



**SECTION 94A**  
**DEVELOPMENT**  
**CONTRIBUTIONS PLAN**  
**FOR THE COUNCIL OF**  
**BOMBALA**

# SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN FOR THE COUNCIL OF BOMBALA

**CATEGORY:** 3.0 Environmental Services

**REFERENCE:** 3.7.12

**POLICY NO:** 3.7 Town Planning and Development Control

## Section 94A Development Contributions Plan for the Council of Bombala

### Part A – Summary schedules

The following summary schedules are included in this plan:

- Works program showing completed works
- Summary of levy by category.

The works schedule identifies the public facilities for which section 94A levies will be required. Schedule 1 identifies the works schedule adopted in 2008 and a summary of the expenditure on the respective items.

Levies paid to council will be applied towards meeting the cost of provision or augmentation of new public facilities. Schedule 1 provides a summary of new public facilities, which will be provided by council over the next 8 years, as well as the estimated cost of provision and timing.

### Schedule 1: Works program for new public facilities for which levies will be sought

Public Facilities	Estimated Costs	Estimated Time Frame	Priority	Completed Y/N
New Kiosk Delegate Showground	\$20,000	2009-2010	1	N
New History Museum Delegate	\$50,000	2010-2012	2	N
Improved Facilities- Endeavour Reserve	\$30,000	2012-2014	3	N
New Section Bombala Cemetery	\$21,000	2014-2014	4	N
New Footpath, Bombala Hospital	\$60,000	2014-2016	5	N
New Playground Equipment - Cathcart	\$20,000	2016	2	N

### Schedule 2: Summary schedule for section 94A contributions plan

Type of Development	Levy (%)
Residential development – single dwelling (first application by developer within 12 months)	No levy payable
Residential development – single dwelling (second and subsequent applications by developer within 12 months)	100% of levy payable in Section C 1.1 of this plan
Residential flat development	100% of levy payable in Section C 1.1 of this plan
Commercial and retail development	100% of levy payable in Section C 1.1 of this plan

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Industrial development	100% of levy payable in Section C 1.1 of this plan
Other forms of development	100% of levy payable in Section C 1.1 of this plan

## Part B – Expected development and demand for public facilities

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

- **the reported population growth of 2.3% in the 2006 ABS census,**
- **the likely future population growth as a result of industrial development,**
- **the likely future population growth will require the provision of additional public facilities,**
- **the likely population growth will diminish the existing populations enjoyment and standards of public facilities.**

## Part C – Administration and operation of the plan

### 1.1 What is the name of this development contributions plan?

This development contributions plan is called the Bombala S94A Development Contributions Plan 2008.

### 1.2 Application of this plan

This plan applies to all land within the local government area of Bombala.

This development contributions plan applies to applications for development consent and applications for complying development certificates under Part 4 of the *Environmental Planning and Assessment Act 1979*.

The rates for different types of development are set out below:

For all developments with:

**Cost of development up to \$100,000 – nil;**

**Cost of development between \$100,000 and \$200,000 - 0.5 % of that cost;**

**Cost of development over \$200,000 – 1% of that cost.**

### 1.3 When does this development contributions plan commence?

This contributions plan commences on 1<sup>st</sup> July 2008.

### 1.4 What is the purpose of this contributions plan?

The primary purposes of this 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 assist the council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area
- to publicly identify the purposes for which the levies are required.

### 1.5 Are there any exemptions to the levy?

The levy will not be imposed in respect of development:

- where the proposed cost of carrying out the development is \$100,000 or less;
- for the purpose of disabled access; or
- for the sole purpose of providing affordable housing; or

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- for the purpose of reducing a building's use of potable water (where supplied from water mains) or energy; or
- for the sole purpose of the adaptive reuse of an item of environmental heritage; or
- that has been the subject of a condition under section 94 under a previous development consent relating to the subdivision of the land on which the development is to be carried out.

Council may consider exempting other development, or components of developments from the section 94A levy that include:

- circumstances for exemption will be considered on merit.

## **1.6 Pooling of levies**

Section 94A levies are to applied in accordance with schedule 1 (works program) as reviewed from time to time. Such revision may alter the works funded and/or the priority

## **1.7 Construction certificates and the obligation of accredited certifiers**

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 of the EP&A Regulation . Failure to follow this procedure may render such a certificate invalid.

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

## **1.8 How will the levy be calculated?**

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

The proposed cost of carrying out the development will be determined in accordance with clause 25J of the EP&A Regulation. The procedures set out in Schedule 1 to this plan must be followed to enable the council to determine the amount of the levy to be paid.

The value of the works must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications, or skills to the satisfaction of Council.

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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 construction certificate will be issued until such time that the levy has been paid.

## **1.9 When is the levy payable?**

A levy must be paid to the 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 a construction certificate or complying development certificate.

## **1.10 How will the levy be adjusted?**

Contributions required as a condition of consent under the provisions of this plan will not be adjusted for inflation reasons.

## **1.11 Can deferred or periodic payments be made?**

Deferred or periodic payments may be permitted in the following circumstances:

- deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program,
- in other circumstances considered reasonable by council.

If council does decide to accept deferred or periodic payment, council may require the applicant to provide a bank guarantee by a bank for the full amount of the contribution or the outstanding balance on condition that:

- the bank guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security
- the bank unconditionally pays the guaranteed sum to the council if the council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work
- 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 the 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 and accrued interest are paid.

## **Part C - References**

### **Dictionary**

In this plan, unless the context or subject matter otherwise indicates or requires, the following definitions apply:

**As listed in the Environmental Planning and Assessment Act and Regulation.**

### **APPENDIX A**

#### **Procedure**

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A cost summary report 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 no greater than \$500,000
- A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for works with a value greater than \$ 500,000

To avoid doubt, section 25J of the *Environmental Planning and Assessment Act 1979* sets out the things that are included in the estimation of the construction costs 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.

# SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN FOR THE COUNCIL OF BOMBALA

## Sample Cost Summary Report

### Cost Summary Report

[Development Cost no greater than \$ [INSERT FIGURE HERE]]

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	\$
<b>Sub-total</b>	\$
Consultant Fees	\$
Other related development costs	\$
<b>Sub-total</b>	\$
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: \_\_\_\_\_

(Acknowledgment to City of Sydney for use of the model cost reports)

# SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN FOR THE COUNCIL OF BOMBALA

## Registered\* Quantity Surveyor's Detailed Cost Report

[Development Cost in excess of \$ [INSERT FIGURE HERE]]

\*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	
<b>Total Development Cost</b>	\$		
<b>Total Construction Cost</b>	\$		
<b>Total GST</b>	\$		

### ESTIMATE DETAILS:

<b>Professional Fees</b>	\$	<b>Excavation</b>	\$
% of Development Cost	%	Cost per square metre of site area	\$ /m <sup>2</sup>
% of Construction Cost	%	<b>Car Park</b>	\$
<b>Demolition and Site Preparation</b>	\$	Cost per square metre of site area	\$ /m <sup>2</sup>
Cost per square metre of site area	\$ /m <sup>2</sup>	Cost per space	\$ /space
<b>Construction – Commercial</b>	\$	<b>Fit-out – Commercial</b>	\$
Cost per square metre of commercial area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of commercial area	\$ /m <sup>2</sup>
<b>Construction – Residential</b>	\$	<b>Fit-out – Residential</b>	\$
Cost per square metre of residential area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> of residential area	\$ /m <sup>2</sup>
<b>Construction – Retail</b>	\$	<b>Fit-out – Retail</b>	\$
Cost per square metre of retail area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> 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 S94A Development Contributions Plan of the council of [insert] 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: \_\_\_\_\_

(Acknowledgment to City of Sydney for use of the model cost reports)

<b>AUTHORISATION:</b>	<b>Min No:</b> 97/08	<b>Date:</b> 18/06/2008
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