

# Leeton



## Section 94A Fixed Levy Plan

Adopted April 2016



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## **Part A Preamble**

### **1.0 Expected development and demand for public facilities**

In the next ten (10) years Leeton Shire is expected to experience development pressure associated with:

- (i) Investment in irrigated agriculture, value adding agricultural produce industries and other water dependent development.
- (ii) Development of educational capacity.
- (iii) Inwards migration from outlying rural areas.
- (iv) Affordable housing and short term accommodation to meet the demands of seasonal labour.
- (v) Tourism and visitation associated with Ramsar Wetlands and heritage assets.



## **Part B Administration and operation of this Plan**

### **2.1 What is the name of this Plan?**

This Plan is the Leeton Shire Council Section 94A Fixed Levy Plan April 2016.

### **2.2 Application of this Plan**

This Plan applies to all land within the local government area of Leeton as shown in Schedule 1.

This Plan applies to applications for development consent and applications for complying development certificates under Part 4 of the Environmental Planning and Assessment Act 1979 (the Act).

If a development application has been made but not finally determined before this Plan comes into effect, the application will be determined in accordance with this Plan.

### **2.3 Repeal of other contributions plans applying to the land**

This plan repeals the Leeton and Yanco Peripheral Area Contributions Plan as amended.

### **2.4 When does this Plan commence?**

This Plan was adopted by the Council on 27 April 2016 and commenced on 10 May 2016.

### **2.5 What are the purposes of this Plan?**

The purposes of this contributions plan are:

- a) To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 94A of the Act.
- b) To assist the council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area.
- c) To publicly identify the purposes for which the levies are required.

### **2.6 Are there any exemptions to the development contribution?**

This Plan does not authorise or impose a fixed levy in respect of development:

- a) For the purpose of disabled access.
- b) For the purpose of providing affordable housing (including part of a development).
- c) For the purpose of reducing a building's use of potable water (where supplied from water mains) or energy.
- d) For the sole purpose of the adaptive reuse of an item of environmental heritage.
- e) For the purpose of disabled access



## **2.7 Pooling of development contributions**

For the purposes of s93E(2) of the Act, this plan authorises contributions paid for different purposes to be pooled and applied by the Council progressively or otherwise towards the public facilities listed in Schedule 4, in accordance with the priorities set out in that Schedule.

## **2.8 Complying Development Certificates and the obligation of accredited certifiers**

In accordance with the Environmental Planning and Assessment Regulation 2000 (the Regulation) a certifying authority must not issue a Complying Development Certificate unless it includes a condition that a development contribution required under this Plan is to be paid to the Council prior to commencement of work.

## **2.9 Construction Certificates and the obligation of accredited certifiers**

In accordance with the Regulation 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 development contribution under this Plan has been satisfied.

## **2.10 When is the development contribution payable?**

A development contribution authorised by this Plan and required by a condition of a development consent (not including a Complying Development Certificate) must be paid to the Council at the time specified in the condition. 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 EP&A Act. This includes a Subdivision Certificate.

A development contribution authorised by this Plan and required by a condition of a Complying Development Certificate must be paid to the Council prior to the commencement of work, as required by the Regulation.

## **2.11 How will development contributions be calculated?**

The development contribution will be calculated as follows:

Development contribution = A x B

Where:

- |   |      |   |
|---|------|---|
| A | I.   | If the cost of works is ≤ \$100,000 is 0 (zero)                             |
|   | II.  | If the cost of works is >\$100,001 but ≤ \$200,000 is 0.5% (half a percent) |
|   | III. | If the cost of works is >\$200,001 is 1% (one percent)                      |
| B |      | is the cost of the development*   |

\*The cost of the development is determined in accordance with clause 25J of the Regulation, which is included at Schedule 2 (as at the date of this Plan).

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In the absence of errors, the development contribution amount will be calculated based on the cost of works information relied upon at the time of determination (see section 2.11 below).

### **2.12 Cost summary reports must accompany development applications or applications for complying development certificates**

A development application or application for a complying development certificate must be accompanied by a Summary Cost Report (where the development cost is less than \$750,000) or Quantity Surveyors Report (where the development cost is more than \$750,000) that provides the cost of development in accordance with clause 25J of the Regulation.

This information is to be provided at the time of lodgement of the application.

Schedule 3 outlines the matters to address in the preparation of cost estimates.

### **2.13 How will the development contribution be adjusted?**

The development contribution will be adjusted in accordance with the following.

Adjusted Development Contribution = A + B

Where:

A is the original development contribution required by the development consent. B is the adjustment amount which is:

$\$A \times [\text{Current CPI} - \text{Base CPI}] / (\text{Base CPI})$

The Current CPI is the Sydney All Groups Consumer Price Index as published by the Australian Bureau of Statistics at the time of the review of the development contribution.

The Base CPI is the Sydney All Groups Consumer Price Index as published by the Australian Bureau of Statistics as at the date of commencement of this plan - April 2014.

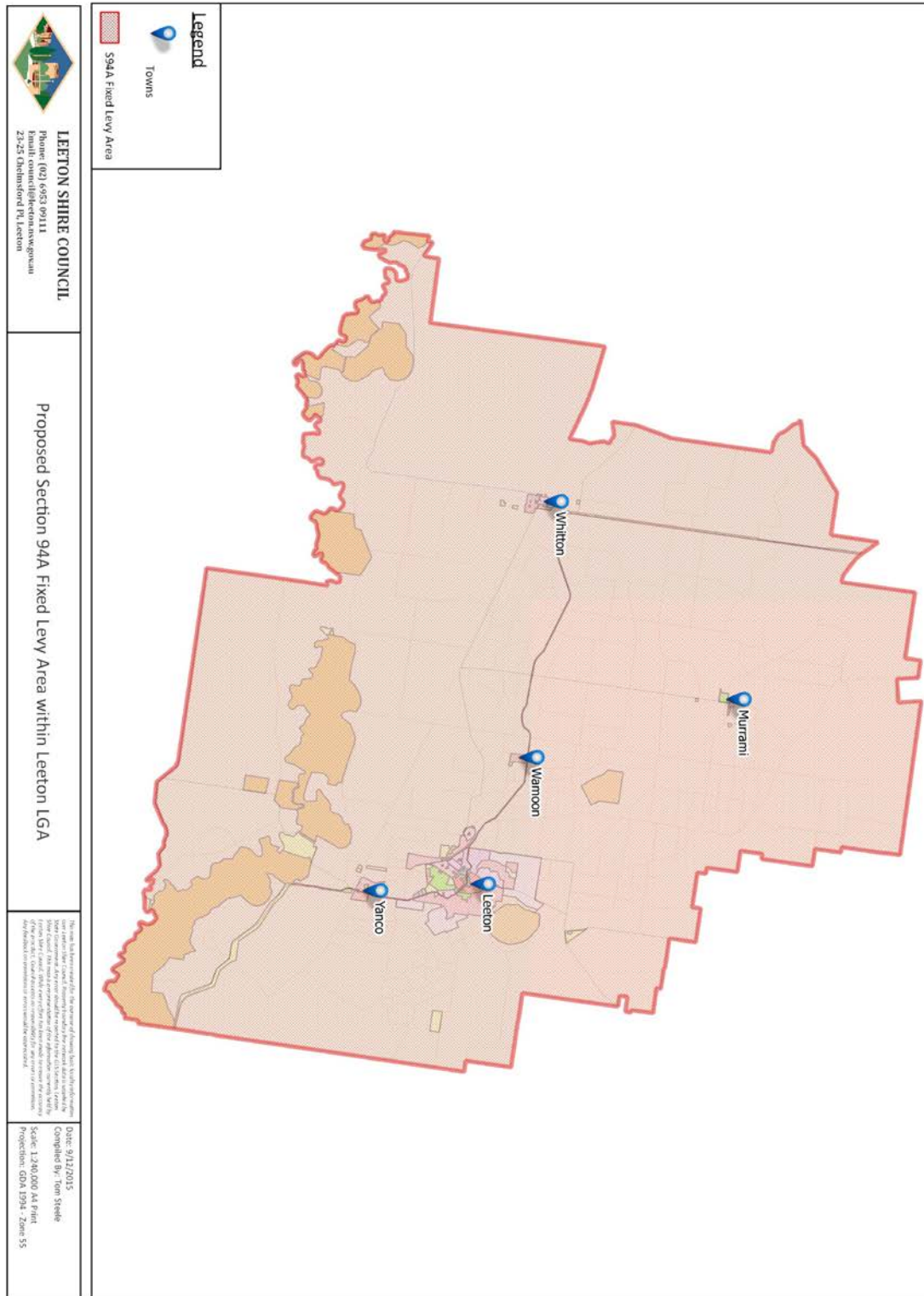
Note: In the event that the Current CPI is less than the Base CPI, the Current CPI shall be taken as not less than the Base CPI.



### Schedule 1 - Plan Area

This Plan applies to all land within the Leeton local government area as shown in Figure 1.

Figure 1 Fixed Levy Area





## **Schedule 2 – Calculation of Development Costs - Clause 25J of the Environmental Planning and Assessment Regulation 2000**

### 25J Section 94A levy—determination of proposed cost of development

- (1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 94A levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
  - a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
  - b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
  - c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
  
- (2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
  
- (3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
  - a) the cost of the land on which the development is to be carried out,
  - b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
  - c) the costs associated with marketing or financing the development (including interest on any loans),
  - d) the costs associated with legal work carried out or to be carried out in connection with the development,
  - e) project management costs associated with the development,
  - f) the cost of building insurance in respect of the development,
  - g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
  - h) the costs of commercial stock inventory,
  - i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,
  - j) the costs of enabling access by disabled persons in respect of the development,
  - k) the costs of energy and water efficiency measures associated with the development,
  - l) the cost of any development that is provided as affordable housing,
  - m) the costs of any development that is the adaptive reuse of a heritage item.





- (4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.
  
- (5) To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.



**Schedule 3 - Forms for cost reports**

**Cost Summary Report (by a suitably qualified person)**

[Development Cost less than \$750,000]

Environmental Planning and Assessment Act 1979

**Development Application No.:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Complying Development Certificate Application No.:** \_\_\_\_\_

**Construction Certificate No.:** \_\_\_\_\_

**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	\$	<b>Sub-Total</b>	\$

<b>Sub-total above carried forward</b>	\$
Preliminaries and margin	\$
<b>Sub-total</b>	\$
Consultant Fees	\$
Other related development costs	\$
<b>Sub-total</b>	\$
Goods and Services Tax	\$
<b>TOTAL DEVELOPMENT COST</b>	\$



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 under Schedule 2 in the 94A Development Contributions Plan of the council of the Shire of Leeton at current prices
- Included GST in the calculation of development cost

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position and Qualifications: \_\_\_\_\_



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

[Development Cost in excess of \$750,000]

\*A member of the Australian Institute of Quantity Surveyors

**Development Application No.:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Complying Development Certificate Application No.:** \_\_\_\_\_

**Construction Certificate No.:** \_\_\_\_\_

**Applicant's Name:** \_\_\_\_\_

**Applicant's Address:** \_\_\_\_\_

**Development Name:** \_\_\_\_\_

**Development Address:** \_\_\_\_\_

**DEVELOPMENT DETAILS:**

Gross Floor Area – Commercial	m <sup>2</sup>	Gross Floor Area – Other	m <sup>2</sup>
Gross Floor Area – Residential	m <sup>2</sup>	Total Gross Floor Area	m <sup>2</sup>
Gross Floor Area – Retail	m <sup>2</sup>	Total Site Area	m <sup>2</sup>
Gross Floor Area – Car Parking	m <sup>2</sup>	Total Car Parking Spaces	
Total Development Cost			
Total Construction Cost			
Total GST			

**ESTIMATE DETAILS:**

Professional Fees	\$	Excavation	\$
% of Development Cost	%	Cost per square metre of site area	\$ /m <sup>2</sup>
% of Construction Cost	%	Car Park	\$
Demolition and Site Preparation	\$	Cost per square metre of site area	\$ /m <sup>2</sup>
Cost per square metre of site area	\$ /m <sup>2</sup>	Cost per space	\$ /space
Construction – Commercial	\$	Fit-out – Commercial	\$
Cost per square metre of site area	\$ /m <sup>2</sup>	Cost per m2 of commercial area	\$ /m <sup>2</sup>
Construction – Residential	\$	Fit-out – Residential	\$
Cost per square metre of residential area	\$ /m <sup>2</sup>	Cost per m2 of residential area	\$ /m <sup>2</sup>
Construction – Retail	\$	Fit-out – Retail	\$
Cost per square metre of retail area	\$ /m <sup>2</sup>	Cost per m2 of retail area	\$ /m <sup>2</sup>



I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate
- Prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors
- Calculated the development costs in accordance with the definition of development costs under Schedule 2 in the 94A Development Contributions Plan of the council of the Shire of Leeton 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: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position and Qualifications: \_\_\_\_\_



### Schedule 4 - Detailed works and priority program

<b>DETAILED WORKS AND PRIORITY PROGRAM LEETON LGA</b>					
<b>Work</b>	<b>Desired Elements</b>	<b>Location</b>	<b>Estimated Cost \$</b>	<b>Priority</b>	<b>Timeframe</b>
Leeton Swimming Pool	Upgrade to pool Upgrade of filtration plant	Grevillea Street/Palm Avenue East Leeton	\$1million	High	2018-2020
Public Domain Upgrade	Upgrade of public domain (ie street furniture, paving, lighting, street art, landscaping, signage, heritage conservation works)	Leeton Main Street CBD precinct	\$300K	Medium	2020-2024
		Civic Centre Precinct Chelmsford Place	\$150K	Medium	2020-2024
	Additional play equipment, shading and landscaping	Skate Park MR80 or other open space with in central Leeton	\$150K	Low	2024-2026
	Traffic management and beautification	MR80 between Vance Road, Leeton and Yanco	\$150K	Low	2024-2026
Various collector roads Leeton and Yanco		\$150K	Low	2024-2026	
Roxy Theatre	Heritage conservation works	114-118 Pine Avenue, Leeton	\$200K	Medium	2022-2024
Community Renewable Energy Generation	Solar energy installations	Treatment plants and community facilities	\$150K	Medium	2020-2024