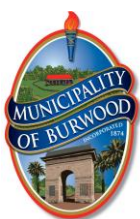


## SECTION 94A CONTRIBUTIONS PLAN For Burwood Town Centre

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***Burwood Council***

**heritage ■ progress ■ pride**

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## Introduction

Section 94A of the Environmental Planning and Assessment Act 1979 gives Council the power to impose as a condition of development consent a requirement that the applicant pay a levy of a fixed percentage of the cost of the proposed development. Section 94B of the Act requires that a condition imposed under Section 94A must be in accordance with a contributions plan. Subject to the contributions plan, money received as payment under a condition must be applied towards the provision, extension or augmentation of public amenities or public services.

Pursuant to Section 94A(5) of the Act, the Minister for Planning has notified the Environmental Planning and Assessment (Burwood Town Centre Levies) Regulation 2010 on 10 May 2010 to amend Clause 25K of the Environmental Planning and Assessment Regulation 2000. This notice establishes the maximum percentage of the proposed cost of carrying out development that may be imposed by a levy under Section 94A for the Burwood Town Centre.

## Requirements of the Plan

### 1. What is the name of this contributions plan?

This plan is called the "Burwood Council Section 94A Contributions Plan for Burwood Town Centre".

### 2. Where does this plan apply?

This plan applies to the development of land in the Burwood Town Centre that is identified in the Land Application Map under Burwood Local Environment Plan (Burwood Town Centre) 2010, or thereafter, the Burwood Town Centre Map under Burwood Local Environmental Plan (BLEP) 2012.

### 3. When does this plan commence?

This Plan commences on 10 May 2010. It applies to development applications determined after the plan commences.

### 4. What is the relationship with other contributions plans?

This plan replaces any other Section 94 or Section 94A Contributions Plan insofar as it applies to the Burwood Town Centre.

### 5. What is the Section 94A contributions levy?

The rate of the Section 94A contributions levy for the Burwood Town Centre is established in the Table to Clause 25K (b) of the Environmental Planning and Assessment Regulation 2000 which provides the following:

Proposed cost of carrying out the development	Maximum percentage of the levy
Up to and including \$250,000	Nil
More than \$250,000	4 per cent

Council cannot impose as a condition of the same development consent a condition under Section 94 as well as a condition under Section 94A.

A condition imposed under 94A 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 to be paid by the condition.

A condition imposed under 94A that is allowed by or determined in accordance with a contributions plan may not be disallowed or amended by the Court on appeal.

## 6. What is the purpose of this contributions plan?

The primary purposes of this Section 94A Contributions Plan are:

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*;
- To provide for funding towards the provision, extension or augmentation of public amenities and public services identified by Burwood Council as necessary to support the expected growth and development in the Town Centre (or towards recouping the cost of their provision, extension or augmentation);
- To publicly identify the purposes for which the levies are required. The main amenities and services which the contributed funds will assist in providing are those set out in Schedule 1. The priorities for expenditure of funds are also indicated in the Schedule. In this Plan, the listed public amenities or public services are generally referred to as the works.

## 7. What is the demand for public amenities and public services?

This plan is based on the provision of public amenities and services to support the growth and development of Burwood Town Centre. As the Major Centre for the Inner West Subregion in the NSW Government's Metropolitan Strategy, there is expected to be substantial growth in employment, services and housing. The increased capacity provided by Burwood Local Environmental Plan (Burwood Town Centre) 2010 is expected to result in an additional 2,700 jobs and 5,000 residents in the Town Centre over the next 25 years.

The growth in residential population, employment and use of services in Burwood Town Centre will require and generate demand for new, extended and augmented public amenities, services and infrastructure. New residents, workers and visitors to Burwood will have inadequate levels of service if Council does not take action to provide new public amenities and infrastructure, or extend and augment existing facilities. The levels of service for the existing population will also decline if there is inadequate public investment.

## Administration and Operation of the Plan

### 8. How is the amount of the levy calculated?

The levy will be determined on the basis of the rate as set out in Section 5. The levy will be calculated as follows:

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

Where

**%C** is the levy rate applicable

**\$C** is the proposed cost of carrying out the development

### 9. Complying development certificates

Pursuant to Section 94EC (1) (a) and Section 85A (9) of the EP&A Act 1979, where an accredited certifier issues a complying development certificate (CDC) in respect of development to which this Plan applies, the certificate must be subject to a condition requiring the applicant to pay to Council the levy in accordance with this Plan.

The condition imposed by an accredited certifier on a complying development certificate must include details of the requirements of Clause 10 of this Plan. Any required contribution payment shall be made to Council **within two days of the issue of a CDC** by a Principal Certifying Authority. Should a payment be made after the two day period, Council may require the amount be indexed in accordance with the Consumer Price Index to adjust the amount of the payment to account for the time between the consent date and payment date.

A suggested condition for use by an accredited certifier imposing a condition on a complying development certificate that requires an applicant to pay to Council a levy in accordance with this Plan is included in Schedule 5.

The imposition of a condition on a CDC issued by an accredited certifier as authorised by this Plan is subject to compliance with any directions given under Section 94E with which Council would be required to comply if issuing the CDC is concerned.

## 10. How is the cost of development assessed?

The cost of carrying out a proposed development will be determined in accordance with clause 25J of the EP&A Regulation 2000. A copy of this clause is provided in Schedule 2.

To provide Council with reliable information on the cost of carrying out a development, the applicant is to provide details with the development application. There are two levels of information provision, dependent on the scale and cost of construction:

- **Between \$250,000 and \$1,000,000** – where the cost of carrying out a proposed development is in this range, a Cost Summary Report must be completed by the applicant or a nominated representative such as the Project Architect or Project Manager;
- **Above \$1,000,000** – where the cost of carrying out a proposed development is in this range, a Detailed Cost Report must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification.

Without limitation to the above, Council may review the valuation of works and may seek the services of an independent qualified person to verify the development cost assessment. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant.

## 11. When is payment made and how will the contribution be adjusted?

In accordance with clause 146 of the EP&A Regulation 2000, 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 levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the EP&A Regulation 2000. Failure to follow this procedure may render such a certificate invalid. Council also requires payment of any costs associated with verification of the cost of construction assessment prior to the issue of the construction certificate.

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

As the date of payment of a contribution under a consent condition may be later than the consent date, Clause 25J (4) of the Regulation allows Council to adjust the contribution to reflect cost increases during this period. Contributions will be adjusted at the time of payment of the contribution in accordance with the following formula:

### Contribution at time of payment

$$C_2 = \frac{C_1 \times CPI_2}{CPI_1}$$

Where:

$C_1$	Monetary contribution imposed on the development consent
$C_2$	Monetary contribution at the time that the contribution is paid
$CPI_1$	Latest "Consumer Price Index: All Groups Index Number 6401.0" for Sydney

available from the Australian Bureau of Statistics at the time of granting the relevant development consent

CPI<sub>2</sub>

Latest "Consumer Price Index: All Groups Index Number 6401.0" for Sydney available from the Australian Bureau of Statistics at the time the contribution is to be paid

Refer **Section 9** for requirement of contribution payment under a Complying Development Certificate.

## **12. Will Council accept alternatives to a levy?**

The Council may at its absolute discretion accept the dedication of land or provision of a material public benefit or works-in-kind in part or full satisfaction of a Section 94A levy under this plan.

As a general rule, only land or works directly associated with the roads and traffic improvements, public domain improvements and community facilities as indicated in Schedule 1 may be considered as a material public benefit or work-in-kind in satisfaction of the contributions levy. Applicants must provide full details, costs and valuations of the land or works.

If Council agrees to an alternative to the levy, it will either require the alternative as a condition of consent, or accept it under the terms of a Voluntary Planning Agreement.

## **13. How will the Section 94A funds be administered?**

Burwood Council is to administer money obtained from the S.94A levy and make decisions on the application of funds applied towards the provision, extension or augmentation of public amenities, infrastructure or public services for the Town Centre in accordance with the Environmental Planning and Assessment Act 1979 and Regulation 2000.

This plan expressly authorises section 94A levies paid for different purposes to be pooled and applied (progressively or otherwise) for the purposes indicated in Schedule 1.

## Schedule 1 – Schedule of Works

In the following Table and Maps, Schedule 1 provides a summary of the main local public amenities, infrastructure or public services towards which funds collected under this Contributions Plan will be used to provide, extend or augment, (or used towards recouping the cost of provision, extension or augmentation). The Table in Schedule 1 includes the estimated cost of the public amenities or public services. Funds collected under the contributions plan will provide only a part of the indicated cost of works, infrastructure and services. The Table in Schedule 1 also indicates the estimated priority timeframe of their provision, extension or augmentation in full or in large part (see clarification note at end of Schedule 1).

The Maps following the Table are included in Schedule 1 to indicate the location of the main works, infrastructure and services. The proposed works listed in the Table and shown on the Maps in Schedule 1 are indicative and implementation is subject to the budgetary and operational resources of Council. Not all works shown on the maps are prioritised in the section 94A plan for the Burwood Town Centre. Regard should also be had to the Land Reservation Acquisition Map in LEP 2010 which shows the land to be acquired for implementation of certain projects, as indicated in the Table.

**Table – Provision or improvement of public amenities, infrastructure or services**

	<b>Public Amenities, Infrastructure and Services</b>	<b>Cost</b>	<b>Category Totals</b>	<b>Priority Time Frame *</b>
	<b>Roads and Traffic</b>	<b>\$47,993,808</b>		
	<b>Intersection Works Sub-Total</b>	<b>\$12,577,653</b>	<b>\$12,577,653</b>	
A	Burwood Road & Livingstone Street/Clarence Street - New Traffic Signals Multi Purpose Poles (MPP)	\$400,000		A2
B	Burwood Road & Belmore Street - Traffic Signals Upgrade (MPP)	\$400,000		A2
C	Burwood Road & Railway Parade - Traffic Signals Upgrade (MPP)	\$400,000		A2
D	Burwood Road & George Street - New Traffic Signals (MPP)	\$400,000		A2
E	Burwood Road & Victoria Street/East – New Traffic Signals (MPP)	\$1,206,465		C1
F	Railway Parade & Conder Street - New Traffic Signals (MPP)	\$400,000		A2
G	Burwood Road & Deane Street Traffic Signal Upgrade (MPP)	\$300,000		A1
H	Shaftesbury Road & Clarence Street – New Traffic Signals	\$300,000		A3
I	Belmore Street & Elizabeth Street – Footpath/Road Widening	\$50,000		A3
J	Shaftesbury Road & Victoria Street East – Road Widening	\$1,362,985		A2
K	Shaftesbury Road & Wilga Street – Road Widening	\$150,000		A2
L	Shaftesbury Road & Belmore Street – New Traffic Signals	\$300,000		A3
M	Railway Parade - Burwood Road to Shaftesbury Road - Road Widening	\$1,269,808		A2
N	Shaftesbury Road & Deane Street – New Traffic Signals and Road Widening	\$2,330,055		A2
O	Shaftesbury Road & George Street – New Traffic Signals and Road Widening	\$2,108,340		A2
P	Marmaduke & Deane Street – Road Widening	\$100,000		A3
Q	Wynne Avenue – New mid block Traffic Signals	\$300,000		A1
R	Belmore Street & Wynne Avenue – New Traffic Signals	\$400,000		A1
S	Belmore Street & Conder Street – New Signals	\$400,000		A1
	<b>Street Openings Sub-Total</b>	<b>\$7,904,083</b>	<b>\$7,904,083</b>	
A	Victoria Street West – Future opening of the eastern end at Burwood Road – civil works	\$227,018		C1
B	Victoria Street West - Future opening of the eastern end at Burwood Road - land acquisition (refer A on Map 3)	\$1,917,065		C1
C	Victoria Street West Future opening of the eastern end at Burwood Road - land acquisition (refer F and G on Map 3)	\$5,760,000		C1
	<b>Carriageway Widening - Footway Setbacks Sub-Total</b>	<b>\$8,995,732</b>	<b>\$8,995,732</b>	
A	Marmaduke Street	\$336,521		B1



B	Victoria Street West – Widen carriageway between Elsie St and Park Rd	\$287,696		A2
C	Victoria Street East	\$199,679		A2
D	George Street (East)	\$377,119		A2
E	Shaftesbury Road (various - east and west sides)	\$513,312		A2
F	Shaftesbury Rd Sliplane into Parramatta Rd	\$233,500		C2
G	Railway Pde Burwood Rd to Shaftesbury Road (dual eastbound & westbound lanes)	\$422,848		B2
H	Wentworth Rd south of Railway Parade (West Side)	\$322,848		C2
I	Shaftesbury Road - Land Acquisition (refer D on Map 3)	\$2,595,000		A2
J	Shaftesbury Road - Sliplane Land Acquisition	\$145,000		C2
K	Victoria Street East Land Acquisition (refer C on Map 3)	\$298,000		C1
L	Railway Pde (Burwood Plaza Site) Land Acquisition (refer E Map 3)	\$1,522,500		C2
M	George St East between Burwood Rd and Shaftesbury Rd - southern side - land acquisition (refer B on Map 3)	\$1,407,000		B1
	<b>Street Widening - Shaftesbury Rd Bridge</b>	<b>\$17,326,530</b>	<b>\$17,326,530</b>	
A	Shaftesbury Road Bridge	\$17,326,530		B2
	<b>Street Resurfacing</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	
A	Street Re-surfacing – Burwood CBD Various Roads	\$1,000,000		A1
	<b>Open Space &amp; Recreation</b>	<b>\$18,358,772</b>		
	<b>New Public Open Space Acquisition Sub-Total</b>			
A	Public Open Space (SE Corner Railway Pde & Burwood Rd) Square - land acquisition (refer H on Map 3)	\$6,000,000	\$6,000,000	B3
	<b>New Public Space Embellishment Sub-Total</b>	<b>\$6,723,637</b>	<b>\$6,723,637</b>	
A	New Library and Community Hub/Cafe	\$4,200,000		A1
B	New Library Car Park and Landscaping	\$500,000		A1
C	Public Open Space (NW Corner Railway Pde & Burwood Rd)	\$540,294		A2
D	Public Open Space/Pedestrian Link (Deane St - Mary St)	\$1,155,915		A2
E	Public Open Space (SE Corner Railway Pde & Burwood Rd) Square	\$327,428		B3
	<b>Town Centre Existing Open Space Embellishment Sub-Total</b>	<b>\$5,962,563</b>	<b>\$5,962,563</b>	
A	Burwood Park Stage 1A – Burwood Park New Footpaths and K&G	\$1,411,363		A1
B	Burwood Park Stage 1B – Toilet Block, Stormwater etc	\$1,411,363		A2
C	Burwood Park Additional Provisional Sum Stage 2 – Tennis Courts	\$2,822,727		C1
D	Stormwater Harvesting – Pond Upgrade	\$317,110		A3
	<b>Community</b>	<b>\$2,874,816</b>		
	<b>Childcare Sub-Total</b>	<b>\$2,874,816</b>	<b>\$2,874,816</b>	
A	Long Day Care - Pre School Centre 1	\$1,349,914		B1
B	The Community Centre (Woodstock)	\$500,000		A1
B	Pre-School - OOSH Centre 2	\$1,524,902		B2
	<b>Public Domain Improvements</b>	<b>\$39,549,849</b>		
	<b>Streetscape Upgrades (some including footway variations) Sub-Total</b>	<b>\$38,822,283</b>	<b>\$38,822,283</b>	
A	Burwood Rd - East side (Meryla St - Church St)	\$2,542,601		A2

B	Burwood Rd - West side (Burwood Pk - Woodside St)	\$2,606,523		B3
C	Wilga Street - South side	\$609,635		C2
D	Victoria Street East - North side	\$703,345		A2
E	Victoria Street East - South side	\$644,418		A2
F	George St - North side (Shaftesbury Rd - Burwood Rd)	\$559,533		A1
G	George St - South side (Shaftesbury Rd - Burwood Rd)	\$876,549		A1
H	Marmaduke Street between Deane St and George St – both sides	\$436,109		B2
I	Deane Street between Shaftesbury Road and Youth Lane – both sides	\$436,109		B2
J	Railway Pde - South side (Burwood Rd - Shaftesbury Rd)	\$1,440,812		A2
K	Belmore Street - North side (Conder Street - Shaftesbury Road)	\$2,100,464		A1
L	Belmore Street - South side (Conder Street - Shaftesbury Road)	\$1,054,562		C1
M	Conder St - West side (Livingstone St to Railway Pde)	\$565,689		A3
N	Conder St - East side (Norwood St to Railway Pde)	\$509,667		A3
O	Wynne Ave - Both sides	\$916,178		A1
P	George Street - North side (Park Road - Burwood Road)	\$553,326		B2
Q	George Street - South side (Park Road - Burwood Road)	\$669,515		B2
R	Victoria Street West - North side (Dunns Lane – Park Road)	\$368,596		A2
S	Victoria Street West - South side (Dunns Lane – Park Road)	\$387,878		A2
T	Dunns Lane – West and east sides	\$171,271		C2
U	Park Avenue - South side	\$882,763		A3
V	Park Avenue - North side	\$1,345,574		A3
W	Mary Street - both sides	\$1,267,400		B2
X	Park Road - East Side (Park Av - Comer St)	\$836,369		B3
Y	Comer Street - South side (Park Rd - Burwood Rd)	\$1,022,411		B3
Z	Railway Crescent from Park Rd to John St North Side and John St from Railway Cres to George St – both sides	\$105,780		A3
AA	John Street - George St to Victoria St – both sides	\$85,656		A3
AB	Place Underground Low Voltage Aerial Supply Line	\$10,653,984		C1
AC	Place Underground Low Voltage Customer Service Line	\$2,812,813		B3
AD	Bus Stops, Shelters, Seats, Bins	\$839,889		A2
AE	Shaftesbury Rd - East side (Victoria St East to Deane St)	\$771,634		A3
	<b>Street Closures and Shared Ways Sub-Total</b>	<b>\$827,566</b>	<b>\$827,566</b>	
A	Conder Street - shared way outside Burwood Public School	\$357,538		A2
B	Clarendon Place – closure (Shared Zone)	\$226,490		A2
C	Deane Street (Mary to Burwood) - closure for pedestrian use	\$143,778		A2
D	Railway Crescent (John St to Burwood Rd) - closure for pedestrian use	\$99,760		A2
	<b>Plan Preparation and Administration</b>	<b>\$300,000</b>	<b>\$300,000</b>	A1
	<b>GRAND TOTAL</b>		<b>\$109,814,863</b>	

**Note on Table to Schedule 1**

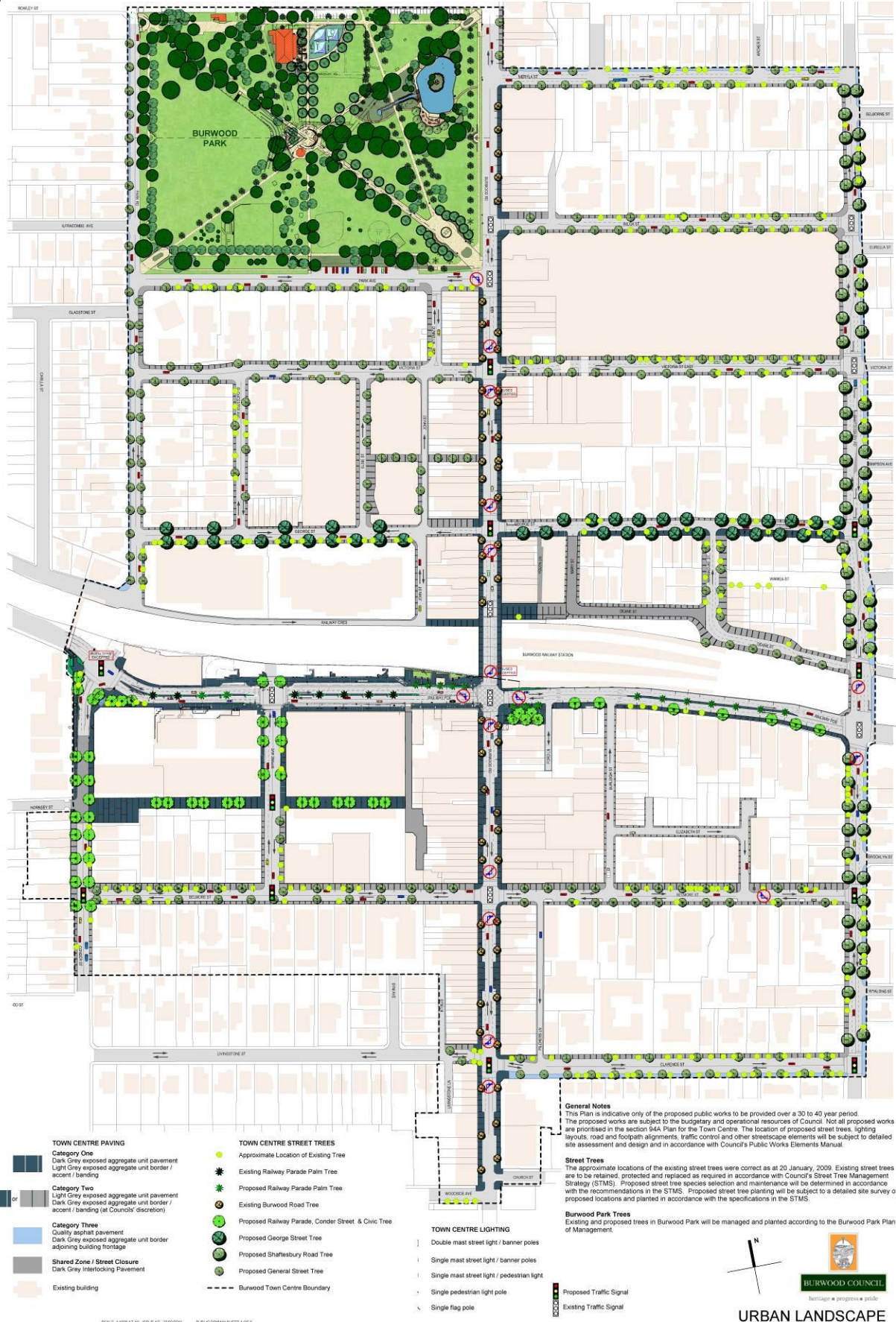
Each item of works has been provided with a priority ranking which provides an indicative timing for the delivery of the work items, as shown in the following table.

Priority ranking	Indicative timing
A1	2012-2015
A2	2015-2018
A3	2018-2021
B1	2021-2024
B2	2024-2027
B3	2027-2030
C1	After 2030
C2	After 2035

The priority ranking and actual timing of delivery of works is subject to change as it is influenced by the following factors:

- The rate and timing of development from which contributions are collected;
- The pooling of sufficient funds to enable provision, extension or augmentation of amenities and services;
- The requirements of Council's annual works program from year to year;
- The relationship between works and other events e.g. land acquisitions may depend on whether the properties are on the market.

# Map 1



**TOWN CENTRE PAVING**

**Category One**  
 Dark Grey exposed aggregate unit pavement  
 Light Grey exposed aggregate unit border / accent / banding

**Category Two**  
 Light Grey exposed aggregate unit pavement  
 Dark Grey exposed aggregate unit border / accent / banding (at Council's discretion)

**Category Three**  
 Quality asphalt pavement  
 Dark Grey exposed aggregate unit border adjoining building frontage

**Shared Zone / Street Closure**  
 Dark Grey Interlocking Pavement

Existing building

**TOWN CENTRE STREET TREES**

● Approximate Location of Existing Tree

✳ Existing Railway Parade Palm Tree

✳ Proposed Railway Parade Palm Tree

● Existing Burwood Road Tree

● Proposed Railway Parade, Conder Street & Civic Tree

● Proposed George Street Tree

● Proposed Shaftesbury Road Tree

● Proposed General Street Tree

--- Burwood Town Centre Boundary

**TOWN CENTRE LIGHTING**

Double mast street light / banner poles

Single mast street light / banner poles

Single mast street light / pedestrian light

Single pedestrian light pole

Single flag pole

**General Notes**

This Plan is indicative only of the proposed public works to be provided over a 30 to 40 year period. The proposed works are subject to the budgetary and operational resources of Council. Not all proposed works are prioritised in the section 94A Plan for the Town Centre. The location of proposed street trees, lighting layouts, road and footpath alignments, traffic control and other streetscape elements will be subject to detailed site assessment and design and in accordance with Council's Public Works Elements Manual.

**Street Trees**

The approximate locations of the existing street trees were correct as at 20 January, 2009. Existing street trees are to be retained, protected and replaced as required in accordance with Council's Street Tree Management Strategy (STMS). Proposed street tree species selection and maintenance will be determined in accordance with the recommendations in the STMS. Proposed street tree planting will be subject to a detailed site survey of proposed locations and planted in accordance with the specifications in the STMS.

**Burwood Park Trees**

Existing and proposed trees in Burwood Park will be managed and planted according to the Burwood Park Plan of Management.



**URBAN LANDSCAPE**  
**BURWOOD TOWN CENTRE**

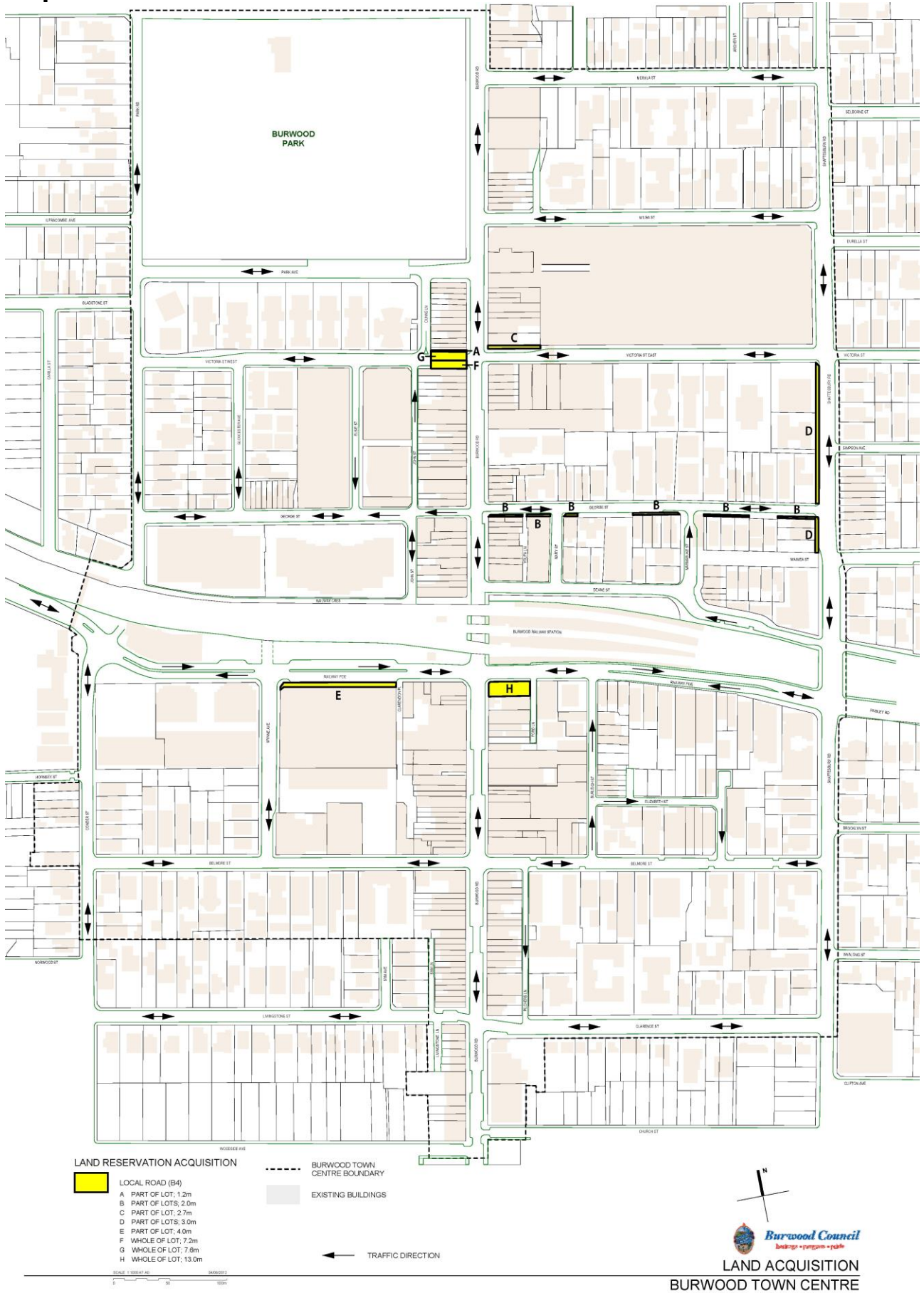
# Map 2



## PUBLIC SPACES + STREETS CAPES BURWOOD TOWN CENTRE

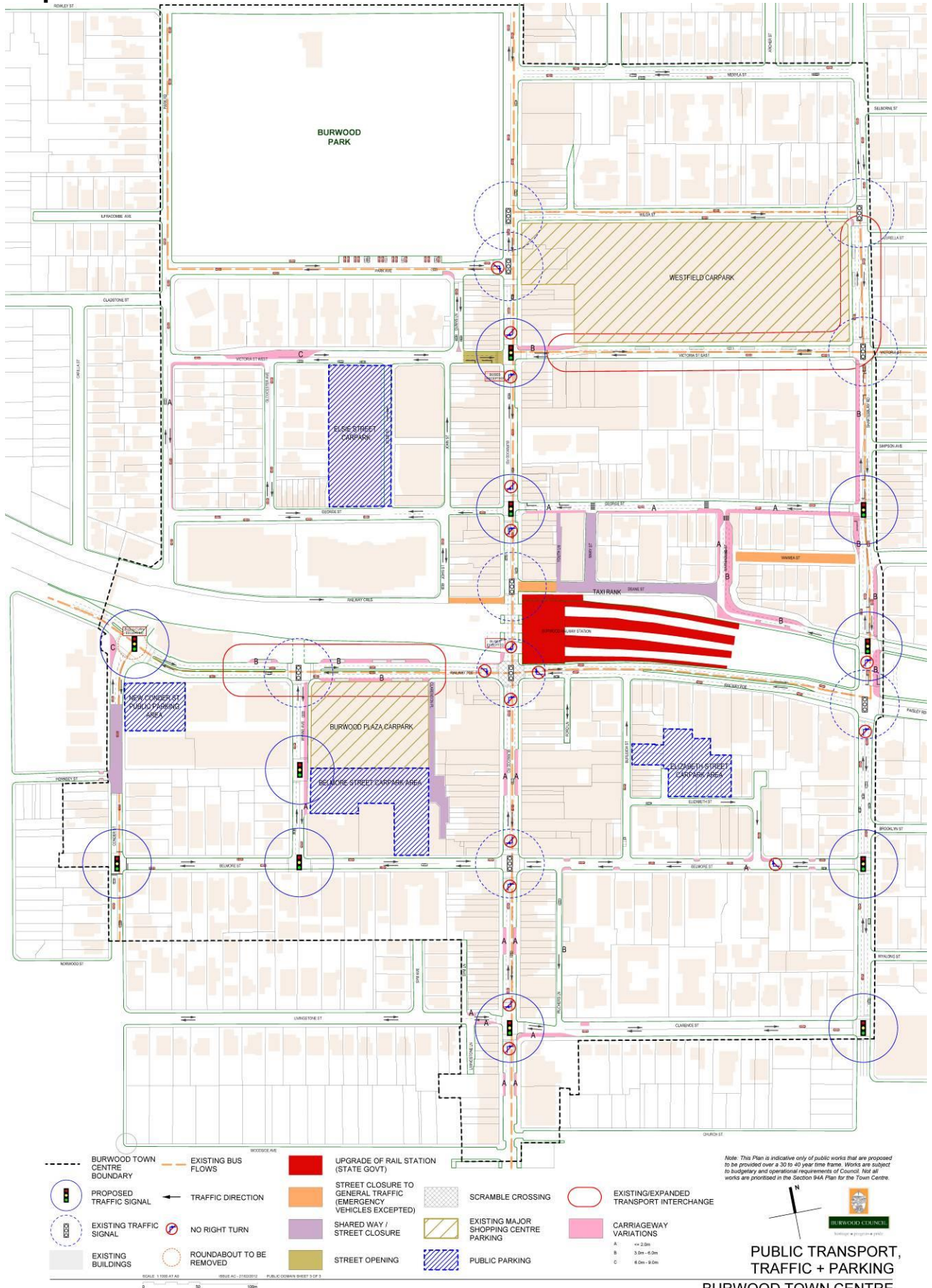


# Map 3



**LAND ACQUISITION**  
**BURWOOD TOWN CENTRE**

# Map 4



Note: This Plan is indicative only of public works that are proposed to be provided over a 20 to 40 year time frame. Works are subject to budgetary and operational requirements of Council. All works are prioritised in the Section 94A Plan for the Town Centre.



## PUBLIC TRANSPORT, TRAFFIC + PARKING BURWOOD TOWN CENTRE

- |                              |                          |   |  |   |
|------------------------------|--------------------------|---|--|---|
| BURWOOD TOWN CENTRE BOUNDARY | EXISTING BUS FLOWS       | UPGRADE OF RAIL STATION (STATE GOVT)                            | SCRAMBLE CROSSING                      | EXISTING/EXPANDED TRANSPORT INTERCHANGE |
| PROPOSED TRAFFIC SIGNAL      | TRAFFIC DIRECTION        | STREET CLOSURE TO GENERAL TRAFFIC (EMERGENCY VEHICLES EXCEPTED) | EXISTING MAJOR SHOPPING CENTRE PARKING | CARRIAGEWAY VARIATIONS                  |
| EXISTING TRAFFIC SIGNAL      | NO RIGHT TURN            | SHARED WAY / STREET CLOSURE                                     | PUBLIC PARKING                         | A 4.0m - 5.0m                           |
| EXISTING BUILDINGS           | ROUNDABOUT TO BE REMOVED | STREET OPENING  |  | B 3.0m - 4.0m                           |
|                              |                          |   |  | C 4.0m - 9.0m                           |

SCALE 1:1000 AT A4  
 SHEET AC 21/00012 PUBLIC WORKS SHEET 2 OF 3

## Schedule 2 - Determination of Proposed Cost of Development

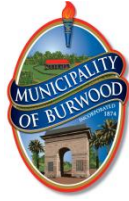
### Clause 25J of the Environmental Planning and Assessment Regulation 2000

#### **25J Section 94A levy—determination of proposed cost of development**

- (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.*
- (5) *To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.*



## Schedule 3 – Form for a Cost Summary Report



# Burwood Council

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## Cost Summary Report

- To be completed for all development costing between \$100,000 and \$500,000.
- To be completed by the applicant or a nominated representative such as the Project Architect or Project Manager.
- Please have regard to the legal requirements for the determination of the proposed cost of development provided in Clause 25J of the EP&A Regulation 2000 (see Schedule 2).

DEVELOPMENT APPLICATION No. ....  
and/or  
COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No. ....  
and/or  
CONSTRUCTION CERTIFICATE No. .... DATE: .....

Applicant's Name: .....

Applicant's Address: .....

Development Description: .....

Development Address: .....

Parking/Garaging Area (m<sup>2</sup>)


Total Construction Area (exc. Parking/Garaging) (m<sup>2</sup>)

DESCRIPTION OF COST	APPLICANT'S GENUINE ESTIMATE
Demolition	\$
Site preparation (e.g. clearing vegetation, decontamination or remediation)	\$
Excavation	\$
Preliminaries (e.g. scaffolding, hoarding, fencing, site sheds, waste management)	\$
Construction and Engineering Costs	\$
Change of Use	\$
Subdivision (planning, executing and registering, inc. covenants and easement)	\$
Services (e.g. plumbing, mechanical, fire lift)	\$
External work (e.g. landscaping, driveways, parking, pools)	\$
External services (e.g. gas, telephone, electricity connection to mains)	\$
Other (specify)	\$
Margin	\$
Goods and Services Tax	\$
<b>TOTAL</b>	\$

I certify that I have:

- Provided the genuine costs of the development proposed by this application and these costs are based on industry recognised prices;
- Included GST in the calculation of development costs;
- Calculated the development costs in accordance with the definition of development costs in Section 25J of the Environmental Planning and Assessment Regulation 2000, at current prices;
- **Acknowledged that Council may review the information provided and may seek further information or make its own fee determination.**

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_

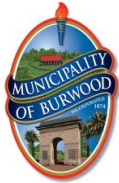
Contact Number: \_\_\_\_\_

Contact Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Schedule 4 – Form for a Detailed Cost Report by a Quantity Surveyor**



**Burwood Council**  
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**Detailed Cost Report by a Registered Quantity Surveyor**

- To be completed for all development that costs more than \$500,000 (that is, not covered by Schedule 3).
- To be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification.
- Please have regard to the legal requirements for the determination of the proposed cost of development provided in Clause 25J of the EP&A Regulation 2000 (see Schedule 2).

DEVELOPMENT APPLICATION No. ....

and/or

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No. ....

and/or

CONSTRUCTION CERTIFICATE No. ....

DATE: .....

Applicant's Name:

.....

Applicant's Address:

.....

Development Description:

.....

Development Address:

.....

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

ESTIMATE DETAILS:	
<b>Excavation</b>	\$
Cost per square metre of site area	\$/m <sup>2</sup>
<b>Demolition and Site Preparation</b>	\$
Cost per square metre of site area	\$/m <sup>2</sup>
<b>Construction – Commercial</b>	\$
Cost per square metre of commercial area	\$/m <sup>2</sup>
<b>Construction - Residential</b>	\$
Cost per square metre of residential area	\$/m <sup>2</sup>
<b>Construction – Retail</b>	\$
Cost per square metre of retail area	\$/m <sup>2</sup>
<b>Car Parking</b>	\$
Cost per square metre of site area	\$/m <sup>2</sup>
Cost per space	\$/space
<b>Fit-out – Commercial</b>	\$
Cost per m <sup>2</sup> of commercial area	\$/m <sup>2</sup>
<b>Fit-out – Residential</b>	\$
Cost per m <sup>2</sup> of residential area	\$/m <sup>2</sup>
<b>Fit-out – Retail</b>	\$
Cost per m <sup>2</sup> of retail area	\$/m <sup>2</sup>
<b>Professional Fees</b>	\$
% of Development Cost	%
% of Construction Cost	%

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 Quality Surveyors (AIQS);
- Calculated the development costs in accordance with the definition of development costs in Section 25J of the Environmental Planning and Assessment Regulation 2000, at current prices;
- Included GST in the calculations of development costs;
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1 (Appendix A2);
- **Acknowledged that Council may review the information provided and may seek further information or make its own fee determination.**

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Company: \_\_\_\_\_

Registration as Member of the Australian Institute of Quality Surveyors: \_\_\_\_\_

Date: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Contact Address: \_\_\_\_\_

# Schedule 5 – Suggested Condition of Consent For Use By Private Certifiers

This is a suggested condition for use by an accredited certifier imposing a requirement that an applicant must pay to Burwood Council a levy in accordance with this Plan.

## Section 94A Contributions

Pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 and the Section 94A Contributions Plan for Burwood Town Centre, the following contributions levy towards public services and amenities is required to be paid to Burwood Council:

Contribution Element	Contribution
A levy of <i>(insert %)</i> per cent of the cost of carrying out the development, where the development cost is <i>\$(insert development cost)</i>	<i>\$(insert contribution)</i>

The contribution is to be paid in full to Burwood Council **within two days of the issue of the Complying Development Certificate.**

Evidence in the form of bank cheque(s) or receipt(s) confirming that payment has been made is to be submitted to the Principal Certifying Authority.

The above contribution may be adjusted in accordance with the Consumer Price Index in the event of late payment.

Note: Credit cards and personal cheques are not accepted by Burwood Council for the payment of Section 94A contributions.