



Section 94 Developer Contributions Plan

for

Section 94 Administration 2011 to 2031



Adopted: 8 November 2011

Effective: 23 November 2011

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2 PART A – Summary Schedules

The following summary schedules are included in this plan:

- Administration Program
- Contributions by Development Type and Location

2.1 Works Program Summary

Table 1 provides a summary of the total cost of establishing road and traffic infrastructure in the Wingecarribee Shire for the life of this Plan.

Table 1 - Summary works program

Administration Items Summarised	Total Value of Administration for life of Plan (20-years)
Accounting and Management of Funds	\$108,061.22
Drafting of Contributions Plans for Roads, Open Space, Community Facilities and Administration	\$71,793.48
Future Purchase of Developer Levies Software by Tech One	\$10,000.00
General Administration of Contributions Plans for life of Plans – following adoption of Plans	\$1,105,492.53
Legal Advice for reacting to legal precedent, challenges and Planning Agreements	\$800,000.00
Legal Checking of Draft Plans prior to adoption	\$134,400.00
Management and Maintenance of Proclaim	\$69,794.38
Ongoing support cost for Developer Levies Software by Tech One	\$50,000.00
Preparing Briefs for Traffic Modelling, Design Work and Testing	\$108,695.80
Review of Open Space, Recreation, Community and Cultural Needs Study/Strategy	\$30,000.00
Review of Traffic Modelling each Census	\$271,739.50
Software Updating for Accounting System (Proclaim)	\$12,000.00
Total	\$2,771,976.91

2.2 Summary of Contribution Catchment and Contribution Rate

This Plan applies to development identified in Section 6.3 of this Plan. Section 3.2 details the land to which this Plan applies.

The Contribution Rates applicable under this Plan are summarised as follows:

Table 2 – Summary of Contribution Rates by Contributions Catchments

Land to which the Plan Applies	Contribution Rate	Units
District (Shirewide)	\$421.53	Per ET
Northern Gateway	\$1,619.78	Per NDHA

The contribution per development type is based on the contribution per ET noted in Table 2, and the ET per residential development type noted in Table 7.

The contribution rate for industrial development in the Northern Gateway Local Contributions Catchment is consistent across all development types permissible in that catchment. The contribution rate is calculated on the Net Developable Hectare (NDHA), as defined in Section 6.2 of this Plan.

Note: It is stressed that Tables 1 and 2 are summary tables only. Please refer to more detailed tables and calculations described in the body of this Plan.

3 PART B – Administration and operation of the plan

3.1 What is the name of this Development Contributions Plan

This Development Contributions Plan is called the *Section 94 Developer Contributions Plan for Administration 2011 - 2031* (Plan), for Wingecarribee Shire Council.

3.2 Land to which the Plan applies

This Plan applies to land within the Local Government Area (LGA) of Wingecarribee Shire Council as shown on the map in Figure 1 other than the land to which the Section 94A Contributions Plan for Wingecarribee Shire Council; and the Section 94 Contributions Plan for the Moss Vale Enterprise Corridor apply.

A district contributions rate per *Equivalent Tenement* (ET) applies to development on all of the land to which the plan applies except for a per *Net Developable Hectare* (NDHA) contributions rate that applies to development in the catchment shown in Figure 2, known as the Northern Gateway Industrial Precinct.

3.3 What is the purpose of this Plan

The purposes of this Development Contributions Plan are to:

- a. Provide an administrative framework under which specific strategies may be implemented and coordinated by Council;
- b. Ensure that adequate public administration services are provided for as part of any new development within the Wingecarribee Shire;
- c. Authorise the Council to impose conditions under Section 94 of the *Environmental Planning and Assessment Act 1979* (EPA Act), when granting consent to development on land to which this Plan applies;
- d. Provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis;
- e. Ensure that the existing community is not burdened by the provision of public amenities and public services required as a result of future development in the Wingecarribee Shire Council LGA;
- f. Enable Council to be both publicly and financially accountable in its assessment and administration of the development contributions plan;

- g. Require an accredited certifier to impose a condition under this Plan in respect of development to which this plan applies which is complying development, and to specify the amount of the monetary contribution and the precise method by which the amount is to be determined.

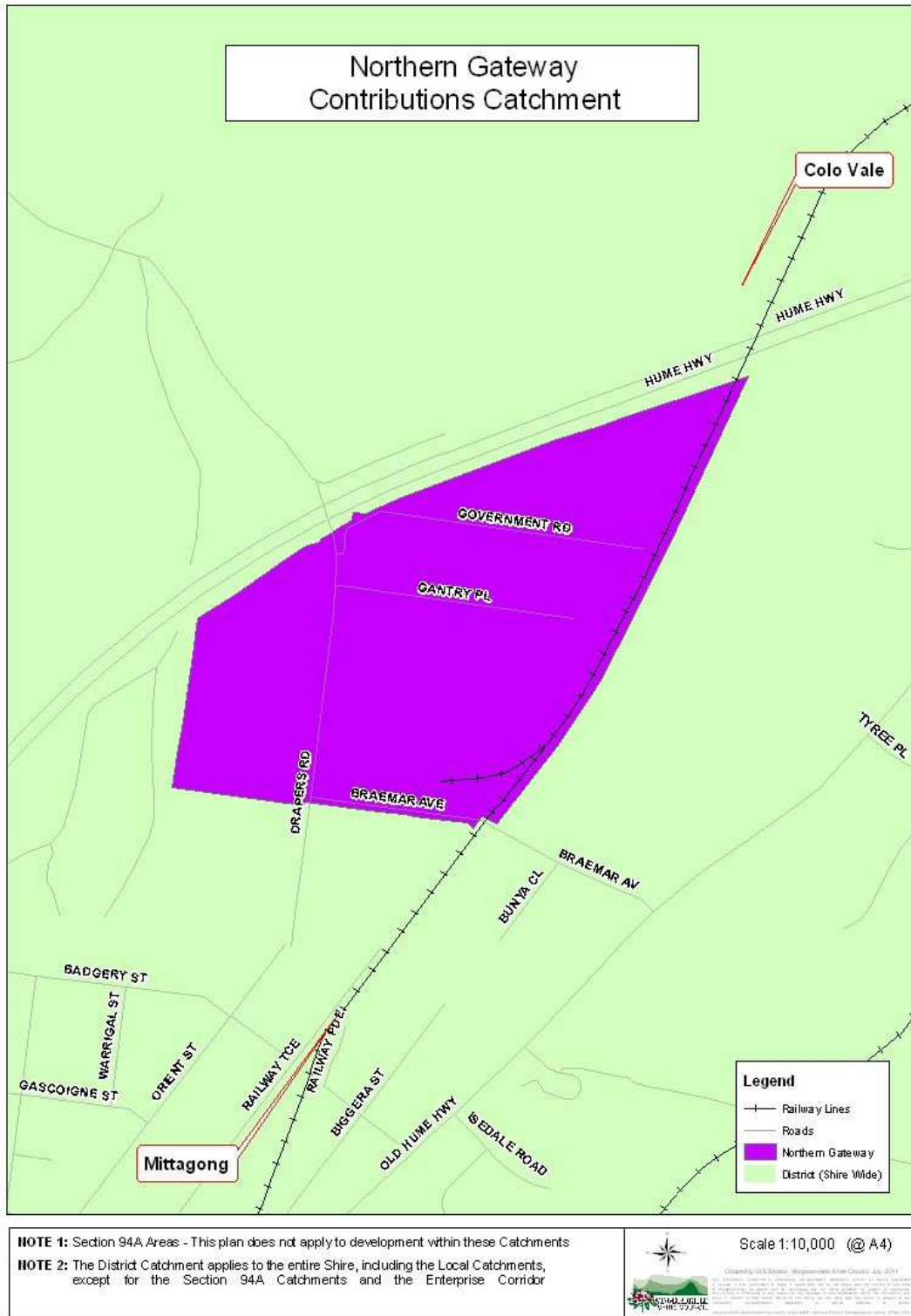
Figure 1 – Wingecarribee Shire Council LGA

Wingecarribee Shire

With surrounding Local Government Areas



Figure 2 - Northern Gateway Contributions Catchment



3.4 Commencement of the Plan

This Plan has been prepared pursuant to the provisions of Section 94 of the EPA Act and Part 4 of the EPA Regulation and takes effect from the date on which public notice is published, pursuant to clause 31(4) of the Environmental Planning and Assessment Regulation 2000 (EPA Reg).

Date from which Public Notice is Published: 23 November 2011

3.5 Relationship with other Plans and Policies

3.5.1 Plans and Policies that this Plan Compliments

This Plan compliments the provisions of the *Wingecarribee Shire Local Environmental Plan 2010* and the following other Section 94 and Section 94A Contributions Plans; and 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 - Contributions Plans that this Plan Compliments

Name of Plan	Date of Adoption of Plan
Wingecarribee Shire Council Section 94 Developer Contributions Plan for Central Library Facility	9 July 1997
Wingecarribee Shire Council Developer Contributions Plan for Open Space and Recreation Facilities	14 March 2007
Wingecarribee Shire Council Section 94 Developer Contributions Plan for Roads and Traffic Facilities – Version 6	15 December 2010
Wingecarribee Shire Council Section 94 Developer Contributions Plan for the Resource Recovery Centre 2009	26 August 2009
Section 94A – Contributions Plan for Wingecarribee Shire Council	12 May 2010
Draft Wingecarribee Shire Council Section 94 Developer Contributions Plan for the Moss Vale Enterprise Corridor 2010 to 2031	
Wingecarribee Shire Council Section 94 Developer Contributions Plan for Bundanoon	11 February 2004
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 Shire Council	9 November 2010

3.5.2 Plans that this Plan Repeals

This Plan Repeals the following Section 94 Plans from the date it takes effect:

Table 4 - Contributions Plans Repealed by this Contributions Plan.

Name of Plan	Date of Original Adoption of Plan
Wingecarribee Shire Council Developer Contributions Plan for Administration Resources.	28 August 1996

Funds held under the Contributions Plan to be repealed in Table 4 will continue be used as part of Council's commitment for funding for Administration Resources in this Plan.

3.6 Definitions

A list of definitions and list of abbreviations is contained in Part E of this Plan. For other definitions not found in this Plan please refer to *Wingecarribee Local Environmental Plan 2010* (LEP), the EPA Act, EPA Reg and *Local Government Act 1993*.

3.7 When are contributions Payable

A contribution must be paid to the Council at the time specified in the condition of a development consent that imposes the contributions. Council usually requires the contributions to be paid for certain types of development as follows:

3.7.1 Development in District and Local Contributions Catchments, but excluding the Northern Gateway Local Contribution Catchment

Table 5 – Timing of Payment of Contributions by Type of Development in District and Local Contributions Catchments, but excluding the Northern Gateway.

Description of Development	Timing of Payment
Subdivision	Prior to the release of the Subdivision Certificate (linen plan), strata plan or a strata plan of subdivision within the meaning of the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.
Dual Occupancy; Secondary Dwelling; Attached Dwellings; Semi Detached Dwelling; Multi Dwelling Housing;	Prior to the Issue of the Construction Certificate. (Regardless of whether or not subdivision is proposed within the

Residential Flat Buildings; Serviced Apartments; Shop Top Housing; Tourist and Visitor Accommodation.	application).
Housing for Seniors or People with a Disability (Seniors Living SEPP) 2004 and Seniors Housing by Commercial Enterprises.	Prior to the Issue of the Construction Certificate.
Housing for Seniors or People with a Disability (Seniors Living SEPP) 2004 and Seniors Housing by Not-for-Profit Organisations that are not exempt in accordance with Section 3.12 of this Plan.	Prior to the issue of the Occupation Certificate.
Residential Care Facilities; Residential Accommodation; Hostels and Group Homes that are not exempt in accordance with Section 3.12 of this Plan.	Prior to the issue of the Occupation Certificate.
Caravan Parks; Camping Sites and Manufactured Homes.	Prior to the issue of a Section 68 Certificate (Local Govt. Act) required for the connection of each site.
Dwelling Houses on land in certain rural and environmental protection zones (as described in Clause 42A the Wingecarribee Local Environmental Plan 2010).	Prior to the issue of the Occupation Certificate.

Note: Contributions are payable in stages where the development consent nominates and identifies the stages within a development. In such cases the contributions payable for each stage of the development must be paid in accordance with Table 5 above or as nominated in the conditions of consent.

3.7.2 Development within the Northern Gateway Local Contribution Catchment

Table 6 - Timing of Payment of Contributions by Type of Development in the Northern Gateway Local Contributions Catchment.

Description of Development	Timing of Payment
Development to which this Plan applies as described Section 6.3.2 of this Plan.	Prior to the issuing of the first construction certificate or if the development does not require a construction certificate, prior to the commencement of the use.

Note: Contributions are payable in stages where the development consent nominates and identifies the stages within a development. In such cases the contributions payable for each stage of the development must be paid in accordance with Table 6 above or as nominated in the conditions of consent.

3.8 Construction certificates and the obligations of accredited certifiers

In accordance with Section 94EC of the EPA Act and 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 monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions 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. Failure to follow this procedure may render such a certificate invalid.

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

3.9 Complying development and the obligation of accredited Certifiers

In accordance with s94EC(1) of the EPA Act, this Plan requires that, in relation to an application made to an accredited certifier for a complying development certificate:

- the accredited certifier must, if a complying development certificate is issued, impose a condition requiring a development contribution, if such a contribution is authorised by this Plan;
- the amount of the monetary contribution that the accredited certifier must so impose by way of condition is the amount determined in accordance with this clause; and
- the terms of the condition must be in accordance with this clause.

Procedure for accredited certifier to determine the amount of the monetary contribution

1. *If, and only if specified in writing in the application for a complying development certificate, the applicant has requested a credit under s94(6) of the Act or applies for an exemption of part or the whole of the development under section 3.12 of this Plan, the accredited certifier must:*

- a. *make a request in writing to the Council for the Council's advice on whether the request or application is granted, or the extent to which it is granted; and*
- b. *in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the*

granting of the complying development certificate, refuse the applicant's request.

2. *Determine the unadjusted contributions calculated in accordance with the formulas in sections 3.19 and 3.20 of this Plan (as amended).*
3. *Apply the adjusted rates in accordance with clause 3.14 of this Plan to reflect the indexed cost of the provision of infrastructure.*
4. *Subtract any credit advised by the Council under paragraph 1b.*

Terms of s94 condition

The terms of the condition required by this section is as follows:

Contribution

The developer must make a monetary contribution to Wingecarribee Shire Council in the amount of \$[insert amount] for the purposes of the Section 94 Plan for Administration 2011 to 2031.

Indexation

The monetary contribution must be indexed between the date of this certificate and the date of payment in accordance with the following formula:

$$\$C_P = \$C_{DC} + \frac{[\$C_{DC} \times (\$C_Q - \$C_C)]}{\$C_C}$$

Where:

\$\$C_P - is the amount of the contribution calculated at the time of payment.

\$\$C_{DC} - is the amount of the original contribution as set out in the development consent.

\$\$C_Q - is the contribution rate applicable at the time of payment.

\$\$C_C - is the contribution rate applicable at the time of the original consent.

Note: The contribution payable will not be less than the contribution specified on the certificate.

Time for payment

Deferred payments of contributions will only be accepted in accordance with an arrangement entered into with the Council in accordance with section 3.10 of the Section 94 Plan for Administration 2011 to 2031.

For subdivision – the contribution must be paid prior to the release of the Subdivision Certificate (linen plan), strata plan or a strata plan of subdivision within the meaning of the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.

For any other development where a construction certificate is required, the contribution must be paid prior to the release of the first construction certificate or if the development does not require a construction certificate, prior to the commencement of the use

Works in kind

This condition does not need to be complied with to the extent specified in a works in kind agreement between the developer and the Council as allowed by Section 94 Plan for Administration 2011 to 2031.

3.10 Deferred and periodic payments

The Council's policy concerning deferred payments is that a deferred payment may be permitted in the following circumstances:

- a. the deferred 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.

Council does not ordinarily allow periodic payments except in circumstances considered reasonable by the Council on a case by case basis.

If Council does decide to accept a deferred 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 the following conditions:

- a. The lodgement of an irrevocable bank guarantee without an end date for the amount of the contributions plus an additional 13-months simple interest on that 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 for any building work, or the date of the issuing of any 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. Where the bank guarantee has been deposited with Council, 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 repayment of interest on the outstanding amount calculated at the Reserve Bank's Policy Interest Rate (Target Cash Rate) plus 1% from the date on which payment was originally due until that date on which payment is actually made as secured by the guarantee.

3.11 Can the contribution be settled "in-kind" or through a material public benefit

Council may accept an offer by the applicant to provide an "in-kind" contribution (i.e. the applicant completes part or all of the 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.

Council may accept such alternatives in the following circumstances:

- a. 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; and
- b. The standard of the works is to Council's full satisfaction; and
- c. The provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program; and
- d. [other as appropriate in the circumstances]

The value of the works to be substituted must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Council will require the applicant to enter into a written works in kind agreement for the provision of the works.

Acceptance of any such alternative is at the sole discretion of Council. Council may review the valuation of works or land to be dedicated, and may seek the services of an independent person to verify their value. In these cases, all costs and expenses borne by the Council in determining the value of the works or land will be paid for by the applicant.

Please refer to Council's *Assessment Policy for Section 94/94A Developer Contributions Plans and Section 64 Development Servicing Plans*, which outlines how to apply for a works-in-kind agreement.

3.11.1 Voluntary Planning Agreements

If an applicant does not wish to pay the contribution 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 the items listed in Table 10.

The applicant's provision under a planning agreement may be additional to or instead of paying a contribution 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 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 the contribution amount.

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 Division 6 in Part 4 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 or replaced from time to time.

3.12 Exemptions

Council may consider exempting some development, or components of developments from the requirement for a contribution. Section 94E of the EPA Act requires Council the exempt particular types of development. The following types of development may be exempt at Council's discretion or are exempt by Section 94E:

3.12.1 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, are exempt from the payment of contributions, 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”.

3.12.2 Development by non-profit organisations

Development by not-for-profit organisations may be exempt from the payment of development contributions, provided that the Council determines that the development is for an essential community service.

3.12.3 State Environmental Planning Policy (Housing for Senior’s or People with a Disability) 2004 – Section 94E

Development 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 purposes 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.

3.12.4 Other development

Any other development that may be exempt from the payment of contributions as Directed by the Minister of Planning under the provisions of Section 94E of the Environmental Planning and Assessment Act 2008, and the following:

- a. non-residential land uses (except for the Northern Gateway Local Contribution Catchment); or
- b. existing vacant residential lots currently rated for water and sewer (except where development involves subdivision or an increase in population density).
- c. a change of land use not involving the creation of additional lots, dwellings or increased population; or
- d. rural farming enterprises, which do not result in an increase in the demand for roads and traffic facilities; 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 s94 contributions may not be imposed in accordance with a direction by the Minister under s94E of the EPA Act.

3.12.5 Determination of Applications for Exemption

For claims for exemption to be considered for development referred to in Sections 3.12.1 to 3.12.3 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, for the purposes of satisfying the Section 94E Direction.
- Any other information Council request due to the particular circumstances of the case.

3.13 Review of Contribution Rates

To ensure that the value of the contributions are not eroded over time by inflationary pressures or through changes in the costs of studies used to support the Plan, Council will review the contributions rates.

The contributions rates will be reviewed by reference to the following specific index:

- The Consumer Price Index, All Groups, Sydney.

In accordance with clause 32(3)(b) of the EPA Regulation, the following sets out the means that Council will make changes to the rates set out in this plan:

3.13.1 Formula for Adjustment of Contribution Rates

For changes to the Consumer Price Index the contribution rates within this Plan will be reviewed on a quarterly basis in accordance with the following formula:

$$\$C_A + \frac{\$C_A \times (I_C - I_B)}{I_B}$$

Where:

$\$C_A$ - is the contribution at the time of adoption of the plan expressed in dollars.

- I_C - is the Consumer Price Index (CPI), Tables 1 and 2. CPI: All Groups, Index Numbers and Percentage changes – Index Numbers; All Groups; Sydney (A2325806K), as published by the Australian Bureau of Statistics, www.abs.gov.au, at the time of the review of the contributions rate.
- I_B - is the Consumer Price Index (CPI), Tables 1 and 2. CPI: All Groups, Index Numbers and Percentage changes – Index Numbers; All Groups; Sydney (A2325806K), as published by the Australian Bureau of Statistics, www.abs.gov.au, at the time of the adoption of this Plan.

Note: In the event of a negative CPI movement from one quarter to the next, the Contribution Rates will remain the same as the previous quarter.

3.14 How Contributions are Adjusted at the Time of Payment?

The contributions stated in a consent are calculated on the basis of the Section 94 contribution rates determined in accordance with this Plan. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment in the following manner:

$$\$C_P = \$C_{DC} + \frac{[\$C_{DC} \times (\$C_Q - \$C_C)]}{\$C_C}$$

Where:

- $\$C_P$ - is the amount of the contribution calculated at the time of payment.
- $\$C_{DC}$ - is the amount of the original contribution as set out in the development consent.
- $\$C_Q$ - is the contribution rate applicable at the time of payment.
- $\$C_C$ - is the contribution rate applicable at the time of the original consent.

The current contributions are published by Council and are available from Council's Offices. For Council's latest Contributions Rates please refer to:

- <http://www.wsc.nsw.gov.au/development/developer-contributions-plans-development-servicing-plans> on Council's website;
- Or contact Council's Contributions/Strategic Planner on (02) 4868 0888.

3.15 Are there Allowances for Existing Development? And Contribution Ratios for Subdivision and Commercial/Industrial Development

Contributions will be levied according to the estimated increase in demand as provided in Table 7. An amount equivalent to the contribution attributable to any existing (or approved) development on the site of a proposed new development will be allowed for in the calculation of contributions. In assessing the contribution of proposed and existing development the following ratios will be used:

Table 7 – Residential Housing and Accommodation Ratios Per Equivalent Tenement

Description of Development	Unit Rate Per ET
	S94 (Direct) Contributions Plans
Single Residential Lots (dwelling house)	
A Standard Residential Lot – a single density (one lot with one dwelling). Dwelling House in residential zones where lots are greater than 450m ² and less than 2000 m ²	1.00
A Large Residential Lot – a single density (one lot with one dwelling). Dwelling House in residential and rural zones where lots are greater than 2000 m ²	1.00
Dual Occupancy, Secondary Dwelling, Attached Dwellings, Semi Detached Dwelling, Multi Dwelling Housing – generally for where each dwelling is to be situated on lots less than 450m ² (but not limited to) and permanent self contained caravan park accommodation.	
One (1) bedroom dwelling	0.50
Two (2) bedroom dwelling	0.67
Three (3) bedroom dwelling or greater	1.00
Residential Flat Buildings, Serviced Apartments, Shop Top Housing Tourist and Visitor Accommodation Units and Boarding Houses (self contained).	
One (1) bedroom apartment	0.50
Two (2) bedroom apartment	0.67
Three (3) bedroom or more apartment	0.90
Tourist and Visitor Accommodation Units and Boarding Houses (not self contained)	
Shared facilities for cooking, laundry and bathrooms per bedroom that are not dormitory or bunk rooms	0.25
Shared facilities for cooking & laundry but own ensuite per bedroom that are not dormitory or bunk rooms	0.35
Shared facilities for cooking, laundry and bathrooms per bed that are dormitory or bunk rooms	0.125
Shared facilities for cooking and laundry but own ensuite per bed that are dormitory or bunk rooms	0.175
Housing for Seniors or People with a Disability (Seniors Living SEPP 2004) or Seniors Housing	
One (1) bedroom self contained (ensuite & kitchen)	0.33
Two (2) bedroom self contained	0.55
Three (3) or more bedrooms self contained	0.75
Residential Care Facilities, Residential Accommodation, Hostels and Group Homes	
High Dependency/Residential Care Facility (per bed)	Nil
Low Dependency/Hostel (per bed)	0.35
Caravan Parks and/or Camping Sites	
Transient, not permanent (not self contained)	0.25
Transient, not permanent (partially self contained)	0.35
Permanent (not self contained)	0.25
Permanent (partially self contained, ensuite)	0.35
Permanent (fully self contained)	See Multi-Unit housing
Northern Gateway Local Contributions Catchment	
Development – as defined in Section 6.3.2 of this Plan	Per NDHA

Note 1: Development types not listed in the above table, particularly in the case of the Local Northern Gateway Contributions Catchment, shall be assessed on their merits for credit purposes only.

Note 2: Refer to the Definition of a 'bedroom' and 'NDHA' in Section 6.2 of this Policy for the purposes of this table.

Note 3: Social Housing Providers under SEPP (Seniors Living) 2004 are exempt from S94 Contributions – refer to Section 3.12.3.

3.16 Pooling of Contributions

This Plan expressly authorises monetary Section 94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the monetary contributions are shown in the works schedule.

3.17 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 the Plan, which was effective at the date of determination of the application.

3.18 G.S.T Implications

Pursuant to the Division 81 determination made under the Goods and Services Tax Act 1999 by the Federal Treasury, no Goods and Services Tax (GST) is applicable to the payment of contributions made under Section 94 of the EPA Act. Developers should obtain their own advice as to how the determination applies to contributions made in lieu of satisfaction of a condition imposed in accordance with this Plan.

3.19 Contributions Formula

The contributions are calculated using the following formulas:

Formula for Contribution Rate for Administration Shirewide – not applicable in Northern Gateway

$$\text{Contribution Rate (Per ET)} = \frac{TC \times P}{N} \times R$$

Where:

TC = Cost of Item

P = Apportionment of Time spent Administering Section 94 Shirewide¹

N = Population Increase

R = Average Occupancy rate across the LGA.

ET = Equivalent Tenement (refer to dictionary)

¹ Excludes the Northern Gate under this Plan; and Section 94A areas and the Moss Vale Enterprise Corridor under sperate Plans.

Formula for Contribution Rate for Administration Northern Gateway

$$\text{Contribution Rate (Per NDHA)} = \frac{TC \times P_P}{HA \times P_{HA}}$$

Where:

- TC = Cost of Item (for life of Plan)
- P_P = Apportionment of Time spent Administering Section 94 for Northern Gateway
- HA = Hectares
- P_{HA} = Apportionment of land in Northern Gateway subject to Section 94 Contributions
- $NDHA$ = Net Developable Hectare

3.20 Contributions Calculation

The Contribution Calculation for each item in Table 10 is made separately due to the variations in apportionment as explained in Section 4.3. Therefore the two items below are examples of how the formulas are used to calculate the contributions:

Example 1: Item 9 (Table 10) Contributions/Land Use Planner – General Administration of Contributions Plans

Shirewide Residential Development Component:

$$\$171.17 \text{ per ET} = \left[\frac{(\$119,655.80 \times 20 \text{ years}) \times 43.29\%}{16,400} \right] \times 2.71$$

Northern Gateway Industrial Development Component:

$$\$950.26 \text{ per NDHA} = \left[\frac{(\$119,655.80 \times 20 \text{ years}) \times 1\%}{(57.2357 HA \times 44\%)} \right]$$

Example 2: Item 12 (Table 10) Transportation Planning Engineer - Review of Traffic Modelling

Shirewide Residential Development Component:

$$\$10.78 \text{ per ET} = \left[\frac{[(\$108,695.80 \div 2) \times (20 \text{ years} \div 4 \text{ years})] \times 24\%}{16,400} \right] \times 2.71$$

Northern Gateway Industrial Development Component:

$$\$107.90 \text{ per NDHA} = \left[\frac{[(\$108,695.80 \div 2) \times (20 \text{ years} \div 4 \text{ years})] \times 1\%}{(57.2357 HA \times 44\%)} \right]$$

4 PART C – Strategy Plans

4.1 Population Statistics

4.1.1 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/council/policies-plans-codes/community-profile-social-plan>.

4.1.2 Past Population Statistics

The Community Profile, whilst identifying the current population statistics, also identified key changes in the population characteristics for the LGA. In summary these were:

- The population of the Wingecarribee LGA increased by 3.5% between the 2001 and 2006 census, from 40,840 residents to 42,272 residents.
- The population growth rate declined to 0.7% per annum between 2001 and 2006, compared to the growth rate 2001 (2.2% per annum) and 1991 to 1996 (2.1% per annum).
- The LGA has an aging population, with the LGA median age of 42-years. There is also a trend of outward movement of young people and immigration of persons aged 55 years or over.

4.1.3 Families

- In 2006, the Shire had 11,561 families, comprising 41% couple families with children, 43% couple only families and 14% one parent families.
- Over 5,000 families are caring for dependant off spring. The majority (70%) are young families rearing children younger than 15-years. Over one fifth of these are headed by a loan parent.

4.1.4 Households and Housing

- In 2006, the LGA had 15,567 occupied private dwellings, an increase of 2.9% from 2001.
- Separate housing accounts for 90% of occupied dwellings.
- The housing stock in the Wingecarribee LGA has shifted with the proportion of medium and high density housing stock increasing from 7.4% in 2001 to 9.4% in 2006.
- Average household occupancy rate of 2.5 persons compared to 2.6 for NSW.
- Changes in population age distribution between 2001 and 2006 has led to a decrease in family households and an increasing proportion of lone person households which now represent 23% of all households. This is similar to NSW.
- The current stock of housing available for private rental of occupied private dwellings is also low at 21%, compared to 28% for NSW in 2006. Lack of housing choice is contributing to affordability problems for lone person, couple and low income households seeking rental accommodation.

4.1.5 Employment

Since the mid 1980s the Shire has experienced consistent decline in unemployment rates. At Census 2006 the overall unemployment rate was 4% and the number of unemployed persons was 813.

Most common industries are retailing, health and community services, manufacturing, construction, hospitality, education and training.

4.1.6 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. 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.”*

Based on the Sydney-Canberra Corridor Regional Strategy figures, Council has reviewed its projections for the LGA, as population projections provide an indication of the future demand for public facilities. Parsons Brinkerhoff, on behalf of Council recently reviewed the *Wingecarribee open Space, Recreation, Cultural and Community Facilities Needs Study and Strategy*. Table 3.1 (p18) of the review document contains a detailed breakdown of estimated population growth within the townships of the Wingecarribee LGA. Those population projections from 2006 to 2031 are adopted for the purposes of this Plan and are reproduce in Table 8.

Table 8 - Breakdown of projected population and household increases between 2006 and 2031 for Contributions Catchments and the Wingecarribee LGA.

Section 94 Contribution Catchments – Projected & Design Populations	Population		Population Increase from 2006 to 2031		Persons per Dwelling		Households		Housing Increase from 2006 to 2031		Apportionment of New Persons from 2006 to 2031	Apportionment of New Houses from 2006 to 2031
	2006	2031	Number	%	2006	2031	2006	2031	Number	%		
<i>Mittagong</i>	7,705	10,385	2,680	34.8%	2.68	2.43	2,877	4,277	1,400	48.7%	26%	33%
<i>Bowral</i>	11,500	11,836	336	2.9%	2.63	2.38	4,370	4,970	600	13.7%	3%	12%
<i>Moss Vale</i>	6,723	12,187	5,464	81.3%	2.69	2.44	2,503	5,003	2,500	99.9%	45%	50%
<i>Bundanoon/Exeter</i>	2,433	3,636	1,203	49.4%	2.52	2.27	964	1,599	635	65.9%	33%	40%
<i>Berrima</i>	869	885	16	1.9%	2.65	2.4	328	369	41	12.5%	2%	11%
<i>Robertson</i>	1,205	1,310	105	8.7%	2.87	2.62	420	500	80	19%	8%	16%
<i>Northern Villages</i>	4,049	5,081	1,032	25.5%	2.99	2.74	1,354	1,854	500	36.9%	20%	27%
<i>Rural</i>	7,704	11,095	3,391	44%	2.8	2.55	2,752	4,352	1,600	58.1%	31%	37%
Total	42,188	56,415	14,227	33.7%	2.71	2.46	15,568	22,924	7,356	47.3%	25%	32%
District (Department of Planning Figures)												
District Totals	42,188	58,588	16,400	39%	2.71	2.41	15,568	24,268	8,700	56%	28%	36%

Source: Parsons Brinkerhoff (PB), 2010, *Wingecarribee Open Space, Recreation, Cultural and Community Facilities Needs Study and Strategy – Review*.

4.2 Identifying Demand

4.2.1 Nexus – Introduction

Nexus is the relationship between the expected types of development in the LGA and the demonstrated need for additional public facilities created by those developments.

The requirement to satisfy nexus is one of the core components a contributions plan must address pursuant to Clause 27(1)(C) of the EPA Regulation.

4.2.2 Administration Nexus

Council has a number of legislative and administration functions that are necessary to support S94 contribution plans, and a commitment to ensure the efficient implementation and ongoing review of these plans. These functions include:

- the initial planning studies to establish the requirements of the incoming population, and the provision of necessary facilities;
- developing, maintaining and documenting contributions plans, policies and procedures which produce the desired outcomes for the provision of facilities in terms of standard, appropriateness, timing and cost;
- regular and efficient reviews of Section 94 contribution rates;
- overseeing the financial management of Section 94 contributions plans, including contribution rates and expenditure priorities for services and amenities to be provided by Section 94;
- managing and monitoring works in kind and material public benefit proposals accepted by Council;
- close liaison with and coordination of other departments of Council in relation to the preparation and implementation of Council's Section 94 contributions plans and policies;
- monitoring levels of development, land acquisitions, land values and capital works in relations to the preparation and implementation of Council's Section 94 contributions plans and policies;
- reacting to legal precedent;
- preparation of legal briefs and advice;
- investigation and discussion with providers of public facilities and amenities;

- provision of demographic information;
- statutory requirements of advertising and review of submissions;
- formulation and supervision of relevant consultant studies which will be funded by the imposition of Section 94 contributions;
- to ensure that detailed studies, estimates and surveys are prepared by Council in advance of the execution of works;
- monitoring of the Contribution Plans to ensure that contribution levels reflect current land and construction costs, the level of provision reflects current planning and engineering practice and likely population trends and that work schedules are amended if development levels and income received differ from Wingecarribee Shire Council's S94 Administration Levy Contributions Plan expectations (Table 8). This process has particular regard for existing development trends and anticipated revenue;
- incorporation of scheduled items in Council's Capital Works Program and annual budgetary process; and
- preparation of Annual Statements.

Council has employed a Developer Contributions/Land Use Planner whose main role is to ensure that these functions are carried out in an efficient and effective manner, whilst also carrying out other Land Use Planning functions under the Environmental Planning and Assessment Act, as required. Further, Council's Transportation Planning Engineer also spends a significant amount of their time assisting in the preparation of works programs for the Section 94 Plans.

Other staff are involved in the Administration and Accounting of Section 94 Contributions as follows:

- Team Leader Corporate Systems – responsible for computer accounting programs for processing contributions (3% of their time)
- Revenue Assistant – responsible for updating contributions accounts and contributions register (5% of their time)
- Management Account – responsible for setting up accounts for contributions plans and monitoring and reporting on S94 expenditure (3% of their time).

Council is going to commission computer software from Technology One specifically for the accounting and monitoring of S94 contributions at an initial cost of \$10,000 and then \$2000 per annum. The annual maintenance costs have also been included in the calculations.

4.3 Identifying the relationship (Apportionment)

4.3.1 Administration Apportionment

The cost of providing each works program item has been apportioned individually based on the time spent by Council Staff members on administering Section 94 within their roles and the split between the Shirewide and Northern Gateway catchments.

The following formula illustrates how the apportionment is calculated for each administration item:

$$P\% = \left[\frac{I_p}{P_p} \right] \times \frac{100}{1}$$

Where,

$P\%$ = Proportion of Time spent Administering Section 94

P_p = Total number of hours per week (35-hours)

I_p = Total number of hours spent on Section 94 matters (per Staff Officer)

For example:

Contributions/Land Use Planner

- Number of hours in a work week = 35-hours
- Hours per week spent on Section 94 matters covered by this Plan (Table 9) = 15.5-hours

Thus using the apportionment formula:

$$\left(\frac{15.5}{35} \right) \times \frac{100}{1} = 44.28\%$$

Hence the apportionment of costs attributable to the developers for the Contributions/Land Use Planner is 44.28% under this Plan.

Table 9 - Contributions/Land Use Planner Time Breakdown

Contributions Plan	Act/Section	Hours Per Week	Percentage of Time
Roads Plan – Shirewide	EPA Act s94	5	14%
Roads Plan – Northern Gateway	EPA Act s94	0.5	1%

Open Space & Recreation	EPA Act s94	5	14%
Community Facilities	EPA Act s94	4	11%
Administration	EPA Act s94	1	3%
Moss Vale Enterprise Corridor*	EPA Act s94	1.6	5%
Section 94A Plan*	EPA Act s94A	2	6%
Stormwater DSP*	LG Act s64	3	9%
Sewer DSP*	LG Act s64	1.75	5%
Water DSP*	LG Act s64	1.75	5%
Other*	N/A	9.4	27%
Totals		35-hours	100%

* Not covered by this Plan.

The total apportionment to this Plan is then split between Residential Development (Shirewide) and Industrial Development (Northern Gateway), as per Table 9:

Apportionment to Residential Development = 43.28%

Apportionment to Industrial Development = 1%

4.3.2 Apportionment Northern Gateway

As discussed in Section 4.3.1 the apportionment of staff time and other costs are split between the Shirewide and Northern Gateway contributions catchments. However, further apportionment is required in the Northern Gateway Catchment.

The Northern Gateway consists of 57.2357-hectares, however 32-hectares of that catchment have been developed, thus the remaining 25-hectares to be developed are subject to the Section 94 Administration Levy. The apportionment is therefore calculated as follows:

$$\left(\frac{25}{57}\right) \times \frac{100}{1} = 44\%$$

Thus applying the formula from Section 3.19, the contribution per NDHA for the Northern Gateway Contribution Catchment for Administration can be calculated as follows for Item 9 (Table 10):

$$\text{\$950.26 per NDHA} = \left[\frac{(\$119,655.80 \times 20 \text{ years}) \times 1\%}{(57.2357 \text{ HA} \times 44\%)} \right]$$

5 Part D – Supporting Documents and References

Australian Bureau of Statistics (ABS): www.abs.gov.au

Dept. of Planning, (2008). *Sydney-Canberra Corridor Regional Strategy*, New South Wales Government, Sydney. (www.planning.nsw.gov.au).

Development Contributions Practice Notes - 2005, by the Department of Planning, New South Wales.

Draft Development Contributions Guidelines 2009, by the Department of Planning, New South Wales.

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

McClelland. M., (2008). *Wingecarribee Shire Community Profile 2006*, Wingecarribee Shire Council.

Parsons Brinkerhoff, (2010). *Wingecarribee Open Space, Recreation, Cultural and Community Facilities Needs Study and Strategy – Review*. Sydney.

Wingecarribee Local Environmental Plan 2010

Wingecarribee Shire Council Industrial Land Development Control Plan (DCP,) as adopted 14 October 2009 and effective 16 June 2010.

6 Part E – Definitions and Abbreviations

6.1 Abbreviations

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

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

WLEP means Wingecarribee Local Environmental Plan 2010

LGA means Local Government Area

NDHA means Net Developable Hectare (refer to definition)

Plan means this Section 94 Development Contributions Plan

SIDRA is micro level traffic modelling software used by Council and endorsed by the RTA.

TRACKS is a strategic traffic modelling software used by Council and endorsed by the RTA.

WSC means Wingecarribee Shire Council

6.2 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 has the same meaning as WLEP 2010

attic has the same meaning as WLEP 2010

backpackers' accommodation has the same meaning as WLEP 2010

bed and breakfast accommodation has the same meaning as WLEP 2010

bedroom means any enclosed habitable room within a dwelling 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 has the same meaning as WLEP 2010

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 has the same meaning as WLEP 2010

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 has the same meaning as WLEP 2010

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.

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 s94EA of the EPA Act.

Council means Wingecarribee Shire Council.

development has the same meaning as the EPA Act.

development consent has the same meaning as the EPA Act.

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

dwelling has the same meaning as WLEP 2010

dwelling house has the same meaning as WLEP 2010

dual occupancy has the same meaning as WLEP 2010

ET means 'Equivalent Tenement', which is the term used to describe the average size of a household's population. Mathematically this equates to 2.71 persons per dwelling (2006 Census) for the Wingecarribee Shire Council LGA.

exhibition home has the same meaning as WLEP 2010

exhibition village has the same meaning as WLEP 2010

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

farm stay accommodation has the same meaning as WLEP 2010

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 has the same meaning as WLEP 2010

group home (permanent) or permanent group home has the same meaning as WLEP 2010

group home (transitional) or transitional group home has the same meaning as WLEP 2010

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

home-based child care has the same meaning as WLEP 2010

home business has the same meaning as WLEP 2010

home industry has the same meaning as WLEP 2010

home occupation has the same meaning as WLEP 2010

home occupation (sex services) has the same meaning as WLEP 2010

hostel means has the same meaning as WLEP 2010

hotel or motel has the same meaning as WLEP 2010

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 has the same meaning as WLEP 2010

net developable hectare (NDHA) means the area of the Land remaining after excluding any part of the Land:

- a) on which industrial development is not permissible under the Wingecarribee Industrial Lands Development Control Plan (DCP); and

- b) that is, or will be, required to be dedicated to the Council for the purposes of road widening, or any other utility service provided by Council that may restrict a particular area of the site from development; and
- c) that the Council agrees to exclude at the request of the Developer; and
- d) that is or will be required for arterial road purposes; and
- e) any Land that on which development is restricted under Development Consent to the protection of environmentally significant habitat.

nexus means the relationship between expected types of development in the area and the demand for additional public facilities to meet that demand.

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

planning agreement means a voluntary planning agreement referred to in s93F of the EPA Reg.

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 includes a section of the public.

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 facilities means public infrastructure, facilities, amenities and services.

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 Environmental Planning and Assessment Act to include the provision of, or the recoupment 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, has the same meaning as WLEP 2010

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

regional infrastructure mean a facility which satisfy the demands of a catchment greater than one local government area.

residential accommodation has the same meaning as WLEP 2010

residential care facility has the same meaning as WLEP 2010

residential flat building has the same meaning as WLEP 2010

rural worker's dwelling has the same meaning as WLEP 2010

secondary dwelling has the same meaning as WLEP 2010

semi detached dwelling has the same meaning as WLEP 2010

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 has the same meaning as WLEP 2010

sex services has the same meaning as WLEP 2010

sex services has the same meaning as WLEP 2010

shop top housing has the same meaning as WLEP 2010

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.

thresholds 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 has the same meaning as WLEP 2010

urban release area has the same meaning as WLEP 2010

utility service means basic engineering services such as power, water, sewerage and telecommunications.

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.

6.3 Development to which this Plan applies

6.3.1 Development on all land not within the Northern Gateway

This Plan applies to the following types of development, as defined in clause 6.2 of this Plan for all land to which this Plan applies, other than land within the Northern Gateway Local Contributions Catchment.

Subdivision; Dwelling House², Dual Occupancy, Secondary Dwelling, Rural Worker's Dwelling, Attached Dwellings, Semi Detached Dwelling, Multi Dwelling Housing, Residential Flat Buildings, Serviced Apartments, Shop Top Housing, Tourist and Visitor Accommodation; Housing for Seniors or People with a Disability (Seniors Living SEPP) 2004 and Seniors Housing³; Residential Care Facilities, Residential Accommodation, Hostels and Group Homes⁴; Caravan Parks, Camping Sites; Boarding Houses; Brothels; and Manufactured Homes.

6.3.2 Development within the Northern Gateway

Within the Northern Gateway Local Contributions Catchment, this Plan applies to development which is permissible within the IN1 Zone under the Wingecarribee Local Environmental Plan 2010.

² Only where the land parcel/s that the dwelling is to be located did not previously contain a dwelling entitlement, i.e. an *existing holding* pursuant to Clause 4.2A of the Wingecarribee Local Environmental Plan 2010.

³ Refer to Section 3.12 of this Plan for Exemption Criteria.

⁴ Refer to Section 3.12 of this Plan for Exemption Criteria.

7 Administration Schedule

Table 10 - Works Schedule for Section 94 Administration for the Wingecarribee Shire 2011 to 2031

Item No.	Timing	Description of Work/Position	Position/Item Description	Department/Division	Time of Work	Plan Apportionment to Residential Development	Cost per person or unit of goods	Unit	Total Cost for Plan	Population Increase	Persons Per Dwelling	Shirewide 'Residential' Contribution per ET	Plan Apportionment to Industrial Development - Northern Gateway	Hectares in Northern Gateway	Apportionment to undeveloped land in Northern Gateway	Northern Gateway per NDHA
1	2010/11	Drafting of Contributions Plans for Roads, Open Space, Community Facilities and Administration	Contributions/Land Use Planner	Environment and Planning / Strategic and Community Development	30% of incumbents time for 24-months	29.00%	\$119,655.80	Per Annum	\$71,793.48	16,400	2.71	\$11.47	1.00%	57.24	44%	\$95.03
2	2010/11	Legal Checking of Draft Plan prior to adoption	Solicitor	Environment and Planning / Strategic and Community Development	35-hours @ \$320 per hour x 3-times for life of Plan x 4 Plans	99.00%	\$134,400.00	Life of Plan	\$134,400.00	16,400	2.71	\$21.99	1.00%	57.24	44%	\$53.37
3	2010/11	Software Updating for Accounting System (Proclaim) @ \$1,500 a day	Consultant	Managed by Corporate Services / Information Services	2-days per plan x 4 Plans @ \$1,500 per day	95.00%	\$12,000.00	Life of Plan	\$12,000.00	16,400	2.71	\$1.88	5.00%	57.24	44%	\$23.82
4	2012	Future Purchase of Developer Levies Software by Tech One	Software	Corporate Services Division / Information Services	1 Off Purchase	99.00%	\$10,000	Life of Plan	\$10,000	16,400	2.71	\$1.64	1.00%	57.24	44%	\$3.97
5	2010	Review of Open Space, Recreation, Community and Cultural Needs Study/Strategy	Consultant	Environment and Planning / Strategic and Community Development	6-months	100.00%	\$30,000.00	6-months	\$30,000.00	16,400	2.71	\$4.96				
6	2010/11	Preparing Briefs for Traffic Modelling, Design Work and Testing	Transportation Planning Engineer	Environment and Planning / Strategic and Community Development	50% of Incumbent time for 24-months	99.00%	\$108,695.80	Per Annum	\$108,695.80	16,400	2.71	\$17.78	1.00%	57.24	44%	\$21.58
7	2011 to 2031	Accounting and Management of Funds	Management Accountant	Corporate Services Division / Financial Services	1% of incumbents time annually per Plan x 4 Plans x 20-years	0.99%	\$103,750.10	Per Annum	\$83,000.08	16,400	2.71	\$13.72	0.01%	57.24	44%	\$8.24
8	2011 to 2031	Accounting and Management of Funds	Revenue Assistant	Corporate Services Division / Financial Services	3% of incumbents time annually for life of this Plan	2.99%	\$41,768.56	Per Annum	\$25,061.14	16,400	2.71	\$4.13	0.01%	57.24	44%	\$3.32
9	2011 to 2031	General Administration of Contributions Plan for life of Plans-following adoption of Plans	Contributions/Land Use Planner	Environment and Planning / Strategic and Community Development	37.14% of incumbents time annually for life of Plans	43.29%	\$119,655.80	Per Annum	\$1,035,877.35	16,400	2.71	\$171.17	1.00%	57.24	44%	\$950.26
10	2011 to 2031	General Administration of Contributions Plan for life of Plans-following adoption of Plans	Administrative Assistant	Environment and Planning / Strategic and Community Development	5% of incumbents time annually for life of Plans	4.99%	\$69,615.18	Per Annum	\$69,615.18	16,400	2.71	\$11.48	0.01%	57.24	44%	\$5.53
11	2011 to 2031	Management and Maintenance of Proclaim	IS Team Leader	Corporate Services Division / Information Services	3% of incumbents time annually for life of this Plan	2.99%	\$116,323.96	Per Annum	\$69,794.38	16,400	2.71	\$11.49	0.01%	57.24	44%	\$9.24
12	2011 to 2031	Review of Traffic Modelling each Census	Transportation Planning Engineer	Environment and Planning / Strategic and Community Development	25% of incumbents time for 6 months every 4 years	24.00%	\$108,695.80	Per Annum	\$271,739.50	16,400	2.71	\$10.78	1.00%	57.24	44%	\$107.90

Item No.	Timing	Description of Work/Position	Position/Item Description	Department/Division	Time of Work	Plan Apportionment to Residential Development	Cost per person or unit of goods	Unit	Total Cost for Plan	Population Increase	Persons Per Dwelling	Shirewide 'Residential' Contribution per ET	Plan Apportionment to Industrial Development - Northern Gateway	Hectares in Northern Gateway	Apportionment to undeveloped land in Northern Gateway	Northern Gateway per NDHA
13	2011 to 2031	Legal Advice for reacting to legal precedent, challenges and Planning Agreements - Annual Costs	Solicitor	Environment and Planning / Strategic and Community Development	Annual cost for life of Plans \$40,000	99.00%	\$800,000.00	Life of Plan	\$800,000.00	16,400	2.71	\$130.87	1.00%	57.24	44%	\$317.67
14	2012 to 2031	Ongoing support cost for Developer Levies Software by Tech One	Software - Tech Support	Corporate Services Division / Information Services	Annual cost for life of Plans \$2,500	99.00%	\$50,000.00	Life of Plan	\$50,000.00	16,400	2.71	\$8.18	1.00%	57.24	44%	\$19.85
								Per ET	\$2,771,976.91			\$421.53			Per NDHA	\$1,619.78

8 Map showing location of Administration Services for Section 94

All administration activities for Section 94 are based at Wingecarribee Shire Council's Civic Centre, Elizabeth Street, Moss Vale NSW 2577.

Figure 3 - Wingecarribee Shire Council Civic Centre

