



**SECTION 94 Environmental Planning &
Assessment Act, 1979 (as amended)**

BSC 8

BUSH FIRE RURAL / VILLAGES

PART A

INTRODUCTION

Development within the Shire places additional pressures on Council to provide public services and amenities, invariably at the expense of established priorities.

Under the Environmental Planning and Assessment Act 1979 (EP&A ACT), Section 94 is the sole source of power for Council to levy developer contributions for these public services and amenities.

Council can impose a condition requiring the dedication of land free of cost or the payment of a monetary contribution. Council can recoup costs for services and amenities which have been provided to facilitate development or in anticipation of development. Council is also permitted to levy contributions towards recurrent expenditure on roads where there is abnormal impact from mining and extractive industry traffic.

The Court has established the following principles for testing the validity of a consent condition requiring a Section 94 contribution:

- ◆ The contribution must relate to a planning purpose
- ◆ The contribution must fairly and reasonably relate to the subject development
- ◆ The contribution must be such as a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed.

It is a requirement of the Act that Council prepare Section 94 Plans for the various categories of services and amenities for which a levy is made. The Plan identifies the project, method of funding, recovery of expenditure and timing of works.

BSC 8/1

PART B

PLAN BSC 8 BUSH FIRE RURAL / VILLAGES

This Plan is identified as BSC 8 BUSH FIRE RURAL / VILLAGES for the development and embellishment of bush fire facilities by either the dedication of land free of cost or monetary contribution. This contribution Plan is made pursuant to Section 94AB of the Environmental Planning & Assessment Act 1979 as amended and Part 4 of the Environmental Planning & Assessment Regulations, 2000, as amended and Section 64 of the Local Government Act, 1993.

The Plan comes into effect on.....

PLAN OBJECTIVES

The objective of the Plan is:

- a) to provide the basis for levying developer contributions;
- b) to identify the amenities and services which Council intends to provide;
- c) to establish a nexus between and anticipated development and contributions sought;
- d) to enable the early provision of facilities and services;
- e) to encourage public participation in the formation of the Plan;
- f) to provide the development industry with early advice as to the amount of contribution which will be required for a particular development;
- g) to facilitate proper financial management and accountability for expenditure of contributions received;
- h) develop minimum standards which will meet that demand; and
- i) set out the means by which the required improvements can be funded.

RELATIONSHIP TO ENVIRONMENTAL PLANNING INSTRUMENTS

The Plan enables the levying of developer contributions for land uses permissible under the Blayney Shire Local Environmental Planning Instruments.

PART C

ASSESSMENT OF CONTRIBUTIONS

LAND TO WHICH PLAN APPLIES

This Plan applies to all land within the Shire of Blayney as shown on the attached map by heavy black edging, but excluding the Blayney Town Fire District.

NEXUS

Contributions levied in respect of Bush Fire - Rural & Villages will be relative to the expected increase in demand imposed on existing bush fire services or the provision of new facilities to meet the development demand.

METHODOLOGY

The demand for Bush Fire Services is directly related to the occupancy of tenements.

In order to calculate contributions, the occupancy rates of tenements have been determined as:-

| | | |
|----|-----------------------------------|-------------|
| a. | Bedsitter or Bachelor Flat | 1 person |
| b. | Single Bedroom Unit | 1.1 persons |
| c. | Two Bedroom Unit | 2.2 persons |
| d. | Three Bedroom Unit | 3.3 persons |
| e. | Dwelling House | 4 persons |
| f. | Subdivision Lot | 4 persons |
| g. | Commercial/industrial development | 4 persons |

CONTRIBUTIONS

Contributions will be sought for the facilities detailed in Schedule 1.

Contribution Formula - Domestic

The formula for contribution towards Bush Fire - Rural & Village is:

$$\text{Contribution} = E \times \frac{P}{AF} \times 25\% \text{ (rounded up to the nearest dollar)}$$

where E => total cost of embellishment works identified in the Schedule
 P=> projected population increase (ie. number of lots or units multiplied by an occupancy rate of 4);
 AF=> apportionment factor for existing population
 25% represents equivalent Council contribution

CONTRIBUTION FORMULA - INDUSTRIAL / COMMERCIAL

The affect of industrial and commercial development is no less significant than the affects accepted as imposed by residential developments. It is therefore equitable that all new industrial/commercial developments inclusive of major alterations, additions and ancillary works (with the exception of home industry and home occupation), be subjected to the application of this policy. An amount equivalent to that adopted as appropriate for a subdivision Lot in this contribution plan is considered appropriate as a minimum figure.

Alternatively major industrial/commercial developments are likely to have significant effects on existing infrastructure and Council will assess the warrant for either a flat rate contribution based on the development cost of the proposed development (at 0.25% of the proposed development or the above mentioned minimum, which ever is the greater) or an individual merit assessment appropriate to the scale of the proposal.

Contribution adopted by Council at the Meeting held on 11th August, 1997 = \$51 per person, based on Schedule 1.

| | | \$ | |
|----|-----------------------------------|-------------|-----|
| a. | Bedsitter or Bachelor Flat | 1 person | 51 |
| b. | Single Bedroom Unit | 1.1 persons | 56 |
| c. | Two Bedroom Unit | 2.2 persons | 112 |
| d. | Three Bedroom Unit | 3.3 persons | 168 |
| e. | Dwelling House | 4 persons | 204 |
| f. | Subdivision Lot | 4 persons | 204 |
| g. | Industrial Commercial Development | | 204 |

OR

0.25% of value whichever is greater

OR

merit assessment as abovementioned

At its meeting of 8th December, 1997, it was resolved by Council that the following merit assessment be applied to development contributions:

1. *That where the total estimated cost of works for the proposed development is below the threshold of \$20,000, Council adopt the following staging of Section 94 contribution fees:-*
 - i. *Total estimated building works less than \$10,000 - Nil payment;*
 - ii. *Total estimated building works between \$10,000 and \$20,000 - payment of 50% of full contributions applicable for building works over \$20,000.*
2. *That the estimated building cost of any additional works carried out on premises within a two year period, will be considered with previous building works within that time frame, and the combined sum over \$10,000 will be subject to the appropriate Section 94 contribution fee.*
3. *That the application of this policy be retrospective to 1st July, 1997.*

APPLICATION OF CONTRIBUTIONS

- i. any additional lot created to an assessment (subdivision)
- ii. any dwelling in excess of 1, applying to an assessment (workers dwelling/dual occupancy)
- iii. any new assessment created or likely to be created by an assessment split (sale).
- iv. any new commercial or industrial activities or the extension/expansion of an existing commercial or industrial operation.

INDEXATION

Contribution levies may be indexed on the 1st July of each year in accordance with the Australian Bureau of Statistics Consumer Price Index for the preceding 12 months to take account of the increase in construction costs.

TIMING OF PAYMENT

Contributions will be payable prior to the release of the plan of subdivision or the Building Approval for new dwellings.

EXPENDITURE OF CONTRIBUTIONS

Council will utilise contributions from any development levied under this Plan on improvements in accordance with the works set out in Schedule 1 of this Plan.

ACCOUNTABILITY

Register of Contributions

As required under the Act, Council will maintain a Register setting out contributions levied and the manner in which levies are being spent.

Updating the Plan

The Plan will be periodically reviewed in the light of development trends. Any change to the Plan will be re-exhibited for public comment.

Annual Statement

An Annual Statement will be prepared by Council setting out the works undertaken, expenditure, monies held and progress with meeting priorities established.

SCHEDULE 1

BUSH FIRE - RURAL / VILLAGES

| | | \$ |
|----|--|-----------------|
| 1. | Carcoar Bush Fire Station | 100,000 |
| 2. | Fire Brigade Equipment and Communication | 20,000 |
| 3. | Hazard Reduction Activities per year expenditure | 10,000 |
| 4. | Tallwood Brigade Station | 25000 |
| 5. | Barry/Hobbys Yard Brigade Station | 25,000 |
| 6. | Newbridge Brigade Station | 25,000 |
| | | \$205000 |