

**TENTERFIELD SHIRE COUNCIL  
SECTION 94A  
DEVELOPMENT  
CONTRIBUTIONS PLAN**



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## 1. Executive Summary

This plan is the Section 94A Contributions Plan which operates in conjunction with the existing Tenterfield Shire Council Section 94 Contributions Plan and is applied only when a Section 94 Contribution is not levied.

This section 94A development contributions plan is called the *Tenterfield Section 94A Development Contributions Plan*.

The plan has been prepared in accordance with the legislative requirements of Part 4, Division 6 of the Environmental Planning and Assessment Act 1979 and Part 4 of the accompanying Regulation, and the NSW Department of Planning's *Development Contributions Practice Notes*. The plan enables Council to impose, as a condition of development consent and complying development certificates, a requirement that the applicant pay to the Council a levy determined in accordance with the plan. The levy is set at a maximum of 1% of the development costs for different types of development, as set out in Part B of the plan.

In preparing the plan, Council has duly considered the most recent (July 2005) practice notes issued by the NSW Department of Planning in accordance with clause 26(1) of the EP&A Regulations.

## 2. Administration and Operation

### 2.1. What are Section 94A Development Contributions?

The Environmental Planning and Assessment Act 1979 legislates that contributions towards provision or improvement of amenities or services may be applied under “**Section 94A: Fixed Development Consent Levies.**”

The legislation authorises a consent authority to develop a contribution plan to impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage of the proposed costs of carrying out the development. The consent authority cannot impose as a condition of the same development consent, a condition under Section 94A as well as a condition under Section 94.

The 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.

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.

### 2.2. What is the name of this plan?

This plan is called the Tenterfield Shire Council Section 94A Development Contributions Plan 2013. It will hereafter be referred to as “the plan”.

### 2.3. When does the plan commence?

The plan has been prepared pursuant to the provision of Part 4, Division 6 of the Environmental and Assessment Regulation 2000, and takes effect from 1 July 2013. Development applications determined on or after this date will be subject to the provisions of the plan.

### 2.4. What is the purpose of the plan?

The plan has been prepared pursuant to the provisions of Part 4, Division 6 of the Act and Part 4 of the accompanying Regulation, and the NSW Department of Planning's *Development Contributions Practice Notes*. The purposes of the plan are:

- To authorise the Council to impose, as a condition of development consent a requirement that the applicant pay to the Council a levy determined in accordance with the plan.
- To assist Council with the provision of the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area in accordance with the Local Community Strategic Plan.
- To publicly identify the purposes for which the levies are required.

- To provide the framework for the efficient and equitable determination, collection and management of development contributions for the provision of public amenities and services.
- To provide accountable financial management for the expenditure of development contributions paid to the Council.
- To enable Council to recoup funds which it has spent on the provision of amenities and services that the new development may utilise.
- To ensure Council's management of development contributions complies with relevant legislation and guidelines, and achieves best practice in plan format and management.

## 2.5. To what areas does the plan apply?

The plan applies to all land within the Tenterfield Shire Council local government area.

## 2.6. To what development does the plan apply?

The plan applies to all applications for development consent and complying development certificates required to be made by or under Part 4 of the Act in respect of development on land to which the plan applies, with the exception of the following:

- single residential dwellings where the residence is the only residence on the lot;
- with an estimated cost of less than \$100,000;
- for the purpose of disabled access;
- for the sole purpose of affordable housing;
- for the purpose of reducing a building's use of potable water (where supplied from water mains) or energy;
- for the sole purpose of the adaptive reuse of an item of environmental heritage;
- for works undertaken by a registered charity;
- for public hospitals, police and fire stations
- for child care facilities or libraries;
- for other community or educational facilities.

## 2.7. How does the plan operate?

In determining a development application Council is required to issue a development consent or complying development certificate in respect of development. As a condition of the development consent a certifying authority (the Council or an accredited certifier) may for the different types of development impose a condition under the plan requiring the applicant to pay to the Council a levy subject to the provisions of the plan. The levy or contribution shall be calculated from the following table:

Estimated Cost of Development	Contribution
Less than \$100,000	Nil
\$100,001 to \$200,000	0.5 %
Greater than \$200,001	1.0 %

The development costs include all of the costs and expenses incurred by the developer and exclude the cost of the land.

## **2.8. How is the proposed cost of carrying out the development determined?**

### **2.8.1. Cost estimate reports are required**

A development application or an application for a complying development certificate must be accompanied by a 'Cost Estimate Report', prepared at the applicant's expense in accordance with this clause, setting out an estimate of the proposed cost of carrying out the development as follows:

- Where the estimate of the proposed cost of carrying out the development is less than \$500,000; a cost summary report must be prepared in accordance with Part E Schedule 2; or
- Where the estimate of the proposed cost of carrying out the development is \$500,000 or more; a detailed cost report must be prepared in accordance with Part F Schedule 3.

To avoid doubt, the estimate of the proposed cost of carrying out the work is to be determined in accordance with Clause 25J of the Regulation, as set out in Section 2.8.3. A Statutory Declaration is to be submitted with either report declaring that it contains a true and accurate cost of the proposed development.

### **2.8.2. Who may prepare a cost estimate report?**

For the purposes of Clause 25J of the Regulation, the plan authorises the following persons to prepare a report of the estimated cost of carrying out development:

- Where the estimate of the proposed cost of carrying out the development is less than \$500,000; a person who, in the opinion of the Council, is suitably qualified to provide a cost estimate report.
- Where the estimate of the proposed cost of carrying out the development is \$500,000 or more; a quantity surveyor who is registered with the Australian Institute of Quantity Surveyors or a Professional Engineer eligible for Corporate Membership to the Institution of Engineers Australia.

Without limitation to the above, upon review of the cost estimate submitted in accordance with this clause, the Council reserves the right to request a further cost estimate to be provided by an independent registered quantity surveyor at the applicant's cost.

### **2.8.3. Clause 25J of the Environmental Planning and Assessment Regulation 2000**

Clause 25J of the Regulation (determination of proposed cost of development) sets out how the proposed cost of carrying development is to be determined, and provides as follows:

(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:

- 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 an incidental to demolition, excavation and site preparation, decontamination or remediation.
- 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.
- 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:

- The cost of the land on which the development is to be carried out,
- The costs of any repairs to any building or works on the land that are to be retained in connection with the development,
- The costs associated with marketing or financing the development (including interest on any loans),
- The costs associated with legal work carried out or to be carried out in connection with the development,
- Project management costs associated with the development,
- The cost of building insurance in respect of the development,
- 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),
- The costs of commercial stock inventory,
- Any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law.
- All development types identified in section 2.6 of this document.

## **2.9. Are there any exemptions to the levy?**

Council may consider requests to exempt developments, or components of developments from the levy, or reduce the levy to the least amount. For such requests to be considered, they must be in the form of a comprehensive written submission arguing the case for exemption or reduction, and must

satisfy the Council that there are valid reasons for the exemption or reduction. The decision to accept a request to exempt developments from the levy or reduce the levy is at the absolute discretion of the Council.

## 2.10. When is the levy payable?

A levy required to be paid as a condition of development consent must be paid as follows:

- Development applications involving subdivision - prior to the release of any construction certificate related to site works or the release of the subdivision plan, whichever occurs first;
- Development applications involving building work - prior to the release of the construction certificate; and
- Development applications involving both subdivision and building work (e.g. integrated housing developments) - prior to the release of the construction certificate or the release of the subdivision plan, whichever occurs first.
- Development applications where no building approval is required – prior to commencement of use in accordance with the conditions of consent.

If no time is specified, the levy must be paid prior to the first certificate issued in respect of the development under Part 4A of the Act.

From time to time, Council considers requests to defer payments of contributions. Council's policy on deferred payments is detailed in Section 2.13.

Where any self-certification or the like is undertaken the consent shall not operate unless and until the levy required by the consent under this contributions plan is paid to Council.

## 2.11. How will the levy be adjusted?

Pursuant to clause 25J(4) of the Regulation, the proposed cost of carrying out development is to be indexed before payment to reflect quarterly variations in the Consumer Price Index (Sydney All Groups) between the date the proposed cost was determined by the Council and the date the levy is required to be paid.

The proposed cost of carrying out development will be adjusted at the time of payment in accordance with the following formula:

$$IDC = ODC \times \frac{CPI\ 2}{CPI\ 1}$$

### Where:

IDC = the indexed development cost

ODC = the original development cost accepted or estimated by the Council;

CPI 2 = the Consumer Price Index: All Groups Index for Sydney (as currently available from the Australian Bureau of Statistics at the time of payment); and

CPI 1 = the Consumer Price index: All Groups Index for Sydney which applied at the date the original development cost was estimated or accepted by the Council.



**Note:** Where CPI 2 is less than CPI 1, the indexed development cost will not be less than the original development cost estimated or accepted by the Council.

## **2.12. What are the obligations of Accredited Certifiers?**

In accordance with section 94EC of the Act and clause 146 of 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 levy has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions 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 Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exception to this requirement is where an alternative payment arrangement has been agreed by the Council. In such cases, Council will issue a letter confirming that an alternative payment arrangement has been agreed with the applicant.

## **2.13. Can deferred or periodic payments be made?**

Council may accept the deferred or periodic payment of a levy required under this Plan if the applicant or any other person entitled to act upon the relevant consent, makes a written request and can satisfy the Council that:

- There are valid reasons for the deferral or periodic payment; and
- The granting of the request will not adversely impact on the administration, operation or cash flows of the plan; and
- The granting of the request will not jeopardise the timely provision of works or land identified within the plan; and
- The proposed arrangement remains consistent with the purpose of the plan.

The decision to accept a deferred or periodic payment of a monetary contribution is at the sole discretion of Council. Any deferral will generally be limited to a period of no more than 12 months.

Where Council allows a deferral of contributions or levies, an appropriate bank guarantee shall be secured for the amount of contributions to be deferred. The conditions under which the Council may accept deferred settlement by way of lodgement of a bank guarantee are that:

- The bank guarantee be by an Australian bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest;
- 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 whichever occurs first;

- The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- 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.

Any deferred or outstanding component of the monetary contribution will be adjusted in accordance with Section 2.11.

The applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

## **2.14. How will the Council apply the money obtained from the levy?**

Levies paid to the Council as a condition of development consent will be applied towards meeting the cost of provision or augmentation of public facilities. Schedule 1 shows detail of the public facilities which will be provided by Council, including the cost of these works, staging and priorities for expenditure. The locations of the specific public facilities to be provided by the Council are shown on the maps included in Part G. Subject to section 93E(2) of the Act and Section 2.16 of the plan, the public facilities in Schedule 1 are to be provided in accordance with the staging set out in that schedule.

## **2.15. Pooling of contributions**

The Council is satisfied that the pooling and progressive application of contributions funds to the works priorities identified in Schedule 1 will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

Pursuant to Section 93E(2) of the Act and clause 27 of the Regulation, the plan expressly authorises the levies paid for different purposes to be pooled and applied progressively to the works priorities identified in Schedule 1 of the plan.

## **2.16. Financial & Public Accountability**

The Council is required to comply with a range of financial accountability and public access to information requirements in relation to section 94 contributions. These are addressed in Division 5 and 6 of Part 4 of the Regulation and include:

- Maintenance of, and public access to, a contributions register;
- Maintenance of, and public access to, accounting records for contributions received and spent;

- Annual financial reporting of contributions; and
- Public access to contributions plans and supporting documents.

## **2.17. Are there any alternatives to the payment of the levy?**

In determining a development application, the Council may impose a condition requiring the payment of the levy. The normal method of payment of the levy is by way of a monetary contribution; however, if an applicant seeks to make a contribution toward the provision of public facilities other than payment of a monetary contribution, the Council may accept the following:

- A material public benefit or works in kind; or
- A voluntary planning agreement.

### **2.17.1. Material public benefit and works in kind**

Council may allow applicants to make a contribution by way of works in kind contributions for works that are identified in the plan's works schedule or by way of a material public benefit for works that are not identified in this plan's works schedule, in lieu of part or all of a levy required under the plan. Material public benefits and works in kind are not works required by any other conditions of consent.

The acceptance of material public benefit or works in kind may be offered as part of a development application, or following the granting of development consent. The decision to accept a works in kind or material public benefit in lieu of payment of a section 94A levy is at the sole discretion of Council.

An offer to provide works in kind or material public benefit is to be made to the Council in writing, preferably in the relevant development application and following extensive liaison with the Council. The offer should clearly state:

- What material public benefit or works in kind is proposed;
- The value of the material public benefit or works in kind, as assessed by a registered quantity surveyor or other appropriate professional;
- The timing of provision of the material public benefit or works in kind;
- What section 94A monetary contributions the works in kind or material public benefit is proposed to offset; and
- If the work has not been identified under the plan (that is, a material public benefit), why it is of an equivalent or greater benefit to the community compared to what has been identified under the plan.

In determining whether to accept a works in kind or material public benefit in lieu of a levy, Council will have regard to any relevant requirements of the current Practice Note issued by the Department of Planning and any other matters as the Council considers relevant in the circumstances of the case.

Where the value of the works in kind or other material public benefit is over \$150,000, Council may require that the works be the subject of a public tender in order for the Council to comply with the *Local Government Act 1993*.

If the Council agrees to a works in kind or material public benefit arrangement prior to issue of development consent, the Council may substitute a condition of consent under section 80A of the Act requiring the works in kind or material public benefit to be carried out for a condition requiring the payment of a levy.

If the works in kind or material public benefit is negotiated following issue of development consent, the applicant may make an application under section 96 of the Act to modify the consent by substituting the condition requiring the payment of a levy with a condition requiring the provision of a works in kind or material public benefit toward the public purpose.

### **2.17.2. Voluntary Planning Agreement**

Section 93F of the Act allows for the negotiation of voluntary planning agreements between councils, developers, and/or other planning authorities. Under the planning agreement the applicant may offer to dedicate land free of cost, pay a monetary contribution, provide a material public benefit, or any combination, to be used for or applied toward a public purpose. The Council may also seek to negotiate planning agreements with relevant parties in relation to major or 'one-off' developments that involve a single land owner.

The public purposes are defined in the Act as (without limitation):

- The provision of (or the recoupment of the cost of providing) public amenities or public services;
- The provision of (or the recoupment of the cost of providing) affordable housing;
- The provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land;
- The funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;
- The monitoring of the planning impacts of development; and
- The conservation or enhancement of the natural environment.

Those purposes may not necessarily relate to the demand of the applicant's development, or the items listed in Schedule 1. The applicant's provision of land free of cost, monetary contribution, or material public benefit may or may not be in addition to a section 94A levy. If the planning authority does not intend to apply the contributions plan, the planning agreement should specifically exclude its application.

A planning agreement negotiated and made under this section shall be subject to any provisions of or Ministerial directions made under the Act or *Environmental Planning and Assessment Act Regulation 2000* relating to planning agreements.

## 2.18. What definitions apply?

"ABS" means the Australian Bureau of Statistics.

"Act" means the Environmental Planning and Assessment Act 1979.

"Applicant" means the person, company or organisation submitting a development application.

"Contribution" means the dedication of land, the making of a monetary contribution or the provision of a material public benefit, as referred to in Section 94 of the Environmental Planning and Assessment Act.

"Council" means the Tenterfield Shire Council.

"Development Contributions Plan" means a contributions plan referred to in Part 4, Division 6 of the Environmental Planning and Assessment Act.

"Levy" means a levy under section 94A of the Act, authorised by the plan.

"LGA" means local government area.

"Material public benefit" means something provided by an applicant, other than the dedication of land or the payment of a monetary contribution, which does not relate to an item appearing in the works schedule of a contributions plan.

"Recoupment" means the payment of a monetary contribution to the Council to offset the cost (plus any interest) which the Council has already incurred in providing public facilities in anticipation of development.

"Regulation" means the Environmental Planning and Assessment Regulation 2000.

"Works in kind" means the undertaking of a work or provision of a facility by an applicant which is already nominated in the works schedule of a contributions plan.

### **3. Expected Types of Development**

#### **3.1. To what types of development does this plan apply?**

The expected type of development to which the plan applies is; residential in the form of residential land subdivision, detached dwellings, medium density development, and industrial, commercial and retail development, as listed (but not limited to) below:

- Detached dwellings;
- Villas, townhouses ;
- Flats, units or apartments;
- Dual occupancies;
- Other dwellings;
- Seniors Living dwellings;
- Subdivisions;
- Mixed use development;
- Commercial and Retail development;
- Industrial development;
- Change of use.

#### **3.2. Demand for Public Facilities**

This part of the plan broadly identifies the relationship between the expected types of development in the Shire and the demand for public facilities identified in the plan. This information is based on current demographic information, and an assessment of recent development application data, including residential, commercial, industrial and other employment generating development in the LGA.

Tenterfield Shire Council is committed to enhancing the wellbeing of the community through the provision of an efficient and effective range of local government works, services and facilities that fulfil the needs and expectations of the community. Any population growth and new retail, commercial and industrial development in the area will diminish the enjoyment and standard of public facilities for the existing population unless additional or upgraded facilities are provided to meet the additional demand. Thus the likely population growth and new development will require the provision of additional public facilities.

## Schedule 1: Works Schedules

Some capital works in the following works schedule are to be undertaken utilising existing section 94 or 94A monies from previous plans. Some of these works do not levy any additional section 94 or 94A contributions on new development. However, the projects have been listed to advise the community on where these monies will be expended.

Priority has been determined as follows:

<b>HIGH</b>	0-24 months
<b>MEDIUM</b>	25-48 months
<b>LOW</b>	> 48 months

## PREPARATION AND ADMINISTRATION

Project Description	Locality	Estimated Cost	Estimated Cost Attributable to Section 94 Contributions	Priority
S94 Plan Preparation & Administration	LGA	\$15,000 / year	\$15,000	High
<b>TOTAL</b>	LGA	\$15,000	\$15,000	

## ROADS

Note that sections of road quoted are outlined in the Road Network Asset Management Plan 2013.

Project Description	Locality	Estimated Cost	Estimated Cost Attributable to Section 94 Contributions	Priority
Widen & Resheet Beaury Creek Road	5	\$181,220	\$9,060	High
Widen & Resheet Silent Grove Road	5	\$53,940	\$2,695	High
Widen & Resheet Black Swamp Road	5	\$52,800	\$2,640	High
Widen & Resheet Summit Road	5	\$57,520	\$2,875	High
Widen & Resheet Undercliff Road	5	\$104,840	\$5,240	High
Widen & Resheet	5	\$50,500	\$2,525	High

Project Description	Locality	Estimated Cost	Estimated Cost Attributable to Section 94 Contributions	Priority
Tent Hill Road				
Widen & Resheet Rivertree Road	5	\$73,960	\$3,695	High
Widen & Resheet Leeches Gully Road	5	\$26,100	\$1,305	High
Widen & Resheet Millers Road	5	\$13,220	\$660	High
Widen & Resheet Wylie Creek Road	5	\$47,060	\$2,355	High
Widen & Resheet Tarban Loop Road	5	\$20,320	\$1,015	High
Widen & Resheet Tarban Road	5	\$51,420	\$2,570	High
Widen & Resheet White Swamp Road	5	\$18,880	\$945	High
Seal Mt McKenzie Lookout Road	5	\$195,000	\$9,750	High
Reconstruct Bruxner Way near NE Hwy	5	\$1,200,000	\$60,000	High
Seal Gum Flat Road	5	\$150,000	\$7,500	High
Widen & Resheet Castlerag Road	5	\$16,740	\$835	Medium
Widen & Resheet White Swamp Road	5	\$202,800	\$10,140	Medium
Widen & Resheet Wylie Creek Road	5	\$274,780	\$13,740	Medium
Widen & Resheet Billirimba Road	5	\$95,820	\$4,790	Medium
Widen & Resheet Bryans Gap Road	5	\$44,240	\$2,210	Medium
Widen & Resheet Beaury Creek Road	5	\$143,180	\$7,160	Medium
Widen & Resheet McLeods Creek Road	5	\$108,980	\$5,450	Medium



Project Description	Locality	Estimated Cost	Estimated Cost Attributable to Section 94 Contributions	Priority
Widen & Resheet Mole Station Road	5	\$24,760	\$1,240	Medium
Widen & Resheet Woodside Road	5	\$26,000	\$1,300	Medium
Widen & Resheet Mole River Road	5	\$230,140	\$11,505	Medium
Widen & Resheet Rivertree Road	5	\$34,940	\$1,745	Medium
Widen & Resheet Harrigans Lane	5	\$124,000	\$6,200	Medium
Widen & Resheet Kochs Road	5	\$97,060	\$4,855	Medium
Widen & Resheet Mt Speribo Road	5	\$55,460	\$2,775	Medium
Widen & Resheet Bryans Gap Road	5	34,000	\$1,700	Medium
Seal Cullendore Road	5	\$373,200	\$18,660	Medium
Widen & reconstruct Tooloom Road 13.91 – 20.35	5	\$1,610,000	\$80,500	Medium
Rebuild Amosfield Road	5	\$1,700,000	\$85,000	Medium
Widen & Resheet Headgate Road	5	\$110,760	\$5,540	Low
Widen & Resheet Rivertree Road	5	\$173,540	\$8,675	Low
Widen & Resheet Maryland Road	5	\$149,420	\$7,470	Low
Widen & Resheet Paddys Flat Road	5	\$107,280	\$5,365	Low
Seal remaining section of Mt Lindesay Road	5	\$3,400,000	\$170,000	Low
Upgrade 3 sections of Mt Lindesay Road	5	\$1,500,000	\$75,000	High, Medium,

Project Description	Locality	Estimated Cost	Estimated Cost Attributable to Section 94 Contributions	Priority
Legume Woodenbong -				Low
Widen & reconstruct Tooloom Road 20.35 – 25.0	5	\$360,000	\$18,000	Low
Widen & reconstruct Tooloom Road 20.35 – 23.55	5	\$801,250	\$40,060	Low
Widen & reconstruct Tooloom Road 25.0 – 28.28	5	\$820,000	\$41,000	Low
Widen & Resheet remaining class B,C & D Roads	5	\$420,000	\$21,000	Low
Widen & Resheet selected class D Roads	5	\$380,000	\$19,000	Low
Reseal 84km of rural roads condition 3	5	\$2,590,000	\$129,500	Low
TOTAL		\$18,305,130	\$915,245	

## EMERGENCY SERVICES

Project Description	Locality	Estimated Cost	Estimated Cost Attributable to Section 94 Contributions	Priority
13.3% contribution to the Rural Fire Service	LGA	\$266k per year = \$1,330,000	\$66,500	High
Radio Repeater Site	LGA	\$2.5k per year = \$12,500	\$625	High
TOTAL		\$1,342,500	\$67,125	

## COMMUNITY AND CIVIC FACILITIES

Project Description	Locality	Estimated Cost	Estimated Cost Attributable to Section 94 Contributions	Priority
New library at Liston	4	\$100,000	\$5,000	High
Expanded library at Urbenville	4	\$50,000	\$2,500	Medium
Expanded library at Torrington	4	\$50,000	\$2,500	Medium
TOTAL		\$200,000	\$10,000	

## OPEN SPACE, SPORTING AND RECREATION

Project Description	Locality	Estimated Cost	Estimated Cost Attributable to Section 94 Contributions	Priority
Playground Saddlers estate	1	\$50,000	\$2,500	Medium
Shade over playground Rotary Park	1	\$30,000	\$1,500	Medium
Heating of swimming pool	1	\$150,000	\$7,500	Low
Update Sprinkler System – Federation Park	1	\$20,000	\$1,000	High
Replace kitchen splashback – Federation Park	1	\$5,000	\$250	Medium
TOTAL		\$255,000	\$12,750	

## WASTE MANAGEMENT

Project Description	Locality	Estimated Cost	Estimated Cost Attributable to Section 94 Contributions	Priority
Urbenville cap cells / new cells – 5 years	4	\$150,000	\$7,500	High
Tenterfield stage 2 closure plan	2,3	\$900,000	\$45,000	Medium
Tenterfield cap cells / new cells – 5 years	2,3	\$950,000	\$47,500	Medium
Tenterfield bores	2,3	\$150,000	\$7,500	High
Tenterfield recycling infrastructure	2,3	\$195,000	\$9,750	High
<b>TOTAL</b>		<b>\$2,345,000</b>	<b>\$132,250</b>	

## DRAINAGE

Project Description	Locality	Estimated Cost	Estimated Cost Attributable to Section 94 Contributions	Priority
Railway St detention Basin	1	\$20,000	\$1,000	High
High St to Whereat Lane	1	\$117,815	\$5,890.75	High
Railway St	1	\$150,000	\$7,500.00	High
Buried pits raising	1	\$20,000	\$1000.00	High
Buried Pit raising	1	\$83,500	\$4,175.00	Low
Rouse & manners St intersection	1	\$50,000	\$2,500.00	Medium
Logan – Miles to Douglas	1	\$20,000	\$1,000.00	Medium
Pelham – Molesworth St	1	\$28,000	\$14,400.00	Medium
Duncan to Link St	1	\$170,000	\$8,500.00	Medium

Duncan – Riley to Cowper	1	\$20,000	\$1,000.00	Medium
Pelham – Manners to Miles	1	\$3,000	\$150	Medium
Petrie St – Rouse to Logan	1	\$25,000	\$1,250.00	Medium
Western St – new crosspipe	1	\$2,500	\$125	Medium
Wherat Lane – trash screen	1	\$45,000	\$2,250	Low
Western St & Bismark	1	\$2,500	\$125	Low
Logan St – High to Petrie k&g	1	\$240,000	\$12,000	Low
TOTAL		\$997,315	\$49,865	

## Schedule 2: Cost Summary Report

(On next page)

# Section 94A Cost Summary Report



(For proposed cost of development less than \$500,000)

## APPLICANT DETAILS

Name (or Company): \_\_\_\_\_

Postal Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Phone No. (daytime): \_\_\_\_\_ Mobile: \_\_\_\_\_

## APPLICATION DETAILS

Development Application No. \_\_\_\_\_ Construction Certificate No \_\_\_\_\_

Complying Development Application No. \_\_\_\_\_ Date \_\_\_\_\_

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

Lot (s): \_\_\_\_\_ Section: \_\_\_\_\_ DP: \_\_\_\_\_

## DESCRIPTION OF PROPOSED DEVELOPMENT

\_\_\_\_\_

\_\_\_\_\_

## ANALYSIS OF DEVELOPMENT COSTS:

Demolition and site preparation	\$		Fittings and Equipment	\$	
Excavation	\$		Hydraulic Services	\$	
Decontamination or remediation	\$		Mechanical Services	\$	
Structure	\$		Fire Services	\$	
External wall, windows & doors	\$		Lift Services	\$	
Internal walls, screens & doors	\$		External Works	\$	
Wall finishes	\$		External Services	\$	
Floor finishes	\$		Other related work	\$	
Ceiling finishes	\$		<b>Sub - total</b>	<b>\$</b>	
<b>Sub-total above carried forward</b>	<b>\$</b>				
Preliminaries and margins	\$				
<b>Sub - total</b>	<b>\$</b>				
Consultant Fees	\$				
Other related development costs	\$				
<b>Sub - total</b>	<b>\$</b>				
Goods and Services Tax	\$				
<b>TOTAL DEVELOPMENT COSTS</b>	<b>\$</b>				

I hereby certify that I have:

- Inspected the plans the subject of the application for development consent.
- Calculated the proposed costs of carrying out the development in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- Included the GST in the estimate of the proposed costs of carrying out the development.

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

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

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# Statutory Declaration

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"I, (Full Name) \_\_\_\_\_

Of (Address) \_\_\_\_\_ Post Code: \_\_\_\_\_

(Occupation) \_\_\_\_\_ in the State of New South Wales, do solemnly and sincerely declare that the attached Section 94A Cost Summary Report is a true and accurate estimate of the proposed cost of the development as described below:

## APPLICATION DETAILS

Development Application No: \_\_\_\_\_ Construction Certificate No: \_\_\_\_\_

Complying Development Application No: \_\_\_\_\_ Date: \_\_\_\_\_

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

Lot(s): \_\_\_\_\_ Section: \_\_\_\_\_ DP: \_\_\_\_\_

## DESCRIPTION OF PROPOSED DEVELOPMENT

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and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act, 1900*.

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_

Before me:

\_\_\_\_\_  
Declarant (Signature)

This must only be signed in the presence of the JP)

\_\_\_\_\_  
(Signature of JP)

\_\_\_\_\_  
(Print Full Name of JP)

\_\_\_\_\_  
(NSW Registration Number)

### Penalties for False Statutory Declarations

The *Oaths Amendment Act 1996* provides that if a Statutory Declaration is made to gain material benefit and the offence is dealt with by indictment the penalty is up to 7 years imprisonment. If dealt with summarily then the penalty is up to 2 years imprisonment and/or a fine of 100 penalty units (\$11,000). If the offence is swearing a false declaration that does not involve material benefit, the penalty is up to 12 months imprisonment and/or a fine of 50 penalty units (\$5,500).



## Schedule 3: Detailed Cost Report

(On next page)

# Section 94A Detailed Cost Report



(For proposed cost of development of \$500,000 or

more)

Registered Quantity Surveyor's Detailed Cost Report

## APPLICANT DETAILS

Name (or Company): \_\_\_\_\_

Postal Address: \_\_\_\_\_  
 \_\_\_\_\_ Postcode: \_\_\_\_\_

Phone No. (daytime): \_\_\_\_\_ Mobile: \_\_\_\_\_

## APPLICATION DETAILS

Development Application No. \_\_\_\_\_ Construction Certificate No \_\_\_\_\_

Complying Development Application No. \_\_\_\_\_ Date \_\_\_\_\_

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

Lot (s): \_\_\_\_\_ Section: \_\_\_\_\_ DP: \_\_\_\_\_

## DESCRIPTION OF PROPOSED DEVELOPMENT

\_\_\_\_\_  
 \_\_\_\_\_

## DEVELOPMENT DETAILS:

Site Area	_____ m <sup>2</sup>	Gross Floor Area – Car Parking	_____ m <sup>2</sup>
Gross Floor Area – Commercial	_____ m <sup>2</sup>	Gross Floor Area – Other	_____ m <sup>2</sup>
Gross Floor Area – Retail	_____ m <sup>2</sup>	Total Gross Floor Area	_____ m <sup>2</sup>
Gross Floor Area – Industrial	_____ m <sup>2</sup>	Total number of car parking spaces	_____
Gross Floor Area – Residential	_____ m <sup>2</sup>		

## ESTIMATE DETAILS

Demolition and site preparation	\$ _____	Cost /m <sup>2</sup> of site area	\$ _____
Excavation	\$ _____	Cost /m <sup>2</sup> of site area	\$ _____
Decontamination or remediation	\$ _____	Cost /m <sup>2</sup> of site area	\$ _____
Construction - Retail	\$ _____	Cost /m <sup>2</sup> of gross floor area	\$ _____
Construction - Commercial	\$ _____	Cost /m <sup>2</sup> of gross floor area	\$ _____
Construction - Industrial	\$ _____	Cost /m <sup>2</sup> of gross floor area	\$ _____
Construction - Residential	\$ _____	Cost /m <sup>2</sup> of gross floor area	\$ _____
Car Park	\$ _____	Cost per space	\$ _____
Fit out - Retail	\$ _____	Cost /m <sup>2</sup> of retail area	\$ _____
Fit out - Commercial	\$ _____	Cost /m <sup>2</sup> of commercial area	\$ _____
Fit out - Industrial	\$ _____	Cost /m <sup>2</sup> of industrial area	\$ _____
Fit out - Residential	\$ _____	Cost /m <sup>2</sup> of residential area	\$ _____
Professional fees	\$ _____	% of Construction Cost	_____ %
<b>Total Construction Costs</b>	<b>\$ _____</b>		
Other related dev. costs	\$ _____		
<b>Sub – total</b>	<b>\$ _____</b>		
Goods and Services Tax	\$ _____		
<b>TOTAL DEV. COSTS</b>	<b>\$ _____</b>		

I hereby 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 proposed costs of carrying out the development in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- Included the GST in the estimate of the proposed costs of carrying out the development.
- Measured gross floor areas in accordance with the Method of Measurement of the Building Area in the AIQS Cost Management Manual Vol. 1, App. 2.

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

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

AIQS Membership grade and ID No. \_\_\_\_\_

CPD Certificate No. \_\_\_\_\_