



# Rockdale Section 94A Development Contributions Plan 2008 Amendment 1



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# Part 1 Summary tables

The following summary tables are provided in this part:

- ▶ A works schedule describing the various public amenities and services that are to be funded under this plan through section 94A levies.
- ▶ The section 94A levies payable by development throughout the City towards these public facilities.

## 1.1 Works schedule

The works schedule below identifies the public facilities needed to meet the needs of those future developments required, under this plan, to pay a section 94A levy and towards which those levies will be progressively applied.

The works schedule sets out:

- ▶ The location and description of the public facilities,
- ▶ The estimated timing for the provision of each facility (expressing Council's current priorities for funding facilities from any pooled contributions authorised by Section 3.19 of this plan), and
- ▶ The estimated total cost of providing each facility, the components of that cost intended to be funded through section 94A levies and any additional funding from other income sources.

All of the facilities identified in the works schedule consist of either:

- ▶ Local infrastructure, or
- ▶ District infrastructure where there is a direct connection with the development in the immediate vicinity that will be required to pay the section 94A levy.

The works schedule may include facilities that have already been provided by Council in anticipation of future development within the City and for which the costs are intended to be recouped from section 94A levies collected under this plan.

A number of the identified facilities are also intended to be funded in part through section 94 contributions or from other funding sources and this plan only proposes to use section 94A levies to fund the component of the cost of such facilities not met by these alternative funding sources.

Although it is Council's intention that all of the public facilities identified in the table will be provided as soon as possible in accordance with timing and priorities indicated, this will depend on the rate at which development occurs within the City, which is a matter largely outside the control of Council.

To allow maximum flexibility to respond to current community needs and priorities, this plan establishes that the timing for the funding of the identified facilities will be reviewed annually by Council based on the priorities established in the works schedule, with the section 94A works program for the forthcoming three years published in Council's annual Management Plan. The current Management Plan may be inspected at Council's offices and libraries or viewed on Council's website. However, should circumstances dictate and opportunities arise for the provision of any of these facilities ahead of schedule, such opportunities should be taken without the need to amend this contributions plan or the Management Plan.



**Table 1.1 – Section 94A contribution plan: works schedule**

REF	PROGRAM	PLANNING PRECINCT	PROJECT NAME	DESCRIPTION OF PUBLIC FACILITY	ESTIMATED TIMING (YEAR) & PRIORITY (1)	ESTIMATED TOTAL COST (2)	FUNDED FROM SECTION 94A	OTHER SOURCES OF FUNDS
1	Foreshore	Brighton Le Sands	Kyeemagh Boat Ramp Reserve	Construct terraced sandstone seawall with plants as per Landscape Improvement Plan (replacing concrete wall)	15/16	\$538,000	\$400,000	\$138,000
2	Foreshore	Sans Souci	Dolls Point sand control	Design long-term wind control measures, including mounding, planting and sand fencing	12/13	\$100,000	\$100,000	\$0
3	Recreation	Rockdale	Community buildings	Install rainwater tank at Rockdale Park	09/10	\$22,500	\$22,500	\$0
4	Recreation	Kogarah	Community buildings	Install rainwater tank at Scarborough Park (near amenities building on Barton St)	09/10	\$22,500	\$22,500	\$0
5	Recreation	Sans Souci	Community buildings	Install rainwater tank at Cook Park near Alice St	09/10	\$22,500	\$22,500	\$0
6	Recreation	Wolli Creek	Community buildings	Install rainwater tank at Cahill Park	09/10	\$22,500	\$22,500	\$0
7	Recreation	Bexley	Bexley Library refurbishment	Refurbishment of Bexley Branch Library to enable it to function as a modern library	09/10	\$40,000	\$40,000	\$0
8	Recreation	Rockdale	Rockdale Library refurbishment	Reconfigure circulation desk to accommodate new technology	11/12	\$5,000	\$5,000	\$0
9	Recreation	Rockdale	Wilsons Cottage conservation project	Undertake conservation work at Wilsons Cottage including landscaping	15/16	\$50,000	\$50,000	\$0
10	Recreation	Brighton Le Sands	Public amenities	Cook Park at Solander Street	08/09	\$30,000	\$30,000	\$0
11	Recreation	Brighton Le Sands	Public amenities	Brighton Baths	08/09	\$30,000	\$30,000	\$0
12	Recreation	Sans Souci	Public amenities	Tonbridge Street Reserve	08/09	\$30,000	\$30,000	\$0
13	Recreation	Bexley North	Public amenities	Bexley North Library	08/09	\$30,000	\$30,000	\$0
14	Recreation	Bexley	Public amenities	Bexley Rest Centre	09/10	\$30,000	\$30,000	\$0
15	Recreation	Brighton Le Sands	Public amenities	Cook Park near C-Side Kiosk	10/11	\$30,000	\$30,000	\$0
16	Recreation	Sans Souci	Public amenities	Peter Depena Reserve (west end near Sanoni Ave)	11/12	\$30,000	\$30,000	\$0
17	Recreation	Arncliffe	Public amenities	Firth Street	11/12	\$30,000	\$30,000	\$0
18	Recreation	Rockdale	Public amenities	Target Toilets	11/12	\$30,000	\$30,000	\$0



REF	PROGRAM	PLANNING PRECINCT	PROJECT NAME	DESCRIPTION OF PUBLIC FACILITY	ESTIMATED TIMING (YEAR) & PRIORITY (1)	ESTIMATED TOTAL COST (2)	FUNDED FROM SECTION 94A	OTHER SOURCES OF FUNDS
19	Recreation	Brighton Le Sands	Public amenities	AS Tanner Reserve	12/13	\$30,000	\$30,000	\$0
20	Recreation	Brighton Le Sands	Public amenities	Kyeemagh Boat Ramp Reserve	12/13	\$30,000	\$30,000	\$0
21	Recreation	Arncliffe	Public amenities	Arncliffe Women's Rest Centre	12/13	\$30,000	\$30,000	\$0
22	Recreation	Sans Souci	Public amenities	Sans Souci Library	12/13	\$30,000	\$30,000	\$0
23	Recreation	Sans Souci	Public amenities	Vanston Parade	12/13	\$30,000	\$30,000	\$0
24	Recreation	Wolli Creek	Park improvements	Skateboard facility Cahill Park	10/11	\$600,000	\$150,000	\$450,000
25	Recreation	Brighton Le Sands	Park improvements	Extend CCTV coverage, beachfront - Stage 1 (between Bestic St and President Ave)	08/09	\$100,000	\$70,000	\$30,000
26	Recreation	Brighton Le Sands	Park improvements	Extend CCTV coverage, beachfront - Stage 2 (between Bestic St and President Ave)	10/11	\$100,000	\$70,000	\$30,000
27	Recreation	Brighton Le Sands	Park improvements	Extend CCTV coverage, beachfront - Stage 3 (between Bestic St and President Ave)	12/13	\$100,000	\$70,000	\$30,000
28	Recreation	Sans Souci	Park improvements	Install shade structure - Bona Park	08/09	\$65,000	\$50,000	\$15,000
29	Recreation	Bexley	Park improvements	Install shade structure - Seaforth Park	09/10	\$65,000	\$50,000	\$15,000
30	Recreation	Sans Souci	Park improvements	Install shade structure - Cook Park (opposite Alice St)	11/12	\$65,000	\$50,000	\$15,000
31	Recreation	Bexley North	Park improvements	Install shade structure - Charles Daly Reserve	12/13	\$65,000	\$50,000	\$15,000
32	Recreation	Various	Park improvements	Install shade structures and additional picnic facilities in parks	13/14	\$65,000	\$50,000	\$15,000
33	Recreation	Various	Park improvements	Install shade structures and additional picnic facilities in parks	14/15	\$65,000	\$50,000	\$15,000
34	Recreation	Various	Park improvements	Install shade structures and additional picnic facilities in parks	15/16	\$65,000	\$50,000	\$15,000
35	Recreation	Various	Park improvements	Install shade structures and additional picnic facilities in parks	16/17	\$65,000	\$50,000	\$15,000
36	Recreation	Arncliffe	Park improvements	Silver Jubilee Park upgrade - Bardwell Valley Parklands	11/12	\$70,000	\$70,000	\$0
37	Recreation	Arncliffe	Park improvements	Wilsons Reserve landscaping	10/11	\$11,000	\$7,370	\$3,630
38	Recreation	Arncliffe	Park improvements	Wooroona Reserve landscaping	10/11	\$198,000	\$132,710	\$65,290



REF	PROGRAM	PLANNING PRECINCT	PROJECT NAME	DESCRIPTION OF PUBLIC FACILITY	ESTIMATED TIMING (YEAR) & PRIORITY (1)	ESTIMATED TOTAL COST (2)	FUNDED FROM SECTION 94A	OTHER SOURCES OF FUNDS
38a	Recreation	Banksia	Park improvements	Barton Park Masterplan implementation	22/23	\$45 M	\$24 M	\$21 M
39	Recreation	Sans Souci	Park improvements	Solar lighting in Cook Park along the cycleway between Riverside Dr and Vanston Pde, Sandringham	08/09	\$84,000	\$42,000	\$42,000
40	Recreation	Kogarah	Park improvements	Scarborough Park (North) landscape embellishment	11/12	\$374,000	\$75,220	\$298,780
41	Recreation	Kogarah	Park improvements	Scarborough Park (South) landscape embellishment	11/12	\$60,500	\$16,120	\$44,380
42	Recreation	Kogarah	Park improvements	Carlton - acquire land for Edgehill Street Reserve	14/15	\$1,140,000	\$570,000	\$570,000
43	Recreation	Bexley, Bexley North	Bushland regeneration and fauna corridors	Bardwell Creek rehabilitation - Biodiversity Program Stage 1	10/11	\$50,000	\$50,000	\$0
44	Recreation	Sans Souci	Bushland regeneration and fauna corridors	Scott Park Creek rehabilitation to provide better linkages to Scott Park Saltmarsh - Biodiversity Program Stage 2	11/12	\$50,000	\$50,000	\$0
45	Recreation	Sans Souci	Bushland regeneration and fauna corridors	Clareville Reserve and Stan Moses Reserve - improving water quality of Bado-berong Creek with riparian zone planting - Biodiversity Program Stage 3	12/13	\$50,000	\$50,000	\$0
46	Recreation	Sans Souci	Bushland regeneration and fauna corridors	Hawthorne Street natural area - creek rehabilitation and riparian revegetation - Biodiversity Program Stage 4	13/14	\$50,000	\$50,000	\$0
47	Recreation	Brighton Le Sands	Bushland regeneration and fauna corridors	Central Scarborough Park - revegetation to improve wildlife corridor - Biodiversity Program Stage 5	14/15	\$50,000	\$50,000	\$0
48	Recreation	Brighton Le Sands	Bushland regeneration and fauna corridors	Central Scarborough Park - revegetation to improve wildlife corridor - Biodiversity Program Stage 6	15/16	\$50,000	\$50,000	\$0
49	Recreation	Rockdale	Bushland regeneration and fauna corridors	Bicentennial Park - improvement of creekline via revegetation - Biodiversity Program Stage 7	16/17	\$50,000	\$50,000	\$0
50	Recreation	Various	Natural and cultural sites improvement	Installation of signs in sites of significant natural and cultural importance including natural areas, Aboriginal and European heritage sites.	13/14	\$50,000	\$50,000	\$0



REF	PROGRAM	PLANNING PRECINCT	PROJECT NAME	DESCRIPTION OF PUBLIC FACILITY	ESTIMATED TIMING (YEAR) & PRIORITY (1)	ESTIMATED TOTAL COST (2)	FUNDED FROM SECTION 94A	OTHER SOURCES OF FUNDS
51	Recreation	Bexley	Bexley Tennis Centre	Lighting upgrade	09/10	\$50,000	\$50,000	\$0
52	Recreation	Sans Souci	Pedestrian and cyclist facilities	Ramsgate / Sans Souci Bike Path Sections E & F	09/10	\$577,500	\$86,620	\$490,880
53	Recreation	Wolli Creek	Pedestrian and cyclist facilities	Riverine Park Bike Path (Cooks River foreshore between Muddy Creek and Marsh St)	11/12	\$1,067,000	\$160,050	\$906,950
54	Recreation	Wolli Creek	Pedestrian and cyclist facilities	Bridge across Wolli Creek to Waterworth Park at Wolli Creek	13/14	\$1,375,000	\$71,899	\$1,303,101
55	Recreation	Brighton Le Sands	Pedestrian and cyclist facilities	Kyeemagh Bike Path (Cook Park between Bestic St and Endeavour Bridge)	10/11	\$217,000	\$30,000	\$187,000
56	Road	Sans Souci	Footpath construction	Evans St - Rocky Point Rd to Napoleon St	11/12	\$55,200	\$55,200	\$0
57	Road	Brighton Le Sands	Footpath construction	O'Neill St, Brighton Le Sands (between Crawford Rd and President Ave)	09/10	\$50,000	\$50,000	\$0
58	Road	Kogarah	Footpath construction	Xenia Ave, Carlton (between Ethel and Durham Sts)	08/09	\$65,000	\$65,000	\$0
59	Road	Sans Souci	Footpath construction	Ida St - Rocky Point Rd to Napoleon St	12/13	\$51,360	\$51,360	\$0
60	Road	Bexley North	Footpath construction	Oliver St - Park to Edward Sts	12/13	\$24,600	\$24,600	\$0
61	Road	Brighton Le Sands	Footpath construction	1-9 Chuter Ave, Monterey	09/10	\$25,000	\$25,000	\$0
62	Road	Kogarah	Footpath construction	Lachal Ave / President Ave Traffic management; convert one-way to two-way and footpath	13/14	\$24,000	\$24,000	\$0
63	Road	Sans Souci	Footpath construction	Sandringham St - Robert to Horbury Sts (left side)	14/15	\$50,000	\$50,000	
64	Road	Bexley North	Footpath construction	Carrisbrook Ave - Barnsbury Grove to end (both sides)	15/16	\$50,000	\$50,000	
65	Road	Sans Souci	Footpath construction	Carruthers Dr - Russell Ave to end (left side)	16/17	\$50,000	\$50,000	
66	Road	Arncliffe	Footpath construction	Monk Ave - Booth to Bonar Sts (both sides)	17/18	\$86,000	\$50,000	
67	Road	Arncliffe	Footpath and drainage upgrades	Mount and Bayview Sts, Arncliffe	13/14	\$15,000	\$15,000	\$0
68	Road	Arncliffe, Rockdale	Local area traffic management	Arncliffe South / Banksia area bounded by Wickham St, Princes Hwy, Bestic St and West Botany St	08/09	\$156,000	\$156,000	\$0





REF	PROGRAM	PLANNING PRECINCT	PROJECT NAME	DESCRIPTION OF PUBLIC FACILITY	ESTIMATED TIMING (YEAR) & PRIORITY (1)	ESTIMATED TOTAL COST (2)	FUNDED FROM SECTION 94A	OTHER SOURCES OF FUNDS
69	Road	Bexley North	Local area traffic management	Bardwell Park area bounded by Bexley Rd, Bardwell Valley Golf Course, Canterbury / Rockdale Boundary	13/14	\$188,000	\$188,000	\$0
70	Road	Bexley	Local area traffic management	Bexley area raised platform Caledonian St mid-block between Queen Victoria St and Dunmore St	13/14	\$128,000	\$128,000	\$0
71	Road	Bexley, Kogarah	Local area traffic management	Bexley LATM bounded by Harrow and Forest Rds, Queen Victoria and Warialda Sts - two raised platforms, one pedestrian refuge island	10/11	\$35,000	\$35,000	\$0
72	Road	Rockdale	Local area traffic management	Rockdale area bounded by Princes Hwy, Bestic St, Muddy Creek and Bay St	13/14	\$35,000	\$35,000	\$0
73	Road	Sans Souci	Local area traffic management	Sans Souci area bounded by Sandringham St, Rocky Point Rd, Georges River and Botany Bay	13/14	\$35,000	\$35,000	\$0
74	Road	Bexley	Traffic / pedestrian devices	Abercorn St in front of St Gabriel's School, wombat crossing	13/14	\$39,000	\$39,000	\$0
75	Road	Rockdale	Traffic / pedestrian devices	Herbert St, Rockdale traffic calming (Forest Rd to Watkin St)	13/14	\$35,000	\$35,000	\$0
76	Road	Bexley North	Traffic / pedestrian devices	Bardwell Road, traffic calming east of Royal Place park	13/14	\$40,000	\$40,000	\$0
77	Road	Brighton Le Sands	Traffic / pedestrian devices	Kurnell St / England St concrete medians	14/15	\$12,000	\$12,000	\$0
78	Road	Rockdale	Traffic / pedestrian devices	Bay St / Farr St / Garnet St - two concrete median islands	09/10	\$12,000	\$12,000	\$0
79	Road	Brighton Le Sands	Parking improvements	90 degree angle parking Teralba Rd between The Grand Pde and Brighton Ave	14/15	\$125,000	\$125,000	\$0
80	Road	Bexley	Traffic / pedestrian devices	Glenfarne St / Forest Rd T junction	09/10	\$12,000	\$12,000	\$0
81	Road	Sans Souci	Traffic / pedestrian devices	Russell Ave / Clareville Ave kerb blister loading zone	14/15	\$6,000	\$6,000	\$0
82	Road	Arncliffe	Traffic / pedestrian devices	Done St between Wollongong Rd and Firth St intersection improvements - islands, partial road closure, landscaping, re-arranging parking layout	09/10	\$9,000	\$9,000	\$0



REF	PROGRAM	PLANNING PRECINCT	PROJECT NAME	DESCRIPTION OF PUBLIC FACILITY	ESTIMATED TIMING (YEAR) & PRIORITY (1)	ESTIMATED TOTAL COST (2)	FUNDED FROM SECTION 94A	OTHER SOURCES OF FUNDS
83	Road	Kogarah	Traffic / pedestrian devices	Pedestrian refuge at Ethel St, the rear of Sydney Technical High School	14/15	\$12,000	\$12,000	\$0
84	Road	Sans Souci	Traffic / pedestrian devices	Raised platform and median island in Malua St between The Grand Pde and Russell Ave	14/15	\$60,000	\$60,000	\$0
85	Road	Bexley North	Traffic / pedestrian devices	Two raised platforms at the existing foot crossing at the Slade Rd and Hartill Law Ave intersection	14/15	\$80,000	\$40,000	\$40,000
86	Road	Sans Souci	Traffic / pedestrian devices	Fraters Ave east of Rocky Point Rd - raised platform / recess bay, reseal road shoulder, long centipede island, kerb blisters, parking lanes	12/13	\$120,000	\$120,000	\$0
87	Road	Rockdale, Kogarah	Traffic / pedestrian devices	Harrow Rd and Hegerty St roundabout	12/13	\$20,000	\$10,000	\$10,000
88	Road	Bexley North	Traffic / pedestrian devices	Hartill Law and Bardwell Park / Earlwood RSL traffic - 2 raised platforms and street lights	12/13	\$40,000	\$20,000	\$20,000
89	Road	Sans Souci	Traffic / pedestrian devices	Chuter Ave in front of Ramsgate Public School - wombat crossing	12/13	\$30,000	\$15,000	\$15,000
90	Road	Rockdale	Community safety improvements	Lighting on The Strand / Rockdale Plaza Dr footway, upgrade lighting over canal and through pathway	09/10	\$14,500	\$14,500	\$0
91	Road	Arncliffe	Community safety improvements	Bayview St, Arncliffe improvements to resolve anti-social issues as per community safety audit. Remove seat at top of stairway to Mount St, upgrade fences	09/10	\$2,000	\$2,000	\$0
92	Road	Sans Souci	Road construction	Selmon St, Sans Souci (east of Campbell St) - construction of pavement along unconstructed section of road	15/16	\$50,000	\$50,000	\$0
93	Road	Arncliffe	Road widening	Gipps St, Arncliffe road widening construction	10/11	\$50,000	\$50,000	\$0
94	Road	Kogarah	Laneway construction	Lane construction - Barton Lane, Kogarah	09/10	\$30,000	\$30,000	\$0
95	Car parking	Bexley	13 Albyn Street, Bexley	Acquire land to expand existing car park	16/17	\$880,000	\$880,000	\$0
96	Car parking	Bexley	13 Albyn Street, Bexley	Construct ground level car park	17/18	\$33,500	\$8,370	\$25,130



REF	PROGRAM	PLANNING PRECINCT	PROJECT NAME	DESCRIPTION OF PUBLIC FACILITY	ESTIMATED TIMING (YEAR) & PRIORITY (1)	ESTIMATED TOTAL COST (2)	FUNDED FROM SECTION 94A	OTHER SOURCES OF FUNDS
97	Car parking	Rockdale	20 York Street, Rockdale	Acquire land to expand existing car park	17/18	\$520,000	\$260,000	\$260,000
98	Car parking	Rockdale	20-24 York Street, Rockdale	Construct ground level car park	17/18	\$107,660	\$53,830	\$53,830
99	Car parking	Rockdale	22 York Street, Rockdale	Acquire land to expand existing car park	17/18	\$520,000	\$260,000	\$260,000
100	Car parking	Rockdale	24 York Street, Rockdale	Acquire land to expand existing car park	17/18	\$560,000	\$280,000	\$280,000
101	Car parking	Rockdale	30 York Street, Rockdale	Acquire land to expand existing car park	17/18	\$640,000	\$320,000	\$320,000
102	Car parking	Rockdale	30-32 York Street, Rockdale	Construct ground level car park	17/18	\$71,780	\$35,890	\$35,890
103	Car parking	Rockdale	32 York Street, Rockdale	Acquire land to expand existing car park	17/18	\$520,000	\$260,000	\$260,000

Notes:

- (1) The estimated timing of the works and facilities in the above table will be as contributions become available and in accordance with the three year section 94A works program in the current Management Plan.
- (2) The costs referred to in this table are the estimated costs at the commencement of this plan. The actual costs of providing the facilities are expected to change over time as a result of changes to land acquisition and construction costs and as detailed plans and estimates become available.
- (3) Not all of the facilities identified in this table are intended to be provided within the three year lifespan of the current Management Plan. If a facility has not already been provided and is not programmed for provision under the current Management Plan it will be programmed for provision in a subsequent Management Plan.

## 1.2 Section 94A levies

Table 1.2 below sets out the section 94A levies that are payable by all developments to which this plan applies towards the provision of the public facilities identified in Table 1.1.

**Table 1.2 - Section 94A levy rates**

TYPE OF DEVELOPMENT	PROPOSED COST OF CARRYING OUT THE DEVELOPMENT	AMOUNT OF THE LEVY
All development to which this plan applies (see Sections 3.8 and 3.9)	Not more than \$100,000	Nil
	More than \$100,000 but not more than \$200,000	0.5% of the proposed cost of carrying out the development
	More than \$200,000	1% of the proposed cost of carrying out the development



# Part 2 Expected development and demand for public facilities

## 2.1 Background

This plan is intended to supplement the operation of the current section 94 contributions plans applying to the City of Rockdale, by levying contributions on developments that are not presently required to make contributions under these contributions plans but which nonetheless are still likely to generate demand for additional public amenities and services.

Sections 3.8 and 3.9 set out in detail the developments to which this plan does and does not apply. However, in general terms, this plan will apply to the following main types of development:

- ▶ Certain residential developments, primarily new dwelling houses on existing house lots and major alterations and additions to existing dwelling houses.

The existing section 94 contributions plans will continue to levy contributions from any residential developments that are likely to result in a population increase by reason of an increase in the number of dwellings, including dual occupancies, medium density housing, residential flat buildings and the residential components of mixed developments. Therefore this plan does not seek to collect section 94A levies on those developments.

- ▶ Non-residential developments, consisting primarily of a range of new retail, commercial and industrial developments and major alterations and additions to existing retail, commercial and industrial developments.

The existing section 94 contributions plans will continue to collect contributions on new non-residential developments within the Wollie Creek Redevelopment Area and the Ramsgate commercial centre and on non-residential developments that are deficient in on-site car parking.

The rates at which these types of development are expected to occur in the future are outlined below, together with an assessment of the anticipated increased demand on public facilities they are likely to generate.

## 2.2 Expected development

### 2.2.1 Residential development

Council has approved a considerable number of new dwellings and alterations and additions to existing dwellings over recent years and this trend is expected to continue.

During the three year period between January 2005 and December 2007 Council approved 267 development applications for the erection of new dwelling houses on existing allotments. The mean construction cost of these proposals was about \$320,000. During this same period Council also approved 147 applications for major alterations and additions to existing dwelling houses (ie works valued at more than \$100,000).

In almost all instances the new dwellings are substantially larger and contain more bedrooms than the dwellings they replace. Similarly, the bulk of the major alterations and additions to existing dwellings provide additional bedrooms. This trend towards larger dwelling houses with more bedrooms is expected to continue into the future. Previously, these developments have not paid section 94 contributions towards the funding of public facilities.

### 2.2.2 Non-residential development

Over recent years Council has approved a number of new industrial, commercial and retail developments as well as major alterations and additions to existing industrial, commercial and retail premises. This trend is expected to continue or accelerate into the future.

During the three year period between January 2005 and December 2007, 56 development applications for new non-residential developments or major alterations and additions to existing non-residential premises (ie with works valued at more than \$100,000) were approved by Council, with total estimated construction costs of over \$40 million. These developments did not pay section 94 contributions towards the funding of public facilities.

The subregional strategy for the Sydney South Subregion, prepared by the NSW Government under its Sydney Metropolitan Strategy, sets an employment target of 36,500 jobs in the City by 2031, an increase of 13,000 from the 23,500 local jobs available in 2001. (In the 10 years prior to 2001 local job numbers had risen by 1200.)

While it is anticipated that much of the future employment growth in the City will be focussed in the Cooks Cove Trade and Technology Zone (about 11,000 new jobs, when fully developed) and in the Wolli Creek Redevelopment Area (up to 7000 additional jobs) and from which section 94A levies will not be collected, there is still expected to be strong employment growth in the remainder of the City for the following reasons:

- ▶ The strong population growth expected to continue throughout the City will generate increased demand for local retail and service businesses within existing commercial centres, especially the Rockdale town centre.
- ▶ The current undersupply of retail floor space within the City, especially in the supermarket and bulky good retailing sectors, is likely to see strong future growth in the supply of such retail floor space within Rockdale's existing commercial zones.
- ▶ The ongoing displacement, within existing industrial zones, of manufacturing and traditional wholesale trade industries with more intensive uses, and increasing employment density (jobs per square metre) such as high technology industries, high value logistics and transport uses and business parks with higher components of office spaces.
- ▶ The Brighton Le Sands commercial centre has high potential to become a focus for both business and general tourism, due to its location on Botany Bay, proximity to Sydney Airport and the additional visitor attractions that are proposed to be provided, such as the marina and pier, and this growth will be facilitated by the Rockdale LEP.
- ▶ There is good potential to establish a subregional enterprise corridor along the Princes Highway within the City, which will be facilitated by the Rockdale LEP.

- ▶ There is potential for the provision of smaller flexible floor space within the City's town centres, especially Rockdale, to cater for anticipated growth in the 'post industrial' service economy and as incubator space for the establishment of new small businesses.
- ▶ Proximity to Sydney Airport, Port Botany, the Sydney CBD and 'Global' Sydney (as identified in the Metropolitan Strategy), the highly accessible location on major road and rail corridors and a ready access to the skilled resident workforce of the St George region and Sutherland Shire all make Rockdale a good place to establish businesses.
- ▶ Council's active pursuit and implementation of strategies and plans to promote economic development and employment within the City, such as the 'Destinations Rockdale' proposal and the Rockdale LEP.

While future employment numbers have not been forecast in any detail, there is, for the reasons outlined above, the strong possibility that total employment numbers in the City in the future could well exceed the target set in the subregional strategy.

## 2.3 Demand for public facilities

### 2.3.1 Residential development

The expected ongoing increase in the size of dwelling houses (and the number of bedrooms they contain) is likely to result in an increase in the average occupancy rate of these dwellings and thus contribute to the overall future population growth in the City. Table 2.1 below indicates there is a direct relationship between the number of bedrooms in a dwelling house and the average occupancy rate, with occupancy rates increasing as bedroom numbers increase.

**Table 2.1 – Dwelling house occupancy rates by dwelling size, 2001**

HOUSING TYPE	AVERAGE OCCUPANCY RATES BY NUMBER OF BEDROOMS							
	NONE	ONE	NONE OR ONE	TWO	THREE	THREE OR MORE	FOUR OR MORE	ALL DWELLING SIZES (1)
Separate houses	n.a. (2)	1.66	1.68	2.15	2.96	3.26	3.88	3.02

Source: Australian Bureau of Statistics, Rockdale Community Profile 2001

Notes: (1) Includes 0, 1, 2, 3 and 4+ bedroom dwellings only. Dwellings where the size was not stated are excluded.

(2) There are insufficient numbers of separate houses with no bedrooms for a meaningful occupancy rate to be derived.

Rockdale Section 94 Contributions Plan 2004 indicates the population growth expected within the City up to 2014, which includes growth resulting from the increased size of dwelling houses. A similar rate of population increase is expected to continue into the future. Rockdale Section 94 Contributions Plan 2004 also establishes the nexus between this population growth and the broad range of public facilities that are proposed to be funded under that plan and, by extension, this plan.

However, irrespective of whether a particular new or altered dwelling house actually results in an increase in residents, the substantial expenditure involved in their construction is indicative of the increased affluence of the occupants and the better quality of life to which they aspire. It is therefore reasonable to conclude that these occupants would have the same heightened expectations for the overall amenity of the community, reflecting their own enhanced lifestyles and serving to protect the considerable investments they have made in improving their homes.

These expectations are likely to be expressed in increased demands for both a greater quantity and better quality of public facilities provided in the City, including those intended to be funded under this plan.

Specifically, the types of public facilities that such developments would be likely to increase demand for would include:

- ▶ Additional public open space and recreation facilities and the embellishment of existing open space;
- ▶ Embellishment of existing community services and facilities, such as community centres and libraries;
- ▶ Improvements to existing civic facilities, such as public amenities buildings;
- ▶ Embellishment of cultural sites under the control of Council;

- ▶ Local roads improvements and the provision of local traffic management facilities;
- ▶ Improved public car parking facilities on local roads and within the City's commercial centres;
- ▶ Provision and embellishment of pedestrian and cyclist facilities, including public safety improvements; and
- ▶ Improvements to the existing stormwater drainage system, and this plan establishes the framework for such developments to contribute towards the provision of these facilities.

### 2.3.2 Non-residential development

The accelerated increase in the amount of retail, commercial and industrial floor space expected to occur within the City in the future is likely to result in a growth in the numbers of people employed in the City as well as the number of customers patronising those new and expanded businesses. This growth will be further magnified by the expected trend towards more labour-intensive and customer-orientated businesses in this area (offices, retail, dining etc).

While a proportion of these additional employees and customers would also be residents of the City, for whom contributions towards public facilities might have already been expected under the residential components of this plan or the existing section 94 contributions plans, a considerable proportion of the new employees and customers are likely to come from outside the City. This will create an increased demand for public facilities that will not be otherwise funded by development contributions. Furthermore, those additional workers and customers who do reside within the City are likely to generate a higher demand for facilities by reason of them being within the City for longer periods of the day.

With the exception of development within the proposed Cooks Cove Trade and Technology Zone, the Wollie Creek Redevelopment Area and the Ramsgate commercial centre and development that is deficient in on-site car parking, employment development does not contribute towards the provision of facilities under any other contributions plan. Furthermore, while the increased demand from these types of development for such facilities may be very real it would prove difficult, in an established area with only incremental employment growth, to establish nexus to the standard necessary for a section 94 contributions plan. It is therefore entirely appropriate to collect contributions for the requisite additional facilities through a section 94A levy instead.

While Rockdale Section 94 Contributions Plan 2004 attempts to quantify the employment growth expected within the City up to 2014, further assessment (see Section 2.2.2 of this plan) suggests that the number of additional workers likely to be based in the City will increase by a greater extent and that this accelerated growth is expected to continue into the future.

Specifically, the types of public facilities that such developments would be likely to generate demand for would include:

- ▶ Additional public open space and recreation facilities to service the recreation needs of the additional workers (lunch time, after work) and, in some cases, their customers as well (such as dining, leisure, tourist and recreation customers);
- ▶ Embellishment of existing community services and facilities, such as community centres and libraries, which will be available to the additional workers;
- ▶ Improvements to existing civic facilities, such as public amenities buildings, which will be available to the additional workers and customers;
- ▶ Local roads improvements and the provision of local traffic management facilities, which will be required, in part, to address increased traffic generated by the additional workers and customers; and
- ▶ Provision and embellishment of pedestrian and cyclist facilities, including public safety improvements, which will benefit the additional workers and customers, and this plan established the framework for such developments to contribute towards the provision of these facilities.





# Part 3 Administration and operation of the Plan

## 3.1 What is the name of this development contributions plan?

This plan is Rockdale Section 94A Development Contributions Plan 2008 – Amendment 1.

## 3.2 To what land does this plan apply?

This contributions plan applies to all land within the City of Rockdale, as shown on the map in Schedule 2 of this plan.

## 3.3 What is the purpose of this contributions plan?

The primary purposes of this contributions plan are:

- a. to authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution under 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; and
- c. to publicly identify the purposes for which the section 94A levies are required.

## 3.4 When did the plan commence?

This plan was approved by Council under clause 31(1) of the Environmental Planning and Assessment Regulation 2000 on 18 June 2008 and came into effect on 1 July 2008.

Amendment 1 came into effect on 28 September 2022. Amendment 1 adds the Barton Park Masterplan implementation into the Schedule of Works. This project was not originally referred to as it was not scheduled for implementation during the life of this plan. This project will be of significant benefit to the new and existing residents of the area covered by the Rockdale Contribution Plans and is reasonably included.

## 3.5 What is the relationship of this plan to other plans and instruments?

This contributions plan operates concurrently with and supplements the provisions of Rockdale Section 94 Contributions Plan 2004 or any other section 94 contributions plan that applies to land within the City of Rockdale by levying contributions from certain types of development that section 94 contributions do not apply to. These developments are identified in Sections 3.8 and 3.9.

The contributions plan should be read in conjunction with the relevant Rockdale LEP and any existing environmental planning instruments and development control plans that are applicable to the City of Rockdale.

## 3.6 Definitions

In this plan, unless the context or subject matter otherwise indicates or requires, the definitions contained in the Dictionary and Glossary apply (see Schedule 1).

All other terms have the meanings given in the EP&A Act, the EP&A Regulation, the relevant Rockdale LEP and relevant Rockdale DCPs.

### 3.7 For what amenities and services will contributions be levied?

This contributions plan authorises section 94A contributions to be levied towards the provision of the following public amenities and services:

- ▶ Open space and recreation facilities
- ▶ Community services and facilities
- ▶ Civic facilities
- ▶ Cultural facilities
- ▶ Local roads and traffic management facilities
- ▶ Public car parking facilities
- ▶ Pedestrian and cyclist facilities
- ▶ Stormwater drainage facilities

### 3.8 To what development does this plan apply?

This plan applies to any development within the City of Rockdale where the proposed cost of carrying out the development is more than \$100,000 and for which a development application or an application for a complying development certificate is determined on or after the commencement of this plan, other than:

- ▶ Development to which a section 94 contribution will apply;
- ▶ Development that is excluded from the application of a section 94A levy under a voluntary planning agreement, pursuant to section 93F(3)(d) of the EP&A Act;
- ▶ Any development that is exempted from paying the levy by direction of the Minister under section 94E of the EP&A Act; or
- ▶ Any other development that is specifically exempted by Section 3.9 of this plan.

In general, this plan applies to the types of development described below, but will also apply to other developments not specifically exempted under Section 3.9.

#### 3.8.1 Residential development

- ▶ New dwelling houses, including demolition and rebuilding of existing dwelling houses, on existing parcels of land.
- ▶ Major alterations and additions to existing dwelling houses (ie alterations and additions costing more than \$100,000).
- ▶ Major alterations and additions to existing dual occupancy developments, medium density housing, residential flat buildings, the residential components of mixed use premises or private sector seniors housing that have not previously made a section 94 contribution and would not be liable to make a development contribution under a current section 94 contributions plan.

#### 3.8.2 Non-residential development

- ▶ New retail, commercial or industrial developments (except in the Wolli Creek Redevelopment Area and the Ramsgate commercial centre where section 94 contributions apply to such development and on the Cooks Cove site where this development is excluded under a voluntary planning agreement).
- ▶ Major alterations and additions to existing retail, commercial or industrial developments.

### 3.9 What development is exempt from the levy?

#### 3.9.1 Development exempted by Ministerial direction

Section 94E(1)(d) of the EP&A Act authorises the Minister for Planning to direct consent authorities as to the type of development in respect of which a condition under section 94A may be imposed. Under these provisions the Minister has specified that the levy will not apply to development:

- ▶ Where the proposed cost of carrying out the development is \$100,000 or less;
- ▶ For the purpose of disabled access;

- ▶ For the sole purpose of providing affordable housing;
- ▶ For the purpose of reducing a building's use of potable water (where supplied from water mains) or energy;
- ▶ For the sole purpose of the adaptive reuse of an item of environmental heritage; or
- ▶ That has been the subject of a condition under section 94 under a previous development consent relating to the subdivision of the land on which the development is to be carried out.

### 3.9.2 Other development exempted from the levy

This plan also exempts the following additional developments from application of the section 94A levy:

- ▶ Alterations and additions to existing developments that were required to make full section 94 contributions when originally approved (other than section 94 contributions for deficiency in car parking).
- ▶ Staged development applications within the meaning of Division 2A of Part 4 of the EP&A Act (often referred to as 'master plan' development applications), but only where section 94 contributions or section 94A levies can be fully recovered from the subsequent development applications. (A master plan development application that incorporates a full development application for the first stage of the development will still be required to make any development contributions applicable to that first stage.)
- ▶ All developments within the Cooks Cove site that are the subject of a planning agreement between the developer of this area and Council.
- ▶ Granny flat housing.
- ▶ Seniors housing (including housing for people with a disability) where the applicant is the Department of Housing, a local government housing provider or a community housing provider.
- ▶ Work undertaken for a charitable purpose or by a registered charity.

- ▶ Places of public worship, public hospitals, police and fire stations and other emergency services.
- ▶ Child-care, libraries and other community or education facilities.
- ▶ Public open space and recreation facilities, public transport facilities, public infrastructure facilities.

Where an applicant considers that the proposed development, or a part of the proposed development, is exempt, or should be exempt, from the section 94A levy by reason of a Ministerial direction or an exemption specified in this section of the plan, they may submit to Council, at development application stage (or at any other stage prior to the time when the levy would normally be payable), an application for an exemption giving reasons and providing any necessary evidence for the exemption. A sample exemption application form is provided in Schedule 6 of this plan.

## 3.10 Authorisation to impose a condition for the payment of the section 94A levy

This plan authorises:

- (a) Council to grant consent to; and
- (b) Council or an accredited certifier to issue a complying development certificate for, development to which this plan applies subject to the imposition of a condition under section 94A of the EP&A Act requiring payment to Council of a section 94A levy at the rate specified in Section 1.2 of this plan.

Council's standard section 94A development consent condition is set out in Schedule 5 of this plan.

### 3.11 What are the rates of the section 94A levy under this plan?

The section 94 levies payable under this contributions plan are the maximum rates permitted by direction of the Minister for Planning under section 94E(1)(d) of the EP&A Act. These rates are set out in Section 1.2 of this plan.

The same levy rates apply to all types of development to which this plan applies, as specified in Sections 3.8 and 3.9.

### 3.12 How will the levy be calculated?

The actual levy payable by a particular development will be determined on the basis of the rate set out in Section 1.2 of this plan. The levy will be calculated as follows:

Levy payable = Levy rate x Cost of development

Where:

- ▶ Levy rate is the levy rate applicable to the development, as set out in Section 1.2 of this plan.
- ▶ Cost of development is the proposed cost of carrying out the development determined in accordance with clause 25J of the EP&A Regulation, as accepted by Council.

### 3.13 How is the cost of the development to be determined?

Details of the proposed cost of carrying out the development are required to be submitted to Council to allow determination of the amount of the levy to be paid. To this end, the following report must be submitted by the applicant:

- ▶ Where the proposed cost of carrying out the development is less than \$1,000,000, a cost summary report prepared and certified by a building industry professional; or

- ▶ Where the proposed cost of carrying out the development is \$1,000,000 or more, a detailed cost report prepared and certified by a registered quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

The cost summary report or quantity surveyor's detailed cost report is to be prepared in the form specified in Schedule 3 of this plan.

To avoid any doubt, clause 25J of the EP&A Regulation sets out the things that are to be included in the estimation of the proposed cost of carrying out the development by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:

- a. if the development involves the erection of a building, or the carrying out of engineering or construction work – the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation.
- b. if the development involves a change of use of land – the costs of or incidental to doing anything necessary to enable the use of the land to be changed.
- c. if the development involves the subdivision of land – the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

A copy of clause 25J of the EP&A Regulation is provided in Schedule 4 of this plan.

The cost summary report or quantity surveyor's detailed cost report must be submitted for Council's acceptance prior to approval of the first Part 4A certificate required by the development (ie prior to approval of the construction certificate, subdivision certificate or compliance certificate, as the case may be).

Council may review the costs contained in the report and may seek the services of an independent person to verify them. In such a case, all costs associated with obtaining this advice will be at the expense of the applicant and no Part 4A certificate is to be issued until such time as these costs have been paid.

### 3.14 When will the levy be payable to Council?

A levy required under this plan must be paid to Council at the time specified in the condition that imposes the contribution. If no such time is specified the following times apply:

- a. In the case of a development where no further approvals are required – before the compliance certificate is issued.
- b. In the case of a development where a construction certificate is required – before the issue of the construction certificate.
- c. In the case of a development where a subdivision certificate is required – before the issue of the subdivision certificate.
- d. In the case of any other development – before the compliance certificate is issued.

### 3.15 How will the levy be adjusted at the time of payment?

To ensure that any section 94A levies required as a condition of consent under the provisions of this plan accurately reflect the actual cost of the proposed development at the time of construction, levies will be adjusted at the time of payment in accordance with the following formula:

$$\text{Adjusted levy} = \text{Base levy} \times \frac{\text{Current price index}}{\text{Base price index}}$$

Where:

- ▶ Adjusted levy is the amount of the levy due at time of payment.
- ▶ Base levy is the amount of the levy calculated on the proposed cost of carrying out the development determined in accordance with clause 25J of the EP&A Regulation, as accepted by Council.

- ▶ Current price index is the Australian Bureau of Statistics' Price Index of Materials Used in House Building for Sydney for the December quarter prior to the financial year in which the levy is paid.
- ▶ Base price index is the Australian Bureau of Statistics' Price Index of Materials Used in House Building for Sydney for the December quarter prior to the financial year in which the proposed cost of carrying out the development is accepted by Council.

### 3.16 Will Council allow deferred or periodic payment of a levy?

Council does not allow deferred or periodic payment of section 94A levies authorised by this plan.

### 3.17 Complying development and the obligations of accredited certifiers

In accordance with section 94EC(1) of the EP&A Act, accredited certifiers must impose a condition on complying development certificates requiring a section 94A levy to be paid in accordance with this contributions plan, unless the certifier is satisfied that development to which the certificate relates is exempted from payment of the levy under Section 3.9 of this plan or by a direction of the Minister under section 94E of the EP&A Act.

The condition imposed must be consistent with Council's standard section 94A development consent condition (see Schedule 5 of this plan) and be strictly in accordance with this contributions plan. It is the professional responsibility of accredited certifiers to accurately calculate the levy and to apply the section 94A condition correctly.

An accredited certifier must not impose a condition requiring the payment of a section 94A levy unless Council, as the consent authority, has accepted an estimate of the proposed cost of carrying out the development, as required by Section 3.13, and has certified that the levy has been calculated correctly in accordance with this plan.

### 3.18 Construction certificates and the obligations of accredited certifiers

In accordance with clause 146(b) of the EP&A 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 a section 94A levy has been satisfied.

In particular, the certifier must ensure that the applicant provides receipts confirming that the levy 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 EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

### 3.19 Pooling of contributions

For the purposes of section 93E(2) of the EP&A Act, this plan expressly authorises monetary contributions and levies paid for different purposes under:

- ▶ This plan
- ▶ Any other contributions plan operating within the City of Rockdale (whether made for the purposes of section 94 or section 94A of the Act), or
- ▶ A voluntary planning agreement made under Subdivision 2 of Division 6 of Part 4 of the Act (where that agreement so authorises), to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the monetary contributions and levies are shown in the works schedule (Table 1.1).

### 3.20 Are there alternatives to the payment of a section 94A levy?

If an applicant does not wish to pay the section 94A levy applicable to their development they may offer, instead, to enter into a voluntary planning agreement with Council under section 93F of the EP&A Act.

Under such an agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes, instead of, or in addition to, paying the section 94A levy. These purposes need not relate to the impacts of the proposed development and any such offer is not limited to the provision of facilities identified in this plan.

Acceptance of an offer to enter into a voluntary planning agreement is at the sole discretion of Council and, if it does not agree to the offer, the payment of the section 94A levy will be required.

Council's Voluntary Planning Agreements Policy sets out the way in which it will consider, accept and implement offers made by applicants to enter into planning agreements.

### 3.21 Savings and transitional arrangements

This contributions plan came into effect on 1 July 2008. A development application or an application for a complying development certificate that has been made prior to the commencement of this plan but not determined will be determined in accordance with the provisions of the plan that applied at the date of determination of the application.

# Part 4 References

## Schedule 1 Dictionary and glossary

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

**Applicant**, in relation to a development consent or complying development certificate, includes any other person who is entitled to act on that consent or certificate.

**City** means the City of Rockdale.

**Commencement**, in reference to the commencement date of this plan, means the date on which the plan came into effect, within the meaning of clause 31(4) of the EP&A Regulation.

**Contributions Plan** means a contributions plan made pursuant to section 94EA of the EP&A Act, including a contribution plan made for the purposes of requiring developments to make section 94 contributions or to pay section 94A levies (and includes this contributions plan).

**Cooks Cove Site** means the area of land at Cooks Cove to which Sydney Regional Environmental Plan No 33 - Cooks Cove applies, and which is proposed to be comprehensively redeveloped under that plan for trade and technology uses and public open space.

**Cooks Cove Trade and Technology Zone** means the Trade and Technology Zone within the Cooks Cove site identified as such in Sydney Regional Environmental Plan No 33 - Cooks Cove.

**Council** means Rockdale City Council.

**DCP** means development control plan.

**Development Contribution** means a development contribution required to be made under a condition of development consent imposed pursuant to section 94 or section 94A of the EP&A Act and includes a section 94A levy required to be made under this plan.

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

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2000.

**Granny Flat Housing** means a self-contained dwelling established in conjunction with, and secondary to, another dwelling (the 'principal dwelling') on the same allotment of land (whether this secondary dwelling is located within, attached to or separate from the principal dwelling) and where the gross floor area of the secondary dwelling does not exceed 60 square metres or 30% of the combined gross floor area of both dwellings, whichever is the greater.

**LEP** means local environmental plan.

**Major Alterations and Additions** means development involving alterations and additions to an existing building or work where the proposed cost of carrying out the development is more than \$100,000.

**Parcel of Land** means a piece or parcel of land that is, at the relevant time, separately occupied and used, and may consist of one or more allotment of land or only a part of an allotment.

**Part 4A Certificate** means a certificate to which Part 4A of the EP&A Act refers and includes a compliance certificate, a construction certificate and a subdivision certificate.

**Proposed Cost of Carrying out the Development** means the estimated cost of carrying out the development for the purposes of calculating the section 94A levy payable by that development, as determined in accordance with clause 25J of the EP&A Regulation.

**Public Facility** means a public amenity or public service, including infrastructure, assets, community buildings, services and the like.

**Section 94 Contribution** means a development contribution required to be made under a condition of development consent imposed pursuant to section 94 of the EP&A Act, and which may be in the form of the dedication of land free of cost or the payment of a monetary contribution or both.

**Section 94 Contributions Plan** means a contributions plan made pursuant to section 94EA of the EP&A Act for the purposes of requiring developments to make section 94 contributions.

**Section 94A Levy** means a development contribution in the form of a fixed monetary levy required to be paid under a condition of development consent imposed pursuant to section 94A of the EP&A Act and includes a section 94A levy required to be paid under the provisions of this contributions plan.

**Voluntary Planning Agreement** means an agreement made between a developer and Council pursuant to Subdivision 2 of Division 6 of Part 4 of the EP&A Act under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

**Wolli Creek Redevelopment Area** means the area surrounding the Wolli Creek railway station shown in Figure 2.8 in Rockdale Section 94 Contributions Plan 2004, and which is proposed, under the Rockdale LEP, for comprehensive redevelopment as a high density mixed use precinct.

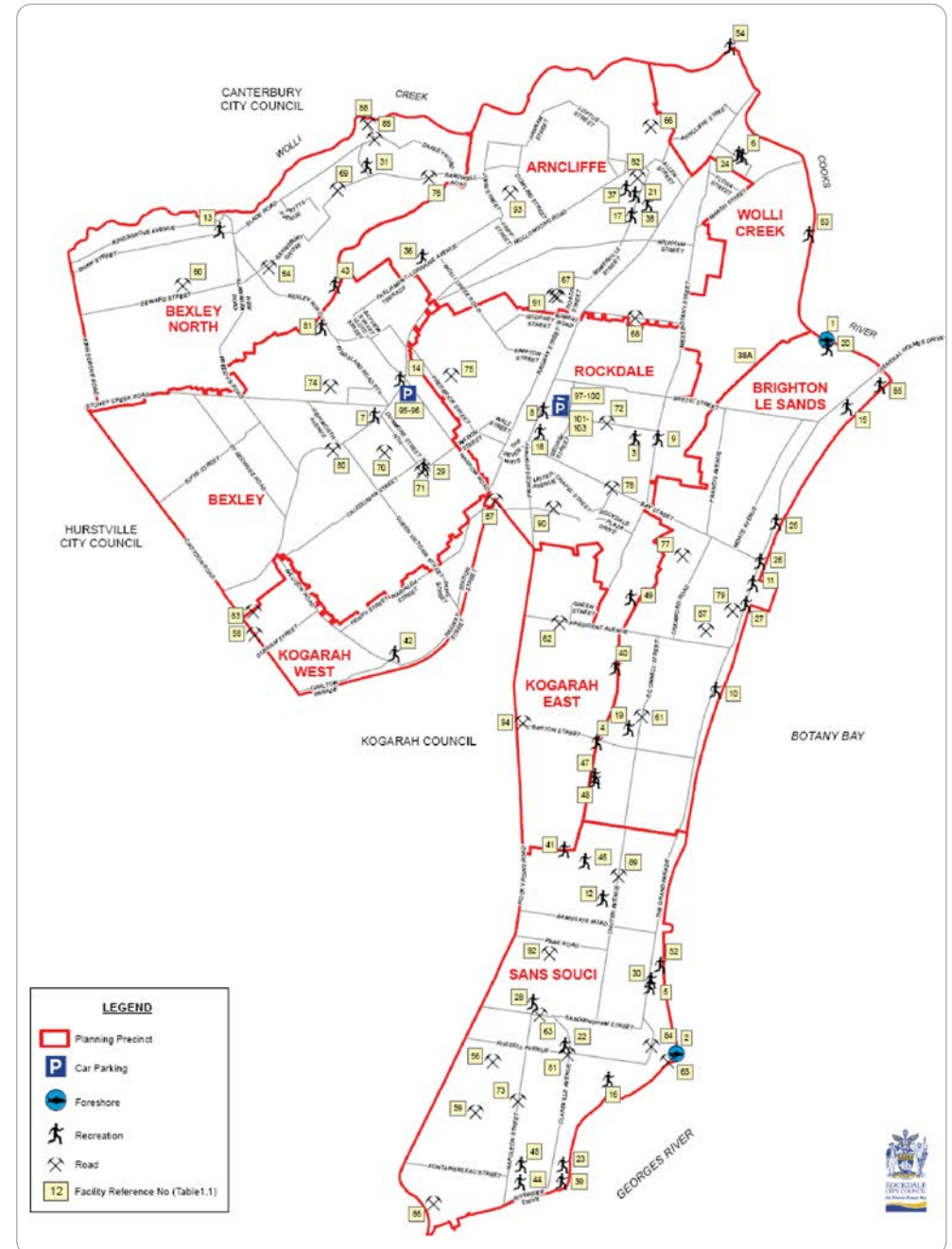
All other terms have the meanings given to them in the EP&A Act, the EP&A Regulation, the relevant Rockdale LEP and relevant Rockdale DCPs.





## Schedule 2 Location of facilities to be funded under this plan

Please see map on the right.



## Schedule 3 Sample cost reports

### Cost summary report \*

[Development cost less than \$1,000,000]

\* To be prepared by a building industry professional

DEVELOPMENT APPLICATION No. \_\_\_\_\_ REFERENCE: \_\_\_\_\_

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No. \_\_\_\_\_

CONSTRUCTION CERTIFICATE No. \_\_\_\_\_ DATE: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_

APPLICANT'S ADDRESS: \_\_\_\_\_

DEVELOPMENT NAME: \_\_\_\_\_

DEVELOPMENT ADDRESS: \_\_\_\_\_

#### ANALYSIS OF DEVELOPMENT COSTS:

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

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

I certify that I have:

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

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

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

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

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

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

### Registered\* quantity surveyor's detailed cost report

[Development cost of \$1,000,000 or more]

\* A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No. \_\_\_\_\_ REFERENCE: \_\_\_\_\_

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No. \_\_\_\_\_

CONSTRUCTION CERTIFICATE No. \_\_\_\_\_ DATE: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_

APPLICANT'S ADDRESS: \_\_\_\_\_

DEVELOPMENT NAME: \_\_\_\_\_

DEVELOPMENT ADDRESS: \_\_\_\_\_

#### DEVELOPMENT DETAILS:

Gross floor area – Commercial	m <sup>2</sup>	Gross floor area – Other	m <sup>2</sup>
Gross floor area – Residential	m <sup>2</sup>	Total gross floor area	m <sup>2</sup>
Gross floor area – Retail	m <sup>2</sup>	Total site area	m <sup>2</sup>
Gross floor area – Car parking	m <sup>2</sup>	Total car parking spaces	
Total development cost	\$		
Total construction cost	\$		
Total GST	\$		

#### ESTIMATE DETAILS:

<b>Professional fees</b>	\$	<b>Excavation</b>	\$
% of development cost	%	Cost per square metre of site area	\$ /m <sup>2</sup>
% of construction cost	%	<b>Car park</b>	\$
<b>Demolition and site preparation</b>	\$	Cost per square metre of site area	\$ /m <sup>2</sup>
Cost per square metre of site area	\$ /m <sup>2</sup>	Cost per space	\$ /space
<b>Construction – Commercial</b>	\$	<b>Fit-out – Commercial</b>	\$
Cost per square metre of commercial area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of commercial area	\$ /m <sup>2</sup>
<b>Construction – Residential</b>	\$	<b>Fit-out – Residential</b>	\$
Cost per square metre of residential area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of residential area	\$ /m <sup>2</sup>
<b>Construction – Retail</b>	\$	<b>Fit-out – Retail</b>	\$
Cost per square metre of retail area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of retail area	\$ /m <sup>2</sup>

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate.
- Prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.
- Calculated the proposed cost of carrying out the development in accordance with the provisions of 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 AIQS Cost Management Manual Volume 1, Appendix A2.

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

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

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

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

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

## Schedule 4

### Determination of proposed cost of development

Clause 25J of the Environmental Planning and Assessment Regulation 2000 sets out the matters that must be included when determining the proposed cost of carrying out the development for the purposes of calculating the section 94A levy. These provisions are reproduced below.

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

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

## Schedule 5

### Standard section 94A development consent condition

Instructions to assessing officer or accredited certifier - this condition is only to be deleted in the following circumstances:

1. If the development is or will be required by a condition of development consent to pay a section 94 contribution.
2. If the proposal only involves alterations or additions to a development that has already paid a full section 94 contribution.\*
3. If the development is on an allotment of land where a section 94 contribution has been paid when the land was subdivided.\*
4. If the development is exempted from paying a section 94A levy under a planning agreement.\*
5. If the development is one of those developments specifically excluded from paying a section 94 levy by direction of the Minister or is a development that is specifically exempted under Section 3.9 of Council's section 94A contributions plan.\*
6. If you are certain that the proposed cost of carrying out the development (as defined in clause 25J of the EP&A Regulation) will be less than \$100,000 at the time of lodgement of the construction certificate (say an estimated cost specified in the DA of less than \$70,000).

\* Where it is unclear whether an exemption should apply, the applicant should submit to Council an application for exemption giving reasons and providing the required supporting documentation.

- a. Pursuant to section 94A of the Environmental Planning and Assessment Act 1979 and Rockdale Section 94A Development Contributions Plan 2008, a report is to be submitted to Council, prior to approval of the first Part 4A certificate required for the development, identifying the proposed cost of carrying out the development, as follows:
  - i. Where the proposed cost of carrying out the development is less than \$1,000,000, a cost summary report prepared and certified by a building industry professional, or
  - ii. Where the proposed cost of carrying out the development is \$1,000,000 or more, a detailed cost report prepared and certified by a quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

This report is to be prepared in the form specified in Rockdale Section 94A Development Contributions Plan 2008 and the costs must be determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

*Note:*

1. *Council may review the costs contained in the report and may seek the services of an independent person to verify them. In such a case, all costs associated with obtaining this advice will be at the expense of the applicant and no Part 4A certificate is to be issued until such time as these costs have been paid.*
2. *The proposed cost of carrying out the development excludes any part of the proposed development that is exempt from the section 94A levy by reason of a Ministerial direction or an exemption specified in Rockdale Section 94A Development Contributions Plan 2008. Where the applicant considers that the proposed development, or any part of it, is or should be exempt from the levy they may submit to Council, prior to approval of the required certificate, an application for exemption giving reasons and providing any necessary evidence for the exemption.*

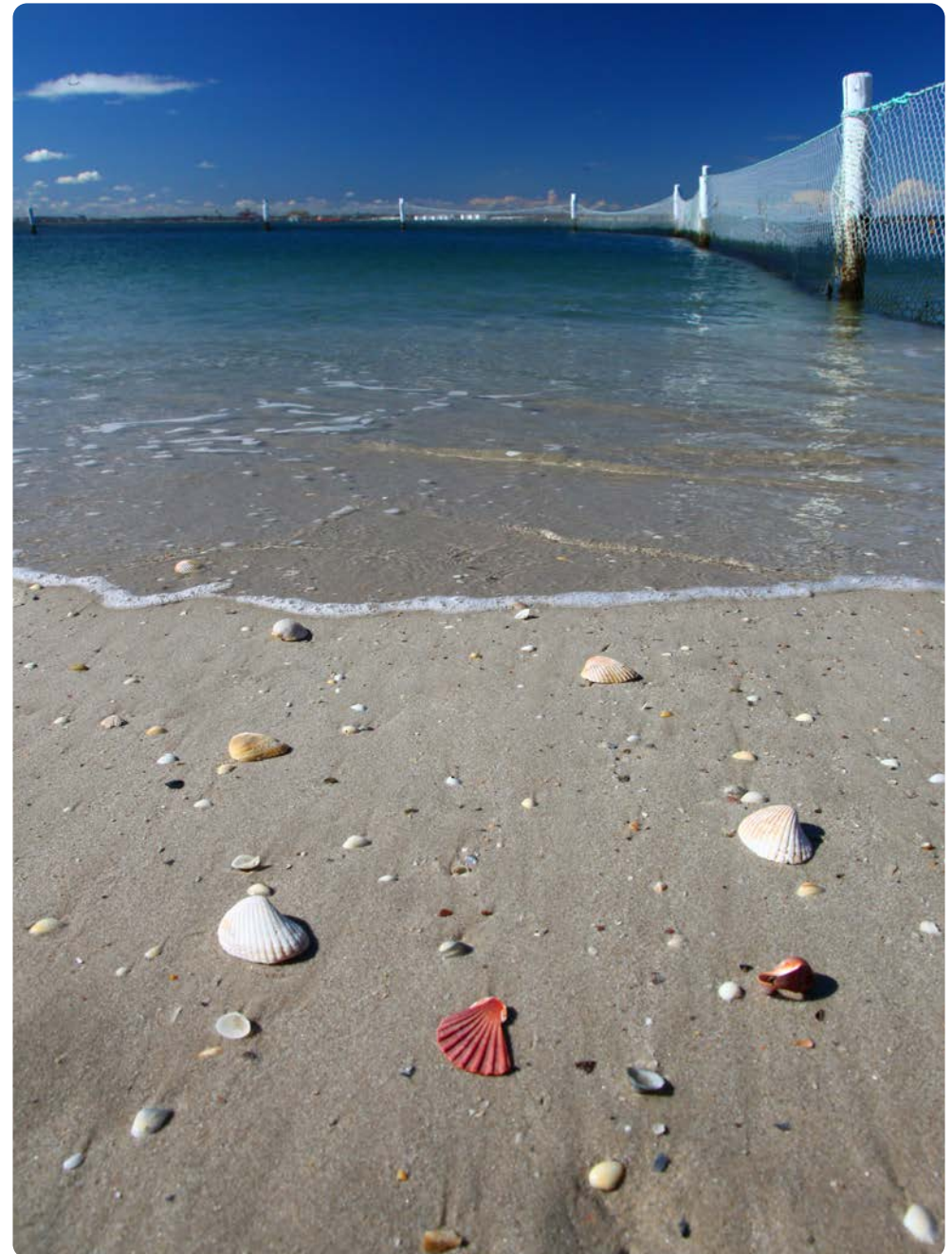
- b. Where the proposed cost of carrying out the development, as specified in the cost summary report, the registered surveyor's detailed cost report or the independent review of costs obtained by Council (as the case may be), is more than \$100,000 a section 94A levy is to be paid to Council for the following amount:
- i. Where the proposed cost of carrying out the development is greater than \$100,000 but not more than \$200,000 – 0.5% of that cost, or
  - ii. Where the proposed cost of carrying out the development is greater than \$200,000 – 1% of that cost.

This levy is to be paid prior to the issue of the first Part 4A certificate required for the development.

If the levy is not paid within the same financial year as the date on which Council accepted the cost summary report, the registered surveyor's detailed cost report or the independent review of costs (as the case may be), the amount of the levy is to be adjusted at the time of actual payment to reflect changes in construction costs, in accordance with the provisions of Rockdale Section 94A Development Contributions Plan 2008.

*Note:*

*This requirement to pay the section 94A levy does not apply if the proposed cost of carrying out the development is \$100,000 or less or Council has confirmed in writing that the proposed development is exempt from the levy.*



## Schedule 6

### Sample application for exemption from the section 94A levy

#### Application for an exemption or partial exemption from the section 94A levy

DEVELOPMENT APPLICATION No. \_\_\_\_\_ REFERENCE: \_\_\_\_\_

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No. \_\_\_\_\_

CONSTRUCTION CERTIFICATE No. \_\_\_\_\_ DATE: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_

APPLICANT'S ADDRESS: \_\_\_\_\_

DEVELOPMENT NAME: \_\_\_\_\_

DEVELOPMENT ADDRESS: \_\_\_\_\_

REASON FOR EXEMPTION:	Tick applicable box >	Full DA exemption	Partial exemption only	Supporting documentation required
1. The development is for the purpose of disabled access.				Describe development to be exempted
2. The development is for the sole purpose of providing affordable housing.				Evidence that development will be used as affordable housing
3. The development for the purpose of reducing a building's use of potable water (where supplied from water mains) or energy.				Describe development to be exempted
4. The development is for the sole purpose of the adaptive reuse of an item of environmental heritage.				Show that property is heritage listed or approved for listing
5. The development is on an allotment of land where a section 94 contribution was required when the land was subdivided.				Evidence of previous section 94 contributions paid
6. The development is for alterations and additions to an existing development that was required to make a section 94 contribution when originally approved (other than a section 94 contribution for car parking).				Evidence of previous section 94 contributions paid
7. The development is a staged development within the meaning of Division 2A of Part 4 of the EP&A Act, where section 94A levies can be fully recovered from the subsequent DAs.				Show that development will not be capable of being carried out without further DAs
8. The development has been excluded from section 94A levies under a planning agreement, pursuant to section 93F(3)(d) of the EP&A Act.				Evidence of planning agreement
9. The development is for granny flat housing.				Describe development to be exempted
10. The development is for seniors housing (including housing for people with a disability) and the applicant is the Department of Housing, a local government housing provider or a community housing provider.				Show that development is seniors housing and evidence that applicant is an eligible community housing provider
11. The development is work undertaken for a charitable purpose or by a registered charity.				Evidence of charitable status of recipient
12. The development is for a place of public worship, public hospital, police station, fire station or emergency services facility.				Show why development is within exempted category
13. The development is for a school, child-care facility, library or other community or education facility.				Show why development is within exempted category
14. The development is for the purpose of public open space or recreation facilities, a public transport facility or a public infrastructure facility.				Show why development is within exempted category

The supporting documentation required has been attached to this application: YES  NO

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

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

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

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

## Bibliography

Australian Bureau of Statistics, 2001 Community Profile – Rockdale Local Government Area, prepared for Rockdale City Council (May 2003)

Australian Bureau of Statistics, Price Index of Materials Used in House Building, as published in Producer Price Indexes, Australia (quarterly, to date – ABS Catalogue No 6427.0)

City of Canada Bay Council, City of Canada Bay Section 94A Levy Contributions Plan, prepared for the council by Lindsay Taylor Lawyers (effective 14 December 2005, as subsequently amended)

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NSW Government, Environmental Planning and Assessment Act 1979

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NSW Department of Planning, South Subregion – Subregional Strategy (draft, December 2007)

NSW Department of Planning, Template for a Section 94A Development Contributions Plan (Practice Note, December 2006)

Rockdale City Council, Destinations Rockdale 2005 + 20 (2005)

Rockdale City Council, Development Application Register (to date)

Rockdale City Council, Management Plan (annual, to date)

Rockdale City Council, Voluntary Planning Agreements Policy (December 2007)



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Rockdale Library, 444-446 Princes Highway, Rockdale  
Westfield Eastgardens, 152 Bunnerong Road, Eastgardens  
Monday to Friday 8:30am – 4:30pm

Phone **1300 581 299 | 9562 1666**  
Email **[council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au)**  
Web **[www.bayside.nsw.gov.au](http://www.bayside.nsw.gov.au)**