



WYONG SHIRE COUNCIL
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DRAFT

**Section 94A Development
Contributions Plan**

Wyong Shire Council
PO Box 21
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October 2007

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PART A**1.0 Summary schedules**

The following summary schedules are included in this plan:

- Works schedule
- Summary of levy by category

Levies paid to the council will be applied towards meeting the cost of provision or augmentation of new public facilities. Schedule 1 provides a summary of new public facilities, which will be provided by Council over the next 5 years, as well as the estimated cost of provision and timing. In relation to the provision of works, the years shown below are indicative only. The provision of any item will be dependent upon the level of funds collected and other specific requirements of the particular project,

Schedule 1: New public facilities for which levies will be sought

Public Facilities	Estimated Costs	Estimated Time Frame
Performing Arts Centre		
-contribution towards main auditorium	\$2,500,000	2009
Warnervale Aquatic & Leisure Centre		
- Contribution of 15% of the cost of the facility (7.5% in the first 5 years of this plan)	\$3,921,750	2011 & 2012
Cycleway Network	\$1,078,250	2008 & 2010
Total	\$7,500,000	

Schedule 2: Summary schedule for section 94A contributions plan

The Section 94A levy will be levied against the following broad types of development.

Type of Development	\$100,001 – \$200,000	\$200,001 +
Commercial	0.5%	1%
Tourist	0.5%	1%
Government Agencies	0.5%	1%
Industrial	0.5%	1%
Rural	0.5%	1%
Residential (dwellings and additions)	0.5%	0.5%

PART B:**2.0 Expected development and demand for public facilities**

The expected types of development are but not limited to:

- Commercial
- Tourist
- Government Agencies
- Industrial
- Rural
- Residential (dwellings and dwelling additions)

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

- The population of the Wyong LGA as at June 2006 was estimated to be 144,297 (3218.0 – Regional Population Growth, Australian Bureau of Statistics).
- The Draft Central Coast Regional Strategy predicts for 23,000 additional new dwellings in Wyong LGA and 19,400 new jobs over the next 25 years.
- The Draft Central Coast Regional Strategy highlights future employment opportunities within Wyong Shire.
- The likely population growth will require the provision of additional public facilities.
- The likely population growth will diminish the existing population's enjoyment and standards of public facilities.
- The resulting increased investment in private sector developments including rebuilding and expansion developments creates community demands and expectations for increased and improved investment in public facilities.

The section 94A levy will enable Council to provide additional public facilities to meet the expectations of the existing and new residents of the Shire. The types of public facilities to be provided are set out in Schedule 1.

PART C:**3.0 Administration****3.1 What is the name of this development contributions plan?**

This plan is called the “Wyong Shire Section 94A Contributions Plan.”

3.2 Application of this plan

This plan applies to all land within the local government area of Wyong Shire as shown on Map 1.

3.3 When does this development contributions plan commence?

This development contributions plan has been prepared pursuant to the provisions of s94A of the EP&A Act and Part 4 of the EP&A Regulation and takes effect from the date on which public notice was published, pursuant to clause 31(4) of the EP&A Regulation.

3.4 What is the purpose of this contributions plan?

The primary purposes of this contributions plan are:

- to authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 94A of the *Environmental Planning and Assessment Act 1979*.
- to assist the Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area.
- to publicly identify the purposes for which the levies are required.

3.5 Continuation of existing s94 plans

This plan does not repeal any s94 plans applying in the Wyong Shire Local Government Area. In fact, there may be some developments that Council will choose to apply the relevant Section 94 contribution rather than the S94A levy. The decision on whether to apply S94A or S94 rests solely with Council and nothing in this plan commits Council to applying the S94A levy in lieu of a S94 contribution rate or vice versa.

3.6 Council may require payment of the levy as a condition of development consent

This plan authorises the Council to grant consent to development to which this plan applies subject to a condition requiring the applicant to pay to the Council a levy as specified in the following table, **provided that** the Council does not also impose on the consent a condition pursuant to Section 94 of the Act.

Table 1

Proposed cost of the development	Maximum percentage of the levy
Up to \$100, 000	Nil
\$100, 001 - \$200, 000	0.5 %
\$200, 001 +	1.0%

3.7 Are there any exemptions to the levy?

The levy will not be imposed in respect of development:

- where the proposed cost of carrying out the development is \$100,000 or less;
- for the purpose of disabled access; or
- for the sole purpose of providing affordable housing; or
- for the purpose of reducing a building's use of potable water (where supplied from water mains) or energy; or
- for the sole purpose of the adaptive reuse of an item of environmental heritage; or
- that has been the subject of a condition under section 94 under a previous development consent relating to the subdivision of land on which the development is to be carried out.

3.8 How will the Council apply money obtained from the levy?

Money paid to the council under a condition authorised by this plan is to be applied by the Council towards meeting the cost of the public facilities that will be or have been provided within the areas listed in the works schedule.

3.9 Pooling of levies

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

3.10 How will the levy be calculated?

The levy will be determined on the basis of the rate set out in summary schedule 2. The levy will be calculated as follows:

$$\text{Levy payable} = \%C \times \$C$$

Where

%C is the levy rate applicable

\$C is the proposed cost of carrying out the development

The proposed cost of carrying out the development will be determined in accordance with clause 25J of the EP&A Regulation. The procedures set out in Schedule 1 to this plan must be followed to enable Council to determine the amount of the levy to be paid.

The value of the works must be provided by the applicant in accordance with the procedure detailed in Clause 3.18 of this plan.

Without limitation to the above, Council may review the valuation of works and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and no construction certificate will be issued until such time that the levy based on the revised valuation has been paid.

3.11 How will the levy be adjusted?

Contributions required as a condition of consent under the provisions of this plan will be adjusted at the time of payment of the contribution in accordance with the following formula:

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

Where

\$Co is the original contribution as set out in the consent

A is the adjustment amount which is =

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

Where

Current Index	is the Consumer Price Index, Australia for Sydney as published by the Australian Bureau of Statistics available at the time of review of the contribution rate;
Base Index	is the Consumer Price Index, Australia for Sydney as published by the Australian Bureau of Statistics used in the preparation of this plan which is 157.4 (June 2007)

3.12 Can deferred or periodic payments be made?

Council does not permit deferred or periodic payments of developer levies.

3.13 When is the levy payable?

A contribution must be paid to the Council at the time specified in the condition that imposes the contribution. If no such time is specified, the timing of the payment of the contribution is as follows:

- Development applications involving subdivision only – prior to release of subdivision certificates;
- Development applications involving building works – prior to the release of the construction certificate;
- Development applications where no building approval is required – at the time of development consent.

In regard to the latter case, the applicant may make a cash payment of contributions prior to issue of the development consent or alternatively lodge a suitable bank guarantee, also prior to issue of the consent. This bank guarantee will be called up upon issue of the consent.

3.14 Savings and transitional arrangements

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date of determination of the application.

3.15 Construction certificates and the obligation of accredited certifiers

In accordance with clause 146 of the EP&A Regulation 2000, a certifying authority must not issue a construction certificate for the building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) that levies have been fully paid and copies of such receipts must be included with copies of certified plans provided to the council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

3.16 Revision of plan

This plan may be revised if the works identified to be funded by this plan are revised.

3.17 Definitions

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

ABS means the Australian Bureau of Statistics,

Act means the Environmental Planning and Assessment Act 1979,

Council means Wyong Shire Council,

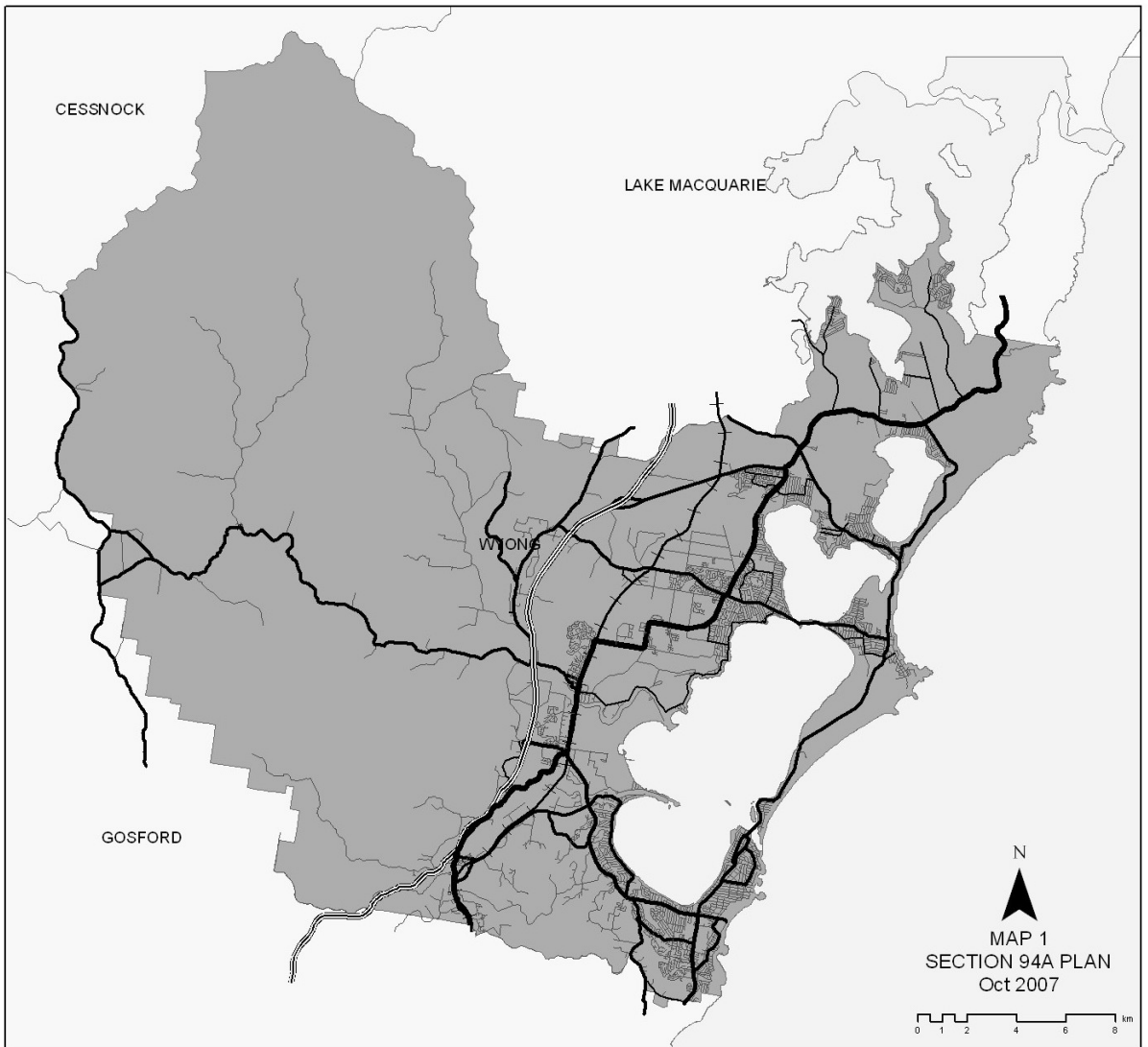
Development Contributions means a development contribution required to be paid by a condition of development consent imposed pursuant to section 94 of the Act,

Levy means a levy under s94A of the Act authorised by this plan,

Public Facility means a public amenity or public service,

Regulation means the Environmental Planning and Assessment Regulation 2000.

s94 plan means a contributions plan made pursuant to section 94B of the Act.



APPENDIX A

3.18 Procedure

A cost summary report is required to be submitted with a development application to allow council to determine the contribution that will be required. The following should be provided:

- A cost summary report must be completed for works with a value greater than \$1,000,000.
- A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for works with a value greater than \$5,000,000.

To avoid doubt, section 25J of the *Environmental Planning and Assessment Act 1979* sets out the things that are included in the estimation of the construction costs by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:

- 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.

Plan Amendments

Table 2

Date	Nature of Revision
October 2007	No previous version

**Schedule 3 - Development Contributions
Cost Summary Report**
(Development Cost no greater than \$1,000,000)

Development Application No:	<input type="text"/>	Reference:	<input type="text"/>
Complying Development Certificate Application No:	<input type="text"/>		<input type="text"/>
Construction Certificate No:	<input type="text"/>	Date:	<input type="text"/>

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.
- Include GST in the calculation of development cost.

Signed: _____
 Name: _____
 Position and Qualifications: _____
 Date: _____

Schedule 4 - Development Contributions Registered* Quantity Surveyor's Detailed Cost Report

(Development Cost in excess of \$5,000,000)

*A member of the Australian Institute of Quantity Surveyors

Development Application No:		Reference:	
Complying Development Certificate Application No:			
Construction Certificate No:		Date:	

APPLICANT'S NAME: _____

APPLICANT'S ADDRESS: _____

DEVELOPMENT NAME: _____

DEVELOPMENT ADDRESS: _____

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 m2 of commercial area	\$/m ²
Construction – Residential	\$	Fit-out – Residential	\$
Cost per square metre of residential area	\$/m ²	Cost per m2 residential area	\$/m ²
Construction – Retail	\$	Fit-out – Retail	\$
Cost per square metre of retail area	\$/m ²	Cost per m2 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 Wyong at current prices.
- Included GST in the calculation of the 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.

Where civil works are proposed that are not suitably identified and provided for in the cost summary schedules additional information report is to be submitted. Items that are common such as professional fees, etc are to be included on the attached schedules. This additional information is to include:

- description of the work elements
- quantities of the elements
- costs of each element
- total cost

Council may, at the applicant's expense, appoint a person to review the submitted cost summary information.

Signed: _____
Name: _____
Position and Qualifications: _____
Date: _____

(Acknowledgment to City of Sydney for use of the model cost reports)