Construction – Retail \$

Cost per square metre of retail area \$/m2

Car Park \$

Cost per square metre of site area \$ /m2

Cost per space \$ /space

Fit-out – Commercial \$

Cost per m2 of commercial area \$ /m2

Fit-out – Residential \$

Cost per m2 of residential area \$/m2

Fit-out – Retail \$

Cost per m2 of retail area \$/m2

Professional Fees \$

% of Development Cost %

% of Construction Cost %

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 clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- included GST in the calculation of development cost.

Signed:

Name: _____

Position & Qualifications:

Date: _____

PART D – 34 Schedule 4 Works Program

The Part D – Schedule 4A and 4B Detailed Works Program identifies the local and district public facilities for which section 94A levies will be required and a summary of the expenditure on the respective items.

Levies paid to Council will be applied towards meeting the cost of provision of new and/or the augmentation of existing community infrastructure. Schedule 4 provides a listing of the community infrastructure projects that will be provided by Council over the next 20 years with an indicative funding allocation and timing/staging schedule.

The Part D Schedule 4 works are directed to also providing additional and improved district facilities adjacent to or outside of the identified growth precinct in order to offer a wider diversity of recreation and leisure opportunities for the whole future residential population and the expected additional worker population throughout the area. Local community facilities within the Carter Street precinct may also be provided by developer works -in-kind.

Schedule 4 also includes the works to be funded by previous contributions collected under the *Auburn Development Contributions Plans 2007*. The projects listed within Schedule 4A and 4B, and the allocation of previously collected and applicable funds for these projects (*), reflects the intent under which the funds were originally collected.

The location of each project has been mapped in Schedule 5 – Works Program Maps. However these maps are only indicative and are subject to more specific detailed design.

NOTE: Contributions received through *Auburn Development Contributions Plan 2007* and yet to be allocated and funds yet to be paid, but required as conditions imposed pursuant to that Plan, will be held in trust until the relevant studies or needs analyses have been completed. Money will then be allocated to projects within the same category and catchment. It is also noted that a full list of specific projects and the proportion of Section 94A funds allocated to each project will be determined at the end of the calendar year based on Council's priorities at that time and alternative opportunities available for these projects.

Council has the discretion to carryover any unfunded work items to the following financial year by Council resolution.

Note on Schedules 4A, 4B, 4C

Each item of works has been provided with a staging / timing / priority ranking which provides an indicative timing for the delivery of the work items, as shown in the following schedules.

The priority ranking and actual timing of delivery of works is subject to change as it is influenced by the following factors:

- The rate and timing and staging of development from which contributions are collected;
- The pooling of sufficient funds to enable provision, extension or augmentation of amenities and services;
- The requirements of Council's annual works program from year to year;
- The relationship between works and other events e.g. land transfers / acquisitions may depend on the staging of development, or whether required properties are on the market.

Schedule 4A- Works Categories for New Public Facilities to which the Section 94A Levy will be applied – within Carter Street Precinct

Public Facilities – Local Infrastructure Facilities -Description of Works		Estimated Cost of Works \$M	Staging Timing
B	COMMUNITY AND CULTURAL FACILITIES – by Planning Agreements – Fit Out Costs		
B.1	Carter Street – New Community Centre by VPA for fit out of VPA cold shell – 1,000m ² at \$2,500 per m ² (based on Rawlinson Building Cost Reference 1.2.5 for civic buildings)	\$2.5M	MT
Carter Street Parks – as per Carter Street DCP			
B.2	Land dedication 2.98 ha park adjacent to John Ian Wing Parade extension	Nil	MT
	Embellishment: 2x sports/playingfields, playground, seating, shade structures, lighting, landscaping /planting /stormwater works. Indicative cost rate \$100/m2	\$3.0M	
B.3	Land dedication :0.52 ha local park at northern edge of precinct	Nil	MT
	Embellishment: outdoor playingfield, playground, seating, shade structures, lighting, landscaping/planting works. Indicative cost rate \$150/m2	\$0.8M	
B.4	Land dedication : 0.12ha village square as a central meeting place on Uhrig Road 'main street'	Nil	ST
	Embellishment. Indicative cost rate \$1,000/m2	\$1.2M	
B.5	Land dedication 0.2ha local park near Birnie Ave	Nil	ST
	Embellishment. Indicative cost rate \$150/m2	\$0.3M	
B.6	Land dedication: DCP ref: 3.3 f and 4: 20m wide landscaped foreshore reserve / public access along Haslams Creek southern bank south of John Ian Wing Parade (estimated 9,940m2)	Nil	LT
	Embellishment: DCP ref: Figure 10. Indicative cost rate \$50/m2	\$0.5M	
B.7	Cycle connection along Carter Street in parallel to M4 Motorway	\$0.2M	ST
B.8	Public Art Program – DCP ref: 3.3.6 and 3.3.7 (as part of a detailed Public Art Strategy & landscape master plan to be incorporated within all the 6 park and plaza sites @ \$100,000 per site);	\$0.6M	ST
Total Local Parks		\$6.6	
Total Carter Street Local Community Infrastructure		\$9.1M	

Schedule 4B- Works Categories for New Public Facilities to which the Section 94A Levy will be applied – for future Carter Street resident and worker population

Public Facilities – District and Local Infrastructure Facilities -Description of Works		Cost of Works \$M	Staging Timing
A	District Sport and Leisure / Public Domain / Parks		
A.1*	Wilson Park—13ha - mixed active open and passive open space with sports fields, amenities block, seating, pathways, lighting, BBQs and fencing. Total cost \$10M; Carter Street contribution is 50%	\$5.0	ST
Other District Recreation Park / Facility			
A.2	Indoor recreation multipurpose centre — new facilities— within Newington / Silverwater by acquisition/conversion of existing warehouse site - 4 court centre or construction of purpose built facility.	\$10.0	LT
Total District Facilities		\$15.0	
Local Active Recreation / Transport Facilities			
A.3	Carter Street - Walking Trail - Pedestrian Facilities - Expanded / upgraded pedestrian walking trail circuit along both sides of Haslams Creek (eastern and western side) for the Carter Street resident population. Approx 2,800m.	\$2.0	MT
A.4	DCP ref: Figure 8: Cycle / Pedestrian Bridge(s) over Haslams Creek near Carter Street to Newington. Indicative estimate from Auburn City Bike Plan 2016 (GTA consultants)	\$2.5	MT
A.5	DCP ref: Figure 8: Cycleway connections over M4 / Parramatta Road into Bombay Street	\$0.5	ST
Total District Recreation Facilities		\$20.0	

* Part funded from Part C of ADCP 2007 – Homebush Bay West – Open space – district acquisition and embellishment fund.

Note: Timing - as in schedules 4A, 4B, 4C means: Short Term (ST): 1 – 2 years; Medium Term (MT): 3 – 4 years; Long Term (LT): 5 – 10 years.

Schedule 4C - Works Categories for Traffic Management to which the Section 94A Levy will be applied – Carter Street Apportionment

Site ID	Intersection	Carter St UAP	Staging Timing
(10)1	Intersection of Hill Rd and Carter St	\$1,063,152	ST
(10)2	Intersection of Hill Rd and John Ian Wing Pde	\$1,183,653,	ST
(10)3	Intersection of Hill Rd and Old Hill Link	\$232,988	MT
(10)4	Intersection of Edwin Flack Ave and Old Hill Link	TBA	MT
(10)5	Intersection of Edwin Flack Ave, Dawn Fraser Ave and Uhrig Rd	\$367,140	ST
(10)6	Intersection of Edwin Flack Ave, Shane Gould Ave, and Birnie Ave	\$165,790	ST
(10)8	Intersection of Parramatta Rd and Birnie St	TBA	MT
(10)9	Intersection of Parramatta, Hill, Hill Rd and Bombay St	TBA	MT
(1)10	Intersection of Birnie Ave and Carter St	\$1,285, 571	ST
(1)12	Intersection of Uhrig Rd and John Ian Wing Pde Extension	\$757,205	LT
Total		\$5,055,496	

Source: NSW DP&I Carter Street Urban Activation Precinct –Transport Impact Assessment - Parsons Brinckerhoff 2013 Table 7.4

35 Schedule 5 – Works Program Maps – Works Categories for New Public Facilities to which the Section 94A Levy will be applied within the Carter Street Precinct

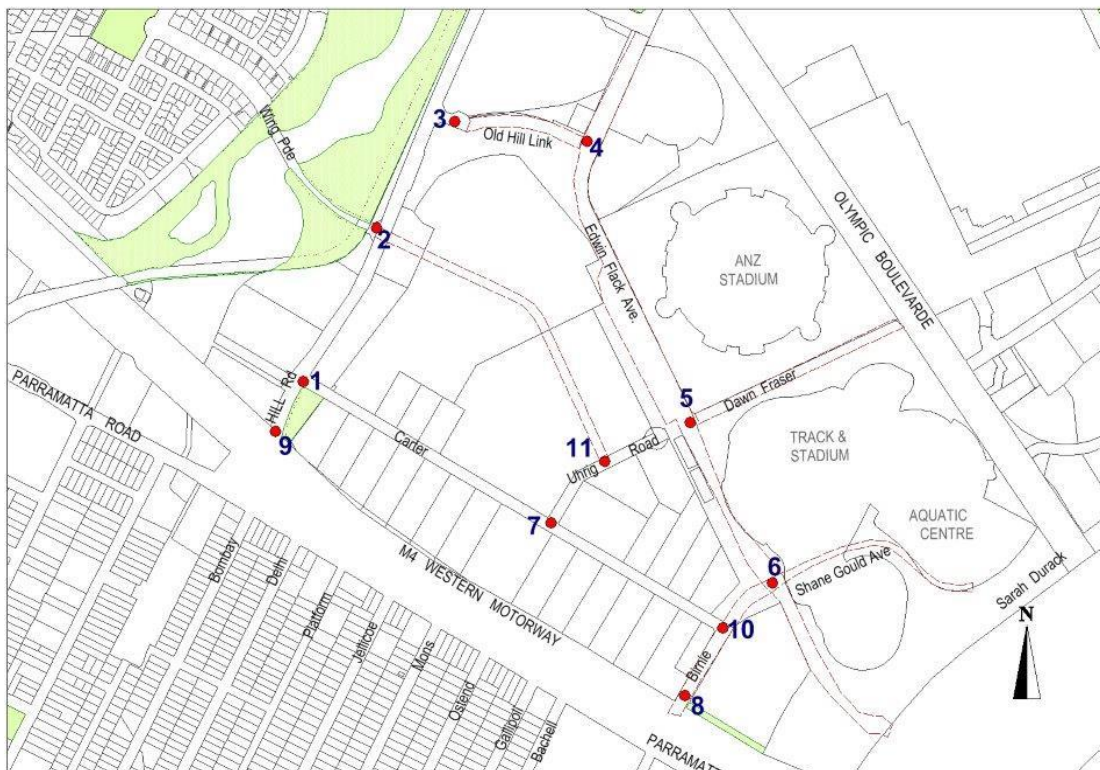
Public Facilities – District and Local Infrastructure Facilities -Description of Works	
	COMMUNITY AND CULTURAL FACILITIES
1	Carter Street – New Community Centre - on Uhrig Road
	Carter Street Parks
2	2.98 ha park adjacent to John Ian Wing Parade extension Outdoor sports/playing field, playground, seating, shade structures, lighting, landscaping/planting works
3	0.52 ha local park at northern edge of precinct Outdoor playing field, playground, seating, shade structures, lighting, landscaping/planting works
4	0.12ha village square as a central meeting place on Uhrig Road 'main street'
5	0.2ha local park near Birnie Ave
1-8	Public Art Program
	Carter Street - Public Access Facilities
6	20m wide public access along Haslams Creek southern bank south of John Ian Wing Parade
7	Carter Street - Walking Trail - Pedestrian Facilities Expanded / upgraded pedestrian walking trail circuit along both sides of Haslams Creek (eastern and western side) for the Carter Street resident population.
8	Pedestrian Bridge(s) over Haslams Creek near Carter Street to Newington
9	Cycle connection along Carter Street in parallel to M4 Motorway



35 Schedule 5 Works Program Map – Works Categories for Traffic Management to which the Section 94A Levy will be applied – Carter Street Apportionment

Site ID	Intersection
1	Intersection of Hill Rd and Carter St
2	Intersection of Hill Rd and John Ian Wing Pde
3	Intersection of Hill Rd and Old Hill Link
4	Intersection of Edwin Flack Ave and Old Hill Link
5	Intersection of Edwin Flack Ave, Dawn Fraser Ave and Uhrig Rd
6	Intersection of Edwin Flack Ave, Shane Gould Ave, and Birnie Ave
8	Intersection of Parramatta Rd and Birnie St
9	Intersection of Parramatta, Hill Rd and Bombay St
10	Intersection of Birnie Ave and Carter St
11	Intersection of Uhrig Rd and John Ian Wing Pde Extension
Total	

Source: NSW DP&I Carter Street Urban Activation Precinct –
Transport Impact Assessment - Parsons Brinckerhoff 2013 Table 7.4



35 Schedule 5 – Works Program Maps – Works Categories for District Sport and Leisure Infrastructure Facilities at Wilson Park and Indoor Recreation Multipurpose Centre –within Newington / Silverwater area (location TBA)

