

Request to waive s.7.12 contributions

Please complete this form and supply additional information such as a cover letter and a report from a structural engineer OR

The information below will be used by Council staff to assess your request for a waiver of Council

Applicants name:

Property address:

Details of proposed development:

Estimates cost of development: \$

Did you own the property at the time of the February/March 2022 floods? Yes No

Was your property registered under the Public Works Flood Property Assessment Program?
(ie assessed by Johns Lyng Group) Yes No

Provide copies of engineers reports to support your request.

I, the undersigned, understand giving false or misleading information in relation to this application to waive Council fees/levies is a serious offence.

Applicants name:

Signature:

Date:

PRIVACY STATEMENT: The information provided in this form may constitute personal information as defined in the Privacy and Personal Information Protection Act 1998. Council is collecting this information so that it can consider matters in relation to dealing with your application. The information may be made available to other parties where such access is in accordance with relevant legislation, regulation or policy. The submission of personal information in this case is voluntary and if not provided (wholly or in part) may affect or prevent consideration of the matter by Council. Council is to be regarded as the agency that holds the information which will ultimately be stored in Council's records system. You may make application for access to or amendment of information held by Council and you may also request that Council suppress your personal information from a public register. Enquiries concerning this matter can be addressed to Council's Privacy Contact Officer.

s.712 Contribution Waiver

This guide outlines the current Section 7.12 requirements and the existing exceptional circumstance provisions for waiving of contributions for properties affected by the February / March 2022 Great Flood.

What is a Section 7.12 fixed rate development contribution?

Section 7.12 (formerly Section 94A) of the *Environmental Planning and Assessment Act 1979* (EP&AA) provides for a Consent Authority to apply a levy, as a percentage of the proposed cost of development.

These contributions are collected as a means of funding local infrastructure and services and are levied at-

- 0.5% of the cost of development where it exceeds \$100K, or
- 1% of the cost of development where it exceeds \$200K.

As an example, a \$150K development would be levied @0.5% or \$750, while a \$250K development would be levied @1% or \$2,500

There are 2 circumstances when section 7.12 contributions are not levied or can be waived-

- Where development contributions have been previously applied and paid.
- Where the General Manager waives the contribution - clause 1.13 of Councils 94A Plan authorises the General Manager to waive contributions, where satisfactory written evidence has been presented demonstrating *exceptional circumstances* exist.

What are exceptional circumstances

Clause 1.13 of Section 7.12 plan enables the waiving of contribution where “there are exceptional circumstances” such as compassionate grounds, for example *where the development is a replacement due to storm, flood, fire or earthquake*.

Factors to be considered by General Manager-

- Whether the building was impacted by the floods?
- Has the property changed ownership since the floods?
- Is additional floor area proposed as part of the rebuild?

The application process

For an exemption to be considered, an application should be submitted to Council supported by cover letter, engineers’ reports, or documentation provided during the flood assessment process. Applications are available on the Richmond Valley Council website or contact Council on 6660 0300 for further information.