



SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN



**ADOPTED BY COUNCIL:
THIS PLAN CAME INTO EFFECT ON:**

**21 NOVEMBER 2018
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1 Overview and Summary Schedules

1.1 Overview of Plan

This Plan is referred to as “Wentworth Shire Council Section 7.12 Development Contribution Plan”. The following summary schedules are included in this plan:

- a) Works program
- b) Summary of levy by category.

The works schedule contained in Schedule 1 of this Plan identifies the public facilities and/or infrastructure for which Section 7.12 Fixed development consent levies of the Environmental Planning and Assessment Act 1979 will be required.

Levies paid to Council will be applied towards meeting the cost of the provision of new public facilities or augmentation of existing facilities. Schedule 1 provides a summary of works schedule that levies are being sought for. This Plan will be reviewed annually.

1.2 Schedule 1 Public facilities for which levies will be sought

Item	Public Facilities	Location	Estimated Costs (Annual)
1	Annual Local Road Resealing Program	Various – Urban and Rural	\$407,693
2	Annual Local Gravel Road Maintenance	Various	\$989,991
3	Roads to Recovery Program	Low Darling Road, High Darling Road, Wamberra Road and Tapalin Mail Road	\$1,787,240
4	Annual Regional Road (Rural) Resealing Program	Poonacarie Road	\$474,639
5	Main Road Block Grant	Arumpo Road	\$137,000
6	Repair Program	Renmark Road and Arumpo Road	\$603,476
7	Annual Regional Gravel Roads - Maintenance Program	Various	\$325,407
8	Local Roads Sealed – Maintenance Program	Various	\$588,407
9	Regional Roads Sealed – Maintenance Program	Various	\$226,851
10	Bridges - Maintenance	Various	\$26,500
11	Sharedways Upgrade	Various	\$40,000
12	Footpaths and sharedways Isolated Failure Repair Maintenance	Various	\$243,115
13	Rural Bus Stops	Various	\$9,028
14	Work depots maintenance	Various	\$91,340
15	Work depot upgrade	Poonacarie	\$20,000
16	Public halls and community centres	Various	\$116,809
17	Parks and Gardens Maintenance	Various	\$383,727
18	James King Park and O’Donald Park	Gol Gol and Curlwaa	\$675,000

19	Showgrounds	Wentworth	\$73,810
20	Tourist Bays	Various	\$2,819
21	Wharves, Jetties and Boat Ramps	Various	\$31,415
22	Traffic facilities	Various	\$58,870
23	Libraries	Various	\$407,091
24	Swimming pools	Various	\$249,495
25	Public conveniences	Various	\$132,815
26	Playgrounds and Ovals	Various	\$151,482
27	Cemeteries	Various	\$126,473
		Total	\$8,280,493

A map showing the location of the works and public facilities is included in Attachment 2.

1.3 Schedule 2 Works and contribution rate summary schedules

Proposed cost of development	Levy (%)
Proposed cost of development is \$100,000 or less	Nil
Proposed cost of development is between \$100,001 and \$200,000	0.5 % of the proposed cost of development
Proposed cost of development exceeds \$200,000	1.0 % of the proposed cost of development

2 Expected development and demand for public facilities

This part broadly discusses the relationship between the expected types of development in the Council's area and the demand for additional public amenities and services to support that development.

The expected types of development include, but are not limited to:

- a) Alterations and additions to existing development;
- b) Dwellings of all forms;
- c) Commercial development;
- d) Industrial development;
- e) Subdivisions; and
- f) Mixed use development.

The relationship between expected development and the demand for public amenities and services is discussed below.

Wentworth is a local government area (LGA) located in south west New South Wales. The LGA is bounded by Balranald LGA, Central Darling LGA and the Unincorporated Far West to the east and north and the Murray River to the south.

Wentworth Shire Council local government area has a population of 6,794 residing in a variety of development forms and covers an area of approximately 26,000 km².

The LGA has four established towns, being Wentworth, Dareton, Buronga and Gol Gol. Approximately 40% of the population reside in the Buronga/Gol Gol area adjacent to the Victorian border and Mildura, 22% of the population reside in Wentworth and less than 8% reside in the Dareton Township. The balance of the population is dispersed throughout numerous rural localities in the Wentworth local government area.

The New South Wales Department of Planning and Environment has projected that between 2011 and 2031, the population of Wentworth Shire Council will decrease by approximately 300 people (Your Future 2011-2031 released June 24 2014). However, the 2016 Census Data released by the Australian Bureau of Statistics shows that between the period of 2011 and 2016, there has been a 2.8% increase in population from 6,609 to 6,795 residents.

While the township of Wentworth has increased in population marginally, the majority of the increase has occurred in the Buronga/Gol Gol area.

Wentworth Shire Council aims to ensure that it has a sustainable local government area, safeguarding the economic, social, cultural, and environmental wellbeing of present and future generations. The Section 7.12 levy will assist Council in providing high quality and diverse public facilities and adequate infrastructure to meet the expectations of the existing and new residents of Wentworth Shire Council.

It is reasonable therefore that these developments should contribute, via a Section 7.12 levy, to infrastructure and services provision for items such as roads and bridges, traffic facilities, waste facilities, public buildings, foot/cycle paths, sporting grounds and public and recreational facilities that will be utilised by the local community. This will ensure the maintenance of the existing population's enjoyment and standards of public facilities.

3 Administration and operation of the plan

3.1 What is the name of this development contributions plan?

This plan is called the:

Wentworth Shire Council Section 7.12 Development Contributions Plan 21 November 2018.

3.2 Application of this Plan

This plan applies to land within the Wentworth Local Government Area shown in Attachment 1.

This development contributions plan applies to applications for development consent and applications for complying development certificates under the *Environmental Planning and Assessment Act 1979*. All development types are levied at the rates specified in Table 3 of the estimated cost of carrying out the development:

Table 1: Development contribution rate

Proposed Cost of Development	Levy (%)
Up to \$100,000	0
\$100,001 to \$200,000	0.5
\$200,001 and above	1

3.3 When does this development contributions plan commence?

This contributions plan commences on the date that notice of the adoption of the plan appears in a local newspaper. This date will be indicated on the front cover of this plan once notice is given.

3.4 What is the purpose of the contributions plan?

The primary 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 7.12 of the *Environmental Planning and Assessment Act 1979*.
- b) to assist 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.

3.5 Exemptions to the levy

The levy will not be imposed in respect of development:

- a) where the proposed cost of carrying out the development is \$100,000 or less;
- b) extensions and/or alterations to existing dwellings;
- c) replacement dwellings; or
- d) for the purpose of providing access for people with a disability; or
- e) for the sole purpose of providing affordable housing; or
- f) for the purpose of reducing a building's use of potable water (where supplied from water mains) or energy; or
- g) for the sole purpose of the adaptive reuse of an item of environmental heritage; or
- h) that has been the subject of a condition under section 7.11 under a previous development consent relating to the subdivision of the land on which the development is to be carried out unless the proposed works increase demand on Council infrastructure.

In addition, Council may allow for the following exemptions (partial or full):

- a) An application by or on behalf of the Council for community infrastructure, such as but not limited to libraries, community facilities, child care facilities, recreational areas, recreational facilities or car parks.
- b) An application for or on behalf of the NSW Government for public infrastructure, such as but not limited to hospitals, police stations, fire stations; education facilities and public transport infrastructure.
- c) An application for demolition (where there is no replacement building or development).

3.6 Pooling of levies

This plan expressly authorises section 7.12 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 in Schedule 1.

3.7 Construction Certificates and the obligation of Accredited Certifiers

In accordance with clause 146 of the *Environmental Planning and Assessment Regulation 2000 (EP&A 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 levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid. 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 EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication

of land or deferred payment arrangement has been agreed by the council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

3.8 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

The proposed cost of carrying out the development will be determined in accordance with clause 25J of the Regulation. The procedures set out in the Appendix to 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 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 a construction certificate will not be issued until the levy has been paid.

3.9 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.

3.10 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:

$$\text{Contribution at time of Payment} = \$Co + (\$Co \times [\text{Current Index} - \text{Base Index}])$$

Where:

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

Current Index is the CPI for Sydney as published by the Bureau of Statistics available at the time of review of the contribution rate; and

Base Index is the CPI for Sydney as published by the Bureau of Statistics at the date the original development cost was estimated by Council.

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

3.11 Can deferred or periodic payments be made?

Deferred or periodic payments may be permitted in the following circumstances:

- a) Where deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program,
- b) When considered reasonable by Council.

If council does decide to accept deferred or periodic payment, Council may require the applicant to provide a bank guarantee by a bank for the full amount of the contribution or the outstanding balance on condition that:

- a) the bank guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security
- b) the bank unconditionally pays the guaranteed sum to the council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work
- c) the bank pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development
- d) the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when council notifies the bank in writing that the guarantee is no longer required
- e) where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest is paid.

Appendix

A. Procedure

A cost summary report is required to be submitted to allow council to determine the contribution that will be required.

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.

B. Sample Cost Summary Report

Reference:	
DA No. or CDC No.:	
Construction Certificate No.:	
Applicants Name:	
Applicants Address:	
Development Description:	
Development Address:	

C. Development and cost details

Gross Floor Area (m ²)– Commercial	
Gross Floor Area (m ²)– Residential	
Gross Floor Area (m ²)– Retail	
Gross Floor Area (m ²)– Car Parking	
Gross Floor Area (m ²)– Industrial	
Gross Floor Area (m ²)– Other	
Total Gross Floor Area (m ²)	
Total Site Area (m ²)	
Total Car Parking Spaces	
Total Development Cost	\$
Total Construction Cost	\$
Total GST	\$

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:

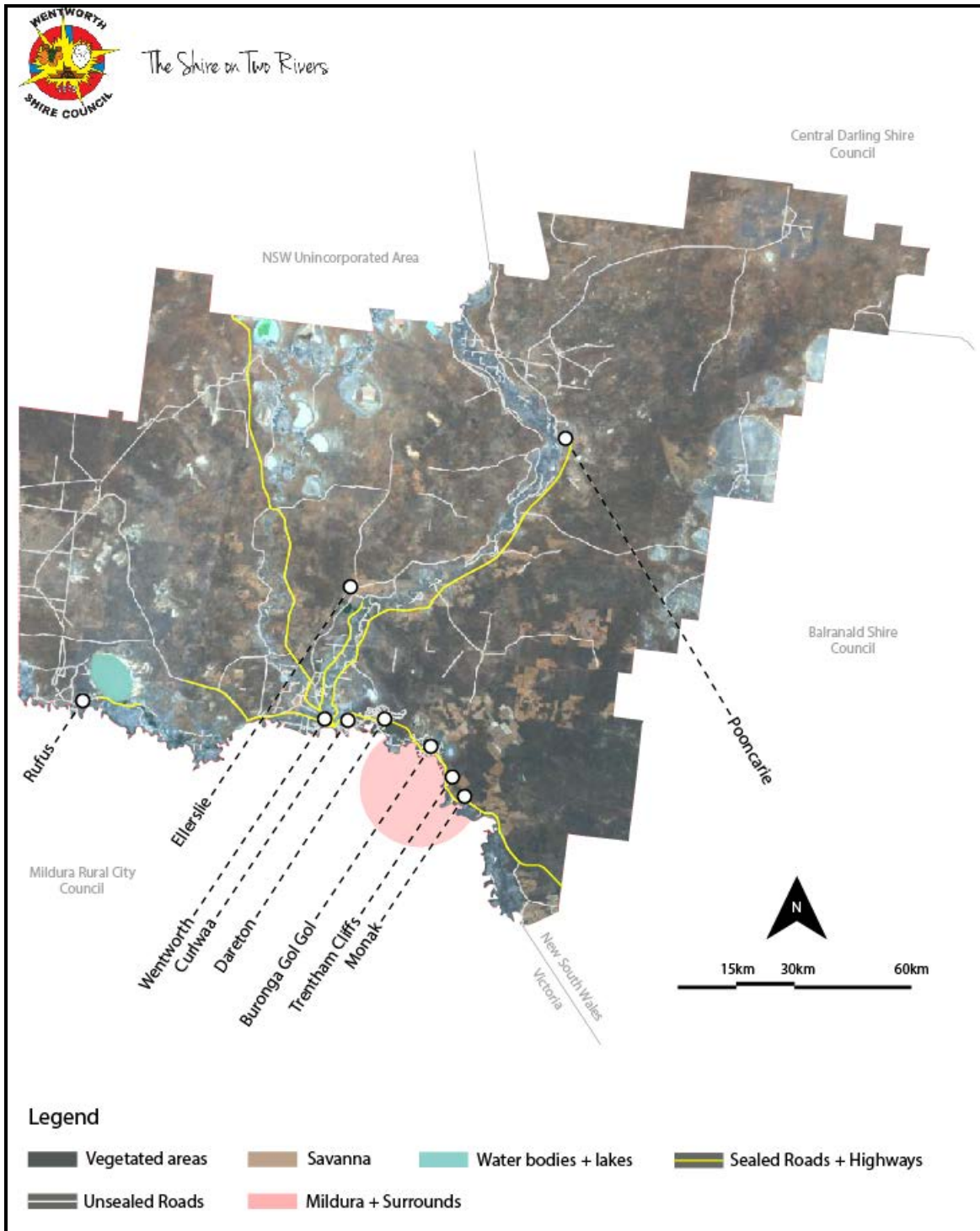
Name:.....

Position and Qualifications:

Date:

Attachments

Attachment 1– Wentworth Local Government Area



Attachment 2 – Location of Works and Facilities

