



**HORNSBY**  
SHIRE COUNCIL

Section 94A  
development contributions  
plan

2012-2021



planning consultants

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# Executive summary

## **Purpose and Objectives of the Plan**

This Plan is the Hornsby Shire Council Section 94A Development Contributions Plan 2012-2021 and has been prepared to satisfy the requirements of the Environmental Planning and Assessment Act and Regulation, enabling Council or an accredited certifier to levy contributions from development for the provision of community infrastructure.

This Plan will ensure that adequate community infrastructure is provided for future development and that the existing community is not burdened by the provision of community infrastructure required as a result of future development. In addition, this Plan provides a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on a reasonable basis. In this way, Council can be publicly and financially accountable in its assessment and administration of the Plan.

## **Nature of future development**

Between 2012 and 2021, there is forecast to be additional private dwellings and non-private residential accommodation generating an additional population of 10,020 new residents. In addition, there is also estimated to be an increase in employment generating floor space generating 2,389 additional workers in the LGA.

These future residential and non-residential populations will create a demand for new, enhanced or augmented community infrastructure.

## **Life of the Plan**

The Plan caters for a planning period from 2012 to 2021 which is the period for which residential population and employment forecasts have been prepared, based on a number of Council strategies which provide for additional development over this period.

The levy payable under this Plan will be indexed between the date of determination and the date of payment of the contribution. Furthermore, the cost of development used to determine the levy under this Plan will be indexed from the date of the cost estimate to the date of determination.

### Summary of contributions by development type

Table E1 summarises the levies under this Plan by development type:

Table E1: Summary of Contributions by Development Type

Type of Development	Levy (% of development costs)
<ul style="list-style-type: none"> <li>■ Alterations or additions to residential accommodation (excluding additional dwellings)</li> <li>■ Alterations to commercial premises (excluding additional gross floor area (GFA))</li> <li>■ Industrial development</li> <li>■ Residential Care Facilities</li> <li>■ Hostel/Boarding House/Group Home/Hospital/Educational Establishment</li> <li>■ Tourist and Visitor Accommodation and Eco-Tourist Facilities</li> <li>■ All other development that does not involve the creation of additional dwellings or, in the case of commercial premises – additional GFA.</li> </ul>	<p>0% under \$100,000</p> <p>0.5 % \$100,001 to \$200,000</p> <p>1.0% for all developments over \$200,000</p>

### Works schedule

The works to be provided by funds generated by this Plan set out in the Schedule of Works at Appendix B.

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# 1. Introduction

## 1.1 Name of this Plan

This Plan is the Hornsby Shire Council Section 94A Development Contributions Plan (the “Plan”).

## 1.2 Commencement of this Plan

This Plan has been prepared pursuant to the provisions of the Environmental Planning and Assessment Act 1979 (the Act) and the Environmental Planning and Assessment Regulation 2000 (the Regulation) and takes effect from 5 September 2013, the date on which public notice was published, pursuant to the Regulation.

## 1.3 Purpose and Objectives of this Plan

This Plan has been prepared to satisfy the requirements of the Act, which enables Council or an accredited certifier to levy contributions from development for the provision of community infrastructure.

The objectives of this Plan are to:

- (a) authorise Council or an accredited certifier to impose conditions under the Act when granting consent to development on land to which this Plan applies including Complying Development;
- (b) assist Council to provide the appropriate community infrastructure required to maintain and enhance amenity and service delivery within the area;
- (c) ensure that the existing community is not burdened by the provision of community infrastructure required as a result of future development; and
- (d) enable Council to be both publicly and financially accountable in its assessment and administration of the Plan.

## 1.4 Land to which the Plan applies

This Plan applies to all land within the local government area (LGA) of Hornsby Shire Council as shown on the Map (see Figure 1).

## 1.5 Development forms to which this Plan applies

This Plan applies to the following types of development:

- Alterations or additions to residential accommodation (excluding additional dwellings);
- Alterations to commercial premises (excluding additional gross floor area (GFA));
- Industrial development
- Residential Care Facilities
- Hostel/Boarding House/Group Home/Hospital/Educational Establishment
- Tourist and Visitor Accommodation and Eco-Tourist Facilities
- All other development that does not involve the creation of additional dwellings or, in the case of commercial premises – additional GFA.

but does not apply to development:

- Where the proposed cost of carrying out the development is \$100,000 or less;
- For residential accommodation which would result in additional private dwellings;
- For commercial premises which would result in additional floor space;
- For the purpose of disabled access;
- For the sole purpose of providing affordable housing;
- For the purpose of reducing a building’s use of potable water (where supplied from water mains) or energy;
- For the sole purpose of the adaptive reuse of an item of environmental heritage;
- Development that has been the subject of a condition requiring monetary contributions under a previous development consent relating to the subdivision of the land on which the development is to be carried out.

## 1.6 Operation Period of the Plan

The Plan is intended to cater for a planning period up to the year 2021 which is the period for which development forecasts have been prepared.

## 1.7 Structure of this Plan

This Plan has two sections:

**Section 1 – Introduction** (this section), identifies the name of the Plan, its commencement date, the purpose and objectives of the Plan, the land to which the Plan applies, the forms of development to which it applies and the Plan's relationship to other plans, reports and policies.

**Section 2 – Administration and operation of the Plan**, outlines the demand for community infrastructure, the types of community infrastructure addressed by the Plan, describes how and when contributions are to be made and provides details regarding the ongoing management of the Plan.

The Appendices to this Plan include a Glossary which explains the meaning of words and terms used in this Plan, a Works Schedule, maps showing the location of facilities, procedures for determining the cost of development, pro-forma conditions for development consents and Complying Development Certificates and a list of References including the plans, policies and other information which support the contents of the Plan.

## 1.8 Glossary

The meanings of key words and terms used in this Plan and are contained in the Glossary at Appendix A.

## 1.9 Relationship with other plans, reports and policies

The Plan supplements the provisions of and should be read in conjunction with the Act and Regulation, Hornsby Shire Council's Local Environmental Plan, Development Control Plan, Section 94 Contributions Plan and other relevant plans and policies adopted by Council.

## 1.10 Savings and transitional arrangements

If an application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application shall be determined as if this Plan had not commenced.

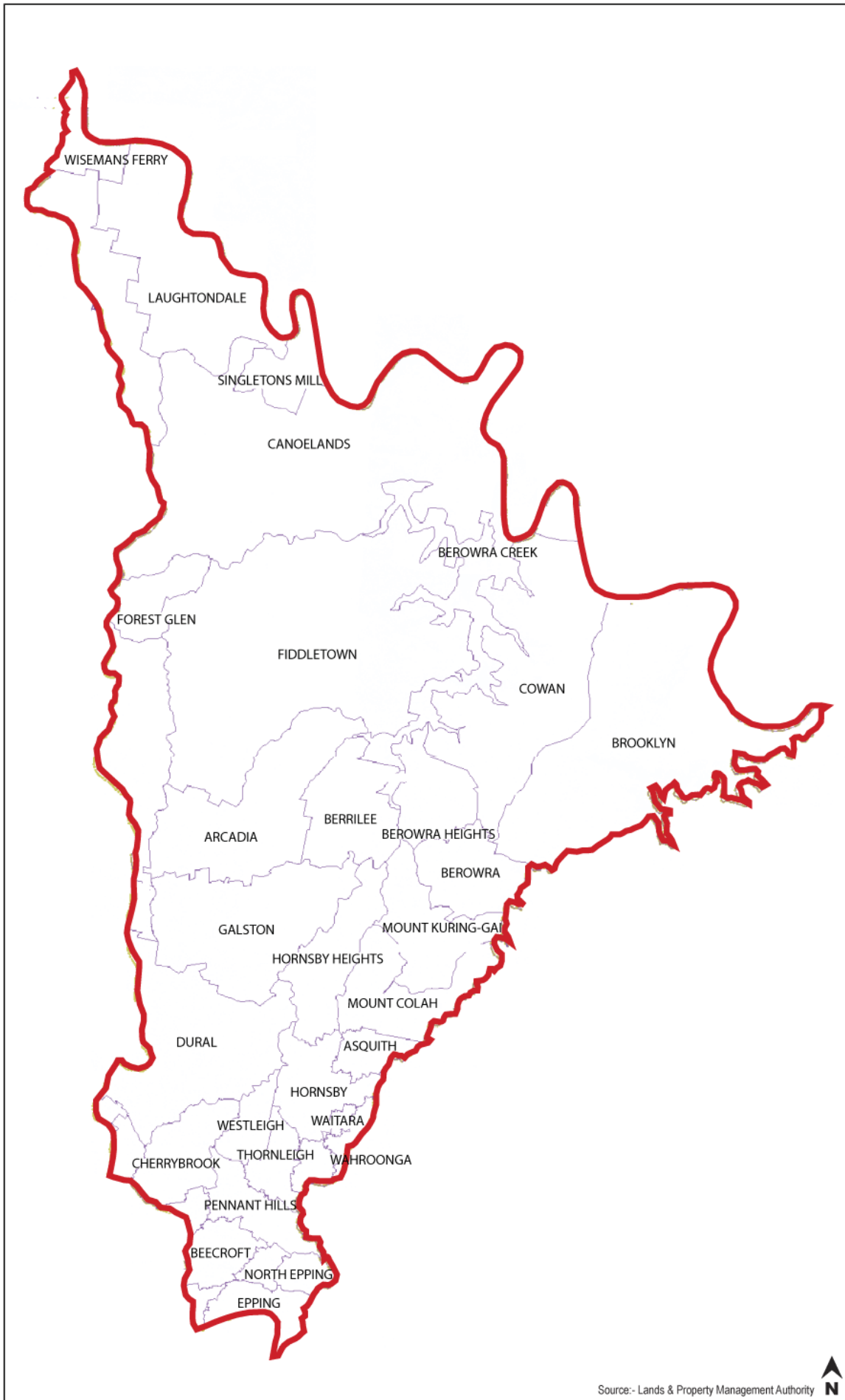


Figure 1: Map – where this Plan applies



## 2. Administration and operation of this Plan

### 2.1 Demand for community infrastructure

The relationship between expected development and the demand for community infrastructure is established through:

- Council's Housing Strategy and related population forecasts which indicate a growth in population from 2012 to 2021 and the expected development associated with this growth; and
- The Ku-ring-gai & Hornsby Subregional Employment Study (SGS, 2008) which forecasts additional employment generating development;

The forecast population growth will diminish the enjoyment and standard of community infrastructure for the existing population unless new or embellished infrastructure is provided to meet the additional demand.

The new and embellished community infrastructure to be provided to meet the expected future demand is set out in the detailed works program at Appendix B and on the Community Infrastructure Location Maps at Appendix C of this Plan.

### 2.2 Types of community infrastructure addressed by this Plan

#### 2.2.1 Community infrastructure

Under this Plan, Council will require development contributions for the following community infrastructure:

- Local roads, including:
  - Road and footpath infrastructure;
  - Traffic management facilities; and
  - Street furniture (including lighting, signage and landscaping).
- Local public transport facilities including bus lay-bys, shelters and bus stop environment improvements;
- Local open space and recreation facilities including:
  - New and embellished public open space and associated landscaping;
  - New and embellished recreation facilities including children's play equipment.
- Local community facilities including:
  - Libraries and resource materials; and
  - Community centres and halls.

### 2.3 How will contributions be imposed?

In accordance with the Act, development contributions under this Plan will be imposed as a condition of development consent (see Appendix E) or as a condition on a Complying Development Certificate (see Appendix F).

The Act provides that such a condition 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.

### 2.4 How will the levy be calculated?

The levy will be determined on the basis of the percentage rate as set out in Table E1 and calculated as follows:

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

Where:

$\%C$  is the percentage rate applicable.

$\$C$  is the cost of carrying out the proposed development as agreed by Council at the date of determination.

The cost of carrying out the proposed development will be determined in accordance with clause 25J of the Regulation. The procedures set out in Appendix D to this plan must be followed to enable Council to determine the amount of the levy to be paid. A Cost Summary Report must be completed for works with a value of \$3,000,000 or less. A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for works with a value of greater than \$3,000,000.

Without limitation to the above, Council may review the valuation of works and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and no complying development certificate, subdivision certificate, construction certificate and/or occupation certificate will be issued until such time that the levy has been paid (see Section 2.6).

## 2.5 Methods of payment

An obligation to provide contributions toward community infrastructure under this Plan is to be satisfied by payment of a monetary contribution which will be specified as a condition of the development consent.

Payment of contributions can be made by cash, money order, bank cheque, credit card or any other means determined acceptable by Council from time to time.

## 2.6 Timing of payments

A contribution must be paid to Council at the time specified in the condition of consent that imposes the contribution. If no such time is specified, the contribution must be paid:

- In the case of subdivisions - prior to the issue of the Subdivision Certificate for each stage; or
- In the case of development involving building work – prior to the issue of the first Construction Certificate; or
- In the case of development that involves both subdivision and building work – prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first; or
- In the case of development that does not involve subdivision or building work – prior to occupation or the issue of an interim occupation certificate or issue of a final occupation certificate, whichever occurs first; or
- In the case of Complying Development, prior to issue of the complying development certificate.

It is the responsibility of the accredited certifier to ensure that a condition is imposed on a complying development certificate in accordance with this Plan and that any monetary contributions have been paid to Council prior to authorising works to commence.

### 2.6.1 Deferred or periodic payments

Deferred payment of development contributions may be permitted in certain circumstances in accordance with the criteria outlined below:

- (a) an application for deferred payment or payment by instalments is to be made in writing to Council explaining the circumstances of the request;
- (b) the decision to allow deferred payment will be at the sole discretion of Council;
- (c) the timing or the manner of the provision of public facilities included in the works program will not be prejudiced;
- (d) the project to which the request applies does not relate to public safety or health;
- (e) the amount of the contribution or outstanding balance is not less than \$5,000;
- (f) the maximum period of deferred payment of the contribution is two years from the standard payment date; and
- (g) the maximum period for payment by instalments is five years from the standard payment date;
- (h) deferred payments and payments by instalments are subject to interest charges equivalent to that applied to overdue rates and an administration charge equivalent to the bank guarantee lodgement fee for subdivision related matters as stated in Council's Fees and Charges.

If Council does decide to accept deferred payment or payment by instalments, Council will require the applicant to provide a bank guarantee with the following conditions:

- The Bank Guarantee(s) must be in Australian Dollars from a major Australian Trading Bank and in the name of Hornsby Shire Council;
- The Bank Guarantee(s) must have no end date, be unconditional and irrevocable, and be in favour of Hornsby Shire Council;
- The sum of the Bank Guarantee(s) will be the amount due to Council at the date of issue, plus an additional amount specified by Council to make provision for any anticipated indexation during the life of the Bank Guarantee until the estimated date of release;
- The bank unconditionally pays the guaranteed sum to Council if Council so demands in writing;

- 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;
- The bank's obligations are discharged when payment to Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required;
- Where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution, indexation and other charges are paid.

### 2.6.2 Construction certificates and the obligation of accredited certifiers

In accordance with the Act and the Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of 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 the Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exception to this requirement is where an alternative payment method has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

### 2.6.3 Complying development and the obligation of accredited certifiers

In accordance with Section 94EC the Act, accredited certifiers must impose a condition on a Complying Development Certificate, requiring monetary contributions in accordance with this Plan.

The conditions imposed must be consistent with Council's standard condition for Complying Development Certificates (see Appendix F) and be strictly in accordance with this Plan. It is the professional responsibility of an accredited certifier to inform themselves of any amendments to this Plan to accurately calculate the contribution and to apply the development contributions condition correctly in

accordance with Council current consent condition requirements.

It is also the professional responsibility of an accredited certifier to ensure that any applicable monetary contributions have been paid to Council prior to authorising works to commence.

## 2.7 Indexation of contributions

To ensure that the value of contributions is not eroded over time, the contributions stated in a development consent or complying development certificate will be indexed at the time of payment.

In this circumstance, if the contribution is not paid within the same financial quarter as the date of the determination, the payment shall be indexed in accordance with the following formula:

$$\$C_{PY} = \frac{\$C_D \times CPI_{PY}}{CPI_D}$$

Where:

$\$C_{PY}$  is the amount of the contribution at the date of Payment.

$\$C_D$  is the amount of the contribution at the date of Determination.

$CPI_{PY}$  is the Consumer Price Index (Sydney – All Groups) (CPI) as published by the Australian Bureau of Statistics (ABS) for the financial quarter at the date of Payment.

$CPI_D$  is the CPI (Sydney – All Groups) as published by the ABS for the financial quarter at the date of Determination.

If the determination is not made within the same financial quarter as the date of the estimate of the cost of development, the cost of development shall also be indexed in accordance with the above methodology for the purposes of the contribution to be stated in the determination.

## 2. Administration and operation of this Plan

### 2.8 Exemptions

Council will not provide exemption to development contributions made under this Plan other than exemptions afforded under direction of the Minister for Planning and Infrastructure. At the time of commencement, these Ministerial exemptions included:

- development undertaken by a 'social housing provider' for the purposes of 'seniors housing' as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
- development for the purposes of a school (as defined by the Education Act 1990) that is a project under the Building the Education Revolution (BER) program;
- for the purpose of disabled access;
- for the sole purpose of providing affordable housing;
- for the purpose of reducing a building's use of potable water (where supplied from water mains) or energy;
- for the sole purpose of the adaptive reuse of an item of environmental heritage; and
- development that has been the subject of a condition requiring monetary contributions under a previous development consent relating to the subdivision of the land on which the development is to be carried out.

Council does not apply discounts to the development contributions under this Plan.

### 2.9 Accounting and management of funds

#### 2.9.1 Accounting standards and contributions register

Separate accounting records are maintained for all development contributions made to Council under this Plan and a development contributions register will be maintained by Council in accordance with the Regulation.

Council is also required to publish details of development contributions accounts annually and this is undertaken as part of Council annual financial reporting cycle.

#### 2.9.2 Treatment of funds received prior to the commencement of this Plan

There were no funds received prior to the commencement of this Plan that were relevant to the items to be funded or part funded by this Plan.

#### 2.9.3 Investment of funds

To maintain the time-value of monetary contributions received under this Plan, Council will invest these funds until the time of expenditure for the purpose for which they were received.

Council will report all investment returns as part of its annual contributions accounts reporting and all investment returns will be retained within the development contributions accounts, to be used for the purpose for which the original contribution was made.

#### 2.9.4 Other funding sources

Works proposed in this Plan represent infrastructure to be funded or part funded pursuant to the development contributions provisions of the Act.

Where other funding sources are available for works proposed in this Plan (including funding through Council's Section 94 Contributions Plan), only that proportion of the total works costs that is anticipated to be funded by this Plan have been included in the Works Schedule. Should other funding sources become available in the future which can be used toward the facilities listed in this Plan, the cost of the relevant project may be reviewed and adjusted accordingly.

#### 2.9.5 Goods and services tax

At the date of preparing this Plan, monetary development contributions were exempt from the Federal Government Goods and Services Tax (GST).

However, if legislative changes (including Australian Tax Office tax rulings) determine otherwise, contributions in this Plan will be adjusted to include GST.

# Appendix A - Glossary

Terms used in this Plan have the following meanings:

**ABS** means the Australian Bureau of Statistics.

**Act** means the Environmental Planning and Assessment Act 1979.

**affordable housing** means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**applicant** means the person(s) or organisation(s) submitting a development application.

**Consumer Price Index (CPI)** is a standard measure of price movements published by the Australian Bureau of Statistics.

**contribution** means the same as "development contribution";

**contributions plan** means a contributions plan referred to in the Act.

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community infrastructure** means public amenities and public services, but does not include water supply or sewerage services.

**Council** means the Hornsby Shire Council.

**DCP** means a Development Control Plan adopted by Council under the Act.

**development** has the meaning under Section 4 of the Act which in relation to land means:

- (a) the use of land; and
- (b) the subdivision of land; and
- (c) the erection of a building; and
- (d) the carrying out of a work; and
- (e) the demolition of a building or work; and
- (f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument.

**development consent** means consent under Part 4 of the Act to carry out development and includes, unless expressly excluded, a complying development certificate.

**development contribution** means the making of a monetary contribution, dedication of land or the providing of a material public benefit (including a work-in-kind), or any combination of these as referred to in the Act for the provision of community infrastructure;

**DIPNR** means the former New South Wales Department of Infrastructure, Planning and Natural Resources;

**DP&I** means the New South Wales Department of Planning and Infrastructure;

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile;

## Appendix A - Glossary

**GFA** means the same as gross floor area.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

**LEP** means a Local Environmental Plan made by the Minister under the Act.

**LGA** means Local Government Area.

**material public benefit** means a facility or work which is offered by a developer as a finished entity either in return for a reduction in the amount of monetary contributions required for the same category of contribution or as an additional or partial additional benefit under a Planning Agreement;

**Minister** means the Minister administering the Environmental Planning and Assessment Act 1979.

**planning agreement** means a planning agreement referred to in the Act.

**public infrastructure** means:

- (a) public amenities and public services, and
- (b) affordable housing, and
- (c) transport infrastructure,

but does not include water supply or sewerage services.

**Regulation** means the Environmental Planning and Assessment Regulation 2000.

**Residential accommodation** means a building or place used predominantly as a place of residence, including:

- Attached dwellings;
- Boarding houses;
- Dual occupancies;
- Dwelling houses;
- Group homes;
- Hostels;
- Multi dwelling housing;
- Residential flat buildings;
- Rural worker's dwellings;
- Secondary dwellings
- Semi-detached dwellings;
- Seniors housing; and
- Shop top housing;

but does not include tourist and visitor accommodation or caravan parks.

**seniors housing** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital;

**social housing provider** means a social housing provider as defined by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 which, at the date of adoption of this Plan included:

- (a) the New South Wales Land and Housing Corporation,
- (b) the Department of Housing,
- (c) a community housing organisation registered with the Office of Community Housing of the Department of Housing,
- (d) the Aboriginal Housing Office,
- (e) a registered Aboriginal housing organisation within the meaning of the Aboriginal Housing Act 1998,
- (f) the Department of Ageing, Disability and Home Care,
- (g) a local government authority that provides affordable housing,
- (h) a not-for-profit organisation that is a direct provider of rental housing to tenants.

**SSD** means the Sydney Statistical Division as used by the ABS;

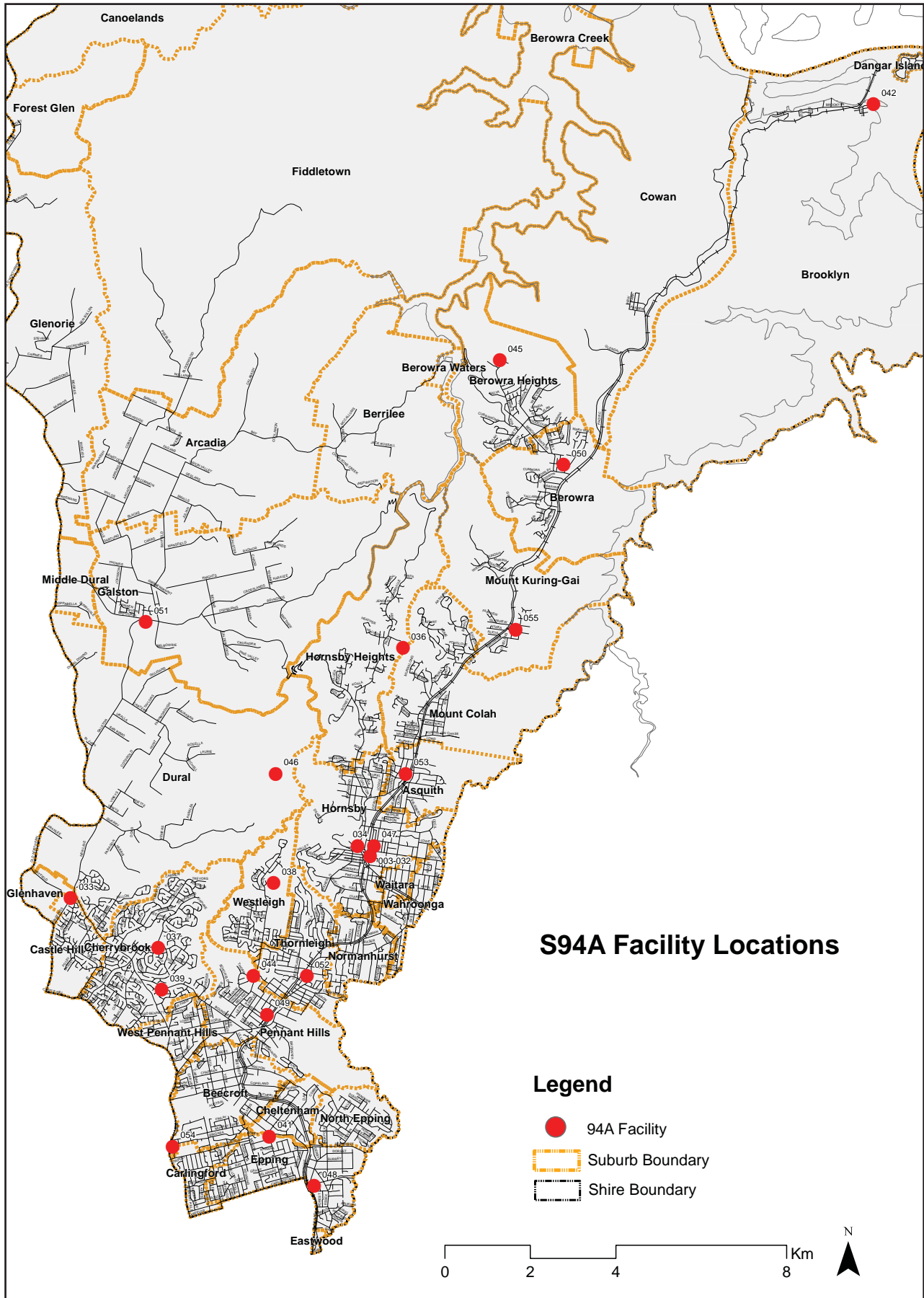
**work-in-kind** means the carrying out of work which is identified in the costed works schedule which form part of this Plan in return for a reduction in the amount of monetary contributions (but not a reduction in the total quantum of contributions) required for the same category of contribution.

## Appendix B - Works Schedule

Facility Ref	Description	Total Facility Cost	Cost anticipated to be funded by this plan
s94A_001	Signalisation of Sefton Rd with Chilvers Rd	\$730,000	\$65,614
s94A_002	Traffic Management and chanelisation on Pacific Hwy frontage at Berowra Commercial Centre	\$144,080	\$15,129
s94A_003	Capacity improvements and upgade of intersection of Alexandria Pde with Myra St/Ingram Rd	\$1,471,057	\$144,993
s94A_004	Dural North from Pacific Hwy westerly (67.5m)	\$140,000	\$901
s94A_005	Dural South from Pacific Hwy westerly (65m)	\$140,000	\$901
s94A_026	Coronation Nth from Pacific Hwy to Station (80m)	\$300,000	\$29,569
s94A_027	Pacific Hwy East from Station St to Coronation St	\$640,000	\$63,081
s94A_028	Pacific Hwy West from Dural Lane to Dural St	\$530,000	\$52,239
s94A_029	George Street Pedestrian Bridge replacement	\$3,000,000	\$315,008
s94A_030	Pacific Hwy at Station St threshold	\$50,000	\$4,928
s94A_031	Dural Lane at Pacific Hwy threshold	\$50,000	\$4,928
s94A_032	Dural St at Pacific Hwy threshold	\$50,000	\$4,928
s94A_033	Hastings Road - Roadworks	\$800,000	\$84,002
s94A_034	Hornsby Aquatic Centre	\$30,000,000	\$2,957,108
s94A_035	Calna Creek Mt Colah - Restoration of part of Great North Walk	\$88,000	\$9,241
s94A_037	Cherrybrook Lakes - Track upgrade in reserve with intensive public recreation	\$60,000	\$6,300
s94A_038	Dog Pound Creek Westleigh - Walking track upgrade	\$75,000	\$7,875
s94A_039	Flametree Close Cherrybrook - Walking track upgrade	\$50,000	\$5,250
s94A_041	Kent St, Epping - Interpretive walking trail	\$65,000	\$6,825
s94A_042	McKell Park Brooklyn - Bush track upgrade	\$55,000	\$5,775
s94A_044	Zig Zag Creek Pennant Hills - Upgrade bush and heritage track	\$60,000	\$6,300
s94A_045	Berowra Park and Turner Road Bushland, Berowra - Upgrade and extend recreational trails, restoration and signage for high scenic bushland and Great North Walk	\$80,000	\$8,400
s94A_046	Hornsby Shire Bike Plan (HSBP)	\$5,354,745	\$527,785
s94A_047	Hornsby Central Library - Extend existing	\$9,445,000	\$759,169
s94A_048	Epping Library - Extend	\$3,245,000	\$309,758
s94A_049	Pennant Hills Library - Extend existing	\$8,265,000	\$808,520
s94A_050	Berowra Community Centre and Library - Extend existing	\$1,000,000	\$99,006
s94A_051	Thornleigh Community Centre - Upgrade existing	\$3,000,000	\$295,711
s94A_052	Asquith Community Centre - Upgrade existing	\$9,000,000	\$467,122
TOTAL		\$77,887,882	\$7,066,576



# Appendix C - Maps of Facility Locations



## Appendix D - Procedure for determining cost of proposed development

A report specifying the cost of the proposed development is required to be submitted to allow Council to determine the contribution that will be required. The following should be provided:

- A Cost Summary Report must be completed for works with a value of \$3,000,000 or less.
- A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for works with a value greater than \$3,000,000.

To avoid doubt, section 25J of the Environmental Planning and Assessment Act 1979 provides:

“(1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 94A levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:

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

(2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.

(3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:

- (a) the cost of the land on which the development is to be carried out,
- (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,

- (c) the costs associated with marketing or financing the development (including interest on any loans),
- (d) the costs associated with legal work carried out or to be carried out in connection with the development,
- (e) project management costs associated with the development,
- (f) the cost of building insurance in respect of the development,
- (g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
- (h) the costs of commercial stock inventory,
- (i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,
- (j) the costs of enabling access by disabled persons in respect of the development,
- (k) the costs of energy and water efficiency measures associated with the development,
- (l) the cost of any development that is provided as affordable housing,
- (m) the costs of any development that is the adaptive reuse of a heritage item.

(4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.”

**Cost Summary Report**

[Development Cost of \$3,000,000 or less]

DEVELOPMENT APPLICATION No.		REFERENCE:	
COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.			
CONSTRUCTION CERTIFICATE No.		DATE:	

APPLICANT'S NAME:.....

APPLICANT'S ADDRESS:.....

DEVELOPMENT NAME:.....

DEVELOPMENT ADDRESS:.....

## ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	\$	Hydraulic services	\$
Structure	\$	Mechanical services	\$
External walls, windows and doors	\$	Fire services	\$
Internal walls, screens and doors	\$	Lift services	\$
Wall finishes	\$	External works	\$
Floor finishes	\$	External services	\$
Ceiling finishes	\$	Other related work	\$
Fittings and equipment	\$	Sub-total	\$
Sub-total above carried forward	\$		
Preliminaries and margin	\$		
Sub-total	\$		
Consultant Fees	\$		
Other related development costs	\$		
Sub-total	\$		
Goods and Services Tax	\$		
<b>TOTAL DEVELOPMENT COST</b>	<b>\$</b>		

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate.
- calculated the development costs in accordance with the definition of development costs in clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- included GST in the calculation of development cost.

Signed:.....

Name:.....

Position and Qualifications:.....

Date:.....

**Registered\* Quantity Surveyor’s Detailed Cost Report**

[Development Cost greater than \$3,000,000]

\*A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No.		REFERENCE:	
COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.			
CONSTRUCTION CERTIFICATE No.		DATE:	

APPLICANT’S NAME:.....

APPLICANT’S ADDRESS:.....

DEVELOPMENT NAME:.....

DEVELOPMENT ADDRESS:.....

DEVELOPMENT DETAILS:

Gross Floor Area – Commercial	m <sup>2</sup>	Gross Floor Area – Other	m <sup>2</sup>
Gross Floor Area – Residential	m <sup>2</sup>	Total Gross Floor Area	m <sup>2</sup>
Gross Floor Area – Retail	m <sup>2</sup>	Total Site Area	m <sup>2</sup>
Gross Floor Area – Car Parking	m <sup>2</sup>	Total Car Parking Spaces	
Total Development Cost		\$	
Total Construction Cost		\$	
Total GST		\$	

ESTIMATE DETAILS:

Professional Fees	\$	Excavation	\$
% of Development Cost	%	Cost per m2 of site area	\$ /m <sup>2</sup>
% of Construction Cost	%	Car Park	\$
Demolition and Site Preparation	\$	Cost per m2 of site area	\$ /m <sup>2</sup>
Cost per m <sup>2</sup> of site area	\$ /m <sup>2</sup>	Cost per space	\$ /space
Construction – Commercial	\$	Fit-out – Commercial	\$
Cost per m <sup>2</sup> of commercial area	\$ /m <sup>2</sup>	Cost per m2 of commercial area	\$ /m <sup>2</sup>
Construction – Residential	\$	Fit-out – Residential	\$
Cost per m <sup>2</sup> of residential area	\$ /m <sup>2</sup>	Cost per m2 of residential area	\$ /m <sup>2</sup>
Construction – Retail	\$	Fit-out – Retail	\$
Cost per m <sup>2</sup> of retail area	\$ /m <sup>2</sup>	Cost per m2 of retail area	\$ /m <sup>2</sup>

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate.
- prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.
- calculated the development costs in accordance with the definition of development costs in the Hornsby Shire Council Indirect Development Contributions Plan at current prices.
- included GST in the calculation of development cost.
- measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed:.....

Name:.....

Position and Qualifications:.....

Date:.....

## Appendix E – Pro forma Condition of Development Consent

- (a) In accordance with Section 80A(1) of the Environmental Planning and Assessment Act 1979 and the Hornsby Shire Council Section 94A Development Contributions Plan, \$[INSERT FIGURE] shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs of \$[INSERT FIGURE]
- (b) If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Indirect Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\text{\$C}_{\text{PY}} = \frac{\text{\$C}_{\text{DC}} \times \text{CPI}_{\text{PY}}}{\text{CPI}_{\text{DC}}}$$

Where:

$\text{\$C}_{\text{PY}}$  is the amount of the contribution at the date of Payment

$\text{\$C}_{\text{DC}}$  is the amount of the contribution as set out in this Development Consent

$\text{CPI}_{\text{PY}}$  is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

$\text{CPI}_{\text{DC}}$  is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this Development Consent.

- (c) The monetary contributions shall be paid to Council:
- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
  - (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
  - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
  - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

The Hornsby Shire Council Section 94A Development Contributions Plan may be viewed at [hornsby.nsw.gov.au](http://hornsby.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.

## Appendix F – Pro forma Complying Development Certificate Condition

- (a) In accordance with Section 85A(6) of the Environmental Planning and Assessment Act 1979 and the Hornsby Shire Council Indirect Development Contributions Plan, \$[INSERT FIGURE] shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs of \$[INSERT FIGURE]
- (b) If the contributions are not paid within the financial quarter that this complying development certificate is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Indirect Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\$C_{PY} = \frac{\$C_{CDC} \times CPI_{PY}}{CPI_{CDC}}$$

Where:

$\$C^{PY}$  is the amount of the contribution at the date of Payment.

$\$C^{CDC}$  is the amount of the contribution as set out in this Complying Development Certificate.

$CPI^{PY}$  is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

$CPI^{CDC}$  is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this Complying Development Certificate.

- (c) The monetary contributions shall be paid to Council prior to the issue of the Complying Development Certificate.

It is the professional responsibility of an Accredited Certifier to ensure that the monetary contributions have been paid to Council prior to authorising works to commence.

The Hornsby Shire Council Section 94A Development Contributions Plan may be viewed at [hornsby.nsw.gov.au](http://hornsby.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.

## Appendix G - References

The following legislation, plans and policies, studies, technical guides and other information have been used to formulate the contents of the Plan:

Australian Bureau of Statistics (1996). Census Data

Australian Bureau of Statistics (2001). Census Data

Australian Bureau of Statistics (2006). Census Data

Hornsby Shire Council (1994). Hornsby Local Environmental Plan 1994

Hornsby Shire Council (2010). Hornsby Shire Housing Strategy

Department of Planning (2005).  
Development Contributions Practice Notes

Department of Planning (2007), North Subregion Draft Subregional Strategy

Department of Planning (2009), Draft Local Development Contributions Guidelines

Department of Urban Affairs & Planning (1997),  
The Section 94 Contributions Manual

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Amendment Act 2008

Environmental Planning and Assessment Regulation 2000

SGS Economics and Planning (2008). Ku-ring-gai & Hornsby Subregional Employment Study

