

# Section 94A Levy Development Contributions Plan 2009

19 June 2009

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Signed: .....

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Date: .....

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## Part A: Summary schedules

The works schedule and associated maps included in Schedule 1 identify both the public facilities and the locations of such facilities for which section 94A levies will be required.

Levies paid to council under a condition authorised by this plan will be applied towards meeting the cost of provision or augmentation of public facilities that have been or will be provided. Table 1 provides a summary of new public facilities, which will be provided by council over the next 10 years, as well as the estimated cost of provision. Table 2 sets out the rate of the levy to be charged, dependant on the estimated cost of construction.

**Table 1: Summary of works program**

<b>Public facilities</b>	<b>Cost</b>
Rural road Construction/ Upgrade	\$517,500
Rural bridges	\$1,120,000
Bus Shelters	\$40,000
Traffic facilities	\$160,000
Urban Road upgrades including kerb and guttering	\$2,657,500
Community facilities	\$601,100
Urban and Civic improvements	\$95,000
Recreation facilities	\$465,000

**Table 2: Levies payable for development**

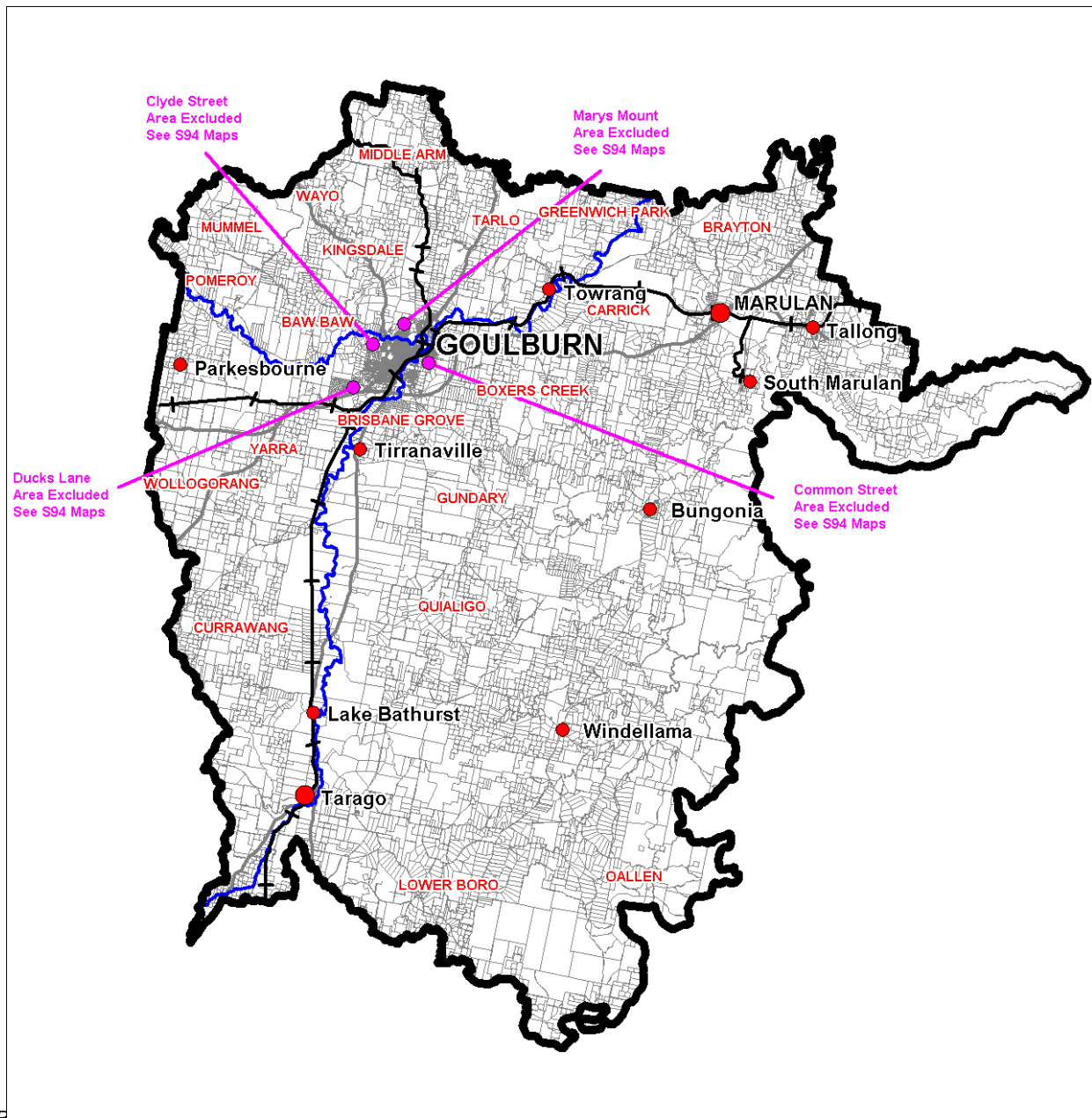
<b>Cost of construction</b>	<b>Rate of levy</b>
\$0 - \$100,000	0%
\$100,001 - \$200,000	0.5%
In excess of \$200,000	1%

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

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

- the population projections undertaken by the Australian Bureau of Statistics (2006) indicate likely growth of 2.9%, with a total growth target population of approximately 32,188 residents by 2020
- the Goulburn Mulwaree Strategy 2020
- the likely population growth will require the provision of additional public facilities
- the likely population growth will diminish the existing population's enjoyment and standards of public facilities.

Figure 1-1 Land to which this plan applies



## Part C: Administration and Operation

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

The plan is called *Goulburn Mulwaree Shire Council Section 94A Levy Plan 2009*.

### 1.2 Application of this plan

The Plan applies to all land within the Goulburn Mulwaree local government area, as shown in Figure 1-1. The plan does not apply to land and land uses, as identified in the Goulburn Mulwaree local government area Section 94 Development Contributions Plan, Amendment No. 1.

**Land:**

- Ducks Lane
- Common Street
- Mary's Mount
- Clyde Street.

**Land Uses:**

- Extractive Industries (Quarries) and Mines.

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

The Plan commenced on 20 February 2009.

Following amendment No. 1 to Goulburn Mulwaree S94 Contributions Plan, consequential minor adjustments (clause 32 (3) (a) EP&A Regulations 2000), were adopted on:

- 16 June 2009 to:
  - Clauses 1.2, 1.3 and 1.12

### 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 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
- 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, 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 on a case by case basis. For such claims to be considered, a development application will need to include a comprehensive submission arguing the case for exemption.

## 1.6 Pooling of levies

This plan expressly authorises section 94A levies paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

## 1.7 Construction certificates and the obligation of accredited certifiers

In accordance with clause 146 of the Environmental Planning and Assessment 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 Environmental Planning and Assessment 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 Environmental Planning and Assessment Regulation 2000. 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.

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 be adjusted at the time of payment of the contribution in accordance with the following formula:

$$\text{Contribution at time of payment} = \$C_o + A$$

Where

**\$ C<sub>o</sub>** is the original contribution as set out in the consent

**A** is the adjustment amount which is =

$$\frac{\$C_o \times ([\text{Current Index} - \text{Base Index}])}{[\text{Base Index}]}$$

[Base Index]

Where:

Current Index (CPI) is the CPI as published by the Australian Taxation office (ATO) available at the time of review of the contribution rate;

Base Index (CPI) is the CPI as published by the ATO at the date of adoption of this plan which is 165.5 as at December 2008



Note: In the event that the Current CPI is less than the previous CPI, the Current CPI shall be taken as not less than the previous CPI.

## 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.

## 1.12 Credit for existing development

Contributions will be levied according to the estimated increase in demand. An amount equivalent to the contribution attributable to any existing (or approved) development on the site of a proposed new development will be allowed for in the calculation of contributions.

For the purposes of calculating the contribution rates of various dwelling types, the occupancy rate for different types of developments used in this plan are listed in the following Table:

**Assumed occupancy rates for residential development**

<b>Development type</b>	<b>Assumed occupancy rate</b>
1 bedroom unit	1.0 person per dwelling
2 bedroom unit	1.5 persons per dwelling
3+ bedroom unit	2.0 persons per dwelling
Dwelling house	2.0 persons per dwelling
Residential subdivision	2.0 persons per lot

Credit will be given for existing residential development dependant on the number and size of dwellings in the event of site redevelopment.

Where a development does not fall within any of the items noted above, the Council would determine the credit on the basis of the likely demand that the existing development would create.

# Dictionary

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

**applicant** means the person, company or organisation submitting a development application.

**civic improvement** means a work carried out to improve the appearance or use of public areas, such as streets, malls, footpaths and the like.

**community facility** means a building or place owned or controlled by the Council or a body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place elsewhere defined in this section.

**contribution** means the dedication of land, the making of a monetary contribution or the provision of a material public benefit, as referred to in section 94 of the *Environmental Planning and Assessment Act 1979*.

**Council** means the Goulburn Mulwaree Council.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

**floor space area** for the purposes of this plan means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at 1.4 metres above each floor level, excluding:

- (a) columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external wall; and
- (b) lift towers, cooling towers, machinery and plant rooms, ancillary storage space and air-conditioning ducts; and
- (c) car parking needed to meet any requirements of the Council and any internal designated vehicular or pedestrian access; and
- (d) space for the loading and unloading of goods; and
- (e) internal public arcades and thoroughfares, terraces and balconies and outer walls less than 1.4 metres high.

**Goulburn Mulwaree LEP** means the *Goulburn Mulwaree Local Environmental Plan 2009*.

**Goulburn Mulwaree** means the Goulburn Mulwaree LGA.

**Material public benefit** means something provided by an applicant, other than the dedication of land or the payment of a monetary contribution, which does not relate to an item appearing in the works schedule of a contributions plan.

**planning agreement** means an agreement between council or other consent authorities and developers where contributions are secured by way of negotiation. A planning agreement is voluntary by all parties to the agreement or may be another arrangement between a planning authority and a developer under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit to be used for or applied towards a public purpose.

**public facilities** means any public amenity or public service, as referred to in section 94 of the *Environmental Planning and Assessment Act 1979*, including a "community facility" and a "recreation facility", the need for which has increased or been created by development.

**recreation facility** means a building or place used for sporting activities, recreation or leisure activities, whether or not operated for the purpose of gain, but does not include a building or place elsewhere defined in this section.

**Strategy** means the Goulburn Mulwaree Strategy 2020

**RTA** means the NSW Roads and Traffic Authority.

**works in kind** means the undertaking of a work or provision of a facility by an applicant which is already nominated in the works schedule of a contributions plan.

# Schedule 1

## Works Schedule

- Completed works for which contributions will be recouped

DESCRIPTION	ESTIMATED COST
Health Care/ Community Centre, George Street, Marulan	\$510,000
Meridian Park, Marulan – Picnic facilities, playground equipment and off street parking	\$60,000
Cycle path, off Blackshaw Road linking the Mulwaree track and pathway off Park Road	\$45,000

- Works in progress for which contributions will continue to be levied

1. Nil

- New public facilities for which contributions will be sought

Table 3: Works schedule

DESCRIPTION	ESTIMATED COST	STAGING
		<b>Low Priority: 6-10 years</b> <b>Medium Priority :3-6 years</b> <b>High Priority (H1, H2, H3): 0-3 years</b>
<b><i>Rural road Construction/ Upgrade<sup>1</sup></i></b>		
Oallen Ford Road, Windellama	\$48,700	H1
Caoura Road, Tallong	75,400	H1
Painters Lane, Tirrannaville	125,000	H1
Collector Road, Tarago	150,000	H3
Windellama Road, Windellama	103,700	H1
Jerrara Road, Bungonia	14,700	H1
Rosemont Road, Brisban Grove	120,000	H2
<b><i>Rural bridges upgrades or replacements</i></b>		
Henry Parks Road, Parkesbourne	200,000	H2
Inverary Road, Bungonia	200,000	H3

DESCRIPTION	ESTIMATED COST	STAGING
		<b>Low Priority: 6-10 years</b>  <b>Medium Priority :3-6 years</b>  <b>High Priority (H1, H2, H3): 0-3 years</b>
Mayfield Road, Mayfield	300,000	M
Lumley Road, Bungonia – Tarago	300,000	L
<b>Bus Shelters</b>		
Bungonia	10,000	H1
Park Road, Goulburn	10,000	H2
Bourke Street, Goulburn	10,000	H3
Rex Street, Goulburn	10,000	M
<b>Traffic facilities</b>		
Marulan BP Service Centre Northbound Lane off Hume Highway, Goulburn, upgrade to the Marulan off ramp (north bound)	100,000	H1
Sloane/ Clifford Streets, roundabout	500,000	H2
Sloane/ Clinton Streets, roundabout	500,000	H3
Bourke/ Verner Streets, roundabout	500,000	L
<b>Urban Road upgrades<sup>2</sup></b>		
<b>Goulburn:</b>		
Princess Street (plus kerb and gutter)	82,000	H1
Rex Street (plus Kerb and gutter)	103,000	H1
Dewhirst Street (plus kerb and gutter)	90,000	H1
Faithfull St	200,000	H1
Bradley and Mulwaree Streets (plus kerb and gutter)	275,000	H2
Sowerby Street	100,000	H2
Tallong village (kerb and gutter)	11,500	H2
Tarago village (kerb and gutter)	10,000	H3
Clinton Street	100,000	H3
Mundy Street	100,000	H3
Henderson Street (kerb and gutter)	80,000	H3

DESCRIPTION	ESTIMATED COST	STAGING
		<b>Low Priority: 6-10 years</b>  <b>Medium Priority :3-6 years</b>  <b>High Priority (H1, H2, H3): 0-3 years</b>
Addison Street	190,000	H3
Rose Street	30,000	H3
Edward Street	30,000	H3
Queen, McDermott, Bourke and Lisgar Street	370,000	M
Kelso Street	50,000	M
Hurst Street	50,000	M
Taralga Road (kerb and gutter)	90,000	M
Sloane, Grafton, Reynolds and Union Street	360,000	M
Jubilee Street	30,000	M
Churchill Street	50,000	M
Hillview Street	30,000	M
May Street (kerb and gutter)	100,000	M
Ridge Street (kerb and gutter)	110,000	L
<b>Marulan:</b>		
Wollondilly Street (kerb and gutter)	11,000	H1
<b>Tallong:</b>		
Caoura Road (kerb and gutter)	11,500	H2
<b>Tarago:</b>		
King Street (kerb and gutter)	10,000	H3
<b>Bungonia:</b>		
Oallen Ford Road (kerb and gutter)	5,000	M
<b>Community facilities</b>		
<b>Regional Aquatic centre:</b>		
Noise attenuation upgrade	122,000	H1
First sun shade	9,100	H2
Water tanks	20,000	H2
Outdoor pool wet deck upgrade	115,000	H3
Second sun shade	10,000	M
BBQ area upgrade	10,000	M
Water recycling upgrade	110,000	M



DESCRIPTION	ESTIMATED COST	STAGING
		<b>Low Priority: 6-10 years</b>  <b>Medium Priority :3-6 years</b>  <b>High Priority (H1, H2, H3): 0-3 years</b>
<b>Meridian Park, Marulan:</b>		
Meridian Park, Marulan, landscaping (pathway, planning and irrigation infrastructure)		
Toilets	75,000	H3
<b>Urban and Civic improvements</b>		
Wollondilly River and Mulwaree Ponds Foreshore Improvements <sup>3</sup>	75,000	H1
Water works museum, Crookwell Road, Goulburn, picnic area including tables, seating and BBQ area	20,000	H2
<b>Recreation facilities</b>		
<b>Goulburn:</b>		
Belmore park upgrade, including water bore and irrigation infrastructure	110,000	H2
Victoria Park upgrade, including fencing, landscape and dedicated garden	75,000	H1
Roberts Park upgrade, landscaping, picnic shelters, paths and will tree control	60,000	H2
Hudson park upgrade, including playing surface improvements and fencing	60,000	H3
Prell Park upgrade including re-turf areas and improved fencing	60,000	H3
Goodhew Park upgrade, including toilet block, pathway and landscaping	70,000	M
<b>Marulan:</b>		
Portland Ave Sporting fields, access roads and parking area	30,000	H2

Notes:

1. Works include clearing, pavement widening and improvements (7m sealed pavement) and associated drainage works. Roads will be progressively upgraded in accordance with Ausroad Standards.
2. Works include kerb and guttering, sealing, associated underground drainage, erosion and stormwater control works, and landscape planting.
3. Proposed works include ongoing improvements to Mulwaree Ponds foreshore including willow tree removal, installation of picnic areas, cycle paths and seating along the scenic walkway adjacent to the river.

## APPENDIX A

### Procedure

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 \$200,000.
- A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for works with a value greater than \$200,000.

To avoid doubt, section 25J of the *Environmental Planning and Assessment Regulation 2000 (attached)* 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:

- 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
- 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
- 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.

## Cost Summary Report

[Development Cost no greater than \$200,000.]

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

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

[Development Cost in excess of \$200,000.]

\*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:

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

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: \_\_\_\_\_

**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.