



CERTIFIED IN ACCORDANCE WITH
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
AND REGULATIONS

SECTION 94A CONTRIBUTIONS PLAN

Version	Date Effective	Comments	Approved by Council
Version 1	1 July 2010		15 June 2010
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Summary Tables

The following summary tables are included in this plan:

- Percentage levy by category; and
- Public facilities for which contributions will be sought.

Subject to the provisions of this Plan and any direction issued by the Minister for Planning under section 94E of the *Environmental Planning and Assessment Act 1979*, a levy will be imposed as a condition of development consent on all relevant applications, where the proposed cost of development exceeds \$100,000.

The levy will be based on a fixed rate percentage of the proposed cost of the development. **Table 1.1** indicates the applicable rate.

Table 1.1 Summary schedule for indirect contributions plan

<i>Proposed Cost of Development</i>	<i>Levy (%)</i>
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5%
More than \$200,000	1.0%

Table 1.2 lists the proposed public facilities and works to be funded by the contributions. These facilities will be provided by Council over the next five to ten years, subject to adequate income being collected from development levied under this Plan.

Table 1.2 Public facilities for which levies will be sought

WORKS SCHEDULE			
CASINO			
PUBLIC FACILITIES	ESTIMATED COST	PRIORITY	APPROXIMATE YEAR OF CONSTRUCTION
Crawford Square Park Redevelopment – Stage 2	\$70,000	12	2022/2023
Casino Showground Upgrade	\$80,000	11	2021/2022
Queen Elizabeth Park Building Upgrade	\$70,000	1	2013/2014
Footpath/Bikeway Program – Hartley Street through QE Park and over Richmond River	\$150,000	3	2014/2015
Colley Park Upgrade – Stage 1	\$30,000	2	2013/2014
Car Park Upgrade – Stage 1	\$150,000	5	2016/2017
Car Parking Upgrade – Stage 2	\$150,000	6	2017/2018
EVANS HEAD			
Car Parking – Oak Lane, Park Street – Stage 1	\$150,000	4	2015/2016
Car Parking – Oak Lane, Park Street – Stage 2	\$120,000	7	2018/2019
Footpath/Bikeway Program – Booyong Street, Park Street to Stan Payne Oval	\$40,000	10	2021/2022
Stand Payne Oval – Shade for playground	\$30,000	13	2022/2023
Boat Ramp No 2 (Old Boat Ramp) – Picnic Shelters and Tables	\$20,000	14	2022/2023
WOODBURN			
Woodburn Riverside Park Upgrade	\$120,000	8	2019/2020
CORAKI			
Coraki Riverside Park Upgrade	\$120,000	9	2020/2021
THROUGHOUT THE LOCAL GOVERNMENT AREA			
Road Maintenance	\$30,000	Throughout Life of Plan	Annually



1. Administration and Operation of the Plan

1.1 Overview of Section 94A of the Environmental Planning and Assessment Act 1979

Section 94A of the Environmental Planning and Assessment Act 1979 allows a Council to adopt a development contributions plan that enables the consent authority to apply a fixed percentage levy on the cost of development.

A requirement for section 94A fixed rate levy may be imposed when a development consent or complying development certificate is issued.

The levy is collected as a means of funding local infrastructure and services identified in the contributions plan that are required as a result of new development.

1.2 Name of this contributions plan

This development contributions plan is called the Richmond Valley Council Section 94A Development Contributions Plan 2010. The Plan has been drafted to include all public amenities and public services deemed to be required to meet the demands of development within the Shire, for the life of this Plan. This Plan repeals the following previous contributions plans:

- The Council of Casino Contributions Plan 1995; and
- Richmond River s.94 Contributions Plan 2000.

The plan also repeals the following three contributions plans, to the extent that they operate over land now located within Richmond Valley Council:

- Copmanhurst s.94 Contributions Plan – Bushfire;
- Copmanhurst s.94 Contributions Plan – Community Facilities and Roads; and
- Copmanhurst s.94 Contributions Plan – Heavy Haulage.

1.3 What are the purposes 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 levy determined in accordance with this 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; and
- to publicly identify the purposes for which the levies are required.

1.4 Application of this plan

This plan applies to all land within the local government area of Richmond Valley Council, as shown on **Illustration 1.1** below.

This Plan applies to all applications for development consent and complying development certificates required to be made by or under Part 4 or Part 3A of the Act in respect of development on land to which this plan applies.

It is noted that pursuant to Clause 1(d) of section 94E of the *Environmental Planning and Assessment Act 1979*, the Minister for Planning may issue a direction in relation to “the type or area of development in respect of which a condition under section 94A may be imposed and the maximum percentage of that levy”.

Relevant directions can be found at:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/Directionsandtechnicaladvice/tabid/91/Default.aspx>

At the time this Plan was made the Minister had issued directions exempting certain development from section 94A levies. For the sake of clarity, levies will not be imposed on development:

- a) for the purpose of disabled access; or
- b) for the sole purpose of providing affordable housing; or
- c) for the purpose of reducing a building’s use of potable water (where supplied from water mains) or energy; or
- d) on land that was earlier subdivided in accordance with a development consent that contained a requirement for a section 94 contribution.

In addition, the following types of development are exempted from making a contribution under this Plan:

- a) Public facilities or infrastructure proposed by a public authority; and
- b) Industrial, retail or commercial development where there is no increase in floor space within an existing building.

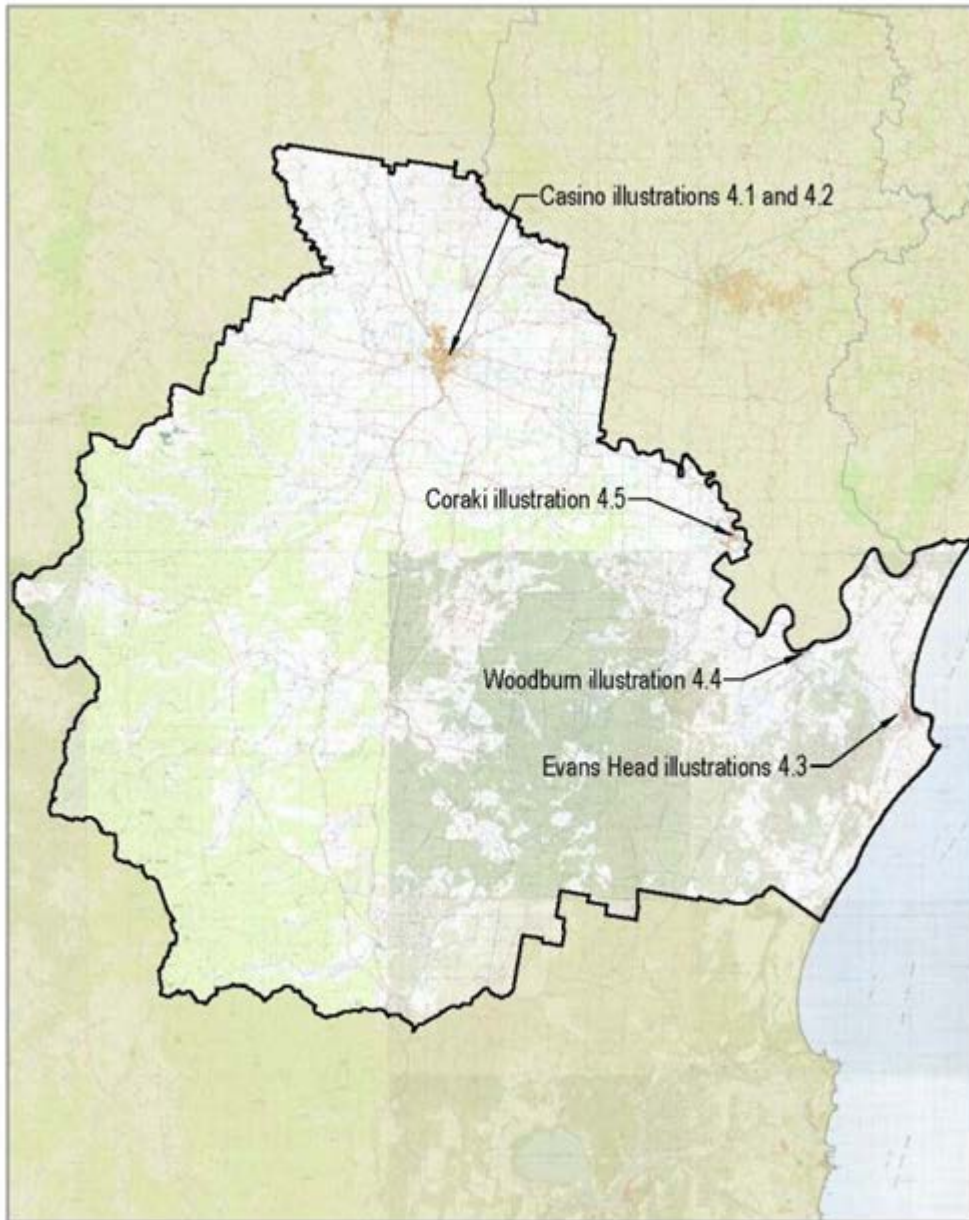


Illustration 1.1 Richmond Valley Council Area

1.5 What does Section 94A of the Act provide?

Section 94A of the Act provides as follows:

94A Fixed development consent levies

- (1) *A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy 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 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.*
- (5) *The regulations may make provision for or with respect to levies under this section, including:*
 - (a) *the means by which the proposed cost of carrying out development is to be estimated or determined, and*
 - (b) *the maximum percentage of a levy.*

1.6 When does this development contributions plan commence?

This plan takes effect from the date on which public notice was published, pursuant to clause 31(4) of the *Environmental Planning and Assessment Regulation 2000*.

This Plan was adopted by Council at its Meeting of 16 July 2013 and came into force on 1 August 2013.

1.7 Pooling of levies

This plan expressly authorises section 94 contributions or section 94A levies paid for different purposes under this plan or any other contributions plan applying to land in the Richmond Valley LGA to be pooled and applied progressively for those purposes.

Pursuant to clause 27(3) of the *Environmental Planning and Assessment Regulation 2000*, this provision only applies if 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.

1.8 Complying development and the obligation of accredited certifiers

Accredited certifiers must impose a condition requiring monetary contributions in accordance with this plan which satisfies the following criteria:

- The levy charged is calculated in accordance with Table 1.1 of this Contributions Plan; and
- Where a development consent for a subdivision was issued by the Council prior to the adoption of a Section 94 Contributions Plan, and no Section 94 contribution was paid, any development application for a new dwelling will be required to pay a contribution in accordance with this Plan.

The conditions imposed must be consistent with Council's standard Section 94A consent conditions and be strictly in accordance with this Contributions Plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the Section 94A condition correctly.

In preparing the conditions, an accredited certifier must be satisfied that the cost of the development has been appropriately estimated in accordance with procedures set out in Section 5 of this Plan.

1.9 Construction certificates and the obligation of accredited certifiers

In accordance with clause 146 of the *Environmental Planning and Assessment Regulation 2000*, 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 levies has been satisfied. In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies 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 of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

1.10 How will the levy be calculated?

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

For example, a development valued at \$350,000 would require the following calculation:

$$\text{Levy payable} = 1\% \times \$350,000.00$$

$$\text{Levy payable} = \$3,500.00$$

For example, a development valued at \$150,000 would require the following calculation:

$$\text{Levy payable} = 0.5\% \times \$150,000.00$$

$$\text{Levy payable} = \$750.00$$

The proposed cost of carrying out the development will be determined in accordance with clause 25J of the *Environmental Planning and Assessment Regulation 2000*. The procedures set out in **Section 5** of this Plan must be followed to enable the council to determine the amount of the levy to be paid. The value of the works must be provided by the applicant at the time of the request and, where the value of the development is greater

than \$10,000,000.00, must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

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 has been paid.

1.11 When is the levy payable?

A levy must be paid to the council at the time specified in the condition that imposes the levy. If no such time is specified, the levy must be paid prior to the issue of a construction certificate or complying development certificate.

1.12 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:

$$\text{Contribution at time of payment} = \frac{\$C_0 \times \text{Current Index}}{\text{Base Index}}$$

Where:

\$C₀ is the original contribution as set out in the consent or complying development certificate

Current Index is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the time of the payment of the contribution; and

Base Index is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician which applied at the time of the issue of the development consent or complying development certificate.

The Australian Bureau of Statistics updates the index value on a quarterly basis.

Note: The contribution payable will not be less than the contribution specified on the development consent or complying development certificate.

1.13 Circumstances where Section 94A Contributions may be waived

Section 94A Contributions may be waived when there are exceptional circumstances such as compassionate grounds, for example where the development is a replacement due to storm, flood, fire or earthquake.

The General Manager is authorised by this Plan to waive contributions where satisfactory written evidence has been presented that demonstrates exceptional circumstances exist.

The General Manager will inform the Council of any concessions granted at the earliest opportunity.

Note. Section 94E of the EP&A Act authorises the Minister to direct a consent authority as to the type or area of development in respect of which a condition under section 94A may be imposed and the maximum percentage of the levy.

The Minister has issued several directions relating to the maximum levy percentage and to types of development to cannot be levied. These directions are subject to change and can be viewed on the Department of Planning and Infrastructure's website – <http://www.planning.nsw.gov.au/directions-and-technical-advice>



2. Expected Development and Demand for Public Facilities

The Richmond Valley Council works program, as it appears in this Plan, has been developed based on population projections undertaken by Council, the Australian Bureau of Statistics and the NSW State Government.

The Far North Coast Regional Strategy predicts that over the next 10 years, there could be a further 4,000 dwellings and the population of Richmond Valley could grow by as much as 9,000 people.

The majority of this growth will occur in Richmond Valley's major town, Casino, and in the coastal village of Evans Head. As a result there will be increased demands on a range of infrastructure that the Council provides, which in turn will necessitate the provision of road upgrades, new parks, sports grounds, swimming pools, community centres, walkways and cycleways.

Accordingly, the majority of works proposed to be funded by this Plan will occur in Casino and Evans Head. The works proposed to occur in Casino include upgrades to Queen Elizabeth Park, Colley Park and Crawford Square, upgrades at the Showgrounds, construction of additional footpath and bikeway, and construction of a new car park in the town centre.

Works proposed to occur in Evans Head include construction of additional footpath and bikeway, upgrades to Stan Payne Oval and construction of a new car park.

In addition, it is proposed to construct upgrades to Woodburn Riverside Park and Coraki Riverside Park, and carry out general road maintenance throughout Richmond Valley.

It is expected that these infrastructure upgrades will ameliorate the pressures of the increasing population.

3. Works Schedule

WORKS SCHEDULE			
CASINO			
PUBLIC FACILITIES	ESTIMATED COST	PRIORITY	APPROXIMATE YEAR OF CONSTRUCTION
Crawford Square Park Redevelopment – Stage 2	\$70,000	12	2022/2023
Casino Showground Upgrade	\$80,000	11	2021/2022
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EVANS HEAD			
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WOODBURN			
Woodburn Riverside Park Upgrade	\$120,000	8	2019/2020
CORAKI			
Coraki Riverside Park Upgrade	\$120,000	9	2020/2021
THROUGHOUT THE LOCAL GOVERNMENT AREA			
Road Maintenance	\$30,000	Throughout Life of Plan	Annually

The table above outlines the works proposed associated with the life of this Plan. The actual timing of works during the five year life will depend on the quantum of contributions collected.

4. Works Schedule Maps



Illustration 4.1 Works Schedule Map for Greater Casino



Illustration 4.2 Works Schedule Map Casino CBD



Illustration 4.3 Works Schedule Map for Evans Head

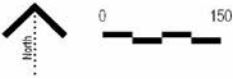


Illustration 4.4 Works Schedule Map for Woodburn



Illustration 4.5 Works Schedule Map for Coraki



5. Procedure for Estimating the Cost of Development

A cost summary report is required to be submitted with each development application, to allow council and / or an accredited certifier to determine the contribution that will be required.

For works with a value less than \$10,000,000 the cost summary report must be completed by a person who, in the opinion of the Council / accredited certifier, is suitably qualified. A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for works with a value greater than \$10,000,000.

To avoid doubt, clause 25J of the *Environmental Planning and Assessment Regulation 2000* 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 attaining any necessary approvals, erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, infrastructure connections and upgrades, 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, including infrastructure connections and upgrades; and
- (c) if the development involves the subdivision of land – the costs, including infrastructure connections and upgrades, of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

Examples of the required Cost Summary Reports are included below.

Cost Summary Report

(Development Cost no greater than \$10,000,000.00)

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: _____

Registered* Quantity Surveyor's Detailed Cost Report

(Development Cost in excess of \$10,000,000.00)

*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 Surveys.
- Calculated the development costs in accordance with the definition of development costs in the s94A Development Contributions Plan of the council of Richmond Valley at current prices.
- Included GST in the calculation of development costs.
- 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: