



SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2010 (Amendment 2013)

Griffith City Council ABN 81 274 100 792
Sustainable Development

1 Benerembah Street (PO Box 485) GRIFFITH NSW 2680
T: (02) 6962 8100 F: (02) 6962 7161 E: admin@griffith.nsw.gov.au
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Part A – SUMMARY SCHEDULE

The primary purpose of this Contributions Plan is to satisfy the requirements of the Environmental Planning and Assessment Act 1979 (“EP&A Act”) and the Environmental Planning and Assessment Regulation 2000 (“EP&A Regulation”) to enable the Council to apply a condition of consent requiring payment of a contribution towards the cost of or towards the recoupment of the cost of the provision, extension or augmentation of public amenities, public services and infrastructure that will, or are likely to be, or that have been provided and are required to adequately serve the people of the Griffith community.

The Plan provides for collection of an estimated \$22,000,000 over a period of approximately 20 years. These funds are assessed as essential for the provision of infrastructure necessary to meet the needs of the expanding community.

Table 1 below sets out the basis Council has used to allocate levies received under this plan and indicate the approximate apportionment between the various types of facilities, amenities and infrastructure.

The works identified in the Schedule of Works (Table 2) could not be provided from Council’s normal revenue base but are considered essential.

Table 1. Allocation of Levy According to Type of Project

Description or Type of Project	High Priority – 2010 to 2014	Medium Priority – 2015 to 2019	Low Priority – 2020 to 2024	(Check Against Section 116D Key Considerations)
Minor parks and playgrounds (See Note 1)	20%	15%	15%	Satisfies considerations
Sporting and recreational facilities (See Note 1)	20%	20%	15%	Satisfies considerations
CBD Improvement (See Note 1)	15%	20%	20%	Works will benefit existing community as well as population increase. Council will contribute to supporting works and ongoing maintenance. Each item can be completed in a reasonable time.
Car parking facilities	10%	5%	10%	Satisfies considerations
Road and traffic improvements	15%	10%	10%	Satisfies considerations however existing population will benefit

Section 94A Contributions Plan 2010 (Amendment 2013)

Description or Type of Project	High Priority – 2010 to 2014	Medium Priority – 2015 to 2019	Low Priority – 2020 to 2024	(Check Against Section 116D Key Considerations)
Other community amenities	10%	20%	20%	from works Each project should be assessed on its merits. Where appropriate additional funds may need to be provided from another source
Other projects	10%	10%	10%	Each project should be assessed on its merits. Where appropriate additional funds may need to be provided from another source
<u>Totals</u>	100%	100%	100%	

Table 2. Schedule of Works

Description of Project	Location	Estimated Cost	Funds Allocated				Total
			High Priority – 2010 to 2014	Medium Priority – 2015 to 2019	Low Priority – 2020 to 2024	2025 to 2029	
Minor Parks and Playgrounds							
Provide 2 new Suburb Parks over next 5 to 6 years @ \$250,000 ea. Upgrade existing neighbourhood parks - upgrades expected to average 1 to 2 a year = 3 over a the next two year period (\$50,000 each = \$150,000). Then average 1 upgrade every 3 years	Locations to be selected	\$1,150,000	\$650,000	\$300,000	\$100,000	\$100,000	\$1,150,000
Establish picnic and playground facilities along Main Canal (as per strategy)		\$350,000			\$150,000	\$200,000	\$350,000
Pathways – upgrade and provide watering systems, paving and access control bollards	Locations to be selected	\$1,000,000	\$150,000	\$150,000	\$250,000	\$250,000	\$800,000
Upgrade existing neighbourhood parks – average 2 a year, \$60,000 per year)	Locations to be selected	\$1,050,000	\$150,000	\$300,000	\$300,000	\$300,000	\$1,050,000
<u>Total Minor Parks</u>		\$3,550,000	\$950,000	\$750,000	\$800,000	\$850,000	\$3,350,000

Description of Project	Location	Estimated Cost	Funds Allocated				Total
			High Priority – 2010 to 2014	Medium Priority – 2015 to 2019	Low Priority – 2020 to 2024	2025 to 2029	
Sporting and Recreational Facilities							
Ted Scobie redesign and construction – completion of upgrade works. Car Park, exercise pathway etc	Ted Scobie Oval, Clifton Boulevard	\$650,000	\$650,000				\$650,000
Beelbanger Oval - construct new oval to serve Collina and Beelbanger areas	Beelbanger village	\$1,200,000		\$750,000	\$450,000		\$1,200,000
Rifle Range Road Sports and Recreation Centre – Design and documentation plus preliminary works including entrance, car parking stage 1 and first oval.	Rifle Range Road	\$1,450,000	\$300,000	\$250,000	\$350,000	\$850,000	\$1,750,000
<u>Total Sporting and Recreation Facilities</u>		\$3,300,000	\$950,000	\$1,000,000	\$800,000	\$850,000	\$3,600,000
-	-						

Description of Project	Location	Estimated Cost	Funds Allocated				Total
			High Priority – 2010 to 2014	Medium Priority – 2015 to 2019	Low Priority – 2020 to 2024	2025 to 2029	
CBD Improvements							
Kooyoo Street Upgrade – completion of construction of community space	Kooyoo Street between Banna Avenue and Yambil Street	\$1,900,000	\$650,000	\$1,000,000	\$250,000		\$1,900,000
Upgrade Yambil Street – Stage 1 commencement	In accordance with Strategy	\$2,000,000			\$800,000	\$1,200,000	\$2,000,000
Public Art for Parks and CBD	Various locations	\$200,000	\$30,500				\$30,500
<u>Total CBD Improvements</u>		\$4,100,000	\$680,500	\$1,000,000	\$1,050,000	\$1,200,000	\$3,930,500
Car Parking Facilities							
Develop Parking Strategy - off-street and on-street	Entire City	\$150,000	\$150,000				\$150,000
Ted Scobie Oval - upgrade for additional parking		\$250,000	\$250,000				\$250,000
Yambil Street - Develop off-street parking		\$1,000,000		\$300,000	\$100,000	\$630,000	\$1,030,000

Description of Project	Location	Estimated Cost	Funds Allocated				Total
			High Priority – 2010 to 2014	Medium Priority – 2015 to 2019	Low Priority – 2020 to 2024	2025 to 2029	
Provide off-street parking other locations		\$400,000			\$400,000		
<u>Total Car Parking Facilities</u>		\$1,800,000	\$400,000	\$300,000	\$500,000	\$630,000	\$1,830,000

Road and Traffic Improvements

Pedestrianisation and bicycle program – entire city area – Stage 1 - Develop Strategy, include development of pathways, network design, publicity campaign and community education program	Entire City area	\$250,000	\$250,000				\$250,000
Upgrade Borga Road		\$600,000		\$250,000		\$100,000	\$350,000
Upgrade roads and intersection serving development areas	Collina/ Wyangan	\$1,000,000	\$450,000			\$250,000	\$700,000

Description of Project	Location	Estimated Cost	Funds Allocated				Total
			High Priority – 2010 to 2014	Medium Priority – 2015 to 2019	Low Priority – 2020 to 2024	2025 to 2029	
Pedestrianisation and bicycle program – entire city area – Stage 2 - continue development of pathways	Entire City area	\$500,000		\$250,000	\$500,000	\$250,000	\$1,000,000
<u>Total Roads and Traffic Improvements</u>		\$2,350,000	\$700,000	\$500,000	\$500,000	\$600,000	\$2,300,000
Other community amenities							
City Park – Stage 2 Finalise	Kookora Street	\$1,700,000	\$450,000	\$750,000	\$500,000		\$1,700,000
Multipurpose Centre – preliminary activities and site acquisition (if required)	To be determined	\$1,000,000		\$250,000	\$550,000	\$200,000	\$1,000,000
TBA		\$950,000				\$950,000	\$950,000
<u>Total Other Community Amenities and Services</u>		\$3,650,000	\$450,000	\$1,000,000	\$1,050,000	\$1,150,000	\$3,650,000

Description of Project	Location	Estimated Cost	Funds Allocated				Total
			High Priority – 2010 to 2014	Medium Priority – 2015 to 2019	Low Priority – 2020 to 2024	2025 to 2029	
Other Projects							
Hermit's cave and Scenic Hill Development – include irrigation system, permanent pathways construction, reinstatement of gardens and other works as set out in Conservation Management Strategy – Stages 1 and 2	Scenic Hill	\$850,000	\$150,000	\$150,000	\$150,000	\$400,000	\$850,000
Canal Street embellishment of canal and surrounds – Stage 1 investigation and preparatory works	Along Main Canal	\$600,000			\$400,000	\$200,000	\$600,000
Drainage versus landscaping - WSUD program - Stage 1 - Strategy and preparatory works	City Wide	\$300,000		\$300,000			\$300,000
<u>Total Other Projects</u>		\$2,000,000	\$400,000	\$450,000	\$550,000	\$600,000	\$1,750,000
<u>Total all Projects</u>		<u>\$20,750,000</u>	<u>\$4,530,500</u>	<u>\$5,000,000</u>	<u>\$5,250,000</u>	<u>\$5,880,000</u>	<u>\$20,410,500</u>

Further discussion of Works covered by this Plan is included in Appendix A. A map of the works is attached at Appendix D.

As well as developments exempted by the Minister from time to time, Griffith City Council has identified other developments that will be exempt. These are set out in Appendix B. The table of exemptions may be varied from time to time by Council.

Contributions under this plan vary from nil% of the development cost to a maximum of 1% of the development cost. See clauses C.9 and C.10 for more detail on the calculation of the levy and determination of the cost of a development. Contributions under this Plan will not exceed the maximum contribution levy set under EP&A Act.

PART B – EXPECTED DEVELOPMENT AND DEMAND FOR PUBLIC FACILITIES

B.1 Assumptions

The following assumptions have been made to provide a base for the calculations and assessments for this Plan.

1. Griffith's population will continue to increase at about 1.5% to 2.0% per annum;
2. The dwelling occupancy rate will remain higher than the state average but will continue to reduce over time consistent with national trends;
3. The cultural mix of the region will continue consistent with past trends;
4. The community's expectations as identified in the Community Action Plan will remain stable for the life of the plan.

Should any of these assumptions not eventuate future reviews of this Plan will need to make appropriate variations or amendments to the Schedule of Works to accommodate those changes. It should be noted in particular that changes to legislation and technological advances may significantly affect the base assumptions of this plan and either increase or decrease the costs of providing infrastructure.

B.2 What is the relationship between development and the proposed amenities or services?

This Plan recognises that community growth and cultural change create a need for community infrastructure such as roads, drainage, social, cultural, recreational and other infrastructure. Some of this need can be satisfied by the imposition of conditions on development such as subdivision of land. However, some items may not be directly attributable to any one development or may be of such a magnitude that the cost could not be carried by any one development.

In preparing this Plan, Council has been concerned to ensure that works proposed to be completed are required to service the growing community of Griffith and would/ could not reasonably be otherwise provided within the constraints of Council's financial plan.

In general, projects included in this Plan are required to meet expected future or known shortfalls or increases in demand for those facilities or services within the Griffith LGA.

B.3 Impact of contributions on affordability

Council has considered the potential impact of these contributions on affordability of the development projects to which they will apply.

This Plan will replace a series of contributions plans that have been levied over past years and will achieve a total income comparable to those previous plans. Previously, levies have been applied to the subdivision of land, residential building works and similar developments. No direct levy was applied to industrial or commercial developments other than a levy for the number of dwellings on the land.

This Plan will apply as a percentage of the total development cost to all development with an estimated value greater than \$100,000 at the rate specified in clause C.10.

This Plan is likely to provide a slight reduction in cost of residential land and dwellings and will thus improve affordability.

There will be a balancing shift to larger dwellings and non-residential development that will now contribute to the community's needs.

Overall, it has been calculated that the nett impact of this plan will be negligible across the community.

B.3 Apportionment of costs

No apportionment of costs has been included in the calculations for this Plan. Each project included in the Schedule of Works may be completed using contribution funds alone, however Council may source supporting funds from revenue or grant sources where it sees fit to do so.

Any contribution of funds from other sources may be allocated by Council without affecting the integrity of this plan.

B.4 Demand Assessment

Council has prepared and is in the process of preparing a series of Strategic Plans that identify existing conditions and anticipated future demands for public facilities and services. These strategic plans will be reviewed or amended from time to time to ensure they continue to meet the expectations or needs of the community.

Each Strategic Plan provides an assessment of demographic changes, associated increases in demand, and locations for future public facilities and services. Each plan will be exhibited for community input prior to adoption by Council.

The strategic plans which this Plan relies on include but are not limited to the following:

Griffith Growth Strategy 2030

(Draft) Land Use Strategy 2030

(Draft) Playgrounds and Small Reserves, Strategy

(Draft) Sporting Facilities Strategy

Community Amenities Strategy

B.5 Proposed Works

A Schedule of Works has been prepared and is adopted for the purposes of this plan. The Schedule lists either individual projects or types of projects. Where a location is identified for a particular project, that location may be changed by resolution of Council without altering the integrity of this Plan.

The Schedule of Works may be reviewed by Council at any time but shall be reviewed at least once every five (5) years after the date of adoption of

this Plan. Any review of the Schedule may be completed either with or without a complete review of this Plan.

The Schedule of Works adopted for this plan is set out in Part A. Cost estimates indicated in the Schedule are estimates only and are based on the best available information at the time of preparation of this Plan. The actual cost may vary significantly from these figures due to a number of factors including technological changes; inflation; site conditions; changes to the extent or concept design and other factors.

Where cost estimate changes are significant, the priority of other projects may be impacted. In such cases, Council may vary the Schedule and priority of works without a complete review of the plan or without affecting the integrity of the plan.

Part C – ADMINISTRATION AND OPERATION OF THE PLAN

C.1 What is the name of this development contributions plan?

This Plan replaces all previous plans and policies relating to or providing for the levying and collection of contributions for community services, open space, recreation facilities, roads and car parking facilities. It does not, and is not intended, to remove Council's option to negotiate a Planning Agreement with a developer under the provisions of Section 93F of the EP&A Act.

This Plan is to be known as:

Section 94A Contributions Plan 2010

C.2 When does this development contributions plan commence?

This Plan shall come into effect on 1 July 2010 in accordance with clause 31(4) EP&A Regulation.

C.3 What is the purpose of this Plan?

The primary purpose of this Contributions Plan is;

to satisfy the requirements of the EP&A Act and EP&A Regulation to enable the Council to apply a condition of consent requiring payment of a contribution towards cost of or towards the recoupment of the cost of the provision, extension or augmentation of public amenities, public services and infrastructure that will, or are likely to be, or that have been provided and are required to adequately serve the people of the Griffith community.

Other purposes of this plan are to:

- a) ensure that an adequate level of public infrastructure is provided throughout the Griffith local government area ("LGA") as development occurs;
- b) enable Council to recoup funds that are spent in the provision of public facilities in anticipation of likely future development;
- c) ensure that the existing community is not burdened by the provision of public facilities required as a result of future development; and
- d) provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout the Griffith City Council LGA until the year 2030 or beyond.

C.4 Land to which this Plan applies

This plan applies to the whole of the LGA of Griffith City. Upon commencement of this Plan, Council may not impose a condition pursuant to s94 EP&A Act in respect of any development affected by this Plan.

C.5 What is the relationship between this Plan and other plans and policies?

This contributions plan replaces the contributions plans known as;

- Section 94 Contributions Plan 2001 – Community Amenities and Services, Recreation and Open Space;
- Contributions Plan No.1 – Car Parking, 1996;
- Griffith Section 94 Contributions Plan – Collina Parks, 2003;
- Section 94 Contributions Plan – Roads and Traffic Management relating to development contributions.
- Section 94 Contributions Plan 2001 – Amendment 2010.

The above mentioned contributions plans shall cease to operate for the levying of contributions on development approved on and from the date of commencement of this Plan.

This Plan provides the means for achieving the purposes of the Plan and implementing some of the planning and community development strategies adopted by Council.

C.6 Savings Provisions

Clause C.10 below provides for the calculation of contributions based on this Plan for all development applications to which consent is granted on or after the date of adoption of this plan.

This Plan does not, and shall not be construed as negating any contribution levied or applied under the previous plans identified in Clause C.5 above.

Any development consent granted prior to the date of adoption of this Plan and requiring the payment of a contribution under Section 94 under any of the previous plans shall remain valid.

C.7 How does this Plan operate?

In determining a development application Council may impose a condition of consent requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this Plan.

This Plan applies to applications for development consent and applications for complying development certificates under Part 4 of the EP&A Act determined on or after the commencement of this Plan. All development types are levied at the rates specified in Clause C.10 below at the rate indicated for the cost of the development.

C.8 Pooling of Levies

This Plan expressly authorises monetary levies paid pursuant to this Plan or other contributions plans to be pooled and applied progressively for any works included in the Schedule of Works to this Plan, provided that the Council is satisfied that the pooling and progressive application of the money paid will not unreasonably prejudice the carrying into effect within

a reasonable time of the purposes for which the money was originally paid.

C.9 Construction Certificates and Obligations of Accredited Certifiers

Clause 146 of EP&A Regulation prohibits a certifying authority from issuing a construction certificate for building or subdivision work unless each condition of consent that requires payment of a contribution under Section 94A prior to work being carried out has been complied with.

Notwithstanding Clause 146, Council may enter into an agreement for deferred payment or completion of works in kind. In such case, Council will issue a letter confirming the arrangement and the effect it may have on the payment of all or part of the contributions required under this Plan.

C.10 Formulae to be Used

Section 94A provides that the contribution imposed as a condition of consent must be a percentage of the cost of the development proposed to be carried out. The percentage of the levy is to comply with the EP&A Regulation and is to be authorised by this Plan.

C.10.1 Maximum Allowable Contribution

The EP&A Regulation sets a maximum contribution of 1% of the cost of the development for a contributions plan for the Griffith LGA. Clause 25K states that the maximum contribution shall be:

If the proposed cost of carrying out the development is up to and including \$100,000 – Nil

If the proposed cost of carrying out the development is more than \$100,000 and up to and including \$200,000 – 0.5percent of that cost

If the proposed cost of carrying out the development is more than \$200,000 – 1.0 percent of that cost

C.10.2 Contributions under this Plan

This Plan allows for s.94A contributions for developments costing between \$100,000 and \$300,000 to be determined according to a sliding scale. This will further lessen any adverse impacts on minor developments and low cost housing.

For the purpose of this plan, contributions shall be calculated in accordance with the following formulae:

- For estimated development cost less than \$100,000, **Nil**
- For estimated development costs between \$100,000 and \$300,000

$$R = (C - 100)/200$$

Where

R = rate of contribution as a percent

C = estimated cost of development in \$1,000 (see Sec 7.9)

Varies from 0% to 1%

For example:

$$\begin{aligned} \text{Cost of development C} &= \$250,000 \\ \text{R} &= (250 - 100)/200 \\ &= 0.75\% \end{aligned}$$

- For estimated development cost greater than \$300,000, **1%**

C.11 Determination of the Cost of the Development

A Development Application or an application for a Complying Development certificate is to be accompanied by a report, prepared at the applicant's expense, setting out an estimate of the cost of the proposed development. Forms for the calculation of the cost of development are attached as Appendix C.

Clause 25J EP&A Regulation specifies how the 'cost of development' is to be determined.

By Whom?

The Consent Authority is to determine the cost of development (i.e. Griffith City Council)

How?

By adding up all the costs and expenses incurred by the developer including:

- For the erection of a building or the carrying out of engineering or construction work –costs of or incidental to erecting the building, or carrying out the work including costs of any incidental works to demolition, excavation and site preparation, decontamination or remediation;
- For a change of use of land – costs of or incidental to doing anything necessary to enable the use of the land to be changed;
- For subdivision of land –costs of or incidental to preparing, executing and registering the subdivision plan and any related covenants, easements or other rights.

Where does the consent authority (Council) get its information from?

To ensure Council has sufficient reliable information to determine the cost of the development, it may ask for, or have regard to, an estimate prepared by a person or class of person suitably experienced or qualified to determine such costs.

For the purpose of this Plan, Council requires the estimate of the cost of development to be prepared by the following persons or classes of persons.

- 1) Where the cost of the development does not exceed \$200,000 – the applicant or a consultant and based on standard published cost rates.
- 2) Where the cost of the development exceeds \$200,000 but does not exceed \$1,000,000 –a qualified and registered engineer or

quantity surveyor. Council may, at its discretion, accept as an alternative an estimate prepared by a person with estimating or costing experience in the type of development being proposed.

- 3) Where the cost exceeds \$1,000,000 but does not exceed \$10,000,000 –a qualified and registered quantity surveyor or an estimate prepared under his or her supervision and certified by that quantity surveyor as adequate and reasonable.
- 4) Where the cost exceed \$10,000,000 –a qualified and registered quantity surveyor.

In all of the above cases, Council reserves the right to review and or adjust any estimates provided. In such cases, qualified Council engineers, building surveyors or other professionally qualified staff or consultants may confirm or determine the cost estimates based on their own expertise.

Is there anything that should NOT be included in the cost estimates?

In particular, the following costs are NOT to be included:

- 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.

C.12 Are there any exemptions to the levy?

The levy will NOT be imposed on the following developments or types of development.

- Where the cost of the proposed development, calculated in accordance with this plan is \$100,000 or less
- Where a new dwelling replaces an existing dwelling destroyed as a result of accidental or natural disaster, provided the new dwelling is a

similar size to the dwelling it replaces (with a levy to be applied to the difference in cost attributed to the increase in building area)

- Where the development is for the purpose of disabled access
- Where the development is for the sole purpose of providing 'affordable housing'
- Where the development is for the purpose of reducing the consumption of mains supplied potable water or reducing the energy consumption of a building.
- Where the development is for the sole purpose of the adaptive reuse of an item of environmental heritage.
- Where the development has previously been levied a contribution for the subdivision of land under Section 94 of the Act Any other development exempted by resolution of Council (See Appendix B)

From time to time Council may, by resolution, exempt a particular development or type of development from the requirement to pay a levy under this Plan.

Appendix B identifies those developments which Council has exempted from payment of levies under this Plan. The date the exemption commenced and the duration of the exemption are also indicated.
from payment of levies under this Plan. The date the exemption commenced and the duration of the exemption are also indicated.

C.13 When are contributions normally payable?

The conditions of consent will clearly specify the time at which contributions are due to be paid. If no such time is specified, a contribution is normally payable:

- a) in the case of a consent to development being subdivision – before the approved plans (Final Survey Plan) are released to the applicant or prior to the release of the approved engineering plans or prior to the issue of a subdivision certificate.
- b) in the case of a consent to development not involving subdivision but where a subsequent construction certificate is required – prior to the construction certificate being released to the applicant.
- c) in the case of a consent to any other development – before the development is commenced or prior to the issue of an occupation certificate or endorsement of the final plan or as may be relevant in the particular circumstances.
- d) Complying development –contribution fees are to be lodged with Council within 7 days of certificate issue.

C.14 How will contributions 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:

$$\text{Contribution at time of payment} = \$DA \times R$$

Where

$\$DA$ = assessed contribution specified in the notice of determination

$$R = \text{CPI}_{\text{date}} / \text{CPI}_{\text{DA}}$$

Where

CPI_{date} is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics and valid at the date of payment of the contribution.

CPI_{DA} is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics and valid at the date of issue of the Development Consent

C.15 Can deferred or periodic payments be made ?

C.15.1 Policy Statement

Council may accept deferred or periodic payment of a contribution upon written request by the applicant or any other person entitled to act upon the relevant consent.

C.15.2 For development that is the subdivision of land for residential purposes:

This option is not applicable if construction of a dwelling is included in the development application.

Council will consider deferral of payment of monetary contributions up to the settlement of sale proceeds, or 5 years from issue of a subdivision certificate, whichever is the sooner, provided that the owner enters into a Deed of Charge in a form acceptable to Council binding the land with the obligation to repay the contributions, any indexation thereof and any interest thereon.

The Deed of Charge is to contain provisions enabling Council to register a caveat on the title of each proposed lot of the subdivision recording Council's interest under the Deed.

The amount of the contributions is to be indexed in accordance with the Contributions Plan.

Council's costs of the preparation and entry into the Deed of Charge and the registration of the caveat are to be paid by the applicant.

C.15.3 For other types of development:

Any deferral will generally be limited to a period of no more than 12 months, however, Council may agree to a longer period in exceptional circumstances. Periodic payment can be negotiated with Council but would normally be of equal instalments over the payment period.

Council may require the applicant to provide to Council a bank guarantee (from a bank and in a format acceptable to Council) for the payment of the outstanding amount on condition that:

- a) the guarantee requires the bank to pay the guaranteed amount unconditionally to Council where it so demands in writing, not earlier than six months (or a term determined by Council) from the provision of the guarantee or completion of the development or stage of the development to which that the contribution or part relates.
- b) the guarantee prohibits the bank from:
 - having regard to any representations made by the applicant or other person entitled to act upon the consent; and
 - having regard to any appeal, dispute, controversy, issue or other matter relating to the consent or the carrying out of development in accordance with the consent, before paying the guaranteed amount.
- c) the bank's obligations under the guarantee are discharged:
 - when payment is made to the Council according to the terms of the bank guarantee;
 - if the related consent lapses; or
 - if the Council otherwise notifies the bank in writing that the bank guarantee is no longer required.
- d) the applicant pays interest to Council on the contribution or the outstanding balance of the contribution at the overdraft rate on and from the date when the contribution would have been otherwise payable in accordance with this Plan.

C.16 Can works in kind contributions be made?

Works in kind contributions may not be made or accepted under this Plan.

C.17 Complying Development

Accredited certifiers must, when issuing a complying development certificate for development, the cost of which exceeds \$100,000.00 impose a condition requiring payment of a contribution within 7 days of the date of the complying development certificate.

The amount of contribution payable is to be calculated in accordance with the development cost determined as specified in this Plan.

C.18 Accounting and Accountability

Council will establish a register of contributions as required under clause 34 EP&A Regulation.

In particular, the register will include the following information for any development that has a condition of consent requiring the payment of a contribution under this Plan:

- a) particulars sufficient to identify each development consent for which any such condition has been imposed,
- b) the nature and extent of the section 94A levy under this Plan required by any such condition,
- c) the contributions plan (this Plan) under which any such condition was imposed,
- d) the date or dates on which any section 94A levy required by any such condition was received, and its nature and extent.

Funds received under this Plan will be recorded in Council's accounting records as required under clause 35 EP&A Regulation. As a minimum, Council's records will identify the following;

- a the kinds of public amenities or services for which expenditure is authorised under the Plan;
- b funds received over each financial year;
- c funds allocated to items on the Schedule of Works, whether those funds have been expended and/ or the works have been completed;
- d any pooling of funds in accordance with clause C.8 of this Plan;
- e interest earned (or loss) on any funds invested under this Plan;

Council's Annual Report will include a statement of all fund movements under this plan as required by clause 36 EP&A Regulation.

The following information will be held in a format that can be made available to the public on request as require by clauses 37 and 38 EP&A Regulation:

- a copy of this Plan
- a copy of its Annual Statements and Annual Report
- details from the register of contributions made under this Plan

C.19 Review of the Plan

Council will review this Plan at least every 10 years to ensure that it remains consistent with the community's expectations and that the Schedule of Works can be achieved within a reasonable period of time.

If appropriate, Council may lower or vary the percentage of the development cost used to determine contributions required under this

Section 94A Contributions Plan 2010 (Amendment 2013)

Plan or repeal this Plan and adopt a new plan to address changed circumstances.

In any case where a new plan is prepared, Council will exhibit the plan and consider submissions before implementation of the new plan.

Appendix A - Schedule of Works – Additional Information

The works set out in Table 1 in Part A are to be considered for completion – either in whole or in part – using the funds collected under this Plan.

Approximate time scales for priority ratings are as follows:

- High - within 5 years of adoption of the plan
- Medium - from 6 to 10 years from adoption of plan
- Low - from 11 to 15 years from adoption of plan
- Not stated - more than 15 years

In order to assess the anticipated income under this Plan, a review was undertaken of development consents granted over the five (5) year period from 2003/ 2004 to 2007/ 2008. The figures are summarised in Table 2 below and indicate that, had the levy been in place over that period, income would have averaged about \$825,000 per year with a maximum per annum of just over 1 million dollars.

**Table A.1 Calculation of s94A levy on Development Consents
2003-2008**

Year	Approvals Less than \$100,000			Approvals between \$100,000 to \$200,000			Approvals Greater than \$200,000			Total Levy
	No.	Total Value	Levy	No.	Total Value	Levy	No.	Total Value	Levy	
2003/ 2004	201	\$19,382,000	Nil	73	\$12,865,000	\$64,325	104	\$93,595,000	\$935,950	\$1,000,275
2004/ 2005	231	\$13,075,000	Nil	27	\$4,611,000	\$23,055	247	\$103,638,000	\$1,036,380	\$1,059,435
2005/ 2006	258	\$9,034,000	Nil	27	\$3,863,000	\$19,315	163	\$92,790,000	\$927,900	\$947,215
2006/ 2007	281	\$9,211,000	Nil	27	\$4,237,000	\$21,185	137	\$66,837,000	\$668,370	\$689,555
2007/ 2008	215	\$9,979,000	Nil	23	\$3,413,000	\$17,065	108	\$43,329,000	\$433,290	\$450,355
Averages	237	\$12,136,200	0	35.4	\$5,797,800	\$28,989	152	\$80,037,800	\$800,378	\$829,367

For the purpose of calculating estimated income under this plan, it is assumed that income from contributions will commence at approximately \$900,000 in the year 2010/ 2011. This rate may increase by 1% to 2% per annum in accordance with City growth. On the basis of sustained 1.5% growth rate, funds available from the plan for the 20 year period from 2010 to 2030 may be as set out in Table 3 below.

Table A.2 Average Estimated Income from the Plan to 2030

Year	Funds Anticipated	Total funds for 5 year period	Year	Funds Anticipated	Total funds for 5 year period
2010	\$900,000		2020	\$1,044,487	
2011	\$913,500		2021	\$1,060,154	

Section 94A Contributions Plan 2010 (Amendment 2013)

Year	Funds Anticipated	Total funds for 5 year period	Year	Funds Anticipated	Total funds for 5 year period
2012	\$927,203		2022	\$1,076,056	
2013	\$941,111		2023	\$1,092,197	
2014	\$955,227	\$4,637,040	2024	\$1,108,580	\$5,381,474
2015	\$969,556		2025	\$1,125,209	
2016	\$984,099		2026	\$1,142,087	
2017	\$998,860		2027	\$1,159,218	
2018	\$1,013,843		2028	\$1,176,607	
2019	\$1,029,051	\$4,995,409	2029	\$1,194,256	\$5,797,376
			2030	\$1,212,170	

Total estimated income from levy for period 2010 to 2030 = \$22,023,470

Council may choose to utilise funding from alternative sources to either supplement or replace funding under this plan. For example, if grant funds of say \$500,000 were to be sourced for the upgrade of Yambil Street, the contribution required from this Plan for Stage 1 would reduce to only \$600,000.

Table 2 in Part A of this Plan provides a summary of the public facilities to be provided by Council over the life of this Plan.

Note: Estimated Cost figures are based upon the available information at time of preparation of this Schedule. Prior to final scheduling of a project, detailed cost estimates must be prepared and funding commitments confirmed prior to commencement.

Appendix B - Exemptions

Council has resolved that the developments set out in the table below are exempt from the requirement to pay a contribution under this plan for the period identified in the table.

Type of Development	Date Exemption Commenced	Date Exemption Ceases	Special Requirements
Development undertaken by or on behalf of Griffith City Council for the purpose of providing public or community amenities including facilities undertaken utilising levies under this Plan	Commencement of this Plan	None	
Development for conservation or enhancement of vegetation where that development is undertaken in conformity with Council's Environmental Enhancement Strategy	From the date of adoption of the Environmental Enhancement Strategy	None	

Appendix C - Cost of Development Calculation Form

Development Contributions – Practice Note

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	\$
Sub-total	\$
Consultant Fees	\$
Other related development costs	\$
Sub-total	\$
Goods and Services Tax	\$
TOTAL DEVELOPMENT COST	\$

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)

Sample Quantity Surveyors Report

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 ²	Gross Floor Area – Other	m ²
Gross Floor Area – Residential	m ²	Total Gross Floor Area	m ²
Gross Floor Area – Retail	m ²	Total Site Area	m ²
Gross Floor Area – Car Parking	m ²	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	\$ /m ²
% of Construction Cost	%	Car Park	\$
Demolition and Site Preparation	\$	Cost per square metre of site area	\$ /m ²
Cost per square metre of site area	\$ /m ²	Cost per space	\$ /space
Construction – Commercial	\$	Fit-out – Commercial	\$
Cost per square metre of commercial area	\$ /m ²	Cost per m ² of commercial area	\$ /m ²
Construction – Residential	\$	Fit-out – Residential	\$
Cost per square metre of residential area	\$ /m ²	Cost per m ² of residential area	\$ /m ²
Construction – Retail	\$	Fit-out – Retail	\$
Cost per square metre of retail area	\$ /m ²	Cost per m ² of retail area	\$ /m ²

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)

**Appendix D - Map of Public Amenities,
Services and Infrastructure**

To be developed