



Section 94A Contributions Plan – Revision 1

for

Wingecarribee Shire Council

Original:
Adopted: 12 May 2010
Effective: 1 July 2010

Amendment 1
Adopted: 12 August 2015
Effective: 26 August 2015

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2 Part A – Summary Schedules

The following summary schedules are included in this plan:

1. Works Schedule (Table 1); and
2. Summary of levies applicable (Table 2).

The Works Schedule identifies the public facilities for which Section 94A levies will be required. Table 1 is a summary of the works schedule adopted in 2009 and a summary of the estimated cost of the respective items. A complete list of proposed works, their individual cost estimate and pooling priority can be found in Table 4 of this Plan.

Maps showing the specific public amenities and services proposed to be provided are contained in *Part F - Maps* of this Plan. Levies paid to Council under this Plan will be applied towards meeting the cost of provisions or augmentation of new public facilities as summarised in Table 1. It is estimated that Council will receive on average an income of \$80,000 to \$100,000 per year from the levy. This income will be wholly spent annually on public infrastructure listed in Table 4 within the Section 94A Catchments identified in Part E of this Plan, over the period of 20-years. However the Plan will be reviewed on a bi-annual basis to ensure income from the levy is able to match proposed expenditure.

Table 1 - Works Schedule Summary

Community Facilities (Summary)	Estimated Costs
AS Ramps (Kerb Ramps to Australian Standards)	\$153,000
Footpaths	\$1,226,500
Footpaths and Kerb and Gutter (combined projects)	\$40,500
Footpath and Pedestrian Refuge (combined projects)	\$42,600
Footpath and Planter Boxes	\$5,000
Kerb Replacements	\$2,000
Pedestrian Crossings	\$15,000
Pedestrian Refuges	\$15,000
Pedestrian Bridge	\$20,000
Footpath and Kerb Ramps (combined projects)	\$91,000
Roundabouts	\$100,000
Roundabout and AS Ramps	\$200,000
Walkway (Corbett Plaza)	\$200,000
Land Acquisitions	\$1,339,600.00
TOTAL	\$3,450,200.00

The items summarised in Table 1 are in addition to the works items identified in Council's Section 94 Contributions Plans, as listed in Section 4.2.3 of this Plan.

Table 2 – Section 94A Levies applicable to development under the provisions of this Plan

Proposed cost of carrying out the development as determined in accordance with this Plan	Levy
Where the proposed cost of carrying out the development is up to and including \$100,000	NIL
Where the proposed cost of carrying out the development is more than \$100,000 and up to and including \$200,000	0.5% of the cost of the development
Where the proposed cost of carrying out the development is more than \$200,000	1% of the cost of the development

3 Part B – The Relationship Between Expected Types of Development and Demand for Additional Public Amenities and Services

3.1 Current Population Statistics

The Wingecarribee Shire is located 75-kilometres from the south-western fringe of Sydney and covers an expanse of 2,700 square kilometres. The *Wingecarribee Shire Community Profile 2006* examines the 2006 Census Data produced by the Australian Bureau of Statistics. In summary, at the 2006 Census:

- The population of the Shire was 42,272;
- The Shire’s urban growth was centred in the towns of Mittagong, Bowral and Moss Vale (which comprised 61% of the population of the Shire);
- There were 16,218 households;
- The Shire had 11,561 families;
- Separate housing accounted for 90% of occupied private dwellings; and
- Common industries were retailing, health and community services, manufacturing, construction, hospitality, education and training.

The *Wingecarribee Shire Community Profile 2006* also compares the Shire’s demography with national, State and regional contexts. Comparative data includes Australia, NSW and the Illawarra region. For further information the document is available from Council – Civic Centre, Elizabeth Street, Moss Vale; or as a down load from: <http://www.wsc.nsw.gov.au/planning/2706.html>

3.2 Future Growth Statistics

According to the Sydney-Canberra Corridor Regional Strategy 2006-2031, published by the NSW Department of Planning, the Wingecarribee Shire LGA is likely to grow by approximately 16,400 persons between 2006 and 2031. These persons, according to the strategy, will generate approximately 9,000 new jobs in the LGA and the need for approximately 8,700 new dwellings. As part of this population growth there will be an associated growth in non-residential development particularly in the form of commercial and industrial development. Specifically, reproduced from the *NSW Dept. of Planning’s Fact Sheet, July 2008*, for the Wingecarribee:

“Employment

- *The Strategy targets 9,000 new jobs in the Wingecarribee Shire over the period to 2031. Increases are expected in areas of logistics, warehousing and transport, manufacturing, health and aged care, as well as tourism.*
- *The major regional centre in the Wingecarribee Shire is Bowral, closely supported by Mittagong and Moss Vale. Bowral provides higher order retail and commercial services; Mittagong is the local service centre; and Moss Vale functions as the administrative and rural service centre.*

- *The Wingecarribee Shire currently has around 135 hectares of available employment lands, which contributes to the competitive surplus of employment land that exists within the northern subregion.*
- *Wingecarribee Council will be required to protect regionally significant employment lands, including the Moss Vale-Berrima Enterprise Corridor, to help guarantee local employment for the future.*
- *The Moss Vale-Berrima Enterprise Corridor is 630 hectares of potential employment land identified between Moss Vale and Berrima, which is located close to regional infrastructure and is serviced by a siding off the Main Southern Railway. The extent of developable area is subject to detailed site and environmental assessments.*

Housing

- *Wingecarribees' anticipated population growth of 16,400 and the resulting demand for 8,700 new dwellings will be accommodated primarily through infill and redevelopment opportunities in Bowral and Greenfield areas in Mittagong and Moss Vale.*
- *Through local planning measures, the future housing mix will be better matched to the needs of smaller households and aged residents.*

Environment and Resources

- *The rural landscapes of the Wingecarribee LGA are a key resource for a range of economic contributors to the Region. Traditionally the rural landscapes have been, and continue to be, predominantly made up of agriculture, though now also involve tourism, mineral resources, energy production through wind farms and a home for people seeking a rural lifestyle.*
- *Existing towns and villages such as Hill top and Burrawang play an important role in providing for housing choice, a rural lifestyle and often more affordable housing. The rural character of many villages is a significant local and regional asset.*
- *By encouraging the majority of urban growth in existing major centres such as Bowral, Mittagong and Moss Vale the Strategy ensures the character of the rural areas well away from urban centres is not lost to inappropriate development.*
- *Existing rural residential zones have the capacity to meet demands for rural lifestyle housing within the Region. Additional development areas will only be considered if justified by a Local Settlement Strategy that assesses the net benefit of additional rural residential land against the loss of valuable agricultural lands.*

Transport and Infrastructure

- *Regional infrastructure requirements listed in the State Infrastructure Strategy are included in the Sydney-Canberra Corridor Regional Strategy, to align growth and infrastructure.”*

This Plan applies to existing commercial and industrial lands in the Wingecarribee LGA as identified in Part D of this Plan. The Section 94A levy imposed under this Plan will enable Council to provide high quality and diverse public facilities, as

outlined in Table 1, in the areas identified in the maps, to meet the expected growth outlined in the *Sydney-Canberra Corridor Regional Strategy*.

The items outlined in Table 1 are in addition to the works items identified in Council's Section 94 Contributions Plans, as listed in Section 4.2.3 of this Plan.

4 Part C – Administration and Operation of this Plan

4.1 What is the name of this Plan?

This Plan is called the Section 94A Contributions Plan for Wingecarribee Shire Council.

4.2 Application of the Plan

4.2.1 Land to which the Plan Applies

This Plan applies to the land within the Local Government Area of Wingecarribee Shire shown on the maps contained in Part F of this Plan as Figures 1 to 8.

4.2.2 Development which the Plan Applies

This Plan applies to development for which consent is required under Part 4 of the EPA Act, except for development listed as exempt under Section 4.5 of this Plan.

4.2.3 Relationship with Other Plans and Policies

This Plan **precludes** the imposition of the following Section 94 Contributions Plans within the land identified in Figures 1 to 8, as described in this Plan:

Table 3 – Contributions Plans Precluded by this Plan

Name of Plan	Date of Adoption (Original)
Developer Contributions Plan for Bundanoon	27 th September 2004
Developer Contributions Plan for Roads and Traffic Management Facilities 2012 to 2031	8 August 2012
Developer Contributions Plan for S94 Administration 2011 to 2031	8 November 2011
Developer Contributions Plan for Open Space, Recreation, Community and Cultural Facilities 2013 to 2036	12 th March 2014
Section 94 Developer Contributions Plan for Central Library Facility	9 th July 1997
Section 94 Developer Contributions Plan for Resource Recovery Centre 2009	26 th August 2009

This Plan supplements the provisions of the Wingecarribee Shire Local Environmental Plan 2010 and the following Development Servicing Plans made under Section 64 of the Local Government Act 1993 and Sections 305 to 307 of the Water Management Act 2000:

Table 3 – Development Servicing Plans

Name of Plan	Date of Adoption of Plan
Water Supply Development Servicing Plan for Wingecarribee Shire Council	1 January 2007
Sewerage Development Servicing Plan for Wingecarribee Shire Council	1 January 2007
Stormwater Development Servicing Plan for Wingecarribee	9 November 2010

4.2.4 Transitional Provision

This Plan applies to the development proposed by a development application made but not determined on the commencement of this Plan.

4.3 When does this Plan commence?

This Plan has been prepared pursuant to the provisions of Section 94A of the EPA Act and Part 4 of the EPA Regulation and takes effect from the date specified in a public notice, pursuant to clause 31(4) of the EPA Regulation.

The date on which public notice was published was: *26 August 2015*; and the date which the public notice specified that this Plan would take effect: *26 August 2015*.

4.4 What is the purpose of this Plan?

The primary purposes of this Plan are:

- a. To authorise the imposition of a condition on certain development consents requiring the payment of a contribution pursuant to Section 94A of the Environmental Planning and Assessment Act, 1979.
- b. To assist Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area.
- c. To identify the purposes for which the levies are required.
- d. To require an accredited certifier is required to impose a condition under this Plan in respect of complying development, and to specify the amount of the levy.

4.5 Are there any exemptions to the levy?

The levy will not be imposed in respect of development:

- a. in accordance with the Minister's direction under s94E of the EPA Act dated 20 November 2006 (for so long as that direction remains in force):

- where the proposed development cost of carrying out the development is \$100,000 or less;
 - for the purposes of disabled access;
 - for the sole purpose of affordable housing; or
 - for the purpose of reducing the consumption of mains-supplied potable water or reducing the energy consumption of a building; or
 - for the sole purpose of the adaptive reuse of an item of environmental heritage; or
 - other than the subdivision of land, where a condition under section 94 of the EPA 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; or
- b. comprising the erection of a dwelling house on an existing vacant residential lot currently rated for water and sewer (except where development involves subdivision or an increase in population density, i.e. dual occupancy or greater);
- c. in accordance with the Minister’s direction under s94E of the EPA Act dated 14 September 2007, for so long as that direction remains in force, where the development is for the purpose of any form of *seniors housing* as defined in *State Environmental Policy (Housing for Seniors or People with a Disability) 2004* and the development consent is granted to a *social housing provider*; or
- d. an application which is solely for the purpose of alterations and additions to an existing *dwelling house*; or
- e. for *granny flats*, where the floor space is equal to or less than 60m²; or
- f. for the purpose of *home-based child care*; or
- g. for the purpose of *home business*; or
- h. for the purpose of *home industry*; or
- i. for the purpose of *home occupation*; or
- j. for the purpose of *home occupation (sex services)*;
- k. from time to time, any other development for which s94A contributions may not be imposed in accordance with a direction by the Minister under s94E of the EPA Act.

Further Council may exempt (or partially exempt) development of the kinds mentioned in 4.5.1 - 4.5.2:

4.5.1 Short term or emergency accommodation by a community organisation – Group Homes

Development involving short term or emergency accommodation primarily for stays of less than two (2) weeks provided that the community organisation carrying out the development has received endorsement for the project as a deductible gift recipient by the Australian Taxation Office under the category of a “*public benevolent institute*”.

4.5.2 Development by non-profit organisations

Development by not-for-profit organisations if the Council determines that the development is for an essential community service.

4.5.3 Determination of applications for exemption

For claims for exemption to be considered for development referred to in Sections 4.5.1 to 4.5.2, and in relation to seniors housing consents granted to social housing providers, the development application should include a comprehensive submission arguing the case for exemption and including details of the following matters:

- For not-for-profit organisations – evidence from the Australian Tax Office demonstrating their not-for-profit status.
- For Seniors Living (SEPP 2004) – evidence that the Applicant is a ‘social housing provider’ as defined.
- Any other information Council request due to the particular circumstances of the case.

4.6 Pooling of levies

This Plan expressively authorises Section 94A levies paid for different purposes to be pooled and applied (progressively) for those purposes subject to any ministerial direction under Division 6 of Part 4 of the Act. The priorities for the expenditure of the levies are shown in the works schedule (Table 1).

4.7 Construction certificates and the obligations of accredited certifiers

This Plan requires an accredited certifier when issuing complying development certificate for development to which the Plan applies, to impose a condition requiring the payment of contributions calculated in accordance with this Plan, in particular clause 4.8.

In accordance with clause 146 of the EPA Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

The that regard, the certifier should ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with clause 142(2) of the EPA Regulation.

4.8 How will the levy be calculated?

This Plan authorises the imposition of a condition on the grant of consent to development to which this Plan applies that requires the payment to the Council of a levy calculated in accordance with Table 2 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.

The levy is to be calculated as follows:

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

Where:

$\%C$ is the levy percentage

$\$C$ is the proposed cost of carrying out the development as estimated or determined in accordance with this plan

The proposed cost of carrying out of the development will be determined in accordance with clause 25J of the EPA Regulation. The procedures set out in Appendix A to this Plan must be followed to enable to the determination of the amount of the levy to be paid.

Without limiting the above, the council or accredited certifier may review the valuation of works in the costs Summary or Quantity Surveyor’s Detailed Cost Report and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant.

4.9 When is the levy payable?

The Council’s policy concerning the timing of the payment of s94A levies is that they must be paid to Council at the time specified in the condition that imposes the levy except if a deferred or periodic payment is agreed in accordance with this Plan. If no such time is specified in the condition, the levy must be paid prior to the issue of a construction certificate or if no such certificate is required, prior to the commencement of the development.

4.10 How will the levy be adjusted?

Levies required as a condition of consent under the provisions of this Plan will be adjusted at the time of payment pursuant to clause 25J(4) of the EPA Regulation. Clause 25J(4) allows the proposed cost of carrying out the development to be indexed before payment to reflect quarterly variations to readily accessible index figures, between the date that the proposed cost was determined by Council and the date that the levy is required to be paid. For the purpose of this Plan Council has adopted the following readily available index:

- **Producer Price Index**, Tables 15. Output of the General Construction Industry, Index Numbers and Percentage Changes – Index Number; Non-residential building construction (3020) New South Wales, as published by the Australian Bureau of Statistics, www.abs.gov.au

Therefore the levy is adjusted in accordance with the following formula:

$$\text{Contribution at the time of Payment} = \$C_o + A$$

Where:

$\$C_o$ is the original development cost as determined

A is the adjustment amount which is $= \frac{\$C_o \times (C_t - B_t)}{B_t}$

Where:

C_t is the Current Index at the time of payment, derived from the **Producer Price Index**, Tables 15. Output of the General Construction Industry, Index Numbers and Percentage Changes – Index Number; Non-residential building construction (Series ID: A2333679F) New South Wales, as published by the Australian Bureau of Statistics, www.abs.gov.au, at the time of payment of the levy.

B_t is the Base Index at the time the original development cost was determined, derived from the **Producer Price Index**, Tables 15. Output of the General Construction Industry, Index Numbers and Percentage Changes – Index Number; Non-residential building construction (Series ID: A2333679F) New South Wales, as published by the Australian Bureau of Statistics, www.abs.gov.au.

Note: In the event that the Current Index is less than the Base Index, the Current Index shall be taken to be the Base Index.

4.11 Can deferred or periodic payments be made?

The Council’s policy concerning deferred or periodic payments is that deferred or periodic payment may be permitted in the following circumstances:

- a. the deferred or periodic payment of the contribution will not, in the opinion of the Council, prejudice the timing or the manner of the provision of public facilities included in the works program; and
- b. other circumstances considered reasonable by the Council.

If Council decides to accept a deferred or periodic payment, this may be on such conditions as the Council considers reasonable and will ordinarily require the applicant to provide a bank guarantee for the full amount of the contribution or the outstanding balance on condition that:

- a. The lodgement of an irrevocable bank guarantee without an end date for the amount of the levy plus an additional 13-months simple interest amount, calculated at the Reserve Bank’s Policy Interest Rate (Target Cash Rate) plus 1%, as at the date of the Council’s approval of the deferred payment.
- b. The maximum period of deferral is the sooner of 12-months from the date of the deferral, the date of the issuing of an occupation certificate, or the date of the issuing of a subdivision certificate.
- c. The bank guarantee provides for the bank to unconditionally pay the guaranteed sum to Council if Council so demands in writing not earlier than the date mentioned in paragraph b.
- d. 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 or the qualification of the Council to make the demand.
- e. 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.
- f. The guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid. In that regard, appropriate arrangements must be made with the Council for the payment of interest on the outstanding amount, from the date on which payment was due until that date on which payment is made as secured by the guarantee.

4.12 Can the levy be settled “in-kind”?

The Council will consider an offer to satisfy a s94A condition by works in kind.

If the Council is prepared to accept the offer, it will be necessary for the works in kind to be documented in a formal written agreement, and for the s94A condition to be deleted by way of modification under s96 of the EP&A Act. In all cases, an agreement should be finalised with the Council prior to any works in kind being carried out.

4.12.1 Voluntary planning agreements

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 voluntary planning agreement with the Council under s93F of the Act in connection with the making of a development application.

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 necessarily relate to the impacts of the applicant’s development nor to the items listed in Table 4.

The applicant's provision under a planning agreement 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 the planning agreement together with a copy of the draft agreement should accompany the development application.

The Council will publicly notify the draft planning agreement 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 the application.

If the Council agrees to enter into the planning agreement, it may impose a condition of development consent under s93I(3) of the Act 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 have regard to:

- a. Wingecarribee Shire Council Planning Agreements Policy 2005 as amended from time to time
- b. The provisions of Subdivision 2 of Part 6 of the EPA Act.
- c. The provisions of Division 1A of Part 4 of the EPA Reg, and
- d. The Practice Notes by the Department of Planning, entitled 'Planning Agreements', dated July 2005 as amended from time to time.

5 Part D – Wingecarribee Section 94A Works Program (PAMPs)

Table 4 – Wingecarribee Section 94A Works Program (PAMPs)

Community Facility – PAMPs	Estimated Cost	Type of Work	Pooling Priority	Contribution Plan Locality Map No.	PAMP Route No.	PAMP Action No.	Street	Locality
Remove Steps on southern side of Argyle Street located under Rail Bridge, Replace with kerb and gutter and install safety fence.	\$2,000	Kerb Replacement	Low	1	1b	1	Argyle Street	Moss Vale
Extend footpath on northern side of Argyle Street from Hawkins Street to Suttor Road.	\$37,000	Footpath	High	3	1a	28	Argyle Street	Moss Vale
Pedestrian Crossing at pedestrian railway overbridge across Lackey Road.	\$15,000	Pedestrian Crossing	Low	4	11	16	Lackey Road	Moss Vale
Extend footpath from Lackey Road to Garrett Street on northern side of Innes Road.	\$7,500	Footpath	Low	5		14	Innes Road	Moss Vale
Extend footpath on northern side of Robertson Road from end of existing footpath opposite James Street to Elizabeth Street.	\$150,000	Footpath	Medium	6	2	1	Robertson Road (Illawarra Hwy)	Moss Vale
Construct a raised walkway along the northern edge of Whites Creek from the Bilo supermarket car park to Argyle Street. (Missing Link of Rotary Parkway)	\$150,000	Footpath	High	7			Rotary Parkway	Moss Vale

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Community Facility – PAMPs	Estimated Cost	Type of Work	Pooling Priority	Contribution Plan Locality Map No.	PAMP Route No.	PAMP Action No.	Street	Locality
Install Kerb Ramp on Western Side of Waite Street at corner of Waite and Argyle Streets.	\$3,000	AS Ramps	Medium	41			Waite Street	Moss Vale
Install Kerb Ramps on the northwest and southwest corners of the intersection of Elizabeth Street and Robertson Road.	\$5,000	AS Ramps	Medium	42			Elizabeth Street	Moss Vale
Construct a 1.2m wide footpath between Argyle Street and Lot 31 DP 1061140 (western side for 53m).	\$8,000	Footpath	Medium	43			Hawkins Street	Moss Vale
Construct a 1.2m wide footpath from Parkes Road to Farmers Place (western side for 250m).	\$39,000	Footpath	Medium	44			Lackey Road	Moss Vale
Install 2 kerb ramps on eastern and western side of Cnr of Kirkham and Clarence Streets.	\$5,000	AS Ramps	Medium	45			Clarence Street	Moss Vale
Install Kerb Ramps and a 1.2m wide Footpath from Suttor Road to Rail Bridge (northern side for 320m)	\$50,000	Footpath	High	46			Argyle Street	Moss Vale
Reconstruct footpath from Bundaroo Street to Victoria Street.	\$30,000	Footpath	Low	8	13	1	Mittagong Road	Bowral
Construct AS Ramps in kerb to footpaths at insection of Mittagong Road and Victoria Road.	\$5,000	AS Ramps	Low	9		2	Victoria Road	Bowral

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Community Facility – PAMPs	Estimated Cost	Type of Work	Pooling Priority	Contribution Plan Locality Map No.	PAMP Route No.	PAMP Action No.	Street	Locality
Construct a new footpath from Willow Road to Wingecarribee Street along western side of Kirkham Road.	\$63,000	Footpath	Low	10		4	Kirkham Road	Bowral
Construct pedestrian bridge over kerb and gutter to reduce ramp gradient from footpath along Banyette Street to Bong Bong Street.	\$20,000	Pedestrian Bridge	Medium	11	9b	7	Bong Bong Street	Bowral
Reconstruct five (5) pedestrian ramps on kerbs to Australian Standards on the roundabout at the intersection of Bendooley Street and Boolwey Street.	\$15,000	AS Ramps	Medium	12	8b	6	Bendooley Street	Bowral
Intersection improvements (roundabout) & reconstruct four (4) pedestrian ramps on kerbs to Australian Standards on the roundabout at the intersection of Bendooley Street and Wingecarribee Street.	\$200,000	AS Ramps & Roundabout	High	13		7	Bendooley Street	Bowral
Reconstruct six (6) pedestrian ramps on kerbs to Australian Standards on the roundabout at the intersection of Bendooley Street and Merigang Street.	\$18,000	AS Ramps	Medium	14		9	Bendooley Street	Bowral

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Community Facility – PAMPs	Estimated Cost	Type of Work	Pooling Priority	Contribution Plan Locality Map No.	PAMP Route No.	PAMP Action No.	Street	Locality
Reconstruct two (2) pedestrian ramps to Australian Standards at the intersection of Bendooley Street and Bundaroo Street.	\$6,000	AS Ramps	Medium	15		10	Bendooley Street	Bowral
Construct kerb, gutter and full width footpath along southern side of Boolwey Street, west of Edward to Bendooley Street.	\$40,500	Footpath and kerb and gutter	Medium	16		5	Boolwey Street	Bowral
Upgrade access, paths and ramps at Bowral Railway Station from Merrigang to Wingecarribee Streets (both east and west sides).	\$20,000	Footpath	Medium	47			Station Street	Bowral
Construct footpath from Wingecarribee Street to Mount Road and install kerb ramps at Forest Lane and upgrade kerb ramps at Mount Road.	\$65,000	Footpath and kerb ramps	Medium	48			Kirkham Road	Bowral
Install footpath from Pedestrian Rail Crossing to intersection of Bowral and Station Streets.	\$4,000	Footpath	Medium	49			Bowral Road	Bowral
Install kerb ramps on eastern side of intersection at corner of Station and Banyette Streets.	\$5,000	AS Ramps	Medium	50			Banyette Street	Bowral
Install kerb ramps on eastern side of intersection at coner of Boolwey and Station Streets	\$5,000	AS Ramps	Medium	51			Boolwey Street	Bowral

Section 94A Contributions Plan – Revision 1

Community Facility – PAMPs	Estimated Cost	Type of Work	Pooling Priority	Contribution Plan Locality Map No.	PAMP Route No.	PAMP Action No.	Street	Locality
Install kerb ramps on eastern side of intersection of Merrigang and Bong Bong Streets.	\$5,000	AS Ramps	Medium	52			Merrigang Street	Bowral
Construct a 1.2m wide path from Bendooley Street to the Mews on the southern side of Bundaroo Street.	\$9,000	Footpath	Medium	53			Bundaroo Street	Bowral
Install raised footpath from from Gloria Jeans to Boolwey Street as per Council Plan No. 1970.	\$20,000	Footpath	High	54			Oxley Mall Car Park	Bowral
New 1.2m wide concrete footpath on Eastern Side of Glebe Street and Northern side of Bowral St including Kerb ramp Gleebe St.	\$60,000	Footpath	High	67			Bowral St	Bowral
New 1.2m wide concrete footpath on south side of road from Mona Road to Gordon Road.	\$60,000	Footpath	High	68			Bowral St	Bowral
Reconstruct Corbett Plaza walkway	\$200,000	Walkway	High	69			Wingecarribee Street	Bowral
Construct Footpath from Brewster Street to Old Bowral Road along northern side of Bowral Road.	\$30,000	Footpath	Medium	17		4	Bowral Road	Mittagong

Section 94A Contributions Plan – Revision 1

Community Facility – PAMPs	Estimated Cost	Type of Work	Pooling Priority	Contribution Plan Locality Map No.	PAMP Route No.	PAMP Action No.	Street	Locality
Reconstruct Footpath and install planter boxes to separate footpath from service station driveways along the northern side of Old Hume Hwy to the east of Pioneer Street.	\$5,000	Footpath and Planter Boxes	Low	18		4	Old Hume Hwy	Mittagong
Construct a new footpath from Old Hume Hwy to House No. 24 (opposite intersection with Albert Street) along western side of Bessemer Street.	\$6,000	Footpath	Medium	19	15	2	Bessemer Street	Mittagong
Construct two (2) ramps on kerbs at intersection of Bessemer and Albert Streets.	\$6,000	AS Ramps	Medium	20		5	Bessemer Street	Mittagong
Reconstruct footpath from Main Street to Edward Street along western side of Alice Street.	\$6,000	Footpath	Medium	21	11	1	Alice Street	Mittagong
Install four (4) access ramps on kerbs to Australian Standards at intersections with Albert Street and Albert Lane in Queen Street.	\$12,000	AS Ramps	Medium	23		2	Queen Street	Mittagong
Construct a new footpath from end of existing footpath to Lake Alexandria on Eastern side of Queen Street	\$30,000	Footpath	Low	25		4	Queen Street	Mittagong

Section 94A Contributions Plan – Revision 1

Community Facility – PAMPs	Estimated Cost	Type of Work	Pooling Priority	Contribution Plan Locality Map No.	PAMP Route No.	PAMP Action No.	Street	Locality
Install four (4) access ramps on kerbs on corners of Albert and Edward Streets in Queen Street.	\$12,000	AS Ramps	Medium	26		5	Queen Street	Mittagong
Reconstruct footpath from Station Street to Princess Street along Northern side of Regent Street.	\$9,000	Footpath	Medium	27		2	Regent Street	Mittagong
Install access ramps in kerbs at intersections with Church Lane, Station Street and Wards Lane along the northern side of Regent Street.	\$15,000	AS Ramps	Medium	28		3	Regent Street	Mittagong
Construct new footpath from existing pedestrian railway over pass to kerb on Corner of Regent and Princess Streets.	\$3,000	Footpath	Medium	29		5	Regent Street	Mittagong
Construct a new Pedestrian Refuge in Regent Street from new footpath to eastern footpath on Princess Street.	\$15,000	Pedestrian Refuge	Medium	30		6	Regent Street	Mittagong
Reconstruct Footpath from Regent Street to Bowral Road along eastern side of Princess Street.	\$15,000	Footpath	Low	31		7	Princess Street	Mittagong
Install access ramps in kerbs at Lane Way access on eastern side of Princess Street.	\$6,000	AS Ramps	Medium	32		8	Princess Street	Mittagong

Section 94A Contributions Plan – Revision 1

Community Facility – PAMPs	Estimated Cost	Type of Work	Pooling Priority	Contribution Plan Locality Map No.	PAMP Route No.	PAMP Action No.	Street	Locality
Construct new footpath from end of existing footpath (adjacent McDonalds) to Old Hume Hwy on western side of Bessemer Street.	\$30,000	Footpath	Medium	33	7	1	Bessemer Street	Mittagong
Install new pedestrian ramp in kerbs on north eastern and north western corners of the intersection between Bowral Road and Bessemer Street.	\$3,000	AS Ramps	Medium	34		2	Bessemer Street	Mittagong
Reconstruct footpath from Bessemer Street to Main Street on northern side of Bowral Road	\$30,000	Footpath	Low	35		3	Bowral Road	Mittagong
Install pedestrian ramps in kerbs at Pioneer Street intersection on north side of Bowral Road	\$9,000	AS Ramps	Medium	36		4	Bowral Road	Mittagong
Upgrade footpath pavement to accessible quality on southern side of Main Street from pedestrian signals west to Station Street.	\$10,000	Footpath	Low	55		2	Main Street	Mittagong
Install six (6) pedestrian ramps in kerbs to Australian standards at intersections with Church Lane and Station Street along southern side of Main Street.	\$18,000	AS Ramps	Medium	37		3	Bowral Road	Mittagong

Community Facility – PAMPs	Estimated Cost	Type of Work	Pooling Priority	Contribution Plan Locality Map No.	PAMP Route No.	PAMP Action No.	Street	Locality
Construct a roundabout and associated footpaths at the corner of Princess and Regent Streets.	\$100,000	Roundabout	Low	56			Princess Street	Mittagong
Construct a 1.2m wide footpath from Church Lane to Albion Street and kerb ramps at Albion Street.	\$26,000	Footpath and kerb ramps	Low	57			Regent Street	Mittagong
Construct a 1.2m wide footpath along the north side of Regent Street from Albion Street to Fitzroy Street. Including kerb ramp to link Range Road pedestrian bridge over railway.	\$33,000	Footpath	High	58			Regent Street	Mittagong
Construct a 1.2m wide footpath along the the western side of Albion Street from Albion Lane to Regent Street.	\$9,000	Footpath	Low	59			Albion Street	Mittagong
Construct 1.2m wide footpath along the esatern side of Albion Street from Albion Lane to Regent Street,	\$6,000	Footpath	Low	60			Albion Street	Mittagong
New 1.2m wide concrete footpath on southern/left side of road from Lyell Street to Gibbergunyah Creek.	\$45,000	Footpath	High	61			Old Hume Highway	Mittagong

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Community Facility – PAMPs	Estimated Cost	Type of Work	Pooling Priority	Contribution Plan Locality Map No.	PAMP Route No.	PAMP Action No.	Street	Locality
New 1.2m wide concrete footpath on north side of road from Victoria St to Alice Street. Kerb ramps (3) Allow for tree roots.	\$37,000	Footpath	High	64			Albert Street	Mittagong
New concrete footpath 1.2m wide Old Hume Hwy at Albert Street along eastern side of Bessemer Street to Sunset Place Drive on the school side.	\$63,000	Footpath	Low	65			Bessemer St	Mittagong
Construct a footpath from Old Hume Hwy to western end of House No. 26 on northern side of Jellore Street.	\$27,000	Footpath	Low	38			Jellore Street	Berrima
Construct a footpath and a pedestrian refuge from Erith Street to Penrose Road along Anzac Parade (including bridge).	\$42,600	Footpath and Pedestrian Refuge	Medium	39			Anzac Parade	Bundanoon
Construct a footpath and kerb ramps to Australian Standards from Penrose Road to Church Street along Anzac Parade.	\$12,000	Footpath	Medium	40			Anzac Parade	Bundanoon
New 1.2m wide concrete footpath from Anzac Parade	\$127,000	Footpath	Low	66			Penrose Street	Bundanoon
TOTAL	\$2,110,600							

6 Part E – Wingecarribee Section 94A Land Acquisition Program

Table 5 - Wingecarribee Section 94A Land Acquisition Program

Property to be Acquired	February 2010 Valuation	Reason for Acquisition	Pooling Priority	Contribution Plan Locality Map Item No.	Lot & DP	Locality
Part of 171 Lackey Road	\$10,000	Road Widening	High	B	Lot 2 DP 163370	Moss Vale
Part of 173 Lackey Road	\$10,000	Road Widening	High	B	Lot 8 Sec 1 DP 975386	Moss Vale
Part of 175 Lackey Road	\$10,000	Road Widening	High	B	Lot 1 DP 162858	Moss Vale
Part of 177 Lackey Road	\$10,000	Road Widening	High	B	Lot 2 DP 162858	Moss Vale
Part of 179 Lackey Road	\$10,000	Road Widening	High	B	Lot 3 DP 162858	Moss Vale
Part of 181 Lackey Road	\$10,000	Road Widening	High	B	Lot 4 DP 162858	Moss Vale
Part of 183 Lackey Road	\$40,000	Road Widening	High	B	Lot 112 Sec 1 DP 975386	Moss Vale
Part of 185 Lackey Road	\$10,000	Road Widening	High	B	Lot A DP 153149	Moss Vale
Part of 187 Lackey Road	\$10,000	Road Widening	High	B	Lot B DP 153149	Moss Vale
Part of 189 Lackey Road	\$10,000	Road Widening	High	B	Lot 1 DP 800986	Moss Vale
Part of 191 Lackey Road	\$10,000	Road Widening	High	B	Lot 2 DP 800986	Moss Vale
Part of 193-199 Lackey Road	\$33,000	Road Widening	High	B	Lot 1318 DP 1065670 and Lot A DP 152824	Moss Vale
Part of 201 Lackey Road	\$10,000	Road Widening	High	B	Lot 19 DP 999881	Moss Vale
Part of 203 Lackey Road	\$10,000	Road Widening	High	B	Lot 1 DP 743434	Moss Vale
Part of 205 Lackey Road	\$40,000	Road Widening	High	B	Lot 3 DP 1047745	Moss Vale
Part of 207 Lackey Road	\$40,000	Road Widening	High	B	Lot 2 DP 908330	Moss Vale
Part of 2 Garrett Street	\$45,000	Road Widening	High	B	Lot D DP158014	Moss Vale
152 Argyle Street	\$270,000	New Road	Low	A	Lot 1 DP 773382	Moss Vale
Part of Lot 2 Argyle Street	\$6,660	New Road	Low	A	Lot 2 DP 773382	Moss Vale
Part of Lot 71 Wattle & Argyle Lanes	\$90,873	Laneway Widening	Medium	F	Lot 71 DP997464	Bowral

Section 94A Contributions Plan – Revision 1

Property to be Acquired	February 2010 Valuation	Reason for Acquisition	Pooling Priority	Contribution Plan Locality Map Item No.	Lot & DP	Locality
Part of Lots 11 & 12 Wattle & Argyle Lanes	\$153,835	Laneway Widening	Medium	F	Lots 11 & 12 DP 1105225	Bowral
Part of Lots 1 & 2 Argyle Lane	\$159,562	Laneway Widening	Medium	D	Lots 1 & 2 DP 1091708	Bowral
Part of Lot 112 Wattle Lane	\$22,080	Laneway Widening	Medium	G	Lot 112 DP 626378	Bowral
Part of Lot 21 Argyle Lane	\$130,996	Laneway Widening	Medium	E	Lot 21 DP 1107883	Bowral
Par of Lots 5 & 6 Argyle Lane	\$81,282	Laneway Widening	Medium	E	Lot 5 DP 456210 & Lot 6 Sec C DP 3807	Bowral
Part of Lot 1 Wattle Lane	\$6,072	Laneway Widening	Medium	G	Lot 1 DP 706754	Bowral
Part of Lot 2 Wattle Lane	\$3,795	Laneway Widening	Medium	G	Lot 2 DP 706754	Bowral
Part of Lot 3 Wattle Lane	\$1,380	Laneway Widening	Medium	G	Lot 3 DP 706754	Bowral
Part of SRA Land Regent Street	\$5,300	Road Widening	Low	J	SRA Land	Mittagong
Part of 51 Regent Street	\$9,760	Road Widening	Low	I	Lot 4 DP 913353	Mittagong
TOTAL	\$1,259,595.00					

7 Part F - Maps

Figure 1 - Mittagong East Section 94A Contributions Catchment and Works Program Items

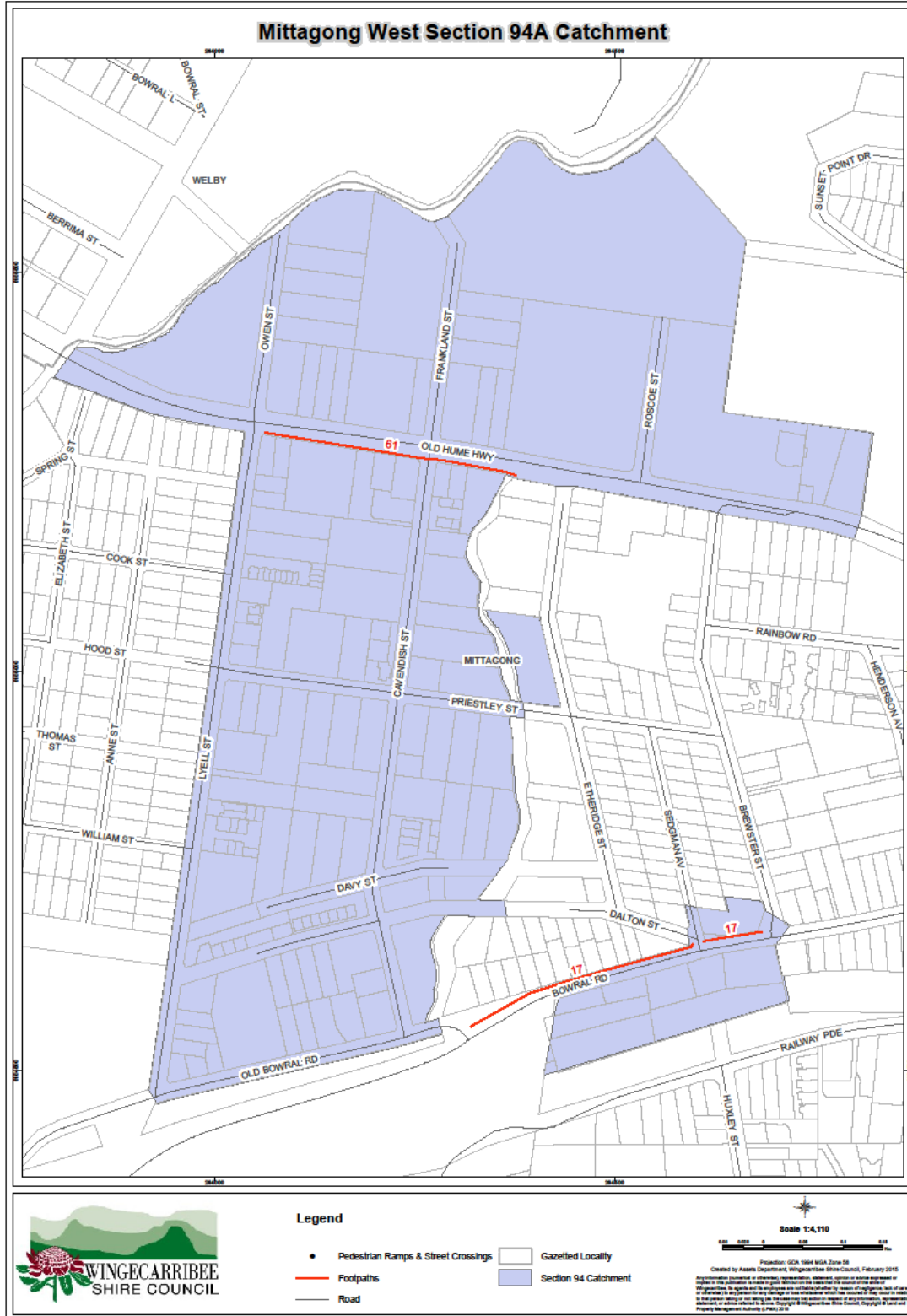


Figure 2 - Mittagong West Section 94A Catchment and Works Program Items

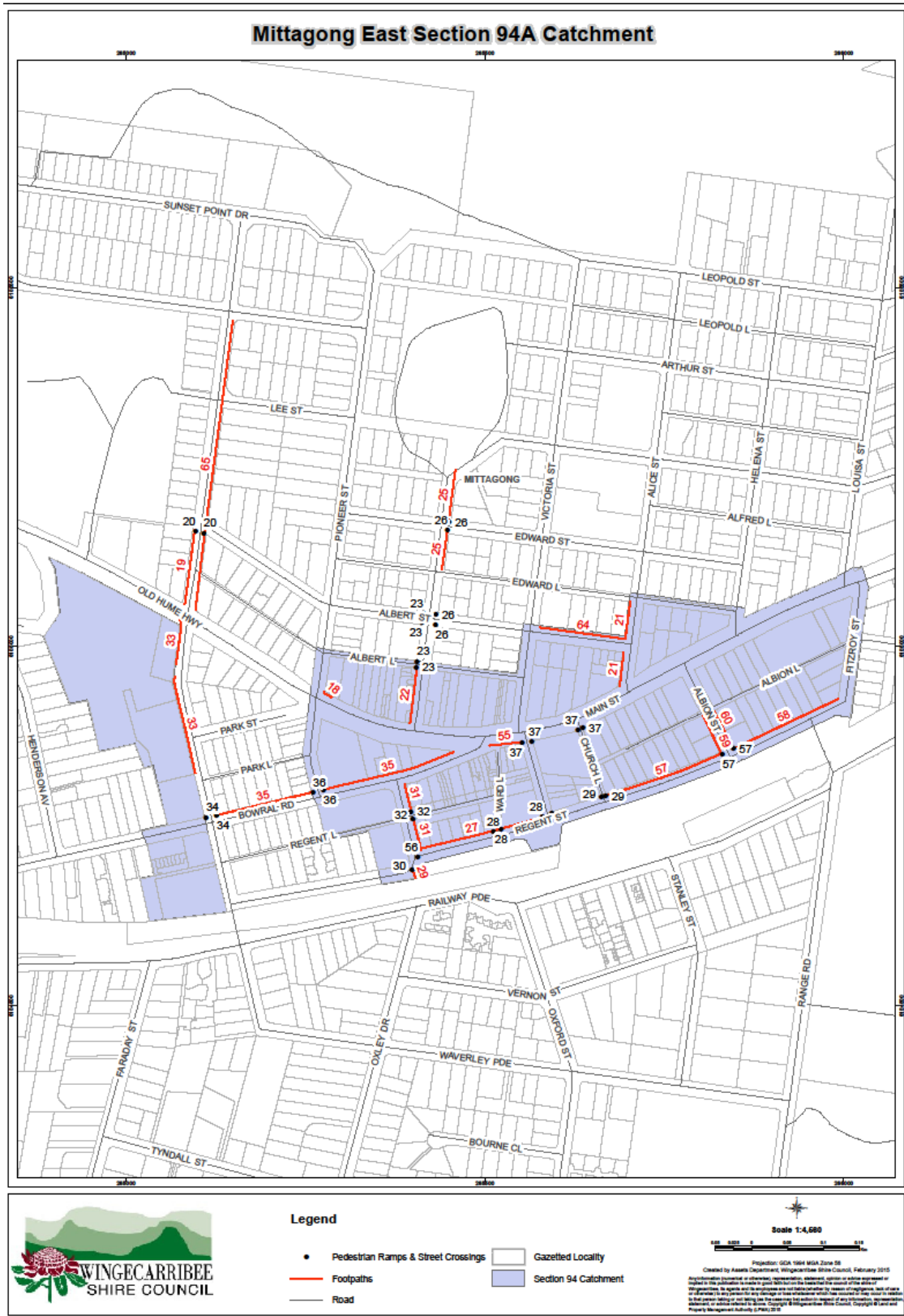


Figure 3 - Bowral Section 94A Contributions Catchment and Works Program Items

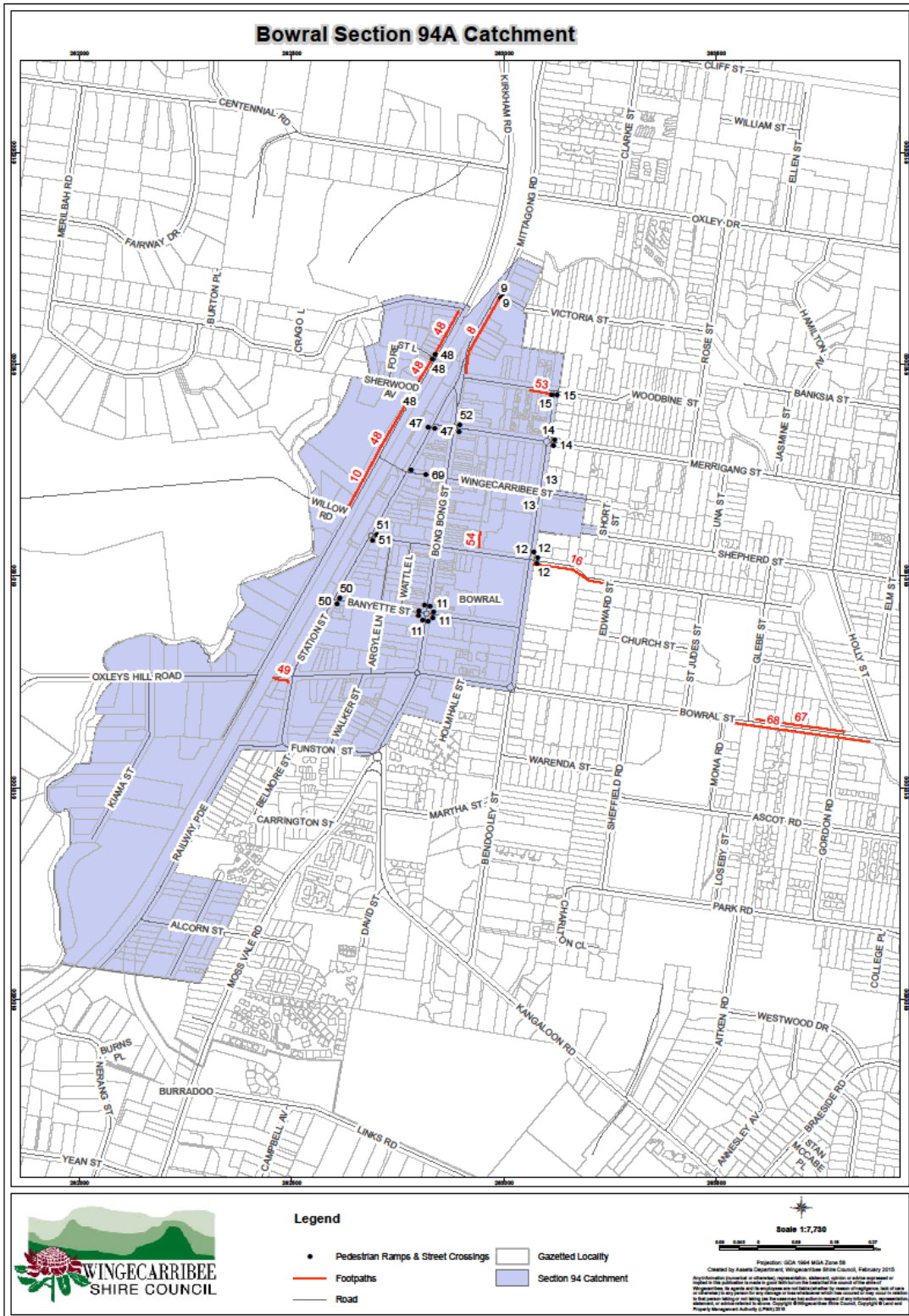


Figure 4 - Moss Vale East Section 94A Contributions Catchment and Works Program Items

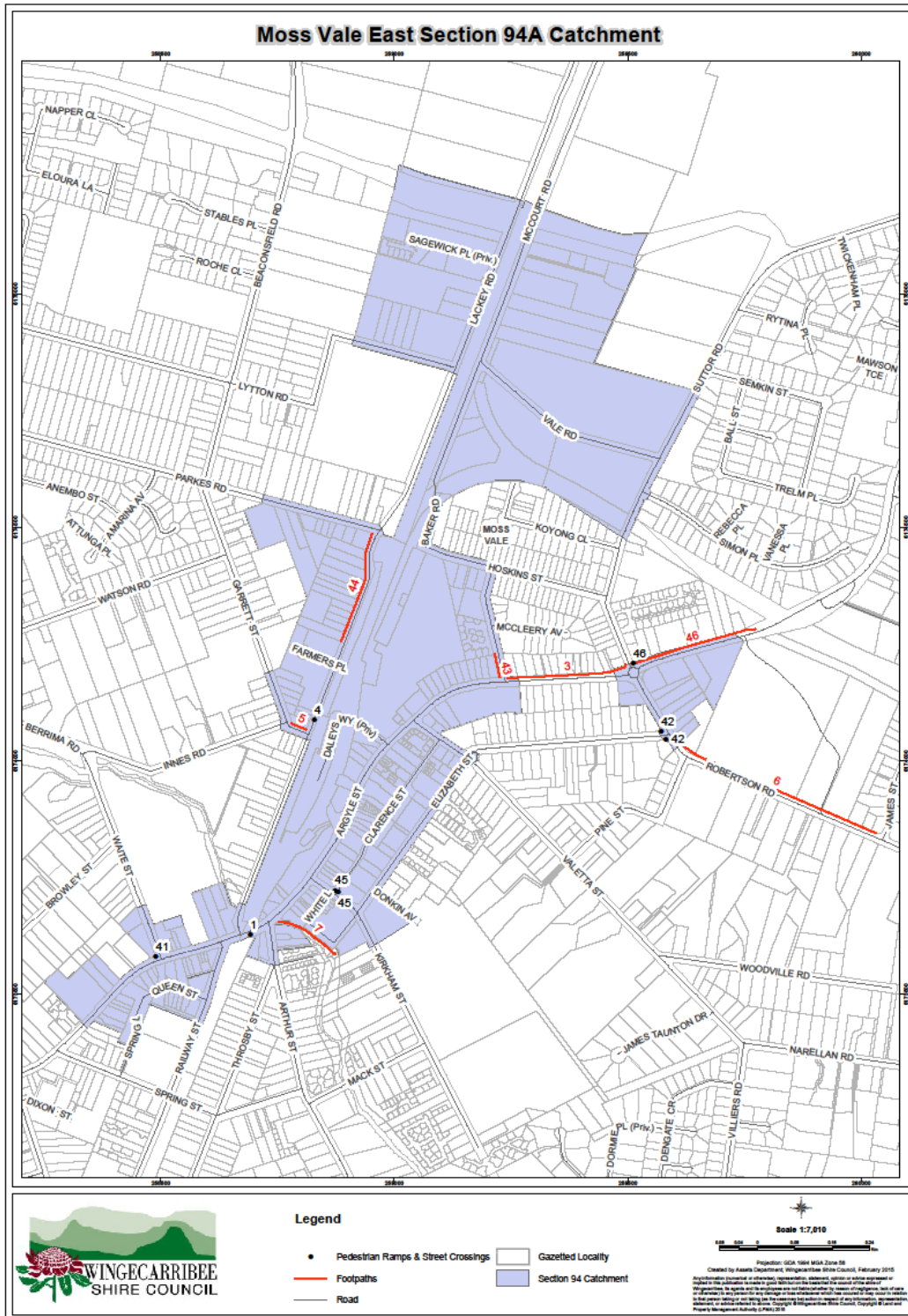


Figure 5 – Moss Vale West Section 94A Contributions Catchment and Works Program Items

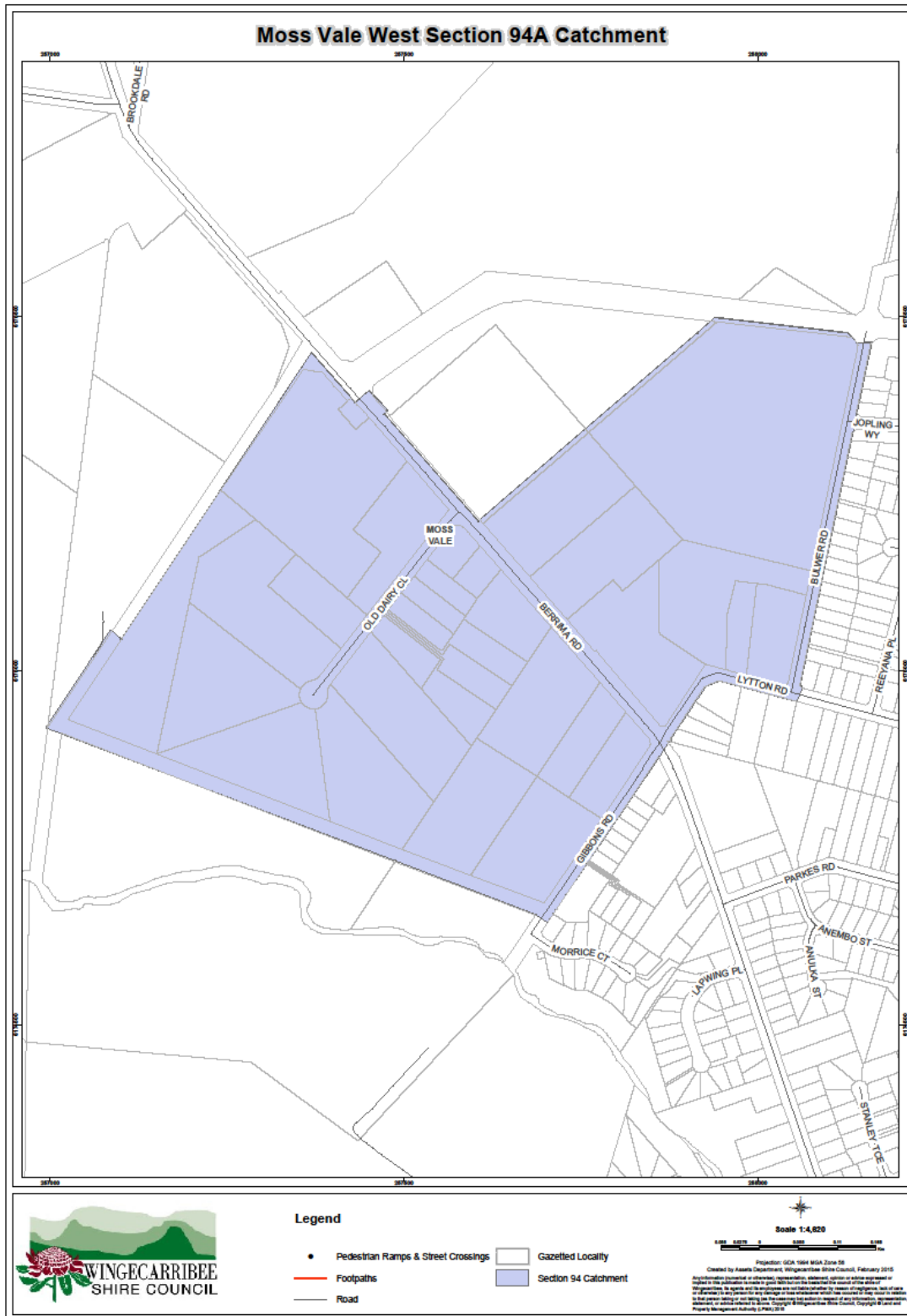


Figure 6 - Berrima Section 94A Contributions Catchment and Works Program Items

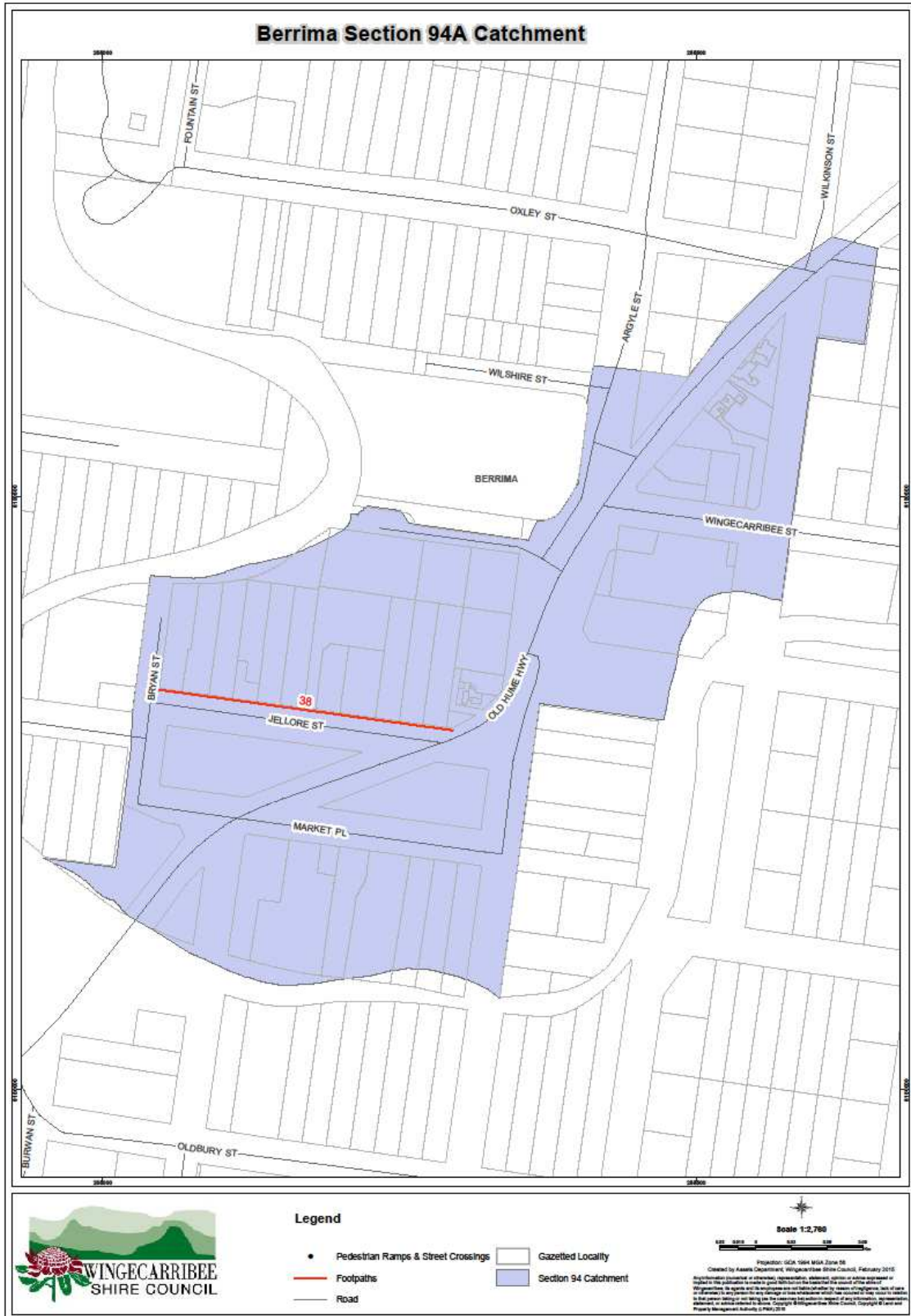


Figure 7 - Robertson Section 94A Contributions Catchment and Works Program Items

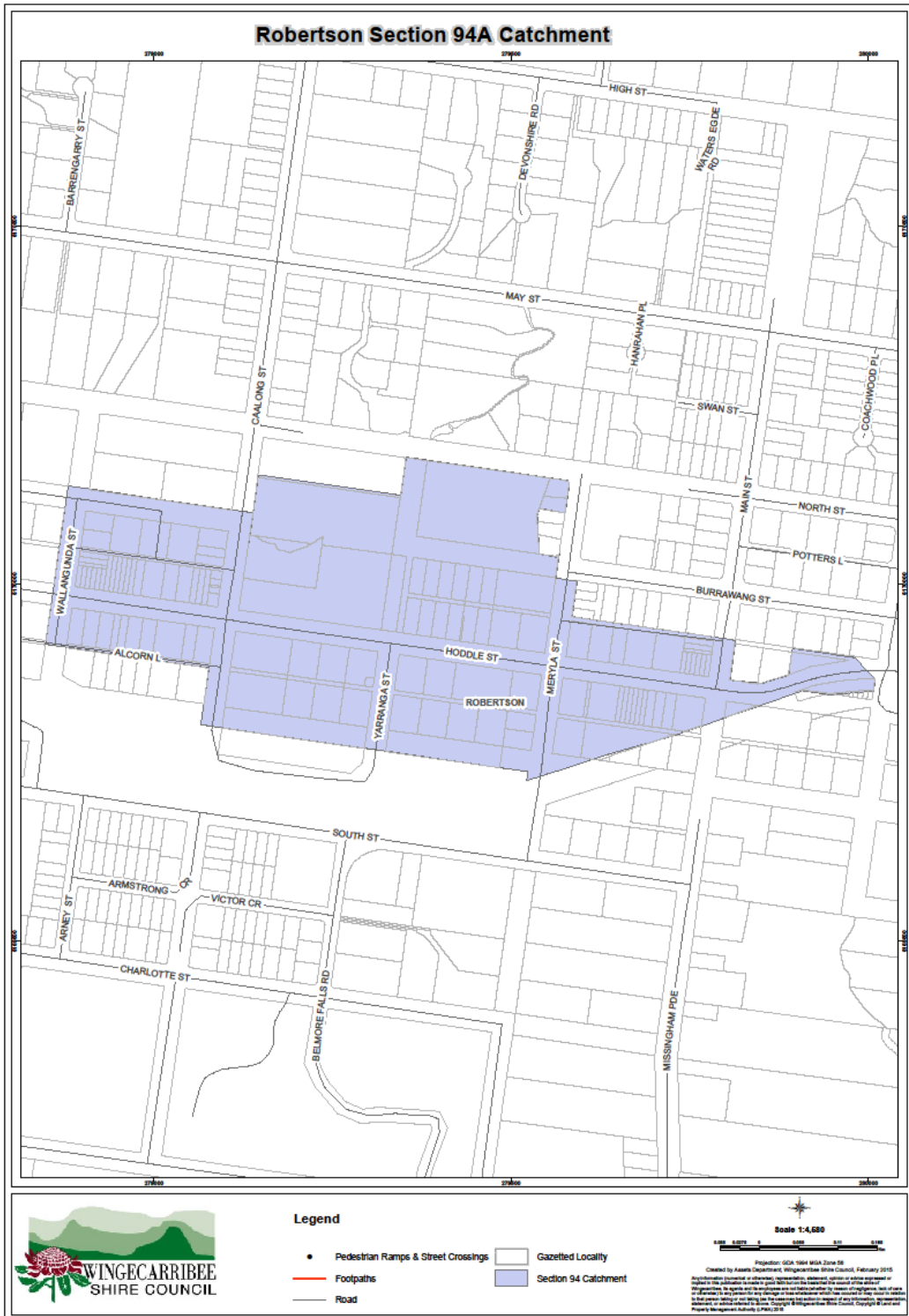


Figure 8 - Bundanoon Section 94A Contributions Plan Catchment and Works Program Items

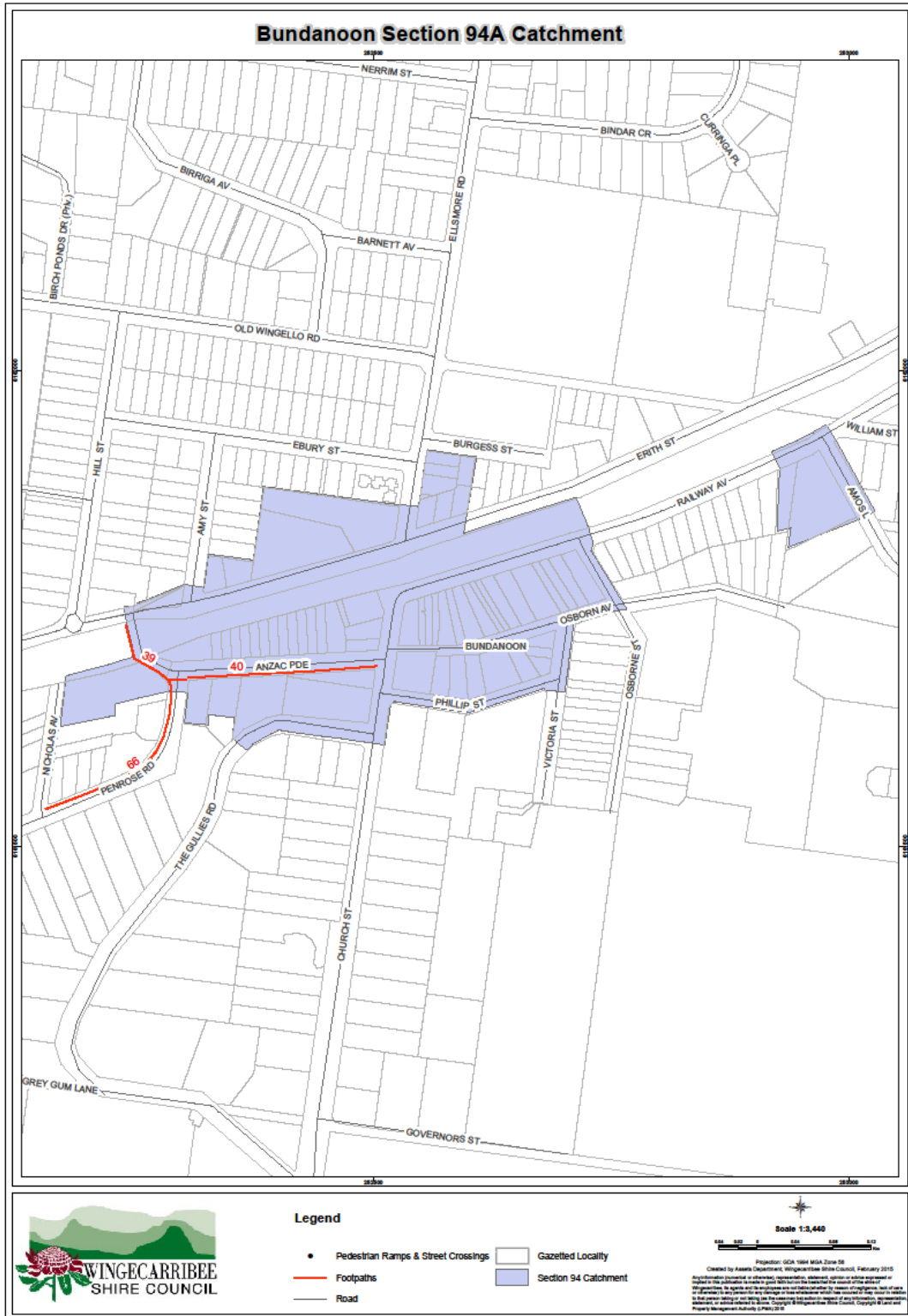
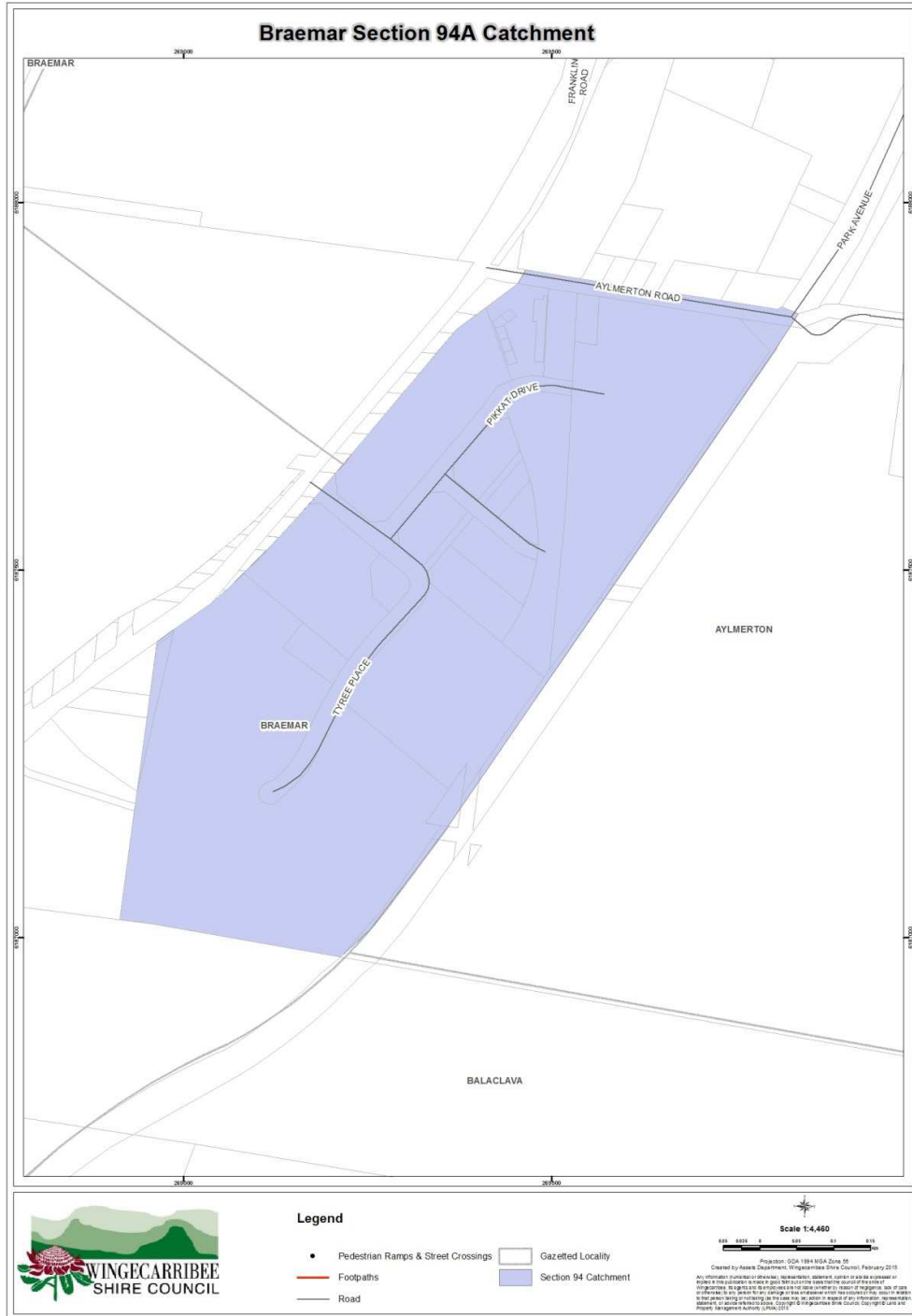


Figure 9 - Balaclava Section 94A Catchment



Figure 10 - Braemar Section 94A Catchment



8 Dictionary and Abbreviations

8.1 Abbreviations

EPA Act means the Environmental Planning and Assessment Act 1979 (NSW)

EPA Reg means the Environmental Planning and Assessment Regulation 2000 (NSW)

LEP mean Local Environmental Plan

LGA means Local Government Area

Plan means this Section 94A Contributions Plan

PAMPS means Pedestrian Access and Mobility Plan Strategy

WSC means Wingecarribee Shire Council

8.2 Definitions

accredited certifier has the same meaning as in the EPA Act.

affordable housing has the same meaning as in the EPA Act.

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and
- (c) none of the dwellings is located above any part of another dwelling.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers' accommodation means tourist and visitor accommodation:

- (a) that has shared facilities, such as communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

- (a) meals are provided for guests only, and

- (b) cooking facilities for the preparation of meals are not provided within guests' rooms and
- (c) dormitory-style accommodation is not provided.

bedroom means any enclosed habitable room that is capable of being used for sleeping purposes, including any study or similar utility room. *Note:* Council may use discretion to determine whether a particular room is to be regarded as bedroom for the purposes of this definition by having regard to the nature of the design and/or layout of the room and its situation in the building.

boarding house means a building:

- (a) that is wholly or partly let in lodgings
- (b) that provides lodgers with a principle place of residence for 3 months or more, and
- (c) that generally has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (d) that has rooms that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel accommodation.

brothel has the same meaning as the EPA Act.

building has the same meaning as the EPA Act.

capital cost means all of the costs of a one-off nature designed to meet the cost of providing, extending or augmenting infrastructure.

caravan park mean land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment means a geographic or other defined area to which a contributions plan applies.

certifying authority has the same meaning as the EPA Act.

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
 - (b) used for the physical, social, cultural or intellectual development or welfare of the community,
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the Local Government Act 1993.

complying development has the same meaning as the EPA Act.

consent authority has the same meaning as the EPA Act.

construction certificate has the same meaning as the EPA Act.

contributions plan means a public document prepared by Council pursuant to Section 94EA of the EPA Act 1979.

Council means Wingecarribee Shire Council.

development has the same meaning as the EPA Act.

development consent has the same meaning as the EPA Act.

development contribution means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

dwelling means a room or suite of rooms occupied or used so as constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

dual occupancy means 2-dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes and associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

facilities has the same meaning as in Section 31A of the EPA Reg.

farm stay accommodation means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

granny flat means a second dwelling on one allotment of land that contains only 1-bedroom, with no separate studies or similar rooms, and has a floor area of 60m² or less.

group home means a dwelling that is a permanent group home or a transitional group home.

group home (permanent) or permanent group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

group home (transitional) or transitional group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
 - (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,
- but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

growth centre has the same meaning as it has in the Growth Centres (Development Corporations) Act 1974.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is appropriately licensed within the meaning of the Children and Young Persons (Care and Protection) Act 1998),
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12-years, including no more than 5 who do not ordinarily attend school.

home business means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale or items by retail, except for the goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home industry means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or

- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale or items by retail, except for the goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale or items by retail, except for the goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, a brothel or home occupation (sex services).

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any notice, advertisement or sign, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale or items, by retail,

but does not include a home business or sex services premises.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the Liquor Act 2007):

- (a) comprising rooms or self-contained suites, and
 - (b) that may provide meals to guests or the general public and facilities for parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

manufactured home has the same meaning as in the Local Government Act 1993.

material public benefit does not include the payment of a monetary contributions or the dedication of land free of cost.

moveable dwelling has the same meaning as in the Local Government Act 1993.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

nexus means the relationship between expected types of development in the area and the demonstrated need for additional public facilities created by those developments.

place of shared accommodation has the same meaning as the EPA Act.

planning agreement means a voluntary planning agreement referred to in Section 93F of the EPA Act.

planning authority means:

- (a) a council, or
- (b) the Minister, or
- (c) the corporation, or
- (d) a development corporation (within the meaning of the Growth Centres (Development Corporations) Act 1974), or
- (e) a public authority declared by the EP&A Regulations to be a planning authority for the purposes of this Division.

planning benefit means a development contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land of the wider community.

planning obligation means an obligation imposed by a planning agreement on a developer requiring the developer to make a development contribution.

principal certifying authority has the same meaning as the EPA Act.

public authority has the same meaning as the EPA Act.

public benefit is the benefit enjoyed by the public as a consequence of a development contribution.

public land has the same meaning as in Local Government Act 1993.

public place has the same meaning as in the Local Government Act 1993

public reserve has the same meaning as in the Local Government Act 1993

public road has the same meaning as in the Roads Act 1993

public purpose is defined in Section 93F(2) of the EPA Act to include the provision of, or the recouping of the cost of providing public amenities and public services (as defined in Section 93C), affordable housing, transport or other infrastructure. It also includes the funding or recurrent expenditure relating to such things, the monitoring of the planning impacts of development and the conservation or enhancement of the natural environment.

public reserve has the same meaning as in the Local Government Act 1993.

public utility infrastructure, in relation to urban release area, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewerage.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

recurrent costs means any cost, which is of a repeated nature that is required for the operation or maintenance of a public facility.

residential accommodation means a building or place use predominantly as a place of residence, but does not include tourist and visitor accommodation.

residential care facility means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling house.

rural worker’s dwelling means a dwelling, ancillary to a dwelling house on the same landholding, used as the principle place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

secondary dwelling means a self contained dwelling that:

- (a) is established in conjunction with another dwelling (the principle dwelling), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

semi detached dwelling means dwelling that is on its own lot of land (not being an individual lot in a strata plan or community title scheme) and is attached to only one other dwelling.

seniors housing means ‘seniors housing’ as referred to in the Minister’s 94E direction as follows:

‘residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or*
 - (b) a hostel, or*
 - (c) a group of self-contained dwellings, or*
 - (d) a combination of these,*
- but does not include a hospital.*

Note *The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing.*

Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 20 provides that seniors housing may be used for the accommodation of the following:

- (a) seniors or people who have a disability,*
- (b) people who live within the same household with seniors or people who have a disability,*
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.’*

serviced apartment means a building or part of a building providing self contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agent.

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop top housing means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

social housing provider means a ‘social housing provider’ as referred to in the Minister’s 94E direction as follows:

- (a) *the New South Wales Land and Housing Corporation,*
- (b) *the Department of Housing,*
- (c) *a community housing organisation registered with the Office of Community Housing of the Department of Housing,*
- (d) *the Aboriginal Housing Office,*
- (e) *a registered Aboriginal housing organisation within the meaning of the Aboriginal Housing Act 1998,*
- (f) *the Department of Ageing, Disability and Home Care,*
- (g) *a local government authority that provides affordable housing,*
- (h) *a not-for-profit organisation that is a direct provider of rental housing to tenants.*

subdivision certificate has the same meaning as in the EPA Act.

subdivision of land has the same meaning as in the EPA Act.

subdivision work has the same meaning as in the EPA Act.

threshold means the level at which the capacity of an infrastructure item is reached or the event which triggers the requirement for the provision of a facility.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers’ accommodation.

urban release area means an area of land shown hatched and lettered “Urban Release Area” on the Urban Release Area Map pertaining to the WSC LEP 2009.

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.

9 Part H – References

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10 Appendix A

10.1 Procedure

A cost summary report is required to be submitted with all applicable development applications to allow Council to determine the levy. The following shall be provided:

- a. A cost summary report must be completed for development with an estimated development cost of no Greater than \$500,000.
- b. A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for development with an estimated development cost \greater than \$500,000.

To avoid doubt, clause 25J of the EPA Regulation sets out the items that are to be included in the estimation of the construction costs by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:

- (a) If the development involves the erection of a building, or the carrying out of engineering or construction work – the costs of or incidental to erecting the building, or carrying out the work, including the cost (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.

Further clause 25J also sets out the items that are **not** to be included:

- (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 cost of fittings and furnishings, including nay 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 G.S.T.) 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

Samples of a '*Cost Summary Report*' and a '*Registered Quantity Surveyor's Detailed Cost Report*', which are to be lodged with relevant Development Applications, are provided over page.

(Acknowledgement to City of Sydney for use of the model cost reports)

10.2 Sample Cost Summary Report

Cost Summary Report [Development Cost no greater than \$500,000]

DEVELOPMENT APPLICATION NO. LUA _____

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION NO. LUA _____

CONSTRUCTION CERTIFICATE NO. LUA _____

DATE: _____

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

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	\$
Sub-total	\$
Consultant fees	\$
Other related development costs	\$
Sub-total	\$
Goods and Services Tax	\$
TOTAL DEVELOPMENT COSTS	\$

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 cost.

Signed: _____

Date: _____

Name: _____

Position and Qualifications: _____

10.3 Sample Quantity Surveyor's 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. LUA _____

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION NO. LUA _____

CONSTRUCTION CERTIFICATE NO. LUA _____

DATE: _____

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

DEVELOPMENT ADDRESS:

DEVELOPMENT DETAILS:

Gross Floor Area - Commercial	m ²	Gross Floor Area - Other	m ²
Gross Floor Area – Residential	m ²	Total Floor Area	m ²
Gross Floor Area – Retail	m ²	Total Site Area	m ²
Gross Floor Area – Car Parking	m ²	Total Car Parking Spaces	
Total Development Cost	\$		
Total Construction Cost	\$		
Total GST	\$		

ESTIMATE DETAILS:

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

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction
- 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 Clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- Included GST in the calculation of development cost.
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQRS Cost Management Manual Volume 1, Appendix A2.

Signed: _____

Date: _____

Name: _____

Position and Qualifications: _____