



BOOROWA COUNCIL

**SECTION 94A DEVELOPMENT
CONTRIBUTIONS PLAN**

Boorowa Council
6-8 Market Street
Boorowa NSW 2586

Phone: 02 6385 3303
Fax: 02 6385 3562
E-mail:
council@boorowa.nsw.gov.au

Boorowa Council

Section 94A Development Contributions Plan

Contents

DOCUMENT CONTROL	3
PART A EXECUTIVE SUMMARY	4
PART B ADMINISTRATION AND OPERATION	5
2.1 WHAT ARE SECTION 94A DEVELOPMENT CONTRIBUTIONS?	5
2.2 WHAT IS THE NAME OF THE PLAN?	5
2.3 WHAT IS THE RELATIONSHIP OF THIS PLAN TO OTHER DEVELOPMENT CONTRIBUTIONS PLANS?	5
2.3 WHEN DOES THE PLAN COMMENCE?	6
2.4 WHAT IS THE PURPOSE OF THE PLAN?	6
2.5 TO WHAT AREAS DOES THE PLAN APPLY?	6
2.6 TO WHAT DEVELOPMENT DOES THE PLAN APPLY?	6
2.7 WHAT IS THE RATE OF DEVELOPMENT CONTRIBUTIONS?	6
2.8 HOW IS THE PROPOSED COST OF CARRYING OUT DEVELOPMENT DETERMINED?	9
2.9 ARE THERE ANY EXEMPTIONS TO THE CONTRIBUTION?	11
2.10 WHEN IS THE CONTRIBUTION PAYABLE?	11
2.11 HOW WILL THE CONTRIBUTION BE ADJUSTED?	11
2.12 WHAT ARE THE OBLIGATIONS OF ACCREDITED CERTIFIERS?	12
2.13 CAN DEFERRED OR PERIODIC PAYMENTS BE MADE?	12
2.14 HOW WILL THE COUNCIL APPLY MONEY OBTAINED FROM THE CONTRIBUTION?	13
2.15 POOLING OF CONTRIBUTIONS?	13
2.16 FINANCIAL AND PUBLIC ACCOUNTABILITY?	14
2.17 ARE THERE ALTERNATIVES TO THE PAYMENT OF THE CONTRIBUTION?	14
2.18 WHAT DEFINITIONS APPLY?	17
PART C DEMAND FROM EXPECTED DEVELOPMENT	18
PART D – SCHEDULE 1 - WORKS SCHEDULE	20
PART E SCHEDULE 2 – COST SUMMARY REPORT	21
SECTION F SCHEDULE 3 – DETAILED COST REPORT	25
PART G APPENDIX 1 – REFERENCES	29

DOCUMENT CONTROL

Policy	Section 94A Development Contributions Plan	File Number	15.1.4
Author	Anthony McMahon	Review Period and Date	October 2016

DOCUMENT HISTORY

Date	Status	Version	Resolution	Description
8 September 2014	Draft	0.1		Presented to Council workshop for review
22 September 2014	Draft	0.2	14/187	Presented to Council meeting for endorsement to exhibit for 28 days
24 November 2014	Draft	0.3		Presented to Council for Adoption
24 November 2014	Final	1.0	14/256	Adopted

PART A EXECUTIVE SUMMARY

This section 94A development contributions plan is called the Boorowa Section 94A Development Contributions Plan 2014. The plan has been prepared with the purpose of satisfying the requirements of

- Part 4, Division 6 of the *Environmental Planning and Assessment Act 1979* (the Act) ,
- Part 4 of the Environmental Planning and Assessment Regulation 2000 (the Regulations),
- the NSW Department of Planning and Infrastructure’s Development Contributions Practice Notes, and
- to enable the Council to impose, as a condition of development consent and complying development certificates, a requirement that the applicant pay to the Council a contribution determined in accordance with the plan.

The contribution is set at 1% for different types of development, as set out in Part B of the plan. The plan is designed to be a stand-alone contributions plan. Levies paid to Council will be applied towards meeting the cost of provision or augmentation of new public facilities. Schedule 1 shows detail of the new public facilities which will be provided by the Council, including the cost of these works, staging and priorities for expenditure.

PART B ADMINISTRATION AND OPERATION

2.1 WHAT ARE SECTION 94A DEVELOPMENT CONTRIBUTIONS?

Section 94A of the Act provides as follows:

Section 94A Fixed Development Consent Levies

- (1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a contribution of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.
- (2) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 94.
- (2A) A consent authority cannot impose as a condition under this section in relation to development on land within a special contributions area without the approval of:
 - a) The Minister, or
 - b) A development corporation designated by the Minister to give approvals under this subsection.
- (3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.
- (4) A condition imposed under this section 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.

2.2 WHAT IS THE NAME OF THE PLAN?

This plan is called the Boorowa Council Section 94A Development Contributions Plan 2012. It will hereafter be referred to as “the plan”.

2.3 WHAT IS THE RELATIONSHIP OF THIS PLAN TO OTHER DEVELOPMENT CONTRIBUTIONS PLANS?

The Act, as amended, enables councils to prepare the following type of development contributions plans:

- Section 94 plans;
- Section 94A plans;
- Voluntary Planning Agreements.

The plan relates to:

- Section 94A development contributions and
- Voluntary Planning Agreements (refer to section 2.18.2 of this plan).

2.3 WHEN DOES THE PLAN COMMENCE?

The plan has been prepared pursuant to the provision of Part 4, Division 6 of the Act and Part 4 of the Regulations, with the initial plan taking effect from 1 July 2012. Development applications determined on or after this date will be subject to the provisions of the plan. This version and subsequent versions of the plan will revert to the original commencement date defined above.

2.4 WHAT IS THE PURPOSE OF THE PLAN?

The purposes of the plan are:

- To authorise and require a certifying authority (the Council or an accredited certifier) to impose, as a condition of development consent and complying development certificates, a requirement that the applicant pay to the Council a contribution determined in accordance with the plan;
- 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;
- To provide the framework for the efficient and equitable determination, collection and management of development contributions toward the provision of public amenities and services;
- To govern the proper financial management and accountability for the expenditure of development contributions paid to the Council under a condition authorised by the plan;
- To enable Council to recoup funds which it has spent on the provision of amenities and services in preparation for or to facilitate new development; and
- To ensure Council's management of development contributions complies with relevant legislation and guidelines, and achieves best practice in plan format and management.

2.5 TO WHAT AREAS DOES THE PLAN APPLY?

The plan applies to all land within the Boorowa Council Local Government Area (LGA).

2.6 TO WHAT DEVELOPMENT DOES THE PLAN APPLY?

The plan applies to all applications for development consent and complying development certificates required to be made by or under Part 4 of the Act (including Division 4.1 State significant development) in respect of development on land to which the plan applies. The rate of development contribution calculated to apply to the land or development type is provided in Clause 2.7 of this plan.

2.7 WHAT IS THE RATE OF DEVELOPMENT CONTRIBUTIONS?

The plan applies contributions calculated at the following rates:

- Full contribution rate (clause 2.7.1);
- Partial contribution rate (clause 2.7.2);

- Exempt from contributions (clause 2.7.3).

2.7.1 Full contribution rate

Except for development mentioned in clause 2.7.2 (Partial contribution rate) and clause 2.7.3 (Exempt from contribution), the plan requires Council or the certifying authority (Council or an accredited certifier), to issue a development consent or complying development certificate in respect of all development subject to a condition that requires the following contribution to be paid to Council:

- 0.5% of the development cost where the estimated cost to carry out the proposed development is \$100,001 to \$200,000; and
- 1% of the development cost where the estimated cost to carry out the proposed development is in excess of \$200,000.

2.7.2 Partial contribution rate

This partial contribution rate applies to new dwellings and dwelling additions/alterations where the estimated cost to carry out the proposed development is over \$200,000.

Development for the purposes of new dwellings and dwelling additions/alterations in the area of Boorowa Township as marked in black edge on the map below are required to pay development contributions at the following rate:

- 0.5% of the development cost where the estimated cost to carry out the proposed development is \$200,001 to \$500,000
- 0.6% of the development cost where the estimated cost to carry out the proposed development is \$500,001 to \$700,000;
- 0.7% of the development cost where the estimated cost to carry out the proposed development exceeds \$700,000.

2.7.3 Exempt from contribution

Development for the purposes listed below is exempt from development contributions under the plan:

- a) single residential dwellings with an estimated cost of less than \$100,000; or
- b) for the sole purpose of affordable housing (as defined in the Act); or
- c) for works undertaken for charitable purposes or by a registered charity; or
- d) places of worship, public hospitals, police and fire stations; or
- e) childcare facilities; or
- f) libraries; or
- g) other community or educational facilities as approved by Council; or
- h) new dwelling (including one dwelling in multi dwelling housing as defined in the Boorowa LEP 2012) to replace an existing dwelling destroyed by fire and/or any natural disaster.

The development costs include all of the costs and expenses incurred by the developer, excluding the cost of the land.



ROTATED MAP

Boorowa Section 94A Development Contributions Plan 2014 – Partial Contribution Lands Map

The area marked by black edging is bounded by the Boorowa River, Long Street,
Trucking Yard Road, Dillon Street and Scott Street.

2.8 HOW IS THE PROPOSED COST OF CARRYING OUT DEVELOPMENT DETERMINED?

2.8.1 Cost estimate reports are required

A development application or an application for a complying development certificate must be accompanied by a “Cost Estimate Report”, prepared at the applicant’s cost in accordance with this clause, setting out an estimate of the proposed cost of carrying out the development as follows:

- a) Where the estimate of the proposed cost of carrying out the development is less than \$500,000; a cost summary report must be prepared in accordance with Schedule 2; or
- b) Where the estimate of the proposed cost of carrying out the development exceeds \$500,000 a detailed cost report must be prepared in accordance with Schedule 3.

To avoid doubt, the estimated cost of carrying out the work is to be determined in accordance with Clause 25J of the Regulation, as set out in Section 2.8.3. A Statutory Declaration is to be submitted with either report declaring that it contains a true and accurate cost of the proposed development.

2.8.2 Who may prepare a cost estimate report?

For the purposes of clause 25J of the Regulations, the plan authorises the following persons to prepare a report of the estimated cost of carrying out development:

- Where the estimate of the proposed cost of carrying out the development is less than \$500,000; a person who, in the opinion of the Council, is suitably qualified to provide a cost estimate report.
- Where the estimate of the proposed cost of carrying out the development is \$500,000 or more; a quantity surveyor who is registered with the Australian Institute of Quantity Surveyors.

Without limitation to the above, upon review of the cost estimate submitted in accordance with this clause, the Council reserves the right to request a further cost estimate to be provided by an independent registered quantity surveyor at the applicant’s cost.

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

Clause 25J of the Regulations (determination of proposed cost of development) sets out how the proposed cost of carrying out development is to be determined, and provides as follows:

- (1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 94A contribution, 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.

2.9 ARE THERE ANY EXEMPTIONS TO THE CONTRIBUTION?

Council may consider requests to exempt developments, or components of developments from the contribution, or reduce the contribution to a lesser amount. For such requests to be considered, they must be in the form of a comprehensive written submission arguing the case for exemption or reduction, and must satisfy the Council that there are valid reasons for the exemption or reduction. The decision to accept a request to exempt developments from the contribution or reduce the contribution is at the absolute discretion of the Council.

2.10 WHEN IS THE CONTRIBUTION PAYABLE?

A contribution required to be paid as a condition of development consent must be paid as follows:

- Development applications involving subdivision - prior to the release of any construction certificate related to site works or the release of the subdivision plan, whichever occurs first;
- Development applications involving building work - prior to the release of the construction certificate; and
- Development applications involving both subdivision and building work (e.g. integrated housing developments) - prior to the release of the construction certificate or the release of the subdivision plan, whichever occurs first.
- Development applications where no building approval is required – prior to commencement of use in accordance with the conditions of consent.

If no time is specified, the contribution must be paid prior to the first certificate issued in respect of the development under Part 4A of the Act. From time to time, Council considers requests to defer payments of contributions. Council's policy on deferred payments is detailed in Section 2.13 of this plan. Where any self-certification or the like is undertaken the consent shall not operate unless and until the contribution required by the consent under this contributions plan is paid to Council.

2.11 HOW WILL THE CONTRIBUTION BE ADJUSTED?

Pursuant to clause 25J(4) of the Regulations, the proposed cost of carrying out development is to be indexed before payment to reflect quarterly variations in the Consumer Price Index (Sydney All Groups) between the date the proposed cost was determined by the Council and the date the contribution is required to be paid. The proposed cost of carrying out development will be adjusted at the time of payment in accordance with the following formula:

$$\text{IDC} = \text{ODC} \times \text{CPI 2} / \text{CPI 1}$$

Where:

IDC = the indexed development cost

ODC = the original development cost accepted or estimated by the Council;

CPI 2 = the Consumer Price Index: All Groups Index for Sydney (as currently available from the Australian Bureau of Statistics at the time of payment); and

CPI 1 = the Consumer Price index: All Groups Index for Sydney which applied at the date the original development cost was estimated or accepted by the Council.

Note: Where CPI 2 is less than CPI 1, the indexed development cost will not be less than the original development cost estimated or accepted by the Council.

2.12 WHAT ARE THE OBLIGATIONS OF ACCREDITED CERTIFIERS?

In accordance with section 94EC of the Act and clause 146 of the Regulations, 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 a contribution has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions 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 Regulations. Failure to follow this procedure may render such a certificate invalid.

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

2.13 CAN DEFERRED OR PERIODIC PAYMENTS BE MADE?

Council may accept the deferred or periodic payment of a contribution required under this Plan if the applicant or any other person entitled to act upon the relevant consent, makes a written request and can satisfy the Council that:

- There are valid reasons for the deferral or periodic payment; and
- The granting of the request will not adversely impact on the administration, operation or cash flows of the plan; and
- The granting of the request will not jeopardise the timely provision of works or land identified within the plan; and
- The proposed arrangement remains consistent with the purpose of the plan.

Deferred payments will be indexed to reflect quarterly variations in the Consumer Price Index (Sydney All Groups) between the date the proposed cost was determined by Council and the date the contribution is paid.

The decision to accept a deferred or periodic payment of a monetary contribution is at the sole discretion of Council. Any deferral will generally be limited to a period of no more than 12 months.

Where Council allows a deferral of contributions an appropriate bank guarantee shall be secured for the amount of contributions to be deferred. The conditions under which the Council may accept deferred settlement by way of lodgement of a bank guarantee are that:

- The bank guarantee be by an Australian bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest;
- 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 whichever occurs first;
- 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 in accordance with the development consent; and

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.

Any deferred or outstanding component of the monetary contribution will be adjusted in accordance with Section 2.11.

The applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

2.14 HOW WILL THE COUNCIL APPLY MONEY OBTAINED FROM THE CONTRIBUTION?

Levies paid to the Council as a condition of development consent will be applied towards meeting the cost of provision or augmentation of public facilities. Schedule 1 shows detail of the public facilities which will be provided by Council, including the cost of these works, staging and priorities for expenditure. Subject to section 93E(2) of the Act and section 2.16 of the plan, the public facilities in Schedule 1 are to be provided in accordance with the staging set out in that schedule.

2.15 POOLING OF CONTRIBUTIONS?

The Council is satisfied that the pooling and progressive application of contributions funds to the works priorities identified in Schedule 1 will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

Pursuant to section 93E(2) of the Act and clause 27 of the Regulations, the plan expressly authorises the contributions paid for different purposes to be pooled and applied progressively to the works priorities identified in Schedule 1 of the plan.

2.16 FINANCIAL AND PUBLIC ACCOUNTABILITY?

The Council is required to comply with a range of financial accountability and public access to information requirements in relation to section 94 contributions. These are addressed in Division 5 and 6 of Part 4 of the Regulations and include:

- Maintenance of, and public access to, a contributions register;
- Maintenance of, and public access to, accounting records for contributions received and spent;
- Annual financial reporting of contributions; and
- Public access to contributions plans and supporting documents.

2.17 ARE THERE ALTERNATIVES TO THE PAYMENT OF THE CONTRIBUTION?

In determining a development application, the Council may impose a condition requiring the payment of a contribution. The normal method of payment of the contribution is by way of a monetary contribution; however, if an applicant seeks to make a contribution toward the provision of public facilities other than payment of a monetary contribution, the Council may accept the following:

- A material public benefit or works in kind; or
- A voluntary planning agreement.

2.17.1 Material Public Benefit and Works In Kind

Council may allow applicants to make a contribution by way of works in kind contributions for works that are identified in the plan's works schedule or by way of a material public benefit for works that are not identified in this plan's works schedule, in lieu of part or all of a contribution required under the plan. Material public benefits and works in kind are not works required by any other conditions of consent.

The acceptance of material public benefit or works in kind may be offered as part of a development application, or following the granting of development consent. The decision to accept a works in kind or material public benefit in lieu of payment of a section 94A contribution is at the sole discretion of Council.

An offer to provide works in kind or material public benefit is to be made to the Council in writing, preferably in the relevant development application and following extensive liaison with the Council. The offer should clearly state:

- What material public benefit or works in kind is proposed;
- The value of the material public benefit or works in kind, as assessed by a registered quantity surveyor or other appropriate professional;

- The timing of provision of the material public benefit or works in kind;
- What section 94A monetary contributions the works in kind or material public benefit is proposed to offset; and
- If the work has not been identified under the plan (that is, a material public benefit), why it is of an equivalent or greater benefit to the community compared to what has been identified under the plan.
- In determining whether to accept a works in kind or material public benefit in lieu of a contribution, Council will have regard to any relevant requirements of the current Practice Note issued by the Department of Planning and any other matters as the Council considers relevant in the circumstances of the case.

Where the value of the works in kind or other material public benefit is over \$150,000, Council may require that the works be the subject of a public tender in order for the Council to comply with the *Local Government Act 1993*.

- If the Council agrees to a works in kind or material public benefit arrangement prior to issue of development consent, the Council may substitute a condition of consent under section 80A of the Act requiring the works in kind or material public benefit to be carried out for a condition requiring the payment of a contribution.
- If the works in kind or material public benefit is negotiated following issue of development consent, the applicant may make an application under section 96 of the Act to modify the consent by substituting the condition requiring the payment of a contribution with a condition requiring the provision of a works in kind or material public benefit toward the public purpose.

2.17.2 Voluntary Planning Agreement

Section 93F of the Act allows for the negotiation of voluntary planning agreements between councils, developers, and/or other planning authorities. Under the planning agreement the applicant may offer to dedicate land free of cost, pay a monetary contribution, provide a material public benefit, or any combination, to be used for or applied toward a public purpose. The Council may also seek to negotiate planning agreements with relevant parties in relation to major or „one-off“ developments that involve a single land owner.

- The public purposes are defined in the Act as (without limitation):
- The provision of (or the recoupment of the cost of providing) public amenities or public services;
- The provision of (or the recoupment of the cost of providing) affordable housing;

- The provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land;
- The funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;
- The monitoring of the planning impacts of development; and
- The conservation or enhancement of the natural environment.

Those purposes may not necessarily relate to the demand of the applicant's development, or the items listed in Schedule 1. The applicant's provision of land free of cost, monetary contribution, or material public benefit may or may not be in addition to a section 94A contribution. If the planning authority does not intend to apply the contributions plan, the planning agreement should specifically exclude its application.

A planning agreement negotiated and made under this section shall be subject to any provisions of or Ministerial directions made under the Act or Regulations relating to planning agreements.

2.18 WHAT DEFINITIONS APPLY?

"ABS"	means the Australian Bureau of Statistics.
"Act"	means the <i>Environmental Planning and Assessment Act 1979</i> .
"Applicant"	means the person, company or organisation submitting a development application.
"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 Act.
"Council"	means the Boorowa Council.
"Development Contributions Plan"	means a contributions plan referred to in Part 4, Division 6 of the Act.
"LGA"	means local government area.
"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.
"Recoupment"	means the payment of a monetary contribution to the Council to offset the cost (plus any interest) which the Council has already incurred in providing public facilities in anticipation of development.
"Regulations"	means the Environmental Planning and Assessment Regulation 2000.
"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.

PART C DEMAND FROM EXPECTED DEVELOPMENT

3.1 TO WHAT TYPES OF DEVELOPMENT DOES THIS PLAN APPLY?

The expected type of development to which the plan applies is residential in the form of residential land subdivision and medium density development, and industrial, commercial and retail development, as listed (but not limited to) below:

Villas, townhouses, Flats, units or apartments, Dual occupancies, Seniors Living dwellings, Subdivisions, Mixed use development, Commercial and Retail development, Industrial development and a Change of use

3.2 DEMAND FOR PUBLIC FACILITIES

This part of the plan broadly identifies the relationship between the expected types of development in the LGA and the demand for public facilities identified in the plan. This information is based on current demographic information, and an assessment of recent development application data, including residential, commercial, industrial and other employment generating development in the LGA.

ABS data shows that the Boorowa Council LGA experienced medium level population growth during the 2006 - 2011 period. Council considers the growth and development of the district as being instrumental in determining the future direction of the LGA and ensuring the prosperity of the Council and the community.

The Council has been actively attracting more people, businesses and industries to the area. This has resulted in recent high demand for residential allotments, a corresponding high level of dwelling and subdivision applications, and new retail, commercial and industrial development either establishing in or relocating to the area.

Boorowa Council is committed to enhancing the well being of the community through the provision of an efficient and effective range of local government works, services and facilities that fulfill the needs and expectations of the community. Council has developed a four year delivery program to provide a program of works and services to improve the facilities available to residents and visitors, and to meet the demand of new development.

The likely population growth and new retail, commercial and industrial development in the area will diminish the enjoyment and standard of public facilities for the existing population unless additional or upgraded facilities are provided to meet the additional demand. Thus the likely population growth and new development will require the provision of additional public facilities.

The following work schedules give details of the specific public facilities proposed to be provided by the Council, together with an estimate of their cost and staging. To provide a strategy for the implementation of public facilities levied for in the plan, the staging is expressed as a threshold in years.

Council’s ability to forward fund these facilities is very limited, so their provision is dependant on the collection of sufficient funds and availability of funds from other sources.

PART D – SCHEDULE 1 - WORKS SCHEDULE

Item No	Capital works	Estimate cost	Number of years or parity
1	Showground Master Plan	\$25,000	1 – 5 years
2	Public Amenities – Showground	\$100,000	1 – 5 years
3	Storm water storage tanks for irrigation at Boorowa Recreation Park	\$150,000	1 – 5 years
4	Playground Equipment	\$12,000	1 – 5 years
5	Disabled Access – Boorowa Swimming Pool	\$20,000	1 – 5 years
6	Bennett Springs Bridge	\$627,000	5 – 10 years
7	Public Amenities – Recreation Park	\$100,000	5 – 10 years
8	Boorowa Swimming Pool building upgrade	\$300,000	5 – 10 years
9	Community Hall/Multipurpose Centre	\$2,000,000	5 – 10 years
10	Rye Park Village - Drainage	\$250,000	5 – 10 years
11	Rugby Village - Drainage	\$250,000	5 – 10 years
12	Frogmore Village - Drainage	\$250,000	5 – 10 years
13	Reids Flat Village – Drainage	\$250,000	5 – 10 years
14	Brial Street Roundabout	\$200,000	5 – 10 years

PART E SCHEDULE 2 – COST SUMMARY REPORT

Section 94A Cost Summary Report

[For proposed cost of development less than \$500,000 Applicant Details]

Name/Company:

Development Address:

Postal Address:

Lot: _____

Section: _____

DP:

Postcode: _____

Description of Proposed Development

Phone (daytime): _____

Mobile:

Application Details

Development Application No. _____

Construction Certificate No. _____

Complying Development Certificate No. _____

Date: _____

Analysis of Development Costs

Demolition & site preparation

\$ _____

Fittings & equipment

\$ _____

Excavation

\$ _____

Hydraulic services
\$ _____

Decontamination or remediation
\$ _____

Mechanical services
\$ _____

Structure
\$ _____

Fire services
\$ _____

External wall, windows & doors
\$ _____

Lift services
\$ _____

Internal walls, screens & doors
\$ _____

External works
\$ _____

Wall finishes
\$ _____

External services
\$ _____

Floor finishes
\$ _____

Other related work
\$ _____

Ceiling finishes
\$ _____

Sub-total:
\$ _____

Sub-total carried forward
\$ _____

Preliminaries & margin
\$ _____

Sub-total
\$ _____

Consultant fees
\$ _____

Other related development costs
\$ _____

Sub-total
\$ _____

Goods & Services Tax
\$ _____

TOTAL DEVELOPMENT COST
\$ _____

I hereby certify that I have:

- Inspected the plans the subject of the application for development consent;
- Calculated the proposed cost of carrying out the development in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices;
- Included the GST in the estimate of the proposed cost of carrying out the development.

Signed: _____

Date: _____

Name: _____

Position & Qualifications: _____

Statutory Declaration

"I, (Full Name) _____

Of (Address) _____ Post Code: _____

(Occupation) _____

in the State of New South Wales, do solemnly and sincerely declare that the attached Section 94A Cost Summary Report is a true and accurate estimate of the proposed cost of the development as described below:

APPLICATION DETAILS

Development Application No: _____

Construction Certificate No: _____

Complying Development Application No: _____

Date: _____

Development Address: _____

Lot(s): _____ Section: _____ DP: _____

DESCRIPTION OF PROPOSED DEVELOPMENT

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

Declared at _____, this _____ day of _____ 20__

Before me: _____ Declarant (Signature)

(This must only be signed in the presence of the JP)

_____ (Signature of JP)

_____ (Print Full Name of JP)

_____ (NSW Registration Number)

Penalties for False Statutory Declarations The Oaths Amendment Act 1996 provides that if a Statutory Declaration is made to gain material benefit and the offence is dealt with by indictment the penalty is up to 7 years imprisonment. If dealt with summarily then the penalty is up to 2 years imprisonment and/or a fine of 100 penalty units (\$11,000). If the offence is swearing a false declaration that does not involve material benefit, the penalty is up to 12 months imprisonment and/or a fine of 50 penalty units (\$5,500).

SECTION F SCHEDULE 3 – DETAILED COST REPORT

Section 94A Detailed Cost Report

Registered* Quantity Surveyor's Detailed Cost Report

[For proposed cost of development more than \$500,000 *A member of the Australian Institute of Quantity Surveyors Applicant Details

Name/Company:

Development Address:

Postal Address:

Lot: _____

Section: _____

DP: _____

Postcode: _____

Description of Proposed Development

Phone (daytime): _____

Mobile: _____

Application Details

Development Details

Development Application No. _____

Site area

_____m²

Construction Certificate No. _____

Gross Floor Area – Car Parking

_____m²

Complying Development Certificate No. _____

Gross Floor Area - Commercial

_____m²

Date: _____

Gross Floor Area – Other

_____m²

Development Details cont...

Gross Floor Area – Retail

_____m²

Total Floor Area

_____m²

Gross Floor Area – Industrial

_____m²

Total No. of car parking spaces

Gross Floor Area - Residential

_____m²

Estimate Details

Demolition & site preparation

\$ _____

Cost/m² of site area

\$ _____

Excavation

\$ _____

Cost/m² of site area

\$ _____

Decontamination or remediation

\$ _____

Cost/m² of site area

\$ _____

Construction – Retail

\$ _____

Cost/m² of gross floor area

\$ _____

Construction – Commercial

\$ _____

Cost/m² of gross floor area

\$ _____

Construction – Industrial

\$ _____

Cost/m² of gross floor area

\$ _____

Construction – Residential

\$ _____

Cost/m² of gross floor area

\$ _____

Car Park

\$ _____

Cost per space

\$ _____

Fit out – Retail

\$ _____

Cost/m² of retail area

\$ _____

Fit out – Commercial	\$ _____
\$ _____	% of Construction Cost
Cost/m ² of commercial area	_____ %
\$ _____	Total Construction Cost
Fit out – Industrial	\$ _____
\$ _____	Other related development costs \$
Cost/m ² of industrial area	_____
\$ _____	Sub-total
Fit out – Residential	\$ _____
\$ _____	Goods & Services Tax
Cost/m ² of residential area	\$ _____
\$ _____	TOTAL DEVELOPMENT COST
Professional Fees	\$ _____

I hereby certify that I have:

- Inspected the plans the subject of the application for development consent;
- Calculated the proposed cost of carrying out the development in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices;
- Included the GST in the estimate of the proposed cost of carrying out the development.

Signed: _____

Position: _____

Name: _____

CPD Certificate No. _____

Date: _____

AIQS Membership grade & ID No. _____

Statutory Declaration

"I, (Full Name) _____
Of (Address) _____ Post Code: _____
(Occupation) _____

in the State of New South Wales, do solemnly and sincerely declare that the attached Section 94A Cost Summary Report is a true and accurate estimate of the proposed cost of the development as described below:

APPLICATION DETAILS

Development Application No: _____

Construction Certificate No: _____

Complying Development Application No: _____

Date: _____

Development Address: _____

Lot(s): _____ Section: _____ DP: _____

DESCRIPTION OF PROPOSED DEVELOPMENT

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

Declared at _____, this _____ day of _____ 20____

Before me: _____ Declarant (Signature)

(This must only be signed in the presence of the JP)

_____ (Signature of JP)

_____ (Print Full Name of JP)

_____ (NSW Registration Number)

Penalties for False Statutory Declarations The Oaths Amendment Act 1996 provides that if a Statutory Declaration is made to gain material benefit and the offence is dealt with by indictment the penalty is up to 7 years imprisonment. If dealt with summarily then the penalty is up to 2 years imprisonment and/or a fine of 100 penalty units (\$11,000). If the offence is swearing a false declaration that does not involve material benefit, the penalty is up to 12 months imprisonment and/or a fine of 50 penalty units (\$5,500).

PART G APPENDIX 1 – REFERENCES

- Australian Bureau of Statistics Census of Population and Housing 2001, 2006 and 2011;
- NSW Department of Planning's Development Contributions Practice Notes.
- *Environmental Planning and Assessment Act 1979*
- Environmental Planning and Assessment Regulation 2000
- *Local Government Act 1993*