

Woollahra Section 7.12 Development Contributions Plan 2022

(Amendment No. 3) 27 June 2025

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1. Introduction

Section 7.12 of the *Environmental Planning and Assessment Act 1979* (the Act) authorises the consent authority to impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage of the proposed cost of carry out the development.

For the consent authority to impose a condition under section 7.12, a contributions plan that complies with clause 217(2) of the *Environmental Planning and Assessment Regulation* 2021 (the Regulation), must be in place and the condition must be authorised by the plan. The contributions plan must specify whether or not a registered certifier is required to impose a condition under section 7.12 on the granting of a complying development certificate.

The *Woollahra Section 7.12 Development Contributions Plan 2022* (this Plan) authorises a condition of development consent or a complying development certificate to require the payment of a fixed percentage levy.

The percentage of the levy and the types of development application which attract the levy are set out in other clauses of this plan.

Levies paid to the Council will be applied towards the provision, extension or augmentation of public facilities, or towards recouping the cost of their provision, extension or augmentation.

The following summary schedule is included in this plan:

Summary of works for which levies are required. The schedule was adopted on 23 June 2025 and provides an estimated cost of works and the estimated time frame for their implementation.

2. Administration and operation

2.1 Name of plan

This plan is called the *Woollahra Section 7.12 Development Contributions Plan 2022*, (this Plan).

2.2 Purposes of plan

The purposes of this Plan are:

- a) To authorise the imposition of conditions on development consents and complying development certificates requiring that the applicant pay to the Council a levy determined in accordance with this Plan.
- b) To enable Council to have funds to ensure that adequate public facilities are provided to meet the demand created by development.
- c) To assist the Council in the provision, extension or augmentation of public facilities.
- d) To provide a comprehensive framework for the assessment, collection, expenditure, accounting and indexing of development contributions on an equitable basis.
- e) To enable the Council to be both publicly and financially accountable in its assessment and administration of the Plan.

2.3 Land and development to which plan applies

2.3.1 Land to which plan applies

This Plan applies to all land within the Woollahra Municipal Council local government area.

2.3.2 Development to which plan applies

This Plan applies to all development applications, modification applications and applications for complying development certificates in respect of development on land to which this Plan applies, other than applications made by or on behalf of the Council.

2.3.3 Transitional provisions

This Plan applies to an application for development or a complying development certificate made on or after the date on which this Plan was first publicly exhibited and not determined on the day this Plan took effect.

2.4 What this Plan authorises

This Plan authorises the consent authority in respect of a development application to impose a condition on a development consent granted for development to which this Plan applies requiring the applicant to pay to the Council a levy of up to 1% of the

proposed cost of carrying out the development, provided that the consent authority does not also impose on the consent a condition pursuant to *Woollahra Section 94 Contributions Plan 2002* or otherwise under section 7.11 of the Act.

This Plan requires a registered certifier in respect of an application for a complying development certificate to impose a condition on a complying development certificate for development to which this Plan applies requiring the applicant to pay to the Council a levy of up to 1% of the proposed cost of carrying out the development. Section 4.28(9) of the Act requires a registered certifier to impose such a condition when granting a complying development certificate for development to which this Plan applies.

Conditions authorised by this Plan are subject to any direction given by the Minister under section 7.17: *Directions by Minister* of the Act from time to time.

2.5 Relationship with relevant legislation and other plans and policies

This Plan has been prepared under the provisions of Part 7 Division 7.1 of the Act and Part 4 of the Regulation.

Nothing in this Plan affects the operation and application of *Woollahra Section 94 Contributions Plan 2002*.

A condition under section 7.11 of the Act authorized by *Woollahra Section 94 Contributions Plan 2002* may be imposed on a development consent as an alternative to imposing a condition authorised by this Plan, depending on the nature of the development and the demand for public facilities.

However, the consent authority cannot impose conditions under both *Woollahra Section* 94 Contributions Plan 2002 and this Plan on the same development consent.

This plan repeals Woollahra Section 94A Development Contributions Plan 2011.

Notes

- 1. Section 7.12(2) of the Act prevents a condition under section 7.12 as well as a condition under section 7.11 being imposed on the same development consent.
- 2. The Council may enter into a planning agreement (under section 7.4 of the Act) with an applicant as an alternative and/or in addition to imposing a condition authorised by this Plan.

2.6 Approval and commencement of plan

This Plan was originally approved by Woollahra Municipal Council on 27 June 2022 and commenced on 13 July 2022.

Amendment No. 1 to the *Woollahra Section 7.12 Development Contributions Plan 2022* was approved by Woollahra Municipal Council on 26 June 2023 and commenced on 12 July 2023.

Amendment No. 2 to the Woollahra Section 7.12 Development Contributions Plan 2022 was approved by Woollahra Municipal Council on 24 June 2024 and commenced on 5 July 2024.

Amendment No. 3 to the Woollahra Section 7.12 Development Contributions Plan 2022, which is currently in force, was approved by Woollahra Municipal Council on 23 June 2025 and commenced on 27 June 2025.

2.7 Section 7.12 levy rates

The summary schedule below sets out the levies that this Plan authorises to be imposed in respect of development to which this Plan applies.

Summary Schedule	Levy rate
Development that has a proposed cost of carrying out the development	
• Up to and including \$100,000	Nil
• More than \$100,000 and up to and including \$200,000	0.5% of the cost
• More than \$200,000	1% of the cost

The levy will be determined on the basis of the rate as set out in the summary schedule above. The levy will be calculated as follows:

Levy payable = %LR x \$C

Where

- %LR is the levy rate applicable in the summary schedule
- **\$C** is the proposed cost of carrying out the development.

2.8 Determining the proposed cost of development

A development application or an application for a complying development certificate must be accompanied by a report setting out an estimate of the proposed cost of carrying out development prepared by the following people:

- a) the applicant of the application, or a person acting on behalf of the applicant, where the estimated cost is below \$150,000,
- b) a suitably qualified person engaged by or on behalf of the applicant, at the applicant's cost, where the estimated cost is between \$150,000 and \$749,999, or
- c) a registered quantity surveyor engaged by or on behalf of the applicant, at the applicant's cost, where the estimated cost is \$750,000 and above.

A suitably qualified person includes:

- Builder licensed to undertake the proposed building works;
- Certified quantity surveyor;
- Registered land surveyor;
- Registered architect;
- Practicing qualified building estimator;
- Qualified and accredited building designer; or
- Person who is licensed, has the relevant qualifications and proven experience in costing development works similar to the proposal.

Upon reviewing an estimated cost that is below \$750,000, the Council may require a further estimate to be provided by a registered quantity surveyor at the applicant's cost.

Despite (a) and (b), the Council may appoint a person to review the estimate provided by a quantity surveyor who was engaged by the applicant or a person on behalf of the applicant. The review is to be undertaken at the applicant's cost.

Notes:

- 1. The quantity surveyor must be registered by the Australian Institute of Quantity Surveyors.
- 2. The review of a quantity surveyor's estimate also applies to an estimate provided a person of equivalent qualifications.

2.9 Timing of payments

A levy must be paid to Council at the time specified in the condition that imposes the levy. If no such time is specified, the levy must be paid prior to the issue of any certificate issued in respect of the development including a Subdivision Certificate, Construction Certificate or Complying Development Certificate.

2.10 Application of levy

Money paid to the Council under a condition authorised by this Plan is to be applied by the Council towards the cost of the public facilities listed in the works schedule in this Plan as the Council in its discretion may from time to time determine.

2.11 Deferred or periodic payment

Where the applicant makes a written request supported by reasons for payment of the section 7.12 levy, the Council may accept deferred or periodic payment at a later time than is required by the applicable condition. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- a) the reasons given;
- b) whether any prejudice will be caused to the community deriving benefit from the public facilities;
- c) whether any prejudice will be caused to the efficacy and operation of this Plan; and
- d) whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

Council will, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate;
- c) the bank agrees to pay the guaranteed sum without recourse 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 in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or outstanding component of the section 7.12 levy will be adjusted in accordance with part 2.12.

Every development consent (including every complying development certificate) issued subject to a condition requiring a section 7.12 levy under this Plan must include a standard condition setting out the terms of this clause.

Note: The applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not return the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

2.12 Adjustment of levies and proposed cost of development

To ensure the contributions amount accurately reflects the proposed cost of the development, the value must be calculated prior to payment. This ensures any modifications to the consent, and changes in the Consumer Price Index (All Groups Index) are captured.

Where necessary, contributions are indexed for inflation at the time of payment using quarterly updates to the *Consumer Price Index (All Groups Index)* for Sydney.

The formula used to adjust the contribution is set out below.

= L_o +

NL

L_o x [current CPI - base CPI]

base CPI

where			
NL	Is the new section 7.12 levy		
Lo	Is the original levy (\$)		
Current CPI	The quarterly Consumer Price Index (All Groups Index) for Sydney, as published by the Australian Bureau of Statistics (ABS) immediately prior to the date of payment		
Base CPI	The quarterly Consumer Price Index (All Groups Index) for Sydney as published by the ABS immediately prior to the date of the imposition of the condition requiring payment of the contribution		
Note: In the event that the current CPI is less than the previous CPI, the current CPI shall be			

taken as not less than the previous CPI.

This Plan authorises a condition under section 7.12 of the Act that contains the above formula.

2.13 Pooling of levies

This Plan authorises section 7.12 levies to be pooled and applied progressively for the purposes set out in the works schedule in this Plan. The priorities for the expenditure of the levies are shown in the section 7.12 levy works schedule in this Plan.

2.14 Payment of section 7.12 levy -complying development certificates

A complying development certificate requiring the payment of a section 7.12 levy in accordance with this Plan must contain a condition requiring the levy to be paid before any work authorised by the certificate commences.

2.15 Payment of section 7.12 levy - issuing of subdivision certificates

A subdivision certificate must not be issued for a subdivision unless a section 7.12 levy required to be paid pursuant to the conditions of the applicable development consent before the subdivision certificate is issued has been complied with.

2.16 Payment of section 7.12 levy – issuing of construction certificates, subdivision works certificates and occupation certificates

A registered certifier must not issue a construction certificate for building work or a subdivision works certificate under a development consent unless it has verified that each condition of the consent requiring the payment of a 7.12 levy in accordance with this Plan before the work is carried out has been complied with.

A registered certifier must not issue an occupation certificate for a building with a proposed cost (as indicated in the relevant development application) of \$10,000,000 or more unless the certifier—

- (a) has received a copy of a document from the Council certifying that a section 7.12 levy required to be paid pursuant to the conditions of the applicable development consent:
 - (i) is not required to be paid before the occupation certificate is issued, or
 - (ii) is required to be paid before the occupation certificate is issued and the requirement has been met, and
- (b) has confirmed with the Council that:
 - (i) the Council issued the document referred to in paragraph (a), and
 - (ii) no contributions or levies have been required since the document was issued.
- **Note:** An agreement referred to in this part may or may not be a planning agreement under section 7.4 of the Act.

3. Demand for public facilities

Section 7.12 levies acquired by condition of consent under this Plan are to be applied to the provision, extension or augmentation of the following categories of public facilities works located across the Municipality:

- Engineering Services
- Open Space and Trees
- Property and Projects Management
- Environmental Works
- Community facilities

The demand for public facilities is related to expected residential, commercial, retail and other non-residential development across the Municipality. Demand for the public facilities has been identified in a series of supporting documents which includes studies, surveys and investigations, which are listed by category in **Annexure 1**.

Council strategies, plans and policies are informed by forecasts provided by the *NSW Department of Planning and Environment* (based on ABS census data) consistent with best planning practice.

As identified in the *Woollahra Local Strategic Planning Statement 2020*, the population of Woollahra in 2016 was 57,800 persons. The population is projected to increase to 59,850 people in the 20 year period from 2016 and 2036.

3.1 Expected residential development

As identified in the supporting documentation at **Annexure 1**, residential development is expected across the Municipality in residential, commercial and special use areas. Types of residential development include dwelling-houses, dual occupancies, multi dwelling

housing, manor houses, residential flat buildings, boarding houses, and mixed use development with a residential component.

Residential development will occur in the form of new development and alterations and additions to existing development.

3.2 Expected commercial, retail and other non-residential development

As identified in the supporting documentation at **Annexure 1**, the majority of commercial, retail and other non-residential development is expected mainly in the commercial and mixed use centres throughout the Municipality. Major development is likely to occur in the Double Bay Centre, Edgecliff Centre and Rose Bay Centre.

Development is also expected in the Special Use Zones, particularly those occupied by the large private schools.

Development will occur in the form of new development and alterations and additions to existing development.

Registered certifier	means a person who is registered under the Building and Development Certifiers Act 2018 and who may exercise the function of a certifier under the Act.
applicant	means a person, company or organisation submitting a development application or an application for a complying development certificate or a person, company or organisation authorised to act on a development consent (including a complying development certificate).
Consumer Price Index (CPI)	is a standard measure of movements in price indexes over time published by the Australian Bureau of Statistics
Council	means the Council of the Municipality of Woollahra.
Municipality	means the Municipality of Woollahra.
public facilities	means public amenities or public services as referred to in section 7.12 of the Act.
planning agreement	means a voluntary agreement referred to in section 7.4 of the Act.

4. Definitions

proposed cost of development	means the cost of development proposed in a development application or a complying development application as determined by the Council in accordance with clause 25J of the Regulation.
section 7.12 levy	means a fixed development consent levy under section 7.12 of the Act.
the Act	means the Environmental Planning and Assessment Act 1979 as amended.
the Regulation	means the Environmental Planning and Assessment Regulation 2021 as amended.

Schedule 1 – Works schedule and map

Notes:

- 1. The works listed in this schedule are to be funded from a mix of sources, including section 7.12 funds.
- 2. Maps provided in this schedule indicate the location of works where possible. Certain services and works are to be provided across the Municipality and therefore are not shown by specific site reference on the maps. The location of certain other works and services has not been determined and therefore they are not shown on the maps. Precise locations will be identified when one or more of the following occurs: the Council locates and acquires appropriate properties; investigations confirm the exact site or location for services and works.
- 3. For the purpose of this plan, short term is 1 year, medium term is 2-3 years and long term is 4 years.

1. Engineering Services

Map ref	ltem No.	Public facility works	Estimated cost (\$)	Estimated time (term)
1	1	MacDonald Street, PaddingtonRaised pedestrian crossing	200,000	Short
2	2	Short Street, Watsons BayAt-Grade pedestrian crossing	200,000	Short
LGA	3	 Minor Traffic Capital Works Various minor traffic capital works projects 	60,000	Short
3	4	Stafford Street between Heeley Street and Duxford Street • Road pavement resurfacing	110,000	Short
4	5	Bulkara Road between Kulgoa Road and Trahlee Road • Road pavement resurfacing	600,000	Short
5	6	 Beach Street from William Street to End Road pavement resurfacing and kerb and gutter renewal works 	50,000	Short
6	7	 Weeroona Avenue between Wallaroy Road and Roslyndale Avenue Road pavement resurfacing, footpath, stormwater system, and kerb and gutter renewal works 	300,000	Short
7	8	 Kiaora Road in front of Double Bay Post Office Footpath structural slab rehabilitation and pavings works 	350,000	Short

Map ref	ltem No.	Public facility works	Estimated cost (\$)	Estimated time (term)
LGA	9	Infrastructure Renewal Projects across the LGA for road pavement, footpath and kerb and gutter	8,386,561	Long
LGA	10	Traffic Capital Works across the LGA	463,857	Medium
LGA	11	Stormwater works across the LGA	96,143	Medium
8	12	Marine Parade Watsons Bay - shared zone and streetscape upgrade	100,000	Short

2. Open Space and Trees

Map ref	ltem No.	Public facility works	Estimated cost (\$)	Estimated time (term)
LGA	13	 Parks and Open Space Project Management Consultancy fees for investigation works for projects 	300,000	Long
LGA	14	 Park furniture roll out Park furniture renewal and new items rolled out across LGA 	289,000	Long
LGA	15	Park lighting and irrigation renewal	173,500	Short
LGA	16	Park signage renewal and new across LGA	339,000	Long
LGA	17	 Fencing upgrades and renewals Park fencing renewal and upgrades across LGA 	975,000	Long
9	18	Trumper Oval renewal of fenceRenewal of Trumper Oval white picket fence	228,000	Short
LGA	19	 Pocket park upgrades / Garden landscaping improvements Improvement to pocket parks / garden landscaping improvements 	278,000	Long
LGA	20	 Park footpath upgrades Renewal of park pathway at various sites 	766,000	Long
10	21	CCTV upgrades and renewal at Gap Park	207,000	Medium
LGA	22	 Renewal of retaining wall structures Renewal of retaining wall structures at various sites 	140,000	Short
11	23	Yarranabbe swimming facility designDetailed design and consultation	100,000	Short
LGA	24	Playground renewals and upgrade as per Play Space Strategy	2,492,368	Long
LGA	25	Renewal of softfall in playgrounds	105,000	Short

Map ref	ltem No.	Public facility works	Estimated cost (\$)	Estimated time (term)
		 Renewal and new softfall at various sites 		
LGA	26	Park bin replacement and renewal	112,000	Long
LGA	27	Park lighting renewal as per asset management register	106,000	Medium
LGA	28	Sportsfield renovations of selected playing fields	456,000	Long
LGA	29	General works as per asset management register	336,000	Long
LGA	30	Infrastructure improvements for dog regulations	300,000	Long
LGA	31	Swimmable Harbour infrastructure throughout LGA	1,250,000	Medium
12	32	Actions from Cooper Park Plan of Management	650,000	Medium
LGA	33	Sportsfield floodlighting as per floodlight audit	110,000	Medium
13	34	Actions from South Head Masterplan	320,000	Medium
LGA	35	Synthetic sportsfield renewal and upgrade	940,000	Medium
LGA	36	Multi-purpose courts at Woollahra 2 & 3	750,000	Short
LGA	37	Coastal fence renewal - commence 5 year program	750,000	Long
14	38	Yarranabbe Park - Northern Plaza stairs	284,107	Short

3. Property and Projects Management

Map ref	ltem No.	Public facility works	Estimated cost (\$)	Estimated time (term)
15	39	Part funding of interest on Kiaora Place Loan, associated with library fit out works	1,193,027	Long

4. Environmental Works

Map ref	ltem No.	Public facility works	Estimated cost (\$)	Estimated time (term)
		Nil		

ļ	5. Community facilities					
	Map ref	ltem No.	Public facility works	Estimated cost (\$)	Estimated time (term)	
	LGA	40	Public Art throughout municipalityInstallations at locations to be identified	415,147	Long	

6. Strategic Planning & Development

Map ref	ltem No.	Plan administration	Estimated cost (\$)	Estimated time (term)
LGA	41	Section 7.12 - Development Contribution Plan • Consultants	427,601	Long



Section 7.12 Contributions - Capital Works Projects

Annexure 1: Supporting documents

General

- Development contributions Practice Note: Section 94A development contributions plans, Department of Planning, December 2006
- Woollahra Local Environmental Plan 2014
- Woollahra Development Control Plan 2015
- Woollahra Local Strategic Planning Statement 2020
- Woollahra Local Housing Strategy 2021
- Woollahra 2032 Community Strategic Plan
- Edgecliff Commercial Centre Planning and Urban Design Strategy
- Double Bay Planning and Urban Design Strategy

Floodplain management - Woollahra Council

- Double Bay Catchment Flood Study (2008)
- Double Bay Floodplain Risk Management Study and Plan Part 1 (2011)
- Double Bay Floodplain Risk Management Study and Plan- Part 2 (2011)
- Double Bay Floodplain Risk Management Study and Plan Part 3 (2011)
- Paddington Floodplain Risk Management Study and Plan (2019)
- Rose Bay Catchment Flood Study (2010)
- Rose Bay Floodplain Risk Management Study and Plan (2014)
- Rushcutters Bay Catchment Flood Study (2007)
- Rushcutters Bay Floodplain Risk Management Study And Plan (2012)
- Draft Watsons Bay Floodplain Risk Management Study and Plan May 2016 (2016)

Plans of management - Woollahra Council

- Chiswick Gardens Plan of Management 2010
- The Generic Plan of Management
- Cooper Park Plan of Management 2001
- Cooper Park Plan of Management Action Plan 2001
- District Park Plan of Management 1996
- Drainage Reserves Plan of Management 1997
- Gap Park Masterplan 2008
- Gap Park (including the Gunyah) Plan of Management 2023
- General Community Use (Reserves) Plan of Management 1996
- Harbourview Park Plan of Management 2014
- Local Parks Plan of Management 1996

- Natural Area (Foreshore) Plan of Management 1996
- Parsley Bay Reserve Plan of Management 2023
- Redleaf and Blackburn Gardens Plan of Management and Master Plan 2017
- Rose Bay War Memorial Plan of Management 2023
- Regional Parks Plan of Management 1996
- Robertson Park Action Plan (2004)
- Robertson Park Masterplan 2004
- Royal Hospital for Women Park Plan of Management 2005
- Trumper Park Plan of Management 2023
- Woollahra Park Plan of Management 2013
- Woollahra Street Tree Master Plan 2014
- Woollahra Social and Cultural Plan 2018-2030
- Woollahra Recreation Strategy 2023
- Woollahra Play Space Strategy

Public Domain Improvements Plans - Woollahra Council

- Double Bay Centre Public Domain Improvements Plan 2002
- Double Bay Centre Public Domain Strategy 2016
- Rose Bay Centre Public Domain Improvement Plan 1999
- Double Bay Place Plan 2019-2023
- Oxford Street and Paddington Place Plan 2019-2023
- Rose Bay Place Plan 2023-2028

Policies - Woollahra Council

- Asset Management Policy (2010)
- Commercial Fitness Training Activities on Public Open Space (2014)
- Grants Policy 2023
- Community Gardens Policy (2019)
- Community Services Policy (2013)
- Disabled Accessible Parking Procedure (2014, reviewed 2019)
- Playground Policy (2002)
- Public Art Policy (2019)
- Sale of Council Land Policy (2004, reviewed 2019)
- Specification for Roadworks, Drainage and Miscellaneous Works 2012
- Tree Management Policy (2011)
- Water craft storage on public land policy (2007)
- Woollahra Voluntary Planning Agreement Policy 2020

Reports - Woollahra Council

- Community Capacity Survey Report 2017
- Double Bay Centre Public Domain Strategy 2016
- Estuary Planning Levels Report 2015
- Rose Bay Centre Urban Design Study 1999
- Traffic And Transport Study 2000
- Woollahra Community Facilities Study 2019

Strategies - Woollahra Council

- Asset Management Strategy 2011-2021 (2011)
- Asset Management Strategy 2022-2032(2022)
- Carbon Reduction Strategy and Action Plan 2010-2025 (2010)
- Children's Services Strategy 2005
- Woollahra Libraries Five Year Strategic Plan 2021-2026
- Playground Strategy 2002
- Recreational Needs Assessment and Strategy 2006
- Woollahra Bicycle Strategy (Draft 2009)
- Woollahra Biodiversity Conservation Strategy 2015-2025 (2015)
- Woollahra Disability Inclusion Plan 2017
- Woollahra Disability Inclusion Action Plan 2022
- Woollahra Integrated Transport Strategy (Draft 2021)
- Woollahra Environmental sustainability Action Plan 2013-2025
- Woollahra Environmental sustainability Action Plan 2023-2028
- Woollahra Traffic Management Strategy 2014
- Resourcing Strategy 2022-2032
- Workforce Management Strategy 2022-2026
- Community Engagement Strategy 2023
- Electric Vehicle Infrastructure Strategy 2023
- Customer Experience Strategy 2023-2028
- Woollahra Urban Forest Strategy 2024-2050