

contributions plan

No.3

section **94**

Open Space in Established
Residential Areas

CONTENTS

1	Introduction and administration of the plan	4
1.1	Name of the plan.....	4
1.2	Purpose of plan.....	4
1.3	Commencement of this plan.....	5
1.4	Principles of Section 94.....	5
1.5	Aims and objectives	5
1.6	Land to which the plan applies	6
1.7	Development to which the plan applies	8
1.8	Construction Certificates and the obligation of Accredited Certifiers.....	8
1.9	Complying Development and the obligation of Accredited Certifiers.....	8
1.10	Relationship to other plans.....	8
1.11	Monitoring and review of this plan.....	8
1.12	Timing of provision of Items	9
1.13	Pooling of funds	9
1.14	Financial information.....	9
1.15	Enquiries regarding this Plan	9
1.16	Contributions Register.....	9
2	Open space & recreation	10
2.1	Nexus	10
2.2	History of open space contributions in Blacktown.....	10
2.3	Nexus	10
2.4	Contribution catchments	12
2.5	Contribution formula.....	13
3	Details of provision and costings	14
4	Explanation of contribution formula components	15
4.1	Introduction	15
4.2	Explanation of the land components	15
4.3	Explanation of the capital components.....	15
4.4	Explanation of the administrative component	16
4.5	Indexation	16
4.6	Assumed occupancy rates	17
5	Payment of contributions	18
5.1	Methods of payment.....	18
5.2	Timing of payment	18
5.3	Credits for existing development.....	19
5.4	Indexation and review of contributions	20
5.5	Discounting of contributions	20
5.6	Deferred payment of contributions	20

LIST OF APPENDICES

APPENDIX "A" Rooty Hill/Mount Druitt Catchment	22
APPENDIX "B" Schedule of Values Used in the Contribution Formula	26
APPENDIX "C" Base Contribution Rates	26

1 Introduction and administration of the plan

1.1 Name of the plan

This Contributions Plan is called 'Section 94 Contributions Plan No.3 – Open Space in Established Residential Areas.

1.2 Purpose of plan

This Contributions Plan outlines Council's policy regarding the application of Section 94 of the Environmental Planning and Assessment Act, 1979 in relation to the provision of open space and recreation facilities for new residential development in the Established Residential Areas of the City of Blacktown.

Within the Established Residential Areas, contributions are levied for the following amenities and services:

- Land acquisition
- Playing fields
- Amenities buildings
- Car parking
- Picnic facilities
- Other associated works and embellishments
- Playgrounds
- Landscaping
- Fencing
- Lighting

This Plan has been prepared in accordance with the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000.

This plan was approved by Council on 13th October 1993 and came into force on 20th October 1993.

This plan was reviewed in May 2001, February 2003 and March 2005, November 2012, with a further review in August 2016, coming into force from 7 December 2016.

This plan originally contained three catchments:

- Catchment 1 – Blacktown
- Catchment 2 – Rooty Hill / Mount Druitt
- Catchment 3 – Riverstone / Schofields

In December 2010, Section 94 Contributions Plan No. 20 - Riverstone & Alex Avenue Precincts and in May 2015 Section Contributions Plan No. 24 - Schofields Precincts, replaced the area of Catchment 3 – Riverstone / Schofields. Additionally the area of Catchment 1 – Blacktown, was replaced by Section Contributions Plan 19 – Blacktown Growth Precinct.

Any remaining facilities in both catchments 1 and 2 were either included in the replacement plans or will be funded from contributions previously collected in contributions plan no. 3.

The Section 94 contributions contained in this Plan has been determined on the basis of a "Contribution Catchment". This is the area over which a contribution for a particular item is levied. Within each catchment there is an identifiable "list" of works, which are planned to ultimately be provided.

Council applies contribution formula to each catchment for the purpose of calculating the contribution rate applicable to that catchment. The formula takes into account the cost of works to be undertaken, the cost to Council of acquiring land on which to undertake these works and the total population of the catchment area. The total cost of providing the works is distributed over the total population of the catchment on an equitable basis.

1.3 Commencement of this plan

This Plan takes effect from the date on which public notice was published, pursuant to 31 (4) of the EPA Regulation.

1.4 Principles of Section 94

Section 94 permits Council to require persons or entities developing land to pay monetary contributions, provide capital works (works in kind), and/or dedicate land in order to help fund the increased demand for public amenities and public services (amenities and services) generated through their developments.

The three general principles in applying Section 94 contributions are:

1. A contribution must be for, or relate to, a planning purpose;
2. A contribution must fairly and reasonably relate to the subject development; and
3. The contribution must be such that a reasonable planning authority, duly applying its statutory duties, could have properly imposed.

Council may either:

- Require a contribution (or dedication of land) to fund amenities and services to be carried out in the future; or
- Require a contribution to fund amenities and services, which have already been constructed.

The latter category is referred to as retrospective funding. It should be noted that much of the open space land available for use by the general public has already been acquired.

One of the fundamental responsibilities of any Council in imposing Section 94 contributions is to ensure that the contributions levied are reasonable. That is, the works and facilities to be provided must be as a direct consequence of the development on which the contributions are levied. In keeping with this responsibility, Section 94 contributions levied on development as a result of this Plan are limited to providing amenities and services to the minimum level necessary to sustain an acceptable form of urban development.

1.5 Aims and objectives

The aims and objectives of this Plan are to:

- Ensure that Section 94 contributions levied on development within the Established Residential Areas are reasonable.
- Ensure that the method of levying Section 94 contributions is practical.
- Ensure that an appropriate level of infrastructure provision occurs within the Established Residential Areas.
- Employ a user pays policy for the funding of infrastructure within the Established Residential Areas.
- Ensure infrastructure is provided in an orderly manner.
- Make clear Council's intentions regarding the location and timing of infrastructure provision within the Established Residential Areas.

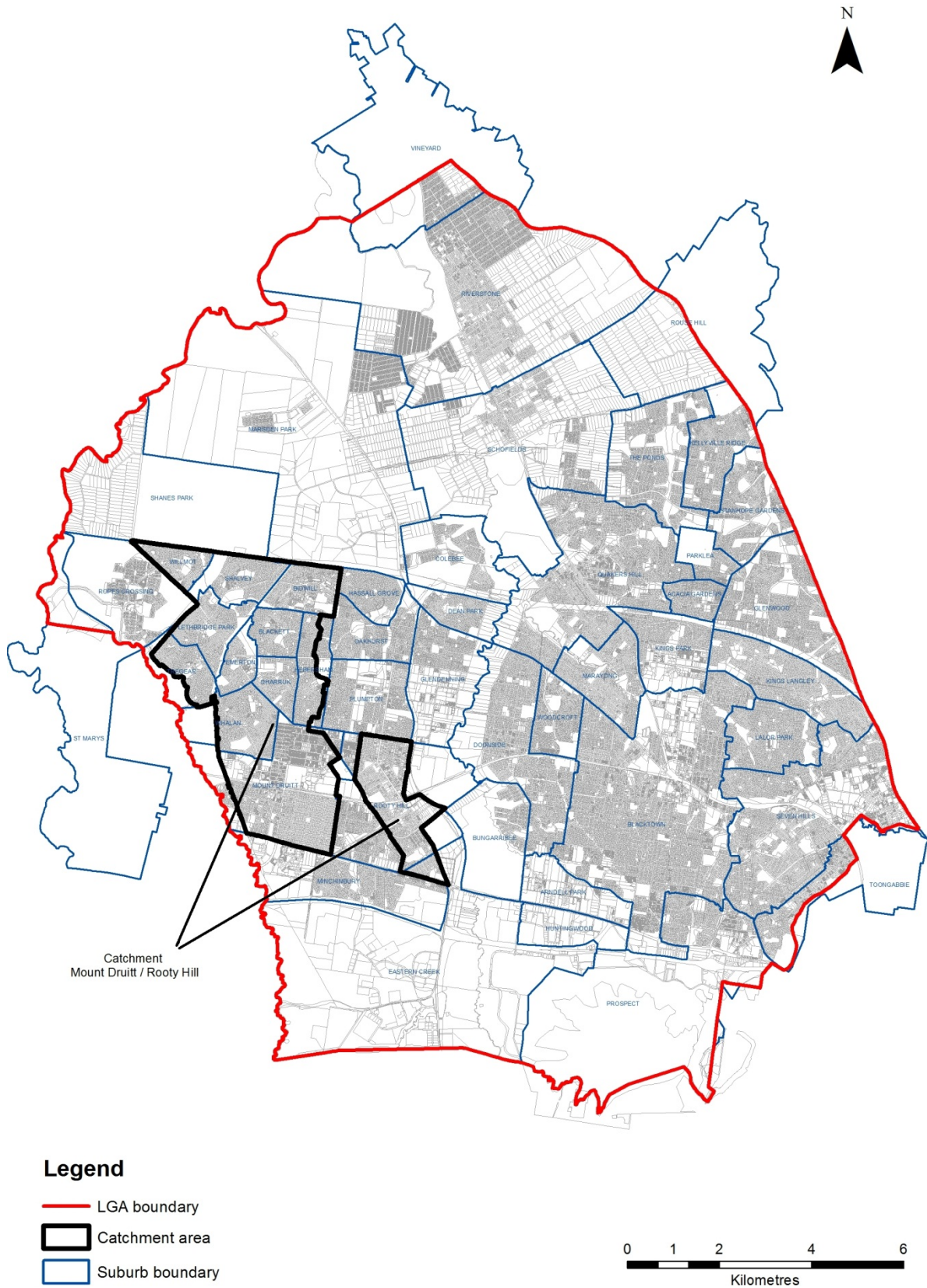
1.6 Land to which the plan applies

The land to which this Plan applies is shown on the following page.

The boundaries of the specific contribution catchments are detailed in Appendice "A"

The land to which this land applies is not subject to the Minister for Planning and Infrastructure's Section 94E Direction (Schedule 2) which took effect on 15 September 2010.

AREAS SUBJECT TO THE PLAN



1.7 Development to which the plan applies

This Plan applies to all developments occurring within the precinct catchment areas that require the submission of a development application or an application for a complying development certificate, including the intensification of use of a site involving expansion of area occupied by a development and/or the addition of population.

1.8 Construction Certificates and the obligation of Accredited Certifiers

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

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that Contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with clause 142(2) of the *EP&A Regulation*. Failure to follow this procedure may render such a certificate invalid.

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

1.9 Complying Development and the obligation of Accredited Certifiers

In accordance with S94EC(1) of the *EP&A Act*, accredited certifiers must impose a condition requiring monetary contributions in accordance with this Contributions Plan, which satisfies the following criteria.

The conditions imposed must be consistent with Council's standard Section 94 consent conditions and be strictly in accordance with this Contributions Plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the Section 94 condition correctly.

1.10 Relationship to other plans

Other planning controls apply to the Established Residential Areas. These include:

- Blacktown Local Environmental Plan 1988; and
- Blacktown Development Control Plan 1992.

In addition to these Plans, Section 94 Contributions Plans; No.2 Local Roadworks, No.4 Mount Druitt Development Area, may also affect the land subject to this Plan.

Please note that the references above relate to other Council plans. Other infrastructure providers (eg. Integral, Sydney Water, RTA) may require monetary payment for the infrastructure they provide. This list may not include all such providers and in this regard you are advised to make your own detailed enquiries.

1.11 Monitoring and review of this plan

This Plan will be subject to regular review by Council. The purpose of any review is to ensure that:

- Contribution levels reflect current land and construction costs;
- The level of provision reflects current planning and engineering practice and likely population trends; and

- Work schedules are amended if development levels and income received differ from current expectations.

Any changes to the Plan must be prepared in accordance with the Act and Regulation and placed on public exhibition for a period of 28 days. The nature of any changes proposed and the reasons for these will be clearly outlined as part of the public participation process.

Council welcomes the comments of interested persons on this Plan at any time.

1.12 Timing of provision of Items

The provision of the individual items levied for in this plan have been prioritised.

The priority of the provision of any item has been determined having regard for:

- Existing development trends. For example, the provision of parks in areas undergoing substantial redevelopment will have a higher priority than slower growing areas.
- Anticipated revenue. Council's ability to forward fund Section 94 works is limited. As such the timing of works is very much dependant on receipt of adequate S94 funds. The work schedules in the appendices of this plan have been formulated having regard for existing funds available to each of the catchment areas and projected income.

As noted in Section 1.11 above regular reviews of this plan are undertaken. Development trends are monitored and revenue estimates are revised as part of the review process. Thus the priority of works may change as a result of a review.

1.13 Pooling of funds

This Plan authorises monetary Section 94 contributions paid for different purposes to be pooled and applied progressively for those purposes. The priorities for the expenditure of pooled monetary Section 94 contributions under this Plan are the priorities for works as set out in the works schedules to this Plan.

1.14 Financial information

Included as part of Council's Annual Financial Reports is a specific note relating to S94 Contributions. This accounting record contains details of total contributions received, total contributions expended and total interest earned for each plan, and is available for inspection free of charge from Council's Corporate Finance Section.

1.15 Enquiries regarding this Plan

Enquiries in relation to this or any other contributions plan can be made either by phoning Council's Information Centre on 9839 6000 between 8.00.am and 5.30 pm Monday to Friday or by visiting the Information Centre on the Ground Floor of the Civic Centre in Flushcombe Road, Blacktown between 8.00 am to 5.30 pm Monday to Friday.

1.16 Contributions Register

A copy of the Contributions Register is also available for inspection free of charge at this counter. As this register is on Council's mainframe computer and spans many years, persons wishing to view the whole register (rather than details in relation to a particular property) will need to contact Council's Section 94 Officer or Co-ordinator Contributions in advance to ensure suitable arrangements can be made to view this information.

2 Open space & recreation

2.1 Nexus

The provision of active and passive open space benefits the community in a number of ways. Open space provides the venue for many cultural and social activities and the various types of open space facilities typically provided by Local Councils cater for the differing needs of most members of the community. In addition, open spaces aesthetically enhance the amenity of urban areas and provide "breathing spaces" within the built environment. As it is generally accepted that every person generates a need for some form of open space, the provision of adequate open space is expected by the community and has always been an integral component of urban planning.

In N.S.W. the provision and maintenance of open space in urban areas has largely been the responsibility of Local Government. Blacktown Council currently has over 450 parks (of varying sizes) in its Established Residential Areas.

2.2 History of open space contributions in Blacktown

Residential development has been occurring in the Established Residential Areas of Blacktown for over 150 years. However, the bulk of development has taken place since the 1950s. The post World War II period saw the nature of Blacktown change from a rural shire to a fringe residential area of the Sydney Metropolitan area. Most of the Established Residential Areas have already been developed. There is, however, scope for new development through redevelopment of existing sites at a higher density and infill subdivision of larger existing allotments.

Council, in the past, has sought from developers the dedication of land or contributions to purchase land for open space to meet the needs of new residents. Prior to the EP&A Act, land acquisitions were effected under the Local Government Act, 1919. Upon the introduction of the EP&A Act Council charged a contribution for open space land under Section 94. The amount of land required to be dedicated was 2.83 ha per 1000 people (28.3sq.m. per person), based on the then accepted planning standard. The contribution amount was based on land values in a particular locality. Recently contribution amounts have been based on the actual costs incurred by Council when it acquires land. Thus legal and valuation fees are included.

Amendments to Section 94 of the EP&A Act in 1993, introduced additional regulations requiring Section 94 Plans to be put in place and the publication of Outdoor Recreation and Open Space Guidelines by the Department of Infrastructure Planning and Natural Resources. This led Council to review its method of levying for open space contributions in the established areas in 1993.

2.3 Nexus

Determining what to provide

In new release areas it is relatively easy to determine the open space requirements of the incoming population. The existing population is usually not large enough to constitute a threshold for the provision of many open space amenities or services. Thus all open space planning is usually undertaken to accommodate the proposed incoming population of the area.

In established areas it is difficult to determine to what extent the new population requires additional facilities. Under previous methods of open space planning it was generally assumed that an increased population arising from additional residential developments resulted in an increased demand for open space and recreation facilities. Each person was assumed to generate a demand for 28.3 sq.m. of open space. Thus for each application generating additional population the dedication of 28.3 sq.m/person of land was required. However, the methodology of open space planning (endorsed by the Department of Planning and Infrastructure in its publication "Outdoor Recreation and Open Space:

Planning Guidelines for Local Government") emphasises the quality of open space land rather than the quantity.

Each person is now assumed to generate a demand for "quality" open space and no particular amount of land is specified. The best way of ascertaining the quality of open space that the Blacktown community expects is to undertake an open space and recreational needs assessment. Regular reviews of such an assessment should ensure that any changes in the open space and recreational needs of the population are met.

Open space strategy

Council, prior to the preparation of the 1993 version, commissioned a study of open space in its Established Residential Areas. This Study is known as the Blacktown Open Space and Recreation Strategy. This Study is available for viewing or copies may be purchased from Council's Information Centre on the Ground Floor of the Civic Centre (Costs as per Council's Goods and Services Pricing Schedule).

The methodology adopted in this Study to assess the adequacy of open space departs from the traditional (now outdated) quantitative approach to open space planning. This study had a qualitative emphasis and of necessity is comprehensive in that it plans for the entire established areas. It does not delineate between existing development and additional development. A number of techniques were used to determine the demand and supply aspects of open space and recreation including:

- Telephone surveys of the general community.
- Community meetings with sporting bodies.
- Advertising for submissions from the general community.
- Demographic analysis.
- Indicative provision levels (these standards were used to determine the provision of open space amenities and services in the Parklea Release Area and thus provided a relevant comparison in order to determine appropriate levels of provision of amenities and services in the Established Residential Areas).

Supply measurement techniques included the following:

- Analysis of park sizes.
- Analysis of park settings (aesthetic qualities).

Analysis occurred on the basis of current population levels and likely future population levels.

Strategy recommendations

The Study resulted in the following conclusions and recommendations relevant to the future provision of open space:

- Generally there was sufficient open space land to satisfy current and future needs.
- Purchase of additional open space would be restricted to existing committed parcels and some selected sites containing bushland. The additional bushland sites were necessary to satisfy the high level of demand for this type of amenity.

- There was a high level of demand for cycleways and trails. To satisfy this need the connection of open space areas is proposed.
- The level of embellishment could be improved in certain areas, especially playgrounds and informal recreation areas. Thus, specific parks have been targeted for improvement.

Organised sporting facilities were generally well provided. An exception to this was baseball fields. Accordingly, additional facilities are proposed by the strategy.

The recommendations contained in the Study have been reviewed by Council and form the basis of this Plan. A significant difference, however, is that the Study recommends the provision of certain types of open space infrastructure that Council does not consider to be baseline. Accordingly, only those recommendations dealing with baseline items have been included in this CP.

Also as a result of the new methodology of levying contributions over the entire population, it has become necessary to substantially reduce the level of proposed embellishment in order to accord with Council's financial capabilities.

Although the majority of items identified in the strategy cannot be provided through a Section 94 scheme, this does not mean that they will never be provided. Other funding may become available to Council.

For this reason the Schedules in this Plan distinguish between works required in parks forming part of the linear pathway network and those required in other individual parks. Thus those embellishment works occurring in parks, which form part of the linear pathway system, are still classified as linear pathway works in the schedules even though the construction of the 2.5m wide linear pathways (considered not to be baseline facilities) have been deleted.

The location and identification of open space and recreation facilities is contained in Appendices "A" to "B".

2.4 Contribution catchments

There is one open space contribution catchment. This catchment include all residentially zoned land released for urban development prior to 1980.

The 2001 ABS Census indicates that the current population of Mount Druitt/Rooty Hill catchment was about 61,700 people.

Maps showing the individual contribution catchments are contained in Appendices "A".

In order to determine the actual Open Space provision levels and, ultimately, the contribution rate, the potential population of each of the open space contribution catchments has been calculated. The potential population is the number of people that the cost of providing the open space has been distributed over and is explained further in section 4.4. The potential population of each open space contribution catchment is stated in Appendix "B".

2.5 Contribution formula

The following formula is used to calculate the contribution rate for Open Space:

$$\text{CONTRIBUTION RATE} = \frac{(\text{L1} + \text{L2} + \text{C1} + \text{C2})}{\text{P}} + \text{B}$$

(\$/PERSON)

- WHERE:
- L1 = The actual cost to Council to date of land acquired for open space purposes adjusted to current day values.
 - L2 = The estimated cost of land yet to be acquired for open space purposes.
 - C1 = The actual cost to Council to date of open space embellishments adjusted to current day.
 - C2 = The estimated cost of future open space embellishments.
 - P = The estimated eventual population in each of the catchments at the end of 15 years.
 - B = The administrative component. This is 2% of the total cost of providing the open space.

A more detailed explanation of the components in the contribution formula is provided in section 4.

A schedule of works for the contribution catchment is provided in Appendices "A" together with a map of the catchment indicating the location of the works.

The values of the components of the contribution formula are contained in the Schedule at Appendix "B".

The resultant contribution rates are contained in the Schedule being Appendix "C".

3 Details of provision and costings

Schedules that provide details of the open space items that are proposed to be provided are detailed in Appendices A.

The schedules outline:

- The specific nature & location of the service/amenity;
- Cost estimates (works and land); and

As development proceeds in each catchment area the schedules will be amended to show those costs incurred by Council (i.e. land purchased, work commenced or completed) as well as those yet to be incurred (i.e. land to be purchased, works not yet commenced).

The basic principles upon which timing of provision has been decided are:

- The amount of existing and imminently proposed development in an area; and
- Likely cash flows generated from contributions on an annual basis in order to determine funding availability.

The timings contained in the schedules are indicative only. Provision of the amenities and services is dependent on the actual location and rate of development within each catchment. Monitoring will occur on a regular basis over the life of the Plan to ensure that the timing of works is consistent with development trends.

4 Explanation of contribution formula components

4.1 Introduction

This section provides an explanation of the various components of the contribution formula detailed in section 2.

4.2 Explanation of the land components

Before Council can construct amenities and services it must first acquire the land on which the amenities and services are to be constructed. The land to be acquired is often zoned for the specific purpose of the works to be constructed. For example, in the case of open space, the land to be acquired will be zoned 6(a) Open Space.

In the contribution formula:

- L1 - Represents land that has previously been acquired by Council for the purpose of providing the particular works. This amount reflects the actual cost to Council of acquiring these parcels (including valuation and conveyancing charges), indexed to current day \$ values using the IPD to June 1998 and thereafter the CPI.
- L2 - Represents the estimated average cost to Council of acquiring those lands required for the purpose of providing works. As this figure is an estimated average total cost of acquisition, the amount adopted does not necessarily reflect the value of any individual property. Each parcel of land to be acquired is subject to detailed valuation at the time of its acquisition. This figure is supplied by Council's Valuer and takes into account the following matters:
 - Any acquisition is in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 and land is to be acquired for an amount not less than its market value (unaffected by the proposal) at the date of acquisition.
 - That one of Council's objectives is to ensure that the funds Council receives for land acquisition from Section 94 Contributions in a particular catchment is equivalent to the amount required to fund the purchase of all the land Council must acquire in that catchment. Therefore, valuation and conveyancing charges incurred by Council when acquiring land are taken into account.

Council has calculated the total value of L1 and L2 in the contribution formula. These values are detailed in Appendix "B".

4.3 Explanation of the capital components

Schedules of works to be provided for the various items are detailed in Appendices "A" together with maps of each catchment showing the location of the works.

In the contribution formula:

- C1 - Represents the actual cost to Council of constructing works already provided in the catchment indexed to current day values using the IPD to June 1998 and thereafter the CPI.
- C2 - Represents the estimated cost to Council of constructing works, which have yet to be provided in the catchment and are based on the most detailed designs that were available at the time of preparing the estimates.

4.4 Explanation of the administrative component

The administration of Section 94 is an expensive task. Council employs a number of staff that work full-time on planning, designing and constructing works to be funded from Section 94 contributions. In addition, consultant studies are often commissioned in order to determine design and costings of Section 94 funded works. These may require revision on a regular basis.

Council considers that the costs involved with administering Section 94 are an integral and essential component of the efficient provision of open space land and facilities in the Established Residential Areas of the City. Therefore, some of the costs of full-time staff and studies should be recouped from Section 94 contributions.

"B" in the contribution formula represents the administrative component. It represents 2% of the cost of acquiring land and constructing works. Council considers that this small on-cost to recover part of the costs involved in administering Section 94 is reasonable.

4.5 Indexation

In the formula, previous land acquisition (L1) and capital expenditure (C1) are indexed to current day values using the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings (IPD). This index was published by the Australian Bureau of Statistics in its publication "Australian National Accounts - National Income and Expenditure" on a quarterly basis. Publication of this index ceased in June 1998. As such from June 1998 indexation of contributions shall be undertaken using the Consumer Price Index - Sydney - Housing (CPI).

The reason for indexing past expenditure is that every developer pays for a small proportion of the cost of providing each individual item identified in the Plan. This means that if / when items are constructed prior to all contributions within a catchment being collected, then "borrowing" (between items) occurs. If retrospective contributions are not indexed this "borrowing" will have occurred without any interest having been paid. This will result in a shortfall of funds when future items are constructed using the "paid back" contributions. What indexing effectively does is to make up the lost interest on the funds, which have been borrowed between individual items.

The CPI is one of the indices recommended for use by the Department of Planning and Infrastructure.

4.6 Assumed occupancy rates

For the purpose of calculating the open space contributions, occupancy rates have been determined for different types of development. These are as follows:

Dwelling houses	3.5 Persons / Dwelling
Dual Occupancy	
1 Bedroom	1.8 Persons / Dwelling
2 Bedroom	2.5 Persons / Dwelling
3+ Bedroom	3.5 Persons / Dwelling
Integrated Housing	
1 Bedroom	1.8 Persons / Dwelling
2 Bedroom	2.5 Persons / Dwelling
3+ Bedroom	3.5 Persons / Dwelling
Medium density Housing *	
1 Bedroom Dwelling	1.8 Persons / Dwelling
2 Bedroom Dwelling	2.5 Persons / Dwelling
3 Bedroom Dwelling	3.3 Persons / Dwelling

* Residential Flat Buildings / Mixed Residential Development also apply the same rate.

Note: A bedroom is a room designed or intended for use as a bedroom or any room capable of being adapted to or used as a separate bedroom.

5 Payment of contributions

5.1 Methods of payment

There are 3 possible methods of payment of Section 94 Contributions - monetary contribution, dedication of land and works-in-kind agreements.

Monetary contribution

This is the usual method of payment. When a development consent is issued that involves the payment of a Section 94 contribution, it contains a condition outlining the amount payable in monetary terms subject to indexation by the CPI. See section 4.6 for more details on indexation.

Dedication of land

Where appropriate Council will permit the dedication of land to offset the monetary contribution payable. The land that is to be provided must be in accordance with the zonings indicated on Council's planning instruments for the area. The assessment of the suitability of land for dedication occurs at the Development or Subdivision Application stage.

If consent is issued for a development and further consultation with Council has revealed that Council wishes to acquire publicly zoned land situated within this development the applicant needs to negotiate the value of the land proposed to be dedicated with Council. Upon agreement being formally reached as to the land's value, Council will offset the value of the land against the monetary contribution payable.

It should be noted that Council will not release the final (lined) plan of subdivision which creates the land to be dedicated until a contract for the sale of the land (which confirms the purchase price/amount of compensation) has been entered into.

Works-in-kind agreements

Council may accept the construction of works listed in the schedules to this Plan to offset the monetary contribution payable. The applicant will need to initiate this option by providing Council with full details of the work proposed to be undertaken. Council will then consider the request and advise the applicant accordingly.

The applicant will need to provide Council with suitable financial guarantees (normally by way of a Bank Guarantee) for 1.25 times the amount of the works in addition to a maintenance allowance and any GST amounts applicable. Upon completion of the works to Council's satisfaction Council will discharge the guarantee.

Approval of any Works-In-Kind is conditional upon the developer paying all Council's legal costs incurred in the preparation of the Works-In-Kind (Deed of) Agreement. Cost estimates for works include a component for supervision (equivalent to 3% of the cost of the works being undertaken). Where Works-In-Kind are undertaken Council requires that the supervision fee be in the form of a cash payment. Thus this particular part of the cost of the works is included as an offset against contributions.

5.2 Timing of payment

Council's policy regarding the timing of payment of Section 94 contributions is as follows:

Approved under the EP & A Act as it existed pre July 1998 -

- Development Applications involving subdivisions

Prior to the release of the "linen plan" of subdivision.

- Development Applications involving building work -

Prior to release of the Building Permit.

Note: Applications for combined building and subdivision approval are required to pay contributions upon whichever of these events occurs first.

- Development Applications where no building approval is required -

Prior to occupation.

Approved under the EP & A Act as amended on July 1 1998 -

- Development Applications involving subdivisions

Prior to release of the Subdivision Certificate

- Development Applications involving building work

Prior to release of Building Construction Certificate or installation approval for a manufactured / relocatable / moveable dwelling or building under Section 68 of the Local Government Act 1993 (as applicable).

- Development Applications where no building approval is required -

Prior to occupation or use of the development.

- Development Applications for subdivisions -

Prior to the release of the "linen plan" of subdivision.

Note: Applications for combined building and subdivision approval are required to pay contributions upon whichever of these events occurs first.

5.3 Credits for existing development

As Section 94 contributions can only be levied where development will result in increased demand, contributions are not sought in relation to demand for urban facilities generated by existing authorised development. Thus 'credits' are granted in relation to urban demand generated by existing authorised development.

- A credit of 450m² and 3.5 persons is applied for existing authorised dwellings that are to be demolished in residential zones.
- In other instances a credit relating to the actual area occupied and retained for use by the existing development is generally applied. The credit granted is determined having regard for the individual circumstances.
- The area occupied is determined having regard to both the current and previous applications, aerial photos, the area occupied by existing authorised buildings and authorised activities on site.
- Residue lots are not levied until they are further developed. In residential zones Council places an 88B restriction on residue lots to deny any further development of the lot until it is further subdivided, consolidated or has a separate development

application approval. Contributions are levied upon further subdivision, consolidation or separate development approval.

5.4 Indexation and review of contributions

Contribution rates are indexed quarterly in accordance with the Consumer Price Index - Sydney - Housing (CPI). See also section 4.6.

The method of indexing the contribution rates is to multiply the base contribution rate by the most recently published CPI at the time of payment and divide it by the **December 2015 CPI (115.4)**. At all times the contributions payable will not fall below the base rates listed at Appendix E.

5.5 Discounting of contributions

Council does not discount contributions both for equity and financial reasons. As it would be inequitable to recoup a discount from remaining development, discounting would result in a shortfall in the contributions received. Discounting would also compromise Council's ability to provide the facilities and would place an additional burden on existing residents to subsidise new development.

5.6 Deferred payment of contributions

Council has a policy for the deferred payment of Section 94 contributions as follows:

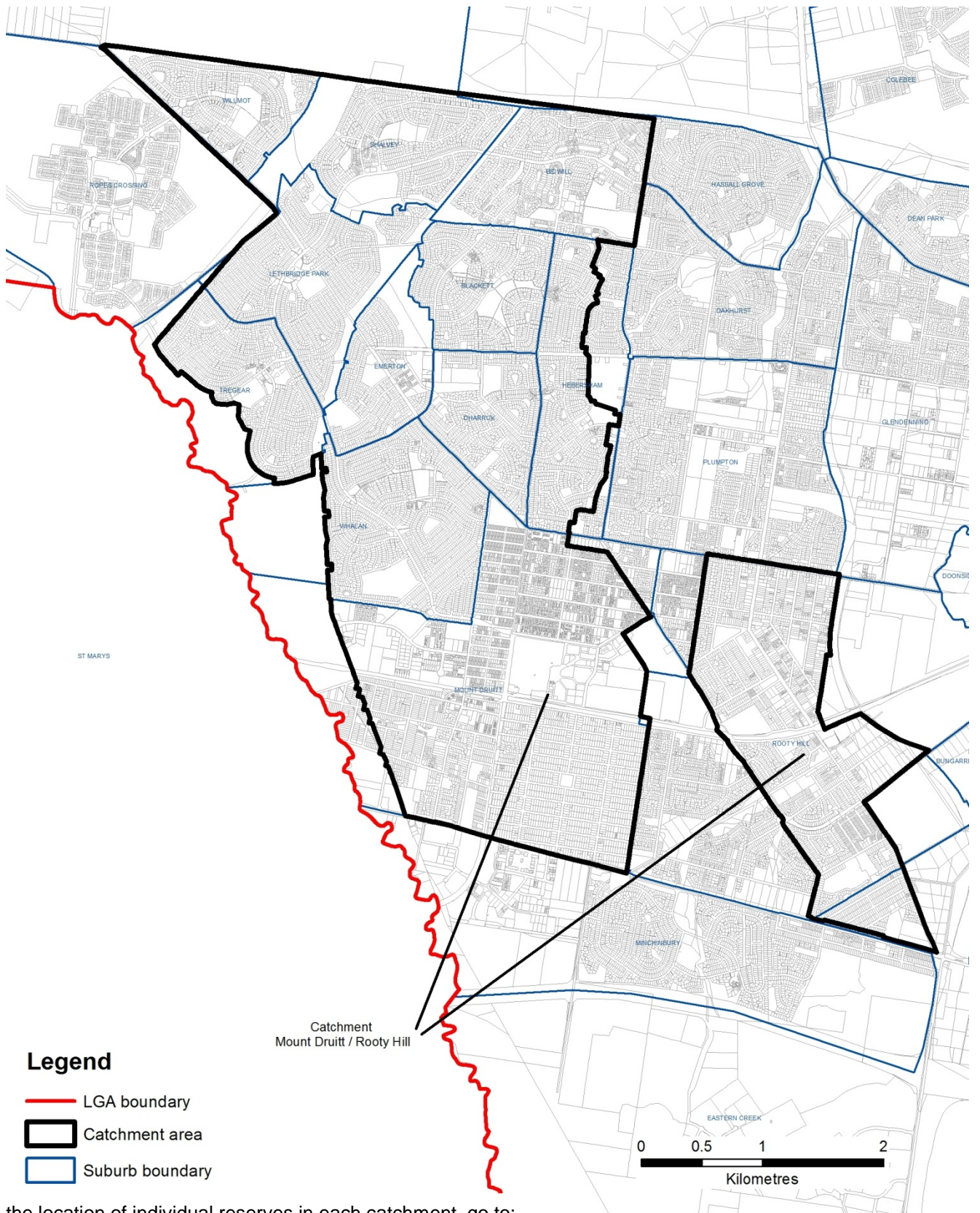
- An applicant requesting deferred payment needs to apply in writing to Council. All requests are considered on their merits having regard for (but not exclusively) the type of work for which the contribution is sought, the rate of development occurring within the area and the impending need to construct the works for which Section 94 Contributions are being levied.
- Where deferred payment is approved by Council the period of time for deferring payment will generally be limited to 12 months.
- If Council approves of the request for deferred payment it is conditional upon the applicant providing a suitable Bank Guarantee and Deed of Agreement.
- Interest is charged on deferred contributions. Council also charges an administrative fee for deferred payment. The interest rate and administrative fee levied for deferred payment of contributions are reviewed annually and appear on Council's Schedule of Fees. A copy of this Schedule is available from Council's Development Services Unit.
- The amount of the Bank Guarantee shall be the sum of the amount of contributions outstanding at the time of deferring payment plus the "interest" over the time of deferred payment. This amount will also represent the amount payable at the end of the deferred payment period.
- The Deed of Agreement is to be prepared by one of Council's Solicitors at full cost to the applicant. In this regard the applicant is to pay Council's Solicitor's costs direct to the Solicitor and not through Council.
- Should contributions not be paid by the due date the Bank Guarantee will be called up by Council.

Council has a separate deferral policy specifically for dual occupancies, which are to be occupied by elderly and/or disabled persons (i.e. the traditional granny flats).

Enquiries regarding deferred payment can be made to the Town Planner/Engineer dealing with the relevant application.

APPENDIX A 1

Catchment Map
Rooty Hill / Mount Druitt



To find the location of individual reserves in each catchment, go to:
http://www.blacktown.nsw.gov.au/Discover_Blacktown/Maps_Online

APPENDIX A 2
**SCHEDULE OF WORKS – PARK EMBELLISHMENT
OPEN SPACE CATCHMENT NO. 2 – ROOTY HILL / MOUNT DRUITT**

RESERVE NUMBER	NAME / ADDRESS	WORKS DESCRIPTION	COMPLETED COST INDEXED TO DEC 2015	ESTIMATED COST 2016 TO 2020	Total
	Olympic Centre	New baseball facility	\$275,692		\$275,692
BLACKETT					
338	Manifold Rd	Reserve improvements	\$73,313		\$73,313
362	Casey Reserve	Reserve embellishments	\$86,144		\$86,144
BIDWILL					
342	Luxford Rd	Add. Playground equipment	\$58,882		\$58,882
487	Bidwill Reserve	Reserve improvements	\$69,285		\$69,285
497	Acacia Tce	New playground equipment	\$66,115		\$66,115
DHARRUK					
370	Wyanda Reserve	Add. Playground equipment	\$9,429		\$9,429
		Reserve improvements	\$230,951		\$230,951
EASTERN CREEK					
11	Cor Brouwer Reserve	Reserve improvements	\$227,154		\$227,154
375	Cawarra St	Add playground equipment	\$61,462		\$61,462
EMERTON					
248	Popondetta Park	New playground equipment (x2)	\$164,437		\$164,437
		Reserve improvements (stage 1)	\$604,954		\$604,954
		Reserve improvements (stage 4)	\$584,208		\$584,208
575	Gumnut Reserve	Add playground equipment	\$77,998		\$77,998
HERBERSHAM					
268	Heber Park	Reserve Embellishments (stage 1)	\$240,314		\$240,314
		Reserve embellishments (stage 2)	\$232,589		\$232,589
330	Merrina St	Add. Playground equipment	\$48,429		\$48,429
361	Stevenage Rd	Add. Playground equipment	\$66,221		\$66,221
LETHBRIDGE PARK					
265	Midway Park	Add playground equipment	\$76,270		\$76,270
355	Nauru Cres	Add playground equipment	\$61,593		\$61,593
MOUNT DRUITT					
4	Mt Druitt Park	Add. Playground equipment	\$73,956		\$73,956
		Reserve improvements	\$455,119		\$455,119
6	Rupertswood Park	Add. Playground equipment	\$131,910		\$131,910
271	Dr Charles McKay Reserve	Reserve embellishments	\$136,866		\$136,866
350	GWH	Reserve improvements	\$49,838		\$49,838
381	Durham St	Reserve embellishments	\$270,443		\$270,443
396	RAAF Memorial Park	Reserve improvements	\$535,186		\$535,186
468	Meacher St	New playground equipment (x2)	\$69,320		\$69,320
470	Luke Park	Add. Playground equipment	\$67,490		\$67,490
728	The Avenue	New Playground Equipment	\$112,396		\$112,396
ROOTY HILL					
8	Kimberly Park	Add playground equipment	\$72,480		\$72,480
		Reserve improvements	\$180,013		\$180,013
9	Harry Dennison Park	Add playground equipment	\$130,816		\$130,816
138	Rooty Hill Central Park	Add playground equipment	\$95,641		\$95,641
255	Albert Parade	Add playground equipment	\$90,618		\$90,618
SHALVEY					
432	Tandarra Reserve	Add. Playground equipment	\$213,876		\$213,876
		Reserve improvements	\$68,247		\$68,247
TREGEAR					
218	Tregear Reserve	Reserve embellishments & Amenities (stage1)	\$108,331		\$108,331
		Reserve embellishments & Amenities (stage2)	\$315,295		\$315,295
243	Peterson Park	Add. Playground equipment	\$67,454		\$67,454
WHALAN					
163	Whalan Reserve	Reserve embellishments & Amenities (stage1)	\$195,515		\$195,515
		Reserve embellishments & Amenities (stage2)	\$551,985		\$551,985
		Reserve improvements- Lighting	\$99,901	\$684,000	\$783,901
222	Luxford Gardens	Add. Playground equipment	\$64,293		\$64,293
250	Bloxham Park	Add. Playground equipment	\$85,565		\$85,565
416	Salamara Rd	Add. Playground equipment	\$130,890		\$130,890
WILLMOT					
356	Peter Van Hassalt Reserve	Reserve improvements (stage 1)	\$357,422		\$357,422
		Reserve improvements & Amenities (stage 2)	\$501,299		\$501,299
397	Van Dieman Avenue	Add. Playground equipment	\$66,344		\$66,344
428	Hartog Avenue	Add. Playground equipment	\$40,373		\$40,373
429	Willmot Reserve	Reserve improvements	\$204,365		\$204,365
OTHER					
Various Reserves Embellished Pre 1993			\$24,816,321		\$24,816,321
TOTAL			\$33,675,008	\$684,000	\$34,359,008

APPENDIX A 3

**SCHEDULE OF WORKS – LINEAR PATHWAY EMBELLISHMENT
OPEN SPACE CATCHMENT NO. 2 – ROOTY HILL / MOUNT DRUITT**

RESERVE NUMBER	NAME / ADDRESS	COMPLETED COST INDEXED TO DEC 2015	ESTIMATED COST 2016 TO 2020	Total
Palau Cres Shalvey to Manifold Rd Blackett				
356, 328, 310, 338	Add playground equipment	\$94,872		\$94,872
Popendetta Rd Blackett to Carlise Ave / Jersey Rd Blackett				
307, 357, 358, 359, 362, 363, 364, 365, 366, 367, 372, 402, 403	Add. Playground equipment	\$93,420		\$93,420
TOTAL		\$188,292	\$0	\$188,292

APPENDIX B

SCHEDULE OF VALUES IN THE CONTRIBUTION FORMULAE

CATCHMENT	Size of Catchment Potential Population (P)	Land Acquired L1 Indexed to December 2015 (\$)	Yet to Acquire L2 (\$)	Items Constructed Indexed to December 2015 (\$)	Yet to Construct C2 (\$)	L1+L2+C1+C2 (\$)
Rooty Hill / Mt Druitt	65,715	\$68,893,370	\$110,000	\$33,863,300	\$684,000	\$103,550,670

APPENDIX C

BASE CONTRIBUTION RATES

(Base CPI December 2015 -115.4)

CATCHMENT	CONTRIBUTION RATE Includes 2% administration component (B) PER PERSON
Rooty Hill / Mt Druitt	\$1,607

INDEXATION METHOD

The method of indexing the base contribution rate is to multiply the most recently published CPI at the time of payment and divide it by the December 2015 CPI. At all times the contributions payable will not fall below the base rates listed in the table.