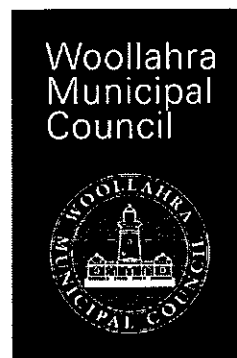


Memorandum

Date 14 May, 2014
File No. Development Applications: 72/2014/1
To Joint Regional Planning Panel
CC
From Mrs L Holbert
Address 250-290 JERSEY ROAD WOOLLAHRA 2025



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The purpose of this memorandum is to correct an error in the report relating to the imposition of S94A contributions. A S94A contribution levy has been applied to this development however pursuant to the Ministerial Direction dated 14th September 2007 S94 (see Annexure 1) levies can not be imposed on social housing providers for State Environmental Planning Policy (Seniors Living) 2004 developments. As the applicant is a social housing provider the report and **Condition C.2** have been amended as follows:

1. Section 20 of the report (on pages 55-56) shall be amended as follows:

20. SECTION 94 CONTRIBUTION PLANS

Pursuant to the Ministerial Direction dated 14th September 2007 S94 levies can not be applied to State Environmental Planning Policy (Seniors Living) 2004 developments where the applicant is a social housing provider. As the applicant is a social housing provider no S94A levies have been applied in this instance (refer to Annexure 1 of this memorandum).

2. **Condition C.2** on pages 64-65 of the report should be deleted and replaced with the following:

C.2 Payment of Long Service Levy, Security, Contributions and Fees

The certifying authority must not issue any *Part 4A Certificate* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees prior to the issue of a *construction certificate, subdivision certificate or occupation certificate*, as will apply.

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986			

Long Service Levy http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation or use online calculator	No	
SECURITY under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit -making good any damage caused to any property of the Council	\$531,499	No	T115
Tree Damage Security Deposit -- making good any damage caused to any public tree	\$4000	No	T114
Infrastructure Works Bond -completing any public work required in connection with the consent.	\$60,500	No	T113
INSPECTION FEES under Section 608 of the Local Government Act 1993			
Public Tree Management Inspection Fee	\$180	No	T95
Public Road/Footpath Infrastructure Inspection Fee	\$448	No	
Security Administration Fee	\$185	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$596,812 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment

The Long Service Levy under Section 34 of the *Building and Construction Industry Long Service Payment Act*, 1986, must be paid and proof of payment provided to the *Certifying Authority* prior to the issue of any *Construction Certificate*. The Levy can be paid directly to the Long Services Payments Corporation or to Council. Further information can be obtained from the Long Service Payments Corporation's website <http://www.lspc.nsw.gov.au/> or the Long Service Payments Corporation on 13 14 41.

How must the payments be made?


Payments must be made by:

- Cash deposit with Council,
- Credit card payment with Council, or
- Bank cheque made payable to Woollahra Municipal Council.

The payment of a security may be made by a bank guarantee where:

- The guarantee is by an Australian bank for the amount of the total outstanding contribution;
- The bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable];
- The bank agrees to 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 in accordance with the development consent;
- The bank guarantee is lodged with the Council prior to the issue of the construction certificate; and
- 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.

Standard Condition: C5



Mrs L Holbert
ASSESSMENT OFFICER



Mr G Fotis
TEAM LEADER

ANNEXURE

1. Ministerial direction.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

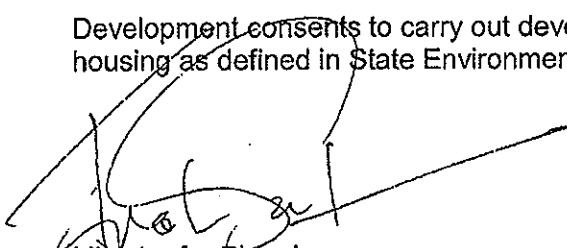
Revocation of Direction in force under section 94E And Direction under section 94E

I, the Minister for Planning:

1. Pursuant to sections 4(8) and 94E of the *Environmental Planning and Assessment Act 1979* ("the Act"), revoke the direction in force under section 94E of the Act made by Craig Knowles, the former Minister for Infrastructure and Planning, on 6 November 2000, in relation to development applications to carry out development under *State Environmental Planning Policy No 5 – Housing for Older People or People with a Disability* ("SEPP 5"). This revocation applies to development applications made on or after commencement of *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)* ("the SEPP").
2. Pursuant to section 94E of the Act, direct consent authorities that there are no public amenities or public services in relation to which a condition under Division 6 of Part 4 of the Act may be imposed on the class of development consents identified in Schedule A granted to a social housing provider as defined in the SEPP. This direction applies to development applications made by such a social housing provider on or after commencement of the SEPP.

Schedule A

Development consents to carry out development for the purposes of any form of seniors housing as defined in *State Environmental Planning Policy (Seniors Living) 2004*.



Minister for Planning

Sydney, 14 Sep 2007.