



Wollongong City Council

Wollongong City-Wide Development Contributions Plan 2023



Wollongong City-Wide Development Contributions Plan (2023)

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Table of Contents

Part A - Schedules.....	3
1. Schedule 1 – City-Wide levy rates	3
2. Schedule 2 - Wollongong City Centre Commercial Core levy rates	3
3. Schedule 3 – Works schedule summary	4
Part B – Expected Development and Demand for Public Facilities.....	4
4. Expected Development and Demand for Public Facilities.....	4
Part C – Administration and Operation of the Plan	5
5. What is the name of this Contributions Plan?	5
6. Where does this Plan apply?.....	5
7. What is the purpose of this Plan?	5
8. When does this development contributions Plan commence?	5
9. Relationship with other development contribution Plans.....	5
10. What does Section 7.12 of the EP&A Act provide?.....	9
11. Council may require payment of the levy as a condition of development consent. 9	
12. How will the levy be calculated	9
13. Development to which this Plan applies.....	9
14. Section 7.17 Directions	9
15. Are there any exemptions to the levy?	10
16. Deferred Contributions for Affordable, Accessible and Emergency Housing Error! Bookmark not defined.	
17. Complying Development Certificates and the obligations of accredited certifiers	11
18. Construction/Subdivision certificates and the obligations of accredited certifiers	12
19. How is the proposed cost of carrying out development determined?.....	12
20. Cost estimate reports	13
21. How will the Council apply money obtained from the levy?	13
22. What are the funding priorities from levies authorised by this Plan?	13
23. Pooling of levies.....	14
24. The Goods and Services Tax (GST).....	14
25. When is the levy payable?	14
26. Can deferred or periodic payments of levies be made?.....	14
27. Planning Agreements.....	15
28. How will the levy be adjusted?	15
29. Savings and Transitional Arrangements	15
30. Are refunds for payments of levies possible?	15
Part D – References.....	15
31. What definitions apply?	15
32. Schedule 4 – Detailed Works Schedule – Projects proposed to utilise Section 7.12 funds	17
33. Schedule 5 – Detailed Works Schedule – Projects that have included Section 7.12 funds	19
34. Schedule 6 - Works Schedule – Maps	22

Part A - Schedules

1. Schedule 1 – City-Wide levy rates

In accordance with clause 209(2) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), the rate of the levy for development carried out on land to which this Plan applies (excluding Wollongong City Centre Commercial Core - see Schedule 2) is calculated as follows:

Proposed cost of carrying out development (Determined in accordance with Clause 19 of this Plan)	Levy Rate
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

2. Schedule 2 - Wollongong City Centre Commercial Core levy rates

In accordance with clause 209(1) of the EP&A Regulation, the rate of the levy for development carried out on land within the Zone E2 Commercial Centre in the Wollongong City Centre, as shown at Figure 2, is calculated as follows:

Proposed cost of carrying out development (Determined in accordance with Clause 19 of this Plan)	Levy Rate
Up to and including \$250,000	Nil
More than \$250,000	2%

This contribution provides funding towards the Special City projects originally nominated in the Civic Improvements Plan (2009) for the Wollongong City Centre, reproduced below. The timing of the implementation of the projects will be determined through Councils Management Plan process as funding permits, and then detailed in Part D Schedule 5.

Item	Cost Estimate (2009)
Crown Street Upgrade	\$14,200,000
City Beach Waterfront Improvements	\$11,000,000
Civic Precinct Revitalisation	\$21,000,000
MacCabe Park Landscape Improvements	\$12,000,000
Bus Transport Initiatives	\$20,000,000
Traffic Management Works	\$2,000,000
City Centre Car Park	\$8,000,000
Total	\$88,200,000

Note: The Civic Improvement Plan was retired in 2016 as a policy document

In 2010 Wollongong Council commenced a CBD revitalisation program of streetscapes and public domain areas. Major projects completed since include:

- Keira Street – Crown Street to Smith Street
- Crown Street Mall – Kembla Street to Keira Street
- Market Street – Keira Street to Young Street
- Crown Street West – Atchison Street to Railway Parade

In addition, traffic signals have been installed to improve pedestrian activity and safety at:

- Intersection of Auburn & Burelli Streets
- Intersection of Victoria and Keira Streets
- Intersection of Kenny and Burelli Streets

3. Schedule 3 – Works schedule summary

Category/Asset Class	Actual Contribution Expenditure 2006/07 to 2022/23	Proposed Contribution Expenditure 2023/24 to 2026/27	Total Contribution Expenditure 2006/07 to 2026/27
Roads and bridges	\$6,491,984	\$1,495,000	\$7,986,984
Footpaths and cycleways	\$14,098,580	\$2,270,000	\$16,368,580
Car parks	\$2,650,270	\$1,200,000	\$3,850,270
Community buildings	\$16,406,367	\$9,740,000	\$26,146,367
Parks, gardens and sportsfields	\$6,686,243	\$1,500,000	\$8,186,243
Land acquisitions	\$5,714,238	\$1,000,000	\$6,714,238
Administration	\$1,662,474	\$541,249	\$2,203,723
Total	\$53,710,156	\$17,746,249	\$71,456,405

For further details refer to Part D Schedule 5 and 6 – Detailed Works Schedules.

Part B – Expected Development and Demand for Public Facilities

4. Expected Development and Demand for Public Facilities

This part broadly discusses the relationship between the expected types of development in the Council's area and the demand for additional public amenities and services to meet that development. That relationship is established through current demographic information.

The expected types of development include but are not limited to:

- Alterations and additions to existing development;
- Dwellings of all forms;
- Commercial development located primarily in commercial precincts;
- Industrial development;
- Subdivisions; and
- Mixed use development.

The relationship between expected development and the demand for public facilities is established through:

- The population projections undertaken by informed decisions (.id), adopted from the Australian Bureau of Statistics (ABS) information and other factors, indicate that continued population growth in Wollongong is expected. A projected population of 243,104 is expected by 2031 and 270,518 by 2041.
- Accelerating housing costs in metropolitan Sydney contribute to certain pressures in Wollongong, particularly new housing developments, which will largely impact the future needs of the region.
- The likely population growth will diminish the enjoyment and standard of public facilities for the existing population unless additional facilities are provided to meet the additional demand.
- The likely growth will require the provision of additional public facilities to meet additional demands.

Wollongong City Council wants to ensure that it has a sustainable local government area, safeguarding the economic, social, cultural, and environmental wellbeing of present and future generations. These levies will assist Council to provide high quality and diverse public facilities to meet the expectations of the existing and new residents of Wollongong City Council.

The additional public facilities to be provided to meet the expected future development are set out in Part D Schedule 5 and 6.

The demand for facilities within the Wollongong City Centre is based on the growth and development projected for the Wollongong City Centre in the Illawarra Shoalhaven Regional Growth Plan 2015 and A City for People 2016. In

particular, this includes the total developable floor space allowed under the Wollongong Local Environmental Plan 2009 and Wollongong Development Control Plan 2009.

Part C – Administration and Operation of the Plan

5. What is the name of this Contributions Plan?

This Plan is called the “Wollongong City-Wide Development Contributions Plan (2023)” (the Plan) and replaces the Wollongong City Wide Development Contributions Plan (2022).

This Plan levies contributions under Section 7.12 of the *Environmental Planning and Assessment Act 1979*.

6. Where does this Plan apply?

This Plan applies to all land within the local government area of Wollongong City Council excluding the West Dapto Urban Release Area, as shown at Figure 1.

7. What is the purpose of this Plan?

The purpose of this Plan is to:

- To enable the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- Authorise Council, and accredited certifiers or other consent authority to impose conditions requiring contributions under Section 7.12 of the EP&A Act when determining an application on land to which this Plan applies;
- Assist the Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area.
- Publicly identify the purposes for which the levies are required.

8. When does this development contributions Plan commence?

This Plan takes effect from the date on which this Plan is adopted, pursuant to clause 214(4) of the EP&A Regulation.

This City-Wide Development Contributions Plan 2023 was adopted by Council at its Meeting of 28 August 2023 and came into force on 8 September 2023.

9. Relationship with other development contribution Plans

This plan repeals the following contributions plan:

- Wollongong City-Wide Development Contributions Plan (2022 version)

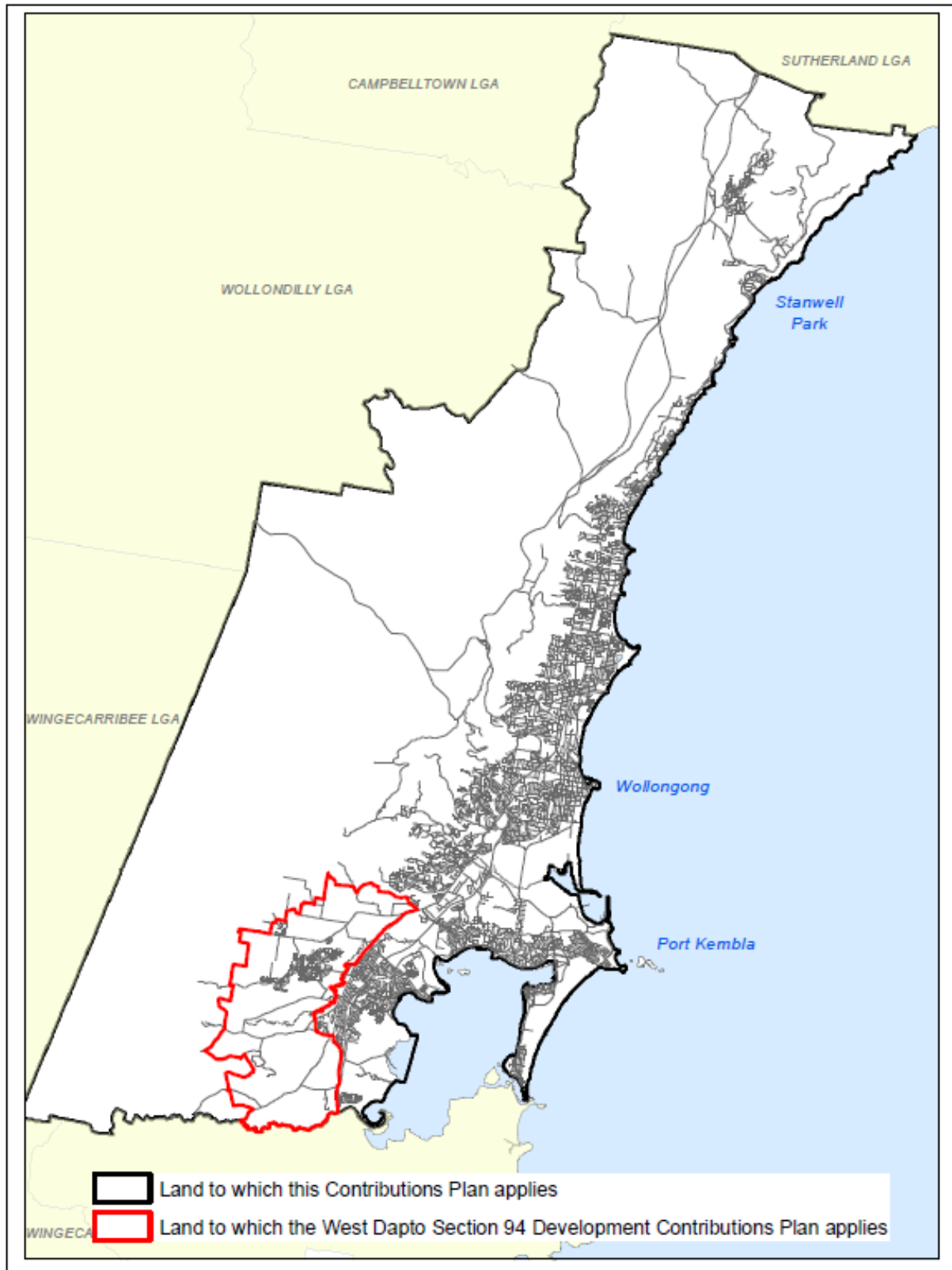
Previous iterations of contributions plans that applied to all or part of the land to which this plan applies which have been repealed are:

- Wollongong City-Wide Development Contributions Plan (2021 version)
- Wollongong City-Wide Development Contributions Plan (2020 version)
- Wollongong City-Wide Development Contributions Plan (2019 version)
- Wollongong Section 94A Contributions Plan (2018 version)
- Wollongong Section 94A Contributions Plan (2017 version)
- Wollongong Section 94A Contributions Plan (2016 version)
- Wollongong Section 94A Contributions Plan (2015 version)
- Wollongong Section 94A Contributions Plan (2014 version)
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- Wollongong Section 94A Contributions Plan (2010 version)
- Wollongong Section 94A Contributions Plan (2009 version)
- Wollongong Section 94A Contributions Plan (2008 version)

- Wollongong Section 94A Contributions Plan (2007 version)
- Wollongong Section 94A Contributions Plan (2006 version) – this plan repealed the following Section 94 plans:
 - CP No 1 Open Space Embellishment, Recreation Facilities, Community Facilities;
 - Amendment to CP No 1 Open Space;
 - CP No 2 Traffic Management & Road Works in City of Wollongong;
 - CP No 3 Car Parking in the City of Wollongong;
 - CP No 4 Studies & Administration;
 - CP No 6 Car Parking in Area between Fairy Creek & Georges Plan Nth Wollongong;
 - CP No 7 Open Space Dedication (Nth Side Kanahooka Road);
 - CP No 8 Roundabout at the intersection of Unara Road, Yalunga Street & Princes Highway, Dapto;
 - CP No 9 Mount Brown Local Area Traffic Management Scheme;
 - CP No 10 Bank Street (Road Works & Intersection Upgrade);
 - CP No 11 Bank Street (Car Parking Facility between Bank & Stewart Streets);
 - CP No 12 Sandon Point Section 94 Land Acquisition; and
 - CP No 13 Library Resources.

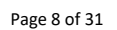
Any other Section 7.11 or Section 7.12 contributions plans that are not repealed continue to apply to all areas and development to which they are stated to apply.

Figure 1 Land to which this Contributions Plan applies



Wollongong Development Contribution Areas

Drawn By: J Lewis	
Date: 19.03.18	
GIS ref: Wollongong Sect94A 19.03.18.mxd	



10. What does Section 7.12 of the EP&A Act provide?

Section 7.12 of the EP&A Act provides as follows:

7.12 Fixed development consent levies

- (1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.
- (2) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 7.11.
- (2A) A consent authority cannot impose a condition under this section in relation to development on land within a special contributions area without the approval of:
 - (a) the Minister, or
 - (b) a development corporation designated by the Minister to give approvals under this subsection
- (3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.
- (4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.
- (5) The regulations may make provision for or with respect to levies under this section, including:
 - (a) the means by which the proposed cost of carrying out development is to be estimated or determined, and
 - (b) the maximum percentage of a levy.

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

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

12. How will the levy be calculated

The levy will be determined on the basis of the rate as set out in Part A Schedule 1 City Wide Section 7.12 Levy Rates and Schedule 2 – Wollongong City Centre Commercial Core Section 7.12 Levy Rates. The levy will be calculated as follows:

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

Where:

%C is the levy rate applicable

\$C is the proposed cost of carrying out development as determined in accordance with clause 19.

13. Development to which this Plan applies

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

14. Section 7.17 Directions

Any current and relevant Direction issued by the NSW Minister for Planning under Section 7.17 of the EP&A Act will prevail over the provisions of this Plan. Current Section 7.17 Directions relative to this Plan include:

- If a development contribution under section 94 of the *Environmental Planning and Assessment Act 1979* has been required in respect of the subdivision of land (initial subdivision), a levy under section 94A of that Act may not be required in respect of any other development on the land, unless that other development will, or

is likely to, increase the demand for public amenities or public services beyond the increase in demand attributable to the initial subdivision. (14/04/2016)

- A condition may not be imposed under section 94A of the *Environmental Planning and Assessment Act 1979* in relation to development on land within the Port Kembla Lease Area, as mapped in the *State Environmental Planning Policy (Port Botany and Port Kembla) 2013*. (6/12/2013)
- A contribution cannot be imposed on development for the purposes of any form of seniors housing as defined in the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (formerly the *State Environmental Planning Policy (Seniors Living) 2004*) where the development consent is granted to a social housing provider as defined in the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. (14/9/2007)
- Development contributions on Development Applications (excluding subdivisions) over \$10 million may be paid prior to the issue of an Occupation Certificate, not a Construction Certificate. Council is to issue statements confirming payment. This expired on 31 March, however construction certificates in respect to applicable development can be issued up to 25 September 2022 under this Direction. The monetary contributions must be paid before the issue of the first construction certificate after this date for any building. (25/06/2020).

Further details on current Section 7.17 Directions can be found at www.planning.nsw.gov.au.

15. Are there any exemptions to the levy?

Council may allow for exemptions (partial or full) in the following circumstances. For an exemption to be considered based on clause 15 (a) to (h), the written application should clearly state which exemption criteria is expected to ensure it is considered and provide all relevant supporting information.

- a. An application by the Council for community infrastructure, such as but not limited to libraries, community facilities, child care facilities, recreational facilities or car parks.
- b. An application by the NSW Government for public infrastructure, such as but not limited to hospitals, police stations, fire stations, education facilities (primary and secondary) and public transport infrastructure.
- c. An application for the continued operation of a coal mine, where rail transport is used for the transportation of coal.
- d. An application for place of public worship.
- e. An application for a residential care facility carried out under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
- f. An application for an industrial training facility.

The following exemption requests (partial or full) will require a comprehensive written submission:

- g. An application on behalf of Council for community infrastructure, such as but not limited to libraries, community facilities, child care facilities, recreational areas or facilities and car parks.
- h. An application on behalf of the NSW Government for public infrastructure, such as but not limited to hospitals, police stations, fire stations; education facilities (primary and secondary) and public transport infrastructure.
- i. An application for privately funded community infrastructure, such as but not limited to education facilities (primary and secondary) and private hospitals.
- j. Any other development for which Council considers an exemption is warranted, where the decision is made by formal resolution of the Council at a public Council meeting or by a delegated Council Officer.
- k. An application by or on behalf of a tertiary education provider:
 - (i) Full exemption may be allowed for facilities that are directly required by the main function of the educational facility, such as – classrooms, lecture theatre, training facility, administrative office, research facility.
 - (ii) Partial (50%) exemption may be allowed for developments that are not directly required by the

main function of the educational facility but will provide support to its main function, such as student accommodation, car park, sports facility, playgrounds, food-court, display facility, function centre, convention hall, auditorium, community centre.

- (iii) Nil exemption for developments that are not directly required to the main function of the educational facility and/or have potential to create additional demand for public services and amenities. Development such as but not limited to – shops, supermarket, shopping centre, office for lease, business park, commercial centre, child care centre, entertainment facility.
- l. Affordable housing developments carried out by a registered Tier 1 or Tier 2 Community Housing Provider on sites owned by the provider and where the dwellings are available for affordable rental housing for a minimum period of 15 years.
- m. Accessible housing for supportive accommodation housing projects carried out by registered Provider of Accessible Housing on sites owned by the Provider and where the dwellings are available for accessible housing for a minimum period of 15 years.
- n. Emergency and temporary housing development t carried out by a registered Provider of Emergency Housing, on sites owned by the provider and where the dwellings are available for emergency housing for a minimum period of 15 years.

Note: A condition will be imposed on any consent issued to ensure the development is used for the exempt purpose for a minimum of 15 years.

Submission Requirements for an exemption claim to be considered

For an exemption to be considered in accordance with clause 15 (g) to (k) above, the application will need to include a comprehensive written submission arguing the case for exemption and including details of:

- Under which sub-clause the exemption claimed is to be considered.
- The mechanism ensuring that such development will remain in the form proposed in the future (i.e. Not to increase future demand on public amenities and services), NB: where a further development application or application for complying development under the EP&A Act is required for any change to the development no mechanism is necessary, however if a change of use is available by way of exempt development then the requirement for a mechanism remains.
- Other items if applicable:
 - How the development will incorporate the maintenance of the item of heritage significance.
 - How the development will contribute to the public benefit of the community.
 - Works in the public domain included in the development.
 - How the residents/users will utilise existing private facilities attached to the development that replicate those types provided by Council.
 - Advice indicating that the application is on behalf of Council or the NSW Government.

Exemptions (partial or full) listed under clause 15 (g) to (k) will only to be granted with approval of the Council Officer(s) whose position(s) holds the required Council delegations or by formal resolution of the Council at a public Council meeting.

16. Complying Development Certificates and the obligations of accredited certifiers

In accordance with sections 4.28(9) and 7.21 of the EP&A Act and clause 156 of the EP&A Regulation, applications for a complying development certificate are also subject to the provisions of this Plan, and the Certifier (whether Council or an Accredited Certifier) must impose a condition requiring the payment of a Section 7.12 contribution in accordance with the requirements of this Plan.

The condition must include the contribution amount calculated in accordance with this Plan and require payment before any building or subdivision work authorised by the certificate commences. Further information on how to calculate and condition contributions is available on Councils website and from Council. The following template condition should be used:

Development Contributions

Pursuant to Section 4.28(9) of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2022), a monetary contribution of

§[INSERT AMOUNT], subject to indexation, must be paid to Wollongong City Council before any building or subdivision work authorised by this certificate commences.

As the contribution amount is subject to indexation until the date of payment, contact Council for the current indexed amount prior to payment. The contribution can be paid online at <http://www.wollongong.nsw.gov.au/applicationpayments> (contact Council for the payment reference number) or by cash, EFTPOS or bank cheque at 41 Burelli Street, Wollongong.

In accordance with clause 156(2) of the EP&A Regulation, the Certifier must ensure that the contribution has been fully paid before any building or subdivision work authorised by the certificate commences and submit receipt(s) confirming full payment with the complying development certificate.

16. Construction/Subdivision certificates and the obligations of accredited certifiers

In accordance with clause 20(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, a certifier must not issue a construction certificate for building work under a development consent unless a condition of the development consent, referred to in the Act, section 7.11 or 7.12, requiring the payment of a monetary contribution or levy before building work is carried out.

In accordance with clause 34(2)(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, a certifier must not issue a subdivision works certificate under a development consent unless a condition of the development consent, referred to in the Act, section 7.11 or 7.12, requiring the payment of a monetary contribution or levy before work is carried out.

In accordance with clause 12(2) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, the certifier must ensure that copies of receipt(s) confirming that contributions have been fully paid are provided to the Council.

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

Clause 208 of the EP&A Regulation sets out how the proposed cost of carrying out development is to be determined. That clause provides as follows:

208 Determination of proposed cost of development—the Act, s 7.12(5)(a)

- (1) The proposed cost of carrying out development must be determined by the consent authority by adding up all the costs and expenses that have been or will be incurred by the applicant in carrying out the development.
- (2) The costs of carrying out development include the costs of, and costs incidental to, the following—
 - (a) if the development involves the erection of a building or the carrying out of engineering or construction work—
 - (i) erecting the building or carrying out the work, and
 - (ii) demolition, excavation and site preparation, decontamination or remediation,
 - (b) if the development involves a change of use of land—doing anything necessary to enable the use of the land to be changed,
 - (c) if the development involves the subdivision of land—preparing, executing and registering—
 - (i) the plan of subdivision, and
 - (ii) the related covenants, easements or other rights.
- (3) In determining the proposed cost, a consent authority may consider an estimate of the proposed cost that is prepared by a person, or a person of a class, approved by the consent authority to provide the estimate.
- (4) The following costs and expenses must not be included in an estimate or determination of the proposed cost—
 - (a) the cost of the land on which the development will be carried out,
 - (b) the costs of repairs to a building or works on the land that will be kept in connection with the development,
 - (c) the costs associated with marketing or financing the development, including interest on 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 for the development,
 - (g) the costs of fittings and furnishings, including refitting or refurbishing, associated with the development, except if the development involves an enlargement, expansion or intensification of a current use of land,
 - (h) the costs of commercial stock inventory,
 - (i) the taxes, levies or charges, excluding GST, paid or payable in connection with the development by or under a law,
 - (j) the costs of enabling access by people with disability to the development,
 - (k) the costs of energy and water efficiency measures associated with the development,
 - (l) the costs of development that is provided as affordable housing,
 - (m) the costs of development that is the adaptive reuse of a heritage item.
- (5) The proposed cost may be adjusted before payment of a development levy, as specified in a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan between the day on which the proposed cost was determined by the consent authority and the day by which the development levy must be paid.
- (6) To avoid doubt, this section does not affect the determination of the fee payable for a development application.

18. Cost estimate reports

An application for a development application or a complying development certificate is to be accompanied by a report, prepared at the applicant's cost and in accordance with this clause, setting out an estimate of the proposed cost of carrying out the development for the purposes of clause 208 of the EP&A Regulation, per clause 19 above. Where a separate cost estimate is not provided, the estimated cost of development as provided on the development application will be used to calculate the contribution.

The following types of report are required:

- where the estimate of the proposed cost of carrying out the development is less than \$2,000,000 - a suitable cost estimate prepared by a person who, in the opinion of the Council, is suitably qualified. This includes a licensed builder, registered architect, qualified and accredited building designer, registered quantity surveyor or a person who is licensed with relevant qualifications and proven experience in costing of similar development works, but who is not the owner or applicant;
- where the estimate of the proposed cost of carrying out the development is \$2,000,000 or more - a detailed cost report prepared by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors.

Applicants will be required to declare upon signing of application for development/building work that the cost of carrying out development as evidenced by their submitted estimate has been calculated in accordance with the provisions of this Plan, in particular clause 19.

Upon reviewing a cost estimate, the Council may require a further estimate to be provided by a registered quantity surveyor at the applicant's cost. The Council may, at the applicant's cost, engage a person referred to in this clause to review a report submitted by an applicant in accordance with this clause.

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

Money paid to the Council under a condition authorised by this Plan is to be applied by the Council towards meeting the cost of the public facilities that will be or have been provided within the area as listed in Part D Schedule 5 and 6.

20. What are the funding priorities from levies authorised by this Plan?

Subject to section 7.3(2) of the EP&A Act and clauses 20 and 23 of this Plan, the public facilities listed in Part D Schedule 5 are to be provided in accordance with the staging set out in that Schedule.

21. Pooling of levies

For the purposes of section 7.3(2) of the EP&A Act, this Plan authorises money obtained from levies paid in respect of different developments to be pooled and applied by the Council progressively towards the public facilities listed in Part D Schedule 5 in accordance with the staging set out in that Schedule.

22. The Goods and Services Tax (GST)

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

23. When is the levy payable?

A levy to be paid by a condition authorised by this Plan must be paid to the Council in accordance with the following requirements:

- A Development Application involving construction – prior to the issue of the Construction Certificate;
- A Development Application involving subdivision – prior to the issue of the Subdivision Certificate;
- A Development Application involving construction and subdivision (ie dual occupancies) – prior to the issue of the Construction Certificate;
- A Complying Development Certificate Application – before any work authorised by the certificate commences.

Where the development is phased the condition may allow for the levy to be paid at relevant phases.

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

Deferred or periodic payments may be permitted in the following circumstances:

- Deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program;
- In other circumstances considered reasonable by Council.

For a deferred or periodic payment to be considered, the applicant must satisfy to Council that:

- There are valid reasons for deferred or periodic payment;
- No prejudice will be caused to the community deriving benefit from the services being provided under this Plan;
- No prejudice will be caused to the efficiency and operation of this Plan.

If Council does decide to accept deferred or periodic payment, Council may require the applicant to provide a bank guarantee for the full amount of the contribution or the outstanding balance on condition that:

- a) The bank guarantee be issued by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest.
- b) Any charges associated with establishing or operating the bank security are payable by the applicant.
- c) The bank guarantee must carry specific wording identifying the exact obligation to which it relates (i.e. section 7.12 development contributions for development of Lot x DP xxx under Development Consent No. xxx)
- d) The bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work.
- e) 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.
- f) The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- g) Where a 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.

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

25. Planning Agreements

Section 7.4 of the EP&A Act states that a planning agreement is a voluntary agreement between a planning authority and a developer, under which the developer agrees to make contributions towards a public purpose. This may include the dedication of land, a monetary contribution, any other material public benefit or a combination of these. A planning agreement may exclude the application of Section 7.12 to the entire development or to part of the development that is subject to the agreement.

The provisions of Sections 7.4 to 7.10 of the EP&A Act and Part 9 Division 1 of the EP&A Regulation prescribe the contents, form, subject matter and procedures for making planning agreements.

Further information can be found in Council's Planning Agreements Policy.

26. How will the levy be adjusted?

As the date of the consent may vary to the actual time of payment of the contribution, clause 208(5) of the EP&A Regulation allows Council to adjust the contribution to reflect current between the date of the consent and the time of payment. Contributions required as a condition of consent under the provisions of this Plan will be indexed quarterly in accordance with movements in the Consumer Price Index; All Groups CPI; issued by the Australian Bureau of Statistics (ABS Series ID A2325806K).

The following formula for indexing contributions is to be used:

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

Where:

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

CP1 is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued

CP2 is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

In the event that the current index is lower than the index for the previous quarter, no adjustment will be made.

27. Savings and Transitional Arrangements

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

28. Are refunds for payments of levies possible?

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

- Submit a written request to Council;
- As a part of the request, demonstrate that the development that is the subject of the consent has not been commenced;
- Submit the request for a refund within 12 months of the payment;
- Formally surrender the consent that applied the levy;

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

Part D – References

29. What definitions apply?

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

- **ABS** means the Australian Bureau of Statistics
- **EP&A Act** means the Environmental Planning and Assessment Act 1979
- **EP&A Regulation** means the Environmental Planning and Assessment Regulation 2000
- **Council** means Wollongong City Council
- **Levy** means a levy under section 7.12 of the EP&A Act authorised by this Plan
- **Plan** means this Wollongong City-Wide Development Contributions Plan
- **Public facility and Public Infrastructure** means a public amenity or public service

30. Schedule 4 – Detailed Works Schedule – Projects proposed to utilise Section 7.12 funds

The Capital Works Program that Council delivers is funded from a mix of budget sources, including contributions collected from this Plan. Section 7.12 Contributions will be allocated to projects through the annual budget preparation process based on this schedule, and will be subject to refinement until the project delivery stage. This may include the review of projects and/or budget allocations as part of the monthly budget review process that is reported to and endorsed by Council. Section 7.12 Contributions currently allocated to future projects are shown in the table below:

Map No.	Project Number	Project	Location	Section 7.12 Forecast Funding Allocation				
				2022-23	2023-24	2024-25	2025-26	Total
		Roads and Bridges						
3	127515	Murray Rd Pedestrian Crossing Facility at Carroll Rd	East Corrimal	\$125,000				\$125,000
5	129112	Gipps Rd; Foley St to Vickery St	Gwynneville	\$270,000				\$270,000
1	127952	Phillips St near Ryan's Hotel Pedestrian Facility	Thirroul	\$100,000				\$100,000
7	127948	King St/Greene St/Montgomery St	Warrawong		\$500,000	\$500,000		\$1,000,000
		Sub total		\$495,000	\$500,000	\$500,000	\$0	\$1,495,000
		Footpaths and Cycleways						
5	128131	Braeside Ave, Murphys Ave to Gipps Rd	Gwynneville	\$250,000				\$250,000
8	127981	Coachwood Dr After Waples Rd	Farmborough Heights		\$120,000			\$120,000
4	126269	Princes Hwy; North Wollongong Station to Guest Ave	Fairy Meadow		\$1,000,000			\$1,000,000
4	128146	Bourke St, North Wollongong Train Station to Cliff Rd	North Wollongong		\$200,000			\$200,000
7	129672	Warrawong Town Square	Warrawong		\$700,000			\$700,000
		Sub total		\$250,000	\$2,020,000	\$0	\$0	\$2,270,000
		Car parks						
7	129671	Warrawong Laneway Relocation and Carpark	Warrawong		\$900,000			\$900,000
6	128034	Swan Street, east of Corrimal St	Wollongong		\$300,000			\$300,000
		Sub total		\$0	\$1,200,000	\$0	\$0	\$1,200,000
		Non-Commercial buildings,						
7	125350	Southern Suburbs Library + Community Centre	Warrawong		\$6,740,000	\$3,000,000		\$9,740,000
		Sub total		\$0	\$6,740,000	\$3,000,000	\$0	\$9,740,000
		Parks, Gardens and sports fields						
2	125125	Corrimal Memorial Park Fencing	Corrimal	\$100,000				\$100,000
9	125126	Lakelands Oval Drainage	Dapto	\$100,000				\$100,000
	129028	Thirroul Skate Park	Thirroul		\$900,000			\$900,000
	125109	Sports Facilities - New	Various		\$400,000			\$400,000
		Sub total		\$200,000	\$1,300,000	\$0	\$0	\$1,500,000

Wollongong City-Wide Development Contributions Plan (2021)

		Land Acquisitions						
	124909	Land Acquisitions	Various	\$250,000	\$250,000	\$250,000	\$250,000	\$1,000,000
		Sub total		\$250,000	\$250,000	\$250,000	\$250,000	\$1,000,000
		Administration						
		Development Contributions Planner		\$117,466	\$120,990	\$124,620	\$128,359	\$491,435
		Development Contributions Admin Support - Finance		\$11,895	\$12,252	\$12,619	\$13,048	\$49,814
		Sub total		\$129,361	\$133,242	\$137,239	\$141,407	\$541,249
		TOTAL		\$1,324,361	\$12,143,242	\$3,887,239	\$391,407	\$17,746,249

31. Schedule 5 – Detailed Works Schedule – Projects that have included Section 7.12 funds

The Capital Works that Council delivers are funded from a mix of sources, including contributions collected from this Plan. Section 7.12 Contributions that have been allocated to projects are shown in the table below:

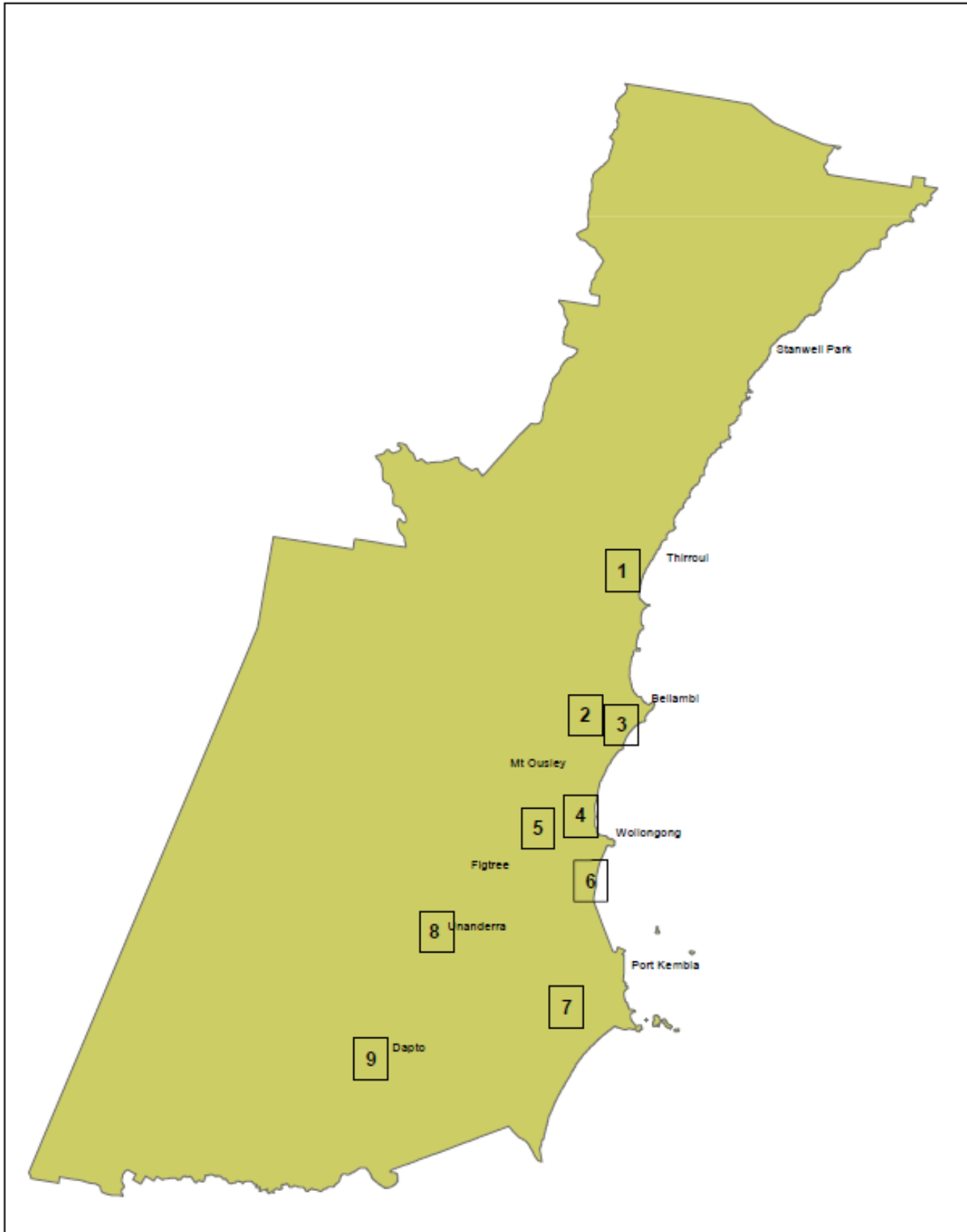
Project	Section 7.12 Actual Funding Allocations					Total 2006-07 to 2022-23
	2006-07 to 2018-19	2019-20	2020-21	2021-22	2022-23	
Roads and Bridges						
Other Road and Bridge Projects	\$5,090,767					\$5,090,767
Towradgi Rd-Caters Lane crossing relocation		\$12,791				\$12,791
Point Street Local Area Traffic Management			\$132,263			\$132,263
Maidstone -The Ridge roundabout		\$100,000				\$100,000
Northcliffe Dr, Pharlap Ave to Princes Hwy, roundabout		\$695,206	\$102,037			\$797,243
Cordeaux Rd - Princes Hwy Roundabout Upgrade				\$13,910		\$13,910
Phillips St near Ryan's Hotel Pedestrian Facility				\$39,200		\$39,200
Wollongong City Centre Wayfinding Signage				\$31,123	\$169,154	\$200,277
Factory Rd, kerb and gutter					\$105,533	\$105,533
Sub total	\$5,090,767	\$807,997	\$234,300	\$84,233	\$105,533	\$6,491,984
Footpaths and Cycleways						
Other footpath and cycleway projects	\$10,881,445					\$10,881,445
Hamilton, Tasman, Craig, Surfers & Cliff		\$194,222				\$344,222
Denison St; Crown St to Throsby Dr		\$300,000				\$300,000
Porter St, Hindmarsh Ave to Flinders St		\$300,000				\$300,000
Kendall St; outside Tarrawanna Public School, south side		\$74,385				\$74,385
Thames St; The Mall to 40 Thames St, east side		\$50,000				\$50,000
Murphys Ave; Robsons Rd to Grey St, south side		\$52,375				\$52,375
Vereker St; Hamilton St to 16 Macarthur Ave, east side		\$50,250				\$50,250
Heaslip St; Taronga Ave to St Johns Ave, south side		\$70,000				\$70,000
Tallegalla St; Victoria St to Charcoal Creek, west side		\$20,000				\$20,000
Cliff Rd; Harbour St to Lang Park, south side		\$55,033				\$55,033
Harry Graham Park; Uralba St to Therry St		\$40,000				\$40,000
Robinson St; Hercules St to Denison St		\$111,705				\$111,705
University Avenue, eastern side near Porter Street		\$50,000				\$50,000
The Avenue Pedestrian Refuges		\$100,000				\$100,000
Crawford Ave; Porter St to Hay St access			\$247,725			\$247,725
Greenacre Rd, Mercury St to Rosemont St			\$145,137			\$145,137
Beacon Ave; Showground to Coastline Cycleway			\$84,403			\$84,403




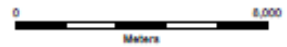
Project	Section 7.12 Actual Funding Allocations					
	2006-07 to 2018-19	2019-20	2020-21	2021-22	2022-23	Total 2006-07 to 2022-23
Murrarar Rd; Towradgi Station to Coastline Cycleway			\$125,440			\$125,440
Cliff Rd; Stuart Park to Marine Dr			\$18,073			\$18,073
Hooka Creek Road; Lake Ride to Northcliffe Dr			\$16,848			\$16,848
Wollongong City Centre Wayfinding Signage			\$30,265			\$30,265
Smith St - Keira St to Harbour St; and Harbour St - Smith St			\$328,000			\$328,000
Station St; Duff Pde to Pioneer Rd; north side			\$128,917			\$128,917
Smith St - Belmore St to Keira St			\$90,000			\$90,000
Kembla St - Smith St to Crown St			\$45,000			\$45,000
Beacon Ave; Showground to Coastline Cycleway				\$22,992	\$177,503	\$200,495
Military Rd, Old Port Rd to Port Kembla Pool, On-road Cycleway				\$91,112		\$91,112
Reserve St; Gilmore St to Robsons Rd; south side				\$10,223		\$10,223
Gladstone Ave - Crown St to Railway Station Sq; Railway Station				\$26,043		\$26,043
Stewart St -Corrimal St to Church St; and Church St – Stewart St				\$28,754		\$28,754
Crown St - Kembla St to Corrimal St				\$1,499		\$1,499
Princes Hwy; North Wollongong Station to Guest Ave					\$16,312	\$16,312
Phillips St near Ryan's Hotel Pedestrian Facility					\$4,039	\$4,039
Grand Pacific Walk - Clifton					\$50,000	\$50,000
Gipps Rd; Vickery St to Foley St, Southern side					\$675	\$675
Factory Rd, Shared User path and Footpath					\$58,867	\$58,867
Kembla St - Crown St to Stewart St					\$1,338	\$1,338
Sub total	\$10,881,445	\$1,467,970	\$1,259,808	\$180,623	\$308,734	\$14,098,580
Car parks						
Other car park projects	\$2,260,270					\$2,260,270
Berkeley Park Carpark – Off Bourke Way		\$190,000				\$190,000
Robert Ziems Park Cricket Ground Carpark			\$200,000			\$200,000
Sub total	\$2,260,270	\$190,000	\$200,000	\$0	\$0	\$2,650,270
Non-Commercial buildings						
Other Non-Commercial Building projects	\$14,055,419					\$14,055,419
New Warrawong Multipurpose Facility			\$381,606	\$859,907	\$1,109,435	\$2,350,948
Sub total	\$14,055,419	\$0	\$381,606	\$859,907	\$1,109,435	\$16,406,367
Parks, Gardens and Sports Fields						
Other Parks, Gardens and Sports Fields Projects	\$5,415,298					\$5,415,298
Brownlee Park Playground Replacement and New Shade Sail		\$50,000				\$50,000

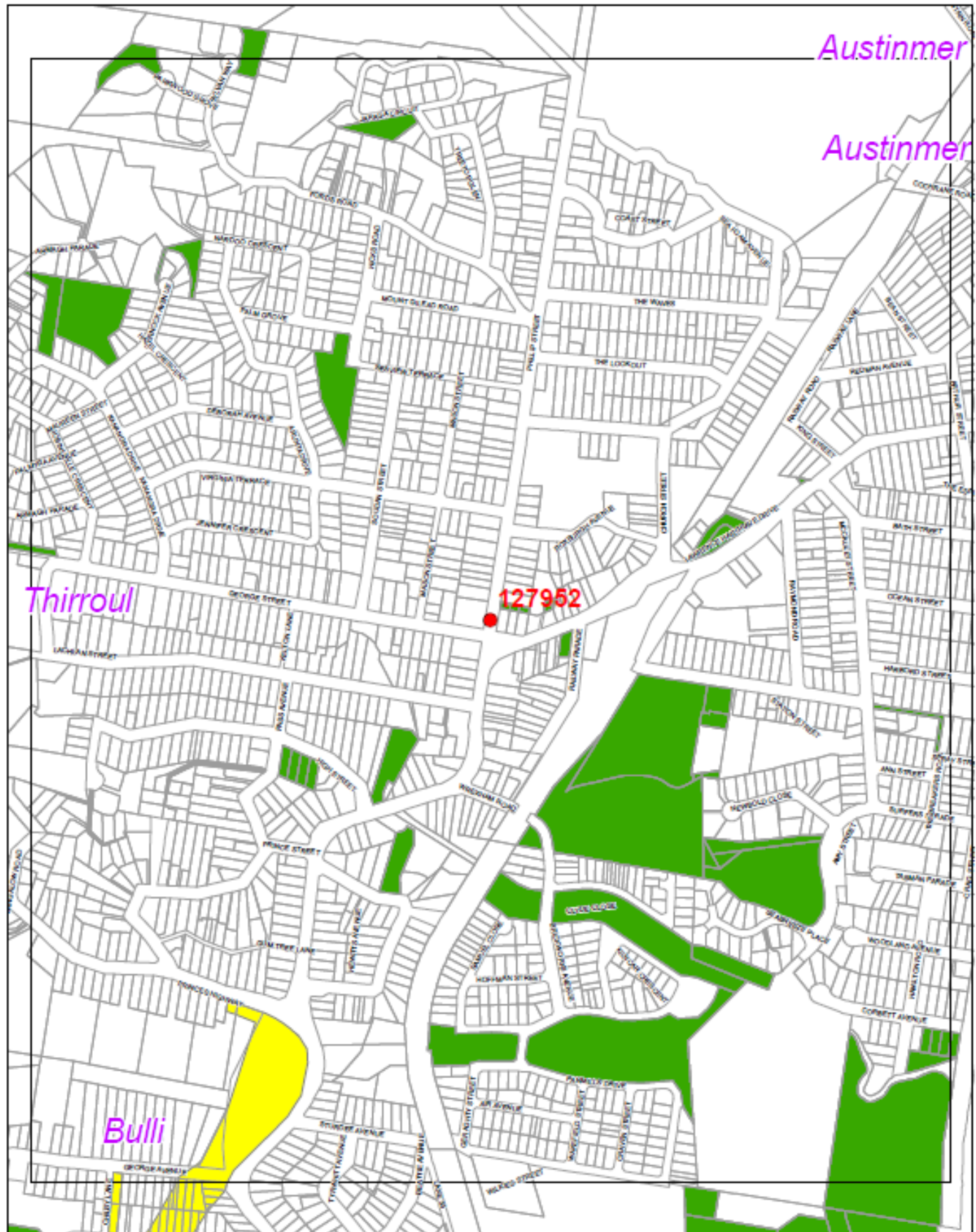
Project	Section 7.12 Actual Funding Allocations					
	2006-07 to 2018-19	2019-20	2020-21	2021-22	2022-23	Total 2006-07 to 2022-23
The Drive; LHD to Stanwell Park Tennis Courts		\$55,317				\$55,317
Farmborough Heights Community Tennis Courts		\$50,000				\$50,000
Cringila Hills Pump Track			\$30,000			\$30,000
Criterium Track			\$45,000		\$348,964	\$412,956
Lindsay Mayne Park Perimeter Control and Landscaping				\$30,000	\$213,256	\$243,256
Thomas Gibson Sports Field Lighting					\$43,128	\$43,128
Port Kembla Beach access ramp					\$386,288	\$386,288
Sub total	\$5,415,298	\$155,317	\$75,000	\$30,000	\$991,636	\$6,686,243
Land Acquisitions						
Other Land Acquisitions	\$2,201,500					\$2,201,500
Acquisition of Strip adjoining 5 Franklin Avenue, Bulli			\$1,500	\$5,838		\$7,338
Helensburgh CC+L Land Acquisition				\$3,500,000		\$3,500,000
216 Princes Highway Dapto LOT B DP156856				\$4,300		\$4,300
Acquisition of part lot 1 DP1207666 - Dapto Leagues Club				\$1,100		\$1,100
Sub total	\$2,201,500	\$0	\$1,500	\$3,511,238	\$0	\$5,714,238
Administration						
S94 Planner	\$641,326	\$103,000	\$107,498	\$110,723	\$114,045	\$1,076,592
S94 Admin Support - Finance	\$92,006	\$12,000	\$10,886	\$11,212	\$7,562	\$133,666
S94 Administration & Studies	\$452,216					\$452,216
Sub total	\$1,185,548	\$117,000	\$118,384	\$121,935	\$121,607	\$1,662,474
TOTAL	\$41,090,247	\$2,736,284	\$2,270,598	\$4,787,936	\$2,636,945	\$53,710,156

32. Schedule 6 - Works Schedule – Maps

Projects locations are noted as best as possible given their nature and scale of mapping.



	Wollongong City-Wide Development Contributions Plan 2023 INDEX MAP		Drawn By: H. Jones	
			Date: 18-07-23	
			Date of Aerial Photography: 2022	
			LUP: See84 City Wide 18-07-23 Index.mxd	
Legend				
Dwd84_City_Wide_Grid_18-07-23				
Wollongong_LGA				



Legend

- Sec94_City_Wide_Grid_19-07-23
- Community Land
- Land Reservation Acquisition LEP 2009



Drawn By: H. Jones

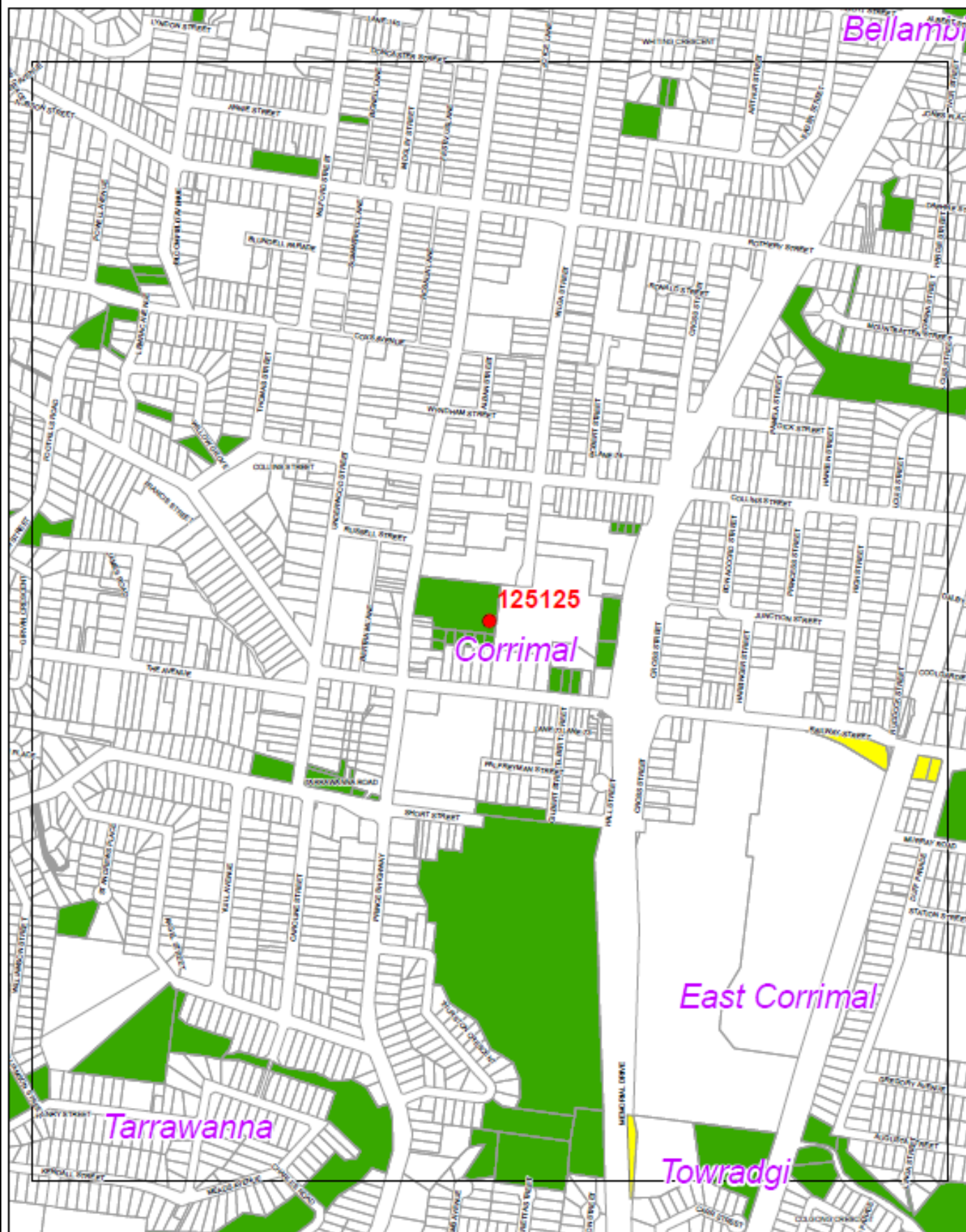
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Date of Aerial Photography: 2022

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Wollongong City-Wide Development Contributions Plan 2023

MAP 2

Legend

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- Section_7-12_Funded_Projects_19-07-23
- Community Land
- Land Reservation Acquisition LEP 2009

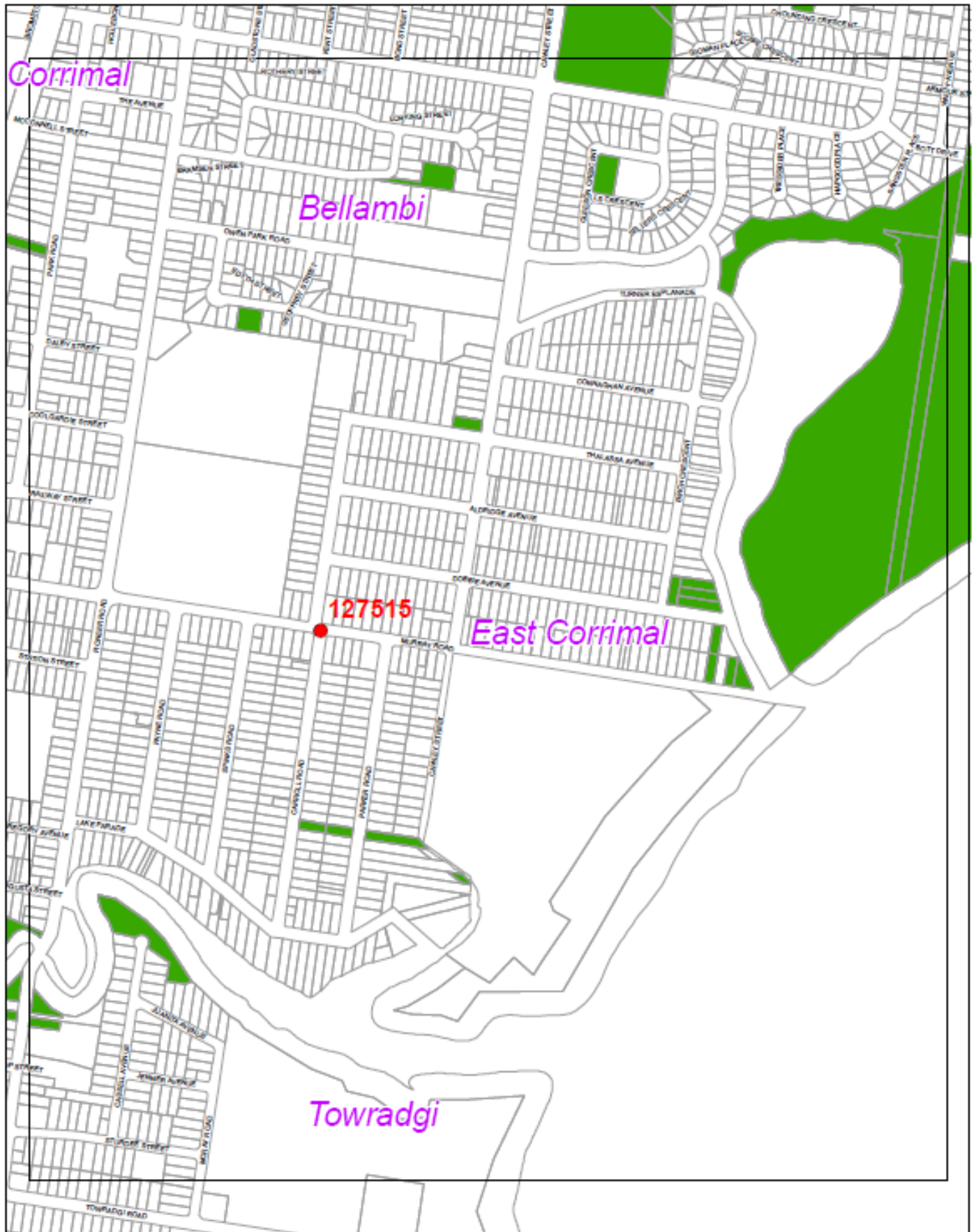



Drawn By: H. Jones
Date: 18-07-23
Date of Aerial Photography: 2022
LUP: Sec94 City Wide 19-07-23 MAPBOOK.mxd



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Meters






**Wollongong City-Wide Development
Contributions Plan 2023
MAP 3**

Legend


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- Section_7-12_Funded_Projects_19-07-23

- Community Land
- Land Reservation Acquisition LEP 2009

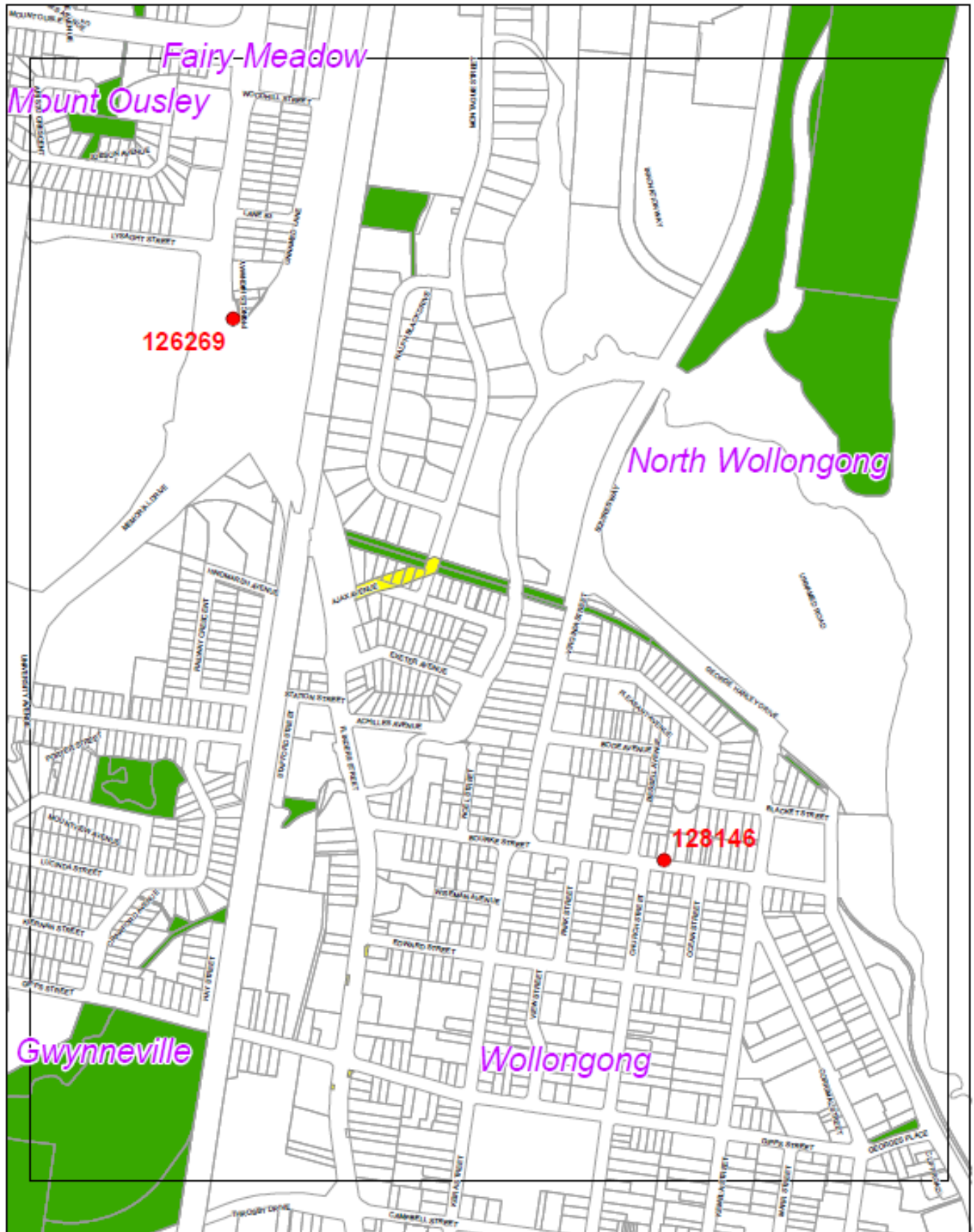


Drawn By: H. Jones
Date: 18-07-23

Date of Aerial Photography: 2022
LUP: Sec94 City Wide 19-07-23 MAPBOOK.mxd



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Meters



Wollongong City-Wide Development Contributions Plan 2023 MAP 4

Legend

- Section 4 City Wide Grid 19-07-23
- Section 7-12 Funded Projects 19-07-23
- Community Land
- Land Reservation Acquisition LEP 2009

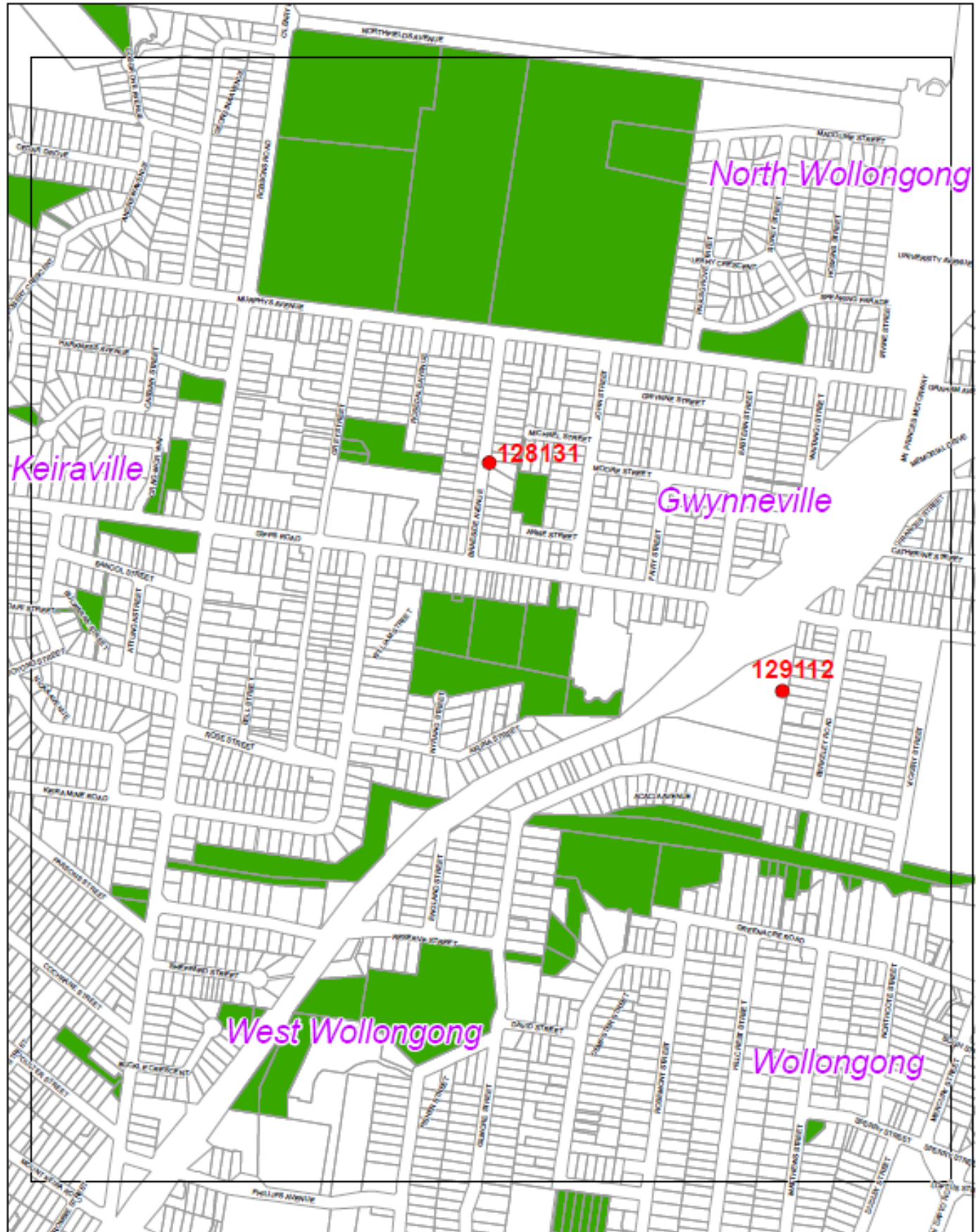


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Date: 18-07-23



Date of Aerial Photography: 2022
LUP: Sec94 City Wide 19-07-23 MAPBOOK.mxd

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Meters



Wollongong City-Wide Development Contributions Plan 2023 MAP 5

Legend

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- Section_7-12_Funded_Projects_19-07-23
- Community Land
- Land Reservation Acquisition LEP 2009



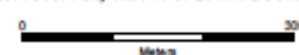
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Date: 18-07-23

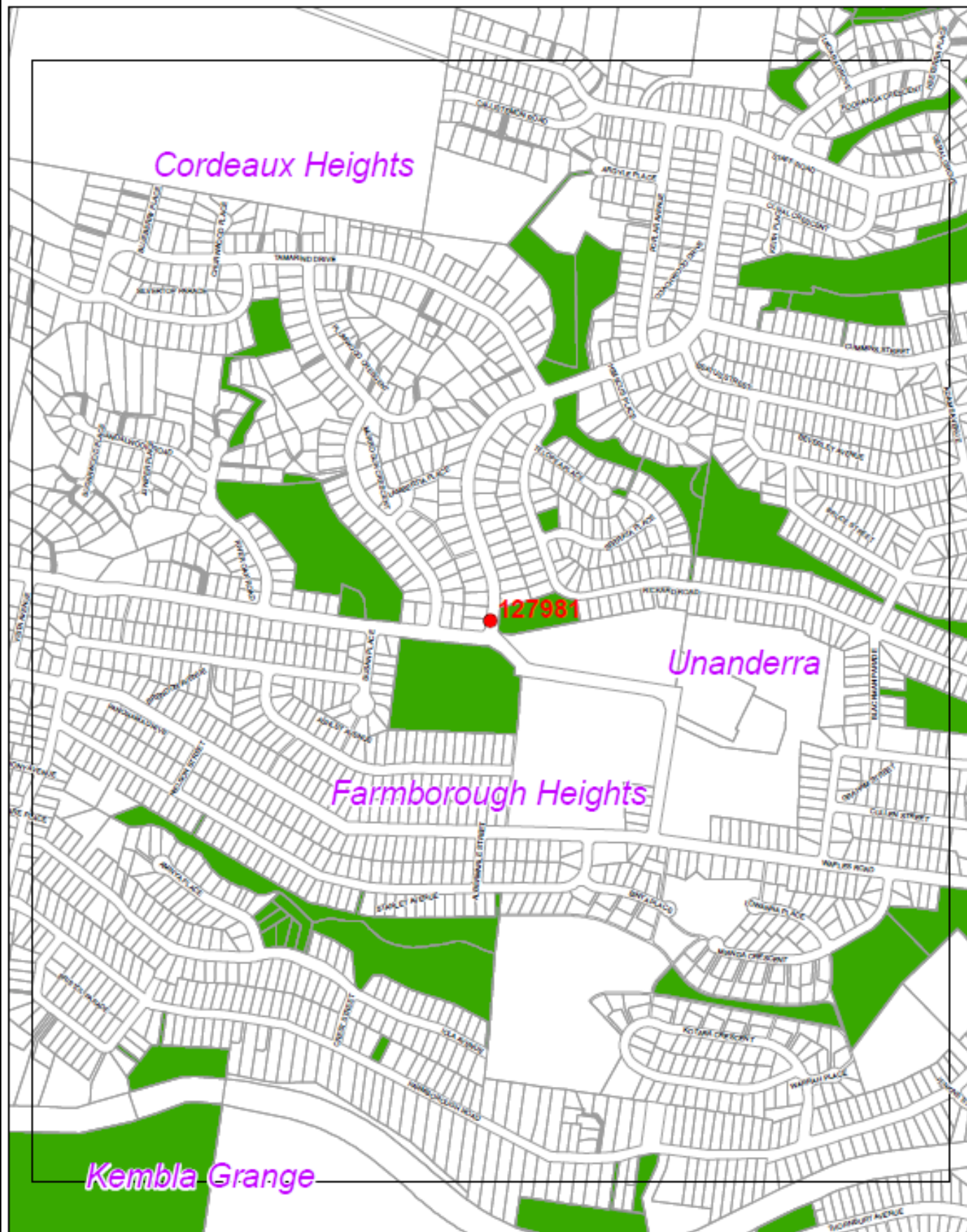


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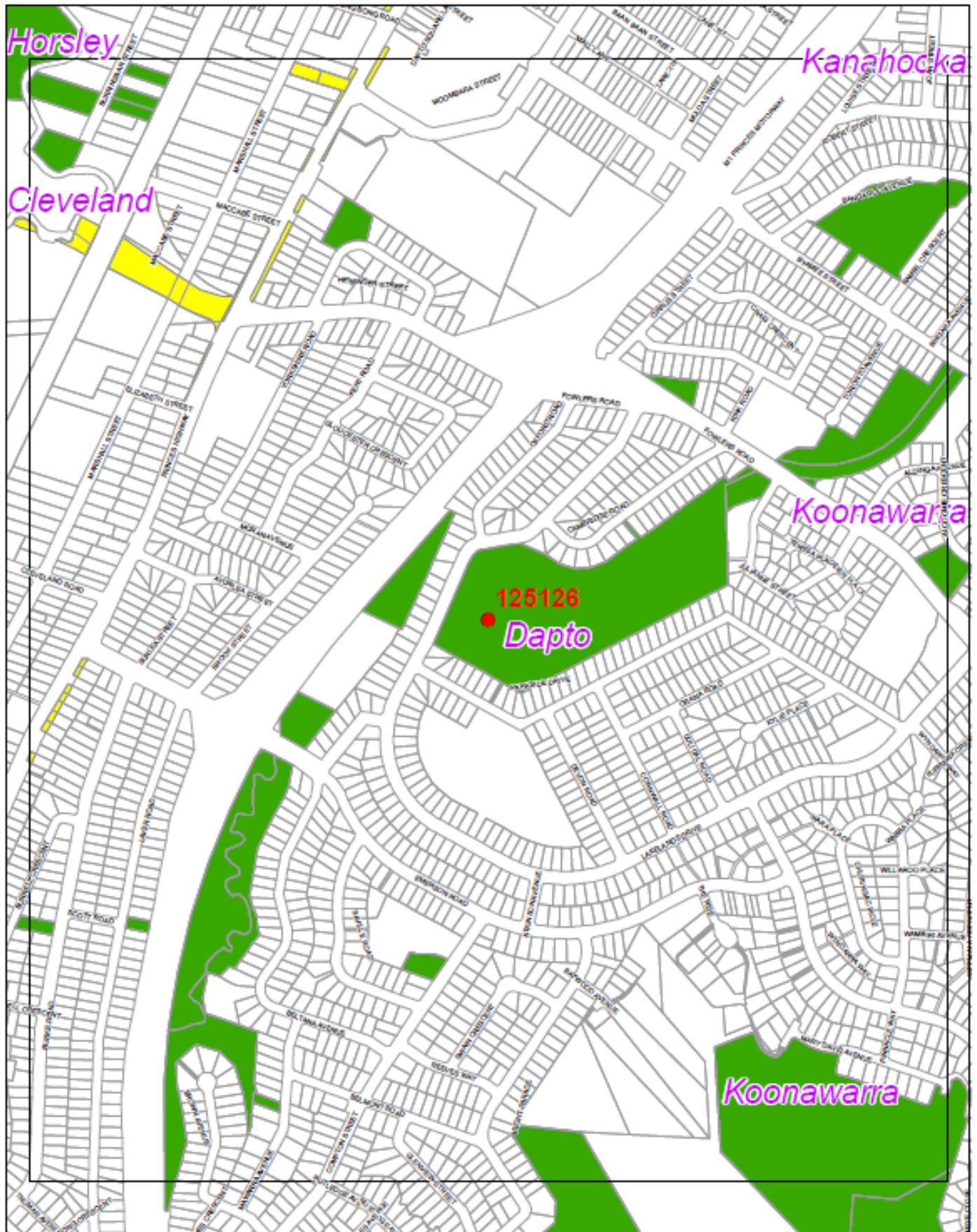
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	Wollongong City-Wide Development Contributions Plan 2023 MAP 8			Drawn By: H. Jones Date: 18-07-23	
	Legend			Date of Aerial Photography: 2022	
	Section 4, City Wide, Grid, 19-07-23 Section 7-12, Funded Projects, 19-07-23	Community Land Land Reservation Acquisition LEP 2009		LUP: Sec94 City Wide 19-07-23 MAPBOOK.mxd	
					



	Wollongong City-Wide Development Contributions Plan 2023 MAP 9			Drawn By: H. Jones Date: 18-07-23	
	Legend			Date of Aerial Photography: 2022	
	[Green Box] Sec94_City_Wide_Grid_19-07-23 [Red Dot] Section_7-12_Funded_Projects_19-07-23	[Green Box] Community Land [Yellow Box] Land Reservation Acquisition LEP 2009		LUP: Sec94 City Wide 19-07-23 MAPBOOK.mxd	
	0 300 Meters				



From the mountains to the sea, we value and protect our natural environment and will be leaders in building an educated, creative, sustainable and connected community.

We value and protect our environment

We have an innovative and sustainable economy

Wollongong is a creative, vibrant city

We are a connected and engaged community

We have a healthy community in a liveable city

We have affordable and accessible transport



Wollongong City Council
wollongong.nsw.gov.au
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