Adopted: 13 December 2016
Effective: 1 February 2017

Amendment 1:
Adopted:
Effective:
CONTENTS

1. INTRODUCTION ............................................................................................................. 53

2. SUMMARY SCHEDULES ................................................................................................. 64

2.1 Works Schedule .......................................................................................................... 64

2.2 Summary of Levy Rates by Category ......................................................................... 86

3. EXPECTED DEVELOPMENT AND DEMAND FOR COMMUNITY INFRASTRUCTURE 92

3.1 Residential Population Growth .................................................................................. 97

3.2 Rationale for Development Levy ................................................................................ 108

4. ADMINISTRATION AND OPERATION OF THIS PLAN .................................................. 119

4.1 Name of this Plan ......................................................................................................... 119

4.2 Application of this Plan .............................................................................................. 119

4.3 Operation Period of the Plan ...................................................................................... 119

4.4 Savings and transition provisions .............................................................................. 119

4.5 Purpose of this Plan ..................................................................................................... 119

4.6 What plans does this Contributions Plan repeal? ...................................................... 1249

4.7 Are there any exceptions to the levy? ....................................................................... 1240

4.8 Pooling of levies .......................................................................................................... 1411

4.9 Complying Development Certificates and the obligations of accredited certifiers .... 1442

4.10 Construction certificates and the obligations of accredited certifiers ....................... 1412

4.11 How will the Levy be calculated? ............................................................................. 1644

4.12 When is the levy payable? ....................................................................................... 1644

4.13 How will the levy be adjusted? ................................................................................ 1715

4.14 Deferral or periodic payments .................................................................................. 1715

4.15 Alternatives to payment ............................................................................................ 1846

4.16 Definitions .................................................................................................................. 2047

APPENDICES .................................................................................................................... 2118

Appendix A. Community Infrastructure Location Map .................................................... 2148

Appendix B. Land Application Map .................................................................................. 2329

Appendix C. Procedure to Determine the Cost of the Development ......................... 2522

Appendix D. Standard Section 94A Condition for Complying Development ............ 2724

Appendix E. Schedule A – Cost Summary Report .......................................................... 2825

Appendix F. Schedule B - Detailed Cost Report .............................................................. 3027
1. INTRODUCTION

Section 94A of the Environmental Planning and Assessment Act 1979 [the EP & A Act] contains provisions that allow the Councils and accredited certifiers to impose, as a condition of development consent or as a condition of a complying development certificate, a requirement that the applicant pay a levy of the percentage of the proposed cost of carrying out the development.

For Council or an accredited certifier to require a section 94A levy to be paid, a contributions plan that has been prepared in accordance with the Environmental Planning and Assessment Regulation 2000 (the EP & A Regulation) must first be in place.

This Plan - the Georges River Council Section 94A Development Contributions Plan 2017, as amended from time to time, authorises a condition of development consent or a complying development certificate to require the payment of a fixed levy.

The Plan applies to the whole Georges River Local Government Area, except where there is an existing Section 94 Contributions Plan which applies.

The Plan applies to the whole of the Georges River LGA.

The levy rates and the types of development which will be subject to the levy are set out in other clauses - the Administration part of this Plan. Developments that are not subject to this Plan are the developments described in clause 4.7 of this Plan.

Levies paid to the Council will be applied towards the provision, extension or augmentation of public facilities, or towards recouping the cost of their provision, extension or augmentation.

Nothing in this Plan is intended to limit the Council’s power to impose a condition under section 80A of the EP & A Act or section 97 of the Local Government Act 1993.
2. SUMMARY SCHEDULES

The following summary schedules are included in this plan:

- Works schedule; and
- Summary of levy by category

The works schedule identifies the public facilities for which section 94A levies will be required. Levies paid to Council will be applied towards meeting the cost of provision of new public facilities or augmentation of existing public facilities.

2.1 Works Schedule

Table 1 below contains details of the cost and staging of the public facilities that will be funded by levies collected under this Plan.

**Table 1. Works Schedule**

<table>
<thead>
<tr>
<th>Map ID No.</th>
<th>Ref No.</th>
<th>Facility</th>
<th>Estimated Cost</th>
<th>Staging</th>
</tr>
</thead>
</table>
| Blakehurst Ward
| 1          | S94A-001  | Carss Park Bay Walk – foreshore restoration & bay walk with disabled access | $1,500,000     | Ongoing |
| 2          | S94A-002  | Carss Park Foreshore Lighting                                            | $200,000       | Short   |
| 3          | S94A-003  | Oatley Village Centre Improvement Plan                                   | $2,000,000     | Ongoing |
| 4          | S94A-004  | Carss Park – Todd Park Community Recreation Facility                     | $1,800,000     | Ongoing |
| 5          | S94A-005  | Harold Fraser Oval amenities block replacement                            | $450,000       | Medium  |
| 6          | S94A-006  | Harold Fraser Oval cricket practice wickets                              | $75,000        | Long    |
| 7          | S94A-007  | The Green, Kyle Bay – amenities block replacement                          | $250,000       | Medium  |
|            |           | **Subtotal**                                                              | **$6,275,000** |         |
| Kogarah Bay Ward
| 8          | S94A-008  | Sans Souci Foreshore Upgrade                                             | $200,000       | Long    |
| 9          | S94A-009  | Streetscape works for shopping villages                                   | $300,000       | Long    |
| 10         | S94A-010  | Kogarah CBD Streetscape Upgrade                                           | $1,000,000     | Long    |
| 11         | S94A-011  | Kogarah CBD Traffic and Pedestrian Study                                 | $200,000       | Long    |
| 12         | S94A-012  | Sans Souci pool upgrade and filtration replacement                        | $970,000       | Medium  |
| 13         | S94A-013  | Kogarah School of Arts roof refurbishment                                | $200,000       | Short   |
| 14         | S94A-014  | Kogarah Works Depot Amenities Upgrade                                     | $110,000       | Medium  |
| 15         | S94A-015  | Kogarah Bay Creek Stormwater Harvesting                                   | $300,000       | Medium  |
|            |           | **Subtotal**                                                              | **$3,280,000** |         |
| Mortdale Ward
| 16         | S94A-016  | Penshurst Park Sporting Hub – solar energy project                        | $1,000,000     | Medium  |
| 17         | S94A-017  | Traffic modelling - Mortdale and Penshurst Town Centres                  | $100,000       | Ongoing |
|            |           | **Subtotal**                                                              | **$1,100,000** |         |
## GEORGES RIVER COUNCIL - SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN

### Hurstville Ward

<table>
<thead>
<tr>
<th>No.</th>
<th>Plan Item Code</th>
<th>Description</th>
<th>Total Cost</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>S94A-18</td>
<td>Kingsway Roundabout</td>
<td>$325,000</td>
<td>Short</td>
</tr>
<tr>
<td>19</td>
<td>S94A-19</td>
<td>Pallamana Parade Roundabout</td>
<td>$350,000</td>
<td>Short</td>
</tr>
<tr>
<td>20</td>
<td>S94A-20</td>
<td>Traffic modelling - Hurstville CBD</td>
<td>$250,000</td>
<td>Ongoing</td>
</tr>
<tr>
<td>21</td>
<td>S94A-21</td>
<td>Widen The Avenue Railway Underpass</td>
<td>$1,000,000</td>
<td>Medium</td>
</tr>
<tr>
<td>22</td>
<td>S94A-22</td>
<td>Traffic modelling - Beverly Hills &amp; Kingsgrove Town Centre</td>
<td>$100,000</td>
<td>Long</td>
</tr>
<tr>
<td>23</td>
<td>S94A-23</td>
<td>Beverly Hills commuter/timed car park in Edgbaston Road (commuter component only) - Total Cost $12.8M</td>
<td>$4,500,000</td>
<td>Medium</td>
</tr>
</tbody>
</table>

**Subtotal** | $6,525,000 |

### Peakhurst Ward

<table>
<thead>
<tr>
<th>No.</th>
<th>Plan Item Code</th>
<th>Description</th>
<th>Total Cost</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>S94A-24</td>
<td>Oatley Park Improvement Works</td>
<td>$100,000</td>
<td>Short</td>
</tr>
<tr>
<td>25</td>
<td>S94A-25</td>
<td>Dame Mary Gilmore Road - Parking bays, footpaths and traffic control measures</td>
<td>$190,000</td>
<td>Short</td>
</tr>
<tr>
<td>26</td>
<td>S94A-26</td>
<td>Traffic modelling - Riverwood Town Centre</td>
<td>$70,000</td>
<td>Long</td>
</tr>
</tbody>
</table>

**Subtotal** | $360,000 |

### LGA Wide

<table>
<thead>
<tr>
<th>No.</th>
<th>Plan Item Code</th>
<th>Description</th>
<th>Total Cost</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>S94A-27</td>
<td>Kerb and Gutter Replacement Program</td>
<td>$100,000</td>
<td>Ongoing</td>
</tr>
<tr>
<td>28</td>
<td>S94A-28</td>
<td>Street Tree Removal and Replacement as per Street Tree Management Plan</td>
<td>$100,000</td>
<td>Ongoing</td>
</tr>
<tr>
<td>29</td>
<td>S94A-29</td>
<td>Footpath renewal and access</td>
<td>$100,000</td>
<td>Ongoing</td>
</tr>
<tr>
<td>30</td>
<td>S94A-30</td>
<td>Street Name Sign Replacement</td>
<td>$200,000</td>
<td>Ongoing</td>
</tr>
<tr>
<td>31</td>
<td>S94A-31</td>
<td>Park Furniture renewal</td>
<td>$300,000</td>
<td>Ongoing</td>
</tr>
<tr>
<td>32</td>
<td>S94A-32</td>
<td>Park Signage Renewal</td>
<td>$200,000</td>
<td>Ongoing</td>
</tr>
<tr>
<td>33</td>
<td>S94A-33</td>
<td>Disability Discrimination Act Capital Works based on Access Audit</td>
<td>$100,000</td>
<td>Ongoing</td>
</tr>
<tr>
<td>34</td>
<td>S94A-34</td>
<td>Public Art and Memorial Installations</td>
<td>$100,000</td>
<td>Ongoing</td>
</tr>
<tr>
<td>35</td>
<td>S94A-35</td>
<td>Children’s playgrounds – shade structures</td>
<td>$150,000</td>
<td>Short</td>
</tr>
<tr>
<td>36</td>
<td>S94A-36</td>
<td>Photovoltaic installations - various</td>
<td>$250,000</td>
<td>Medium</td>
</tr>
<tr>
<td>37</td>
<td>S94A-37</td>
<td>Provision of services relating to the management of Companion Animals Act</td>
<td>$450,000</td>
<td>Short</td>
</tr>
<tr>
<td>38</td>
<td>S94A-38</td>
<td>Aquatic leisure facilities</td>
<td>$2,000,000</td>
<td>Ongoing</td>
</tr>
<tr>
<td>39</td>
<td>S94A-39</td>
<td>Bus Shelters – various locations</td>
<td>$100,000</td>
<td>Ongoing</td>
</tr>
<tr>
<td>40</td>
<td>S94A-40</td>
<td>Traffic Management Devices - various locations</td>
<td>$100,000</td>
<td>Short</td>
</tr>
</tbody>
</table>

**Subtotal** | $4,250,000 |

**TOTAL** | $21,790,000 |
2.2 Summary of Levy Rates by Category

The section 94A Levy will be applied at the following rates:

Table 2: Summary of Levy Rates

<table>
<thead>
<tr>
<th>Proposed cost of carrying out the development as determined in accordance with this Plan</th>
<th>Levy Rate (% of development cost)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development (including complying development) that is not subject to a section 94 contribution under any other contributions plan that is in force under the EP&amp;A Act, and the proposed cost of carrying out the development is:</td>
<td></td>
</tr>
<tr>
<td>(a) $100,000 or less</td>
<td>Nil</td>
</tr>
<tr>
<td>(b) between $100,001 and $200,000</td>
<td>0.5%</td>
</tr>
<tr>
<td>(c) $200,001 or more</td>
<td>1%</td>
</tr>
</tbody>
</table>
3. EXPECTED DEVELOPMENT AND DEMAND FOR COMMUNITY INFRASTRUCTURE

This part broadly discusses the relationship between the expected types of development in the Georges River LGA and the demand for additional public facilities to meet that development. The relationship is established through current demographic information.

Residential population growth and employment generation from new industrial, commercial and retail developments will increase demand on Council’s existing public facilities.

To ensure that the community’s enjoyment of public facilities is not diminished by population and employment growth, Council will need to augment its existing facilities, and where possible provide new facilities to accommodate the additional demand.

3.1 Residential Population Growth

The latest Metropolitan Strategy, *A Plan for Growing Sydney* does not provide specific housing or employment targets for each District or each LGA. It does however state that 664,000 new homes and 689,000 new jobs are needed to be delivered across the Sydney Region by 2031.

The Estimated Resident Population (ERP) of the Georges River LGA in 2016, as recorded by the Australian Bureau of Statistics (ABS), was 147,906 persons.

The population is projected to increase by 39,600 people in the 20 year period from 2011 and 2031 (187,506), with an annual growth rate of approximately 1.25% (*NSW Department of Planning and Environment Projections 2014*). By way of comparison, the annual growth rate projection for Metropolitan Sydney for the same period is 1.8%. This projection is based on fertility rates, migration and current major redevelopment sites.

As the likely population growth will diminish the standards of public facilities enjoyed by the existing population, provision will need to be made for additional or improved public facilities to meet additional demand.

Below is an overview of recent trends in population and residential development within the Georges River LGA:

- The ERP increased from 141,726 to 147,906 between 2011 and 2015, representing a population increase of 6,180 or 4.3%. This equates to an annual compound growth rate of approximately 1%.

- The recent population growth rate was similar to, but slightly lower than, the Greater Sydney Statistical Area, which recorded an annual growth rate of 1.5% over the same period.
3.2 Rationale for Levy

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

- The population forecasts undertaken on behalf of Council for the Georges River LGA indicate continued population growth.
- Redevelopment of sites along the railway corridor and within commercial centres for commercial or retail uses which will result in an increase in the worker population within the LGA.
- Accelerating land and housing costs in the LGA will contribute to increased pressure for alternative housing stocks (e.g. dual occupancy and secondary dwellings) increasing population within existing suburban precincts, impacting on the future needs of areas.
- The expected growth from ongoing new residential development (dual occupancy development and medium density development) across the LGA. These are generally as a result of amendments to Kogarah LEP 2012.
- The likely population growth will require the provision of new or embellished public facilities.
- The likely population growth will diminish the enjoyment and standard of public facilities for the existing population unless new or augmented infrastructure is provided to meet the additional demand.

Georges River Council wants to ensure it has a sustainable LGA, safeguarding the economic, social, cultural, and environmental wellbeing of present and future generations.

The section 94A levy will assist Council to provide high quality and diverse public facilities to meet the expectations of the existing and new residents of Georges River.

The new and augmented public facilities listed in Table 1 will be provided to meet the expected future demand is consistent with the actions identified in the Georges River Council Operational Plan 2016 – 2017.

The locations of the additional or improved public facilities are shown on the map in Appendix A.

---

1 Excluding certain developments in the Kogarah, Hurstville and Ramsgate Town Centres, which are subject to other contributions plans that were adopted by the former Hurstville and Kogarah councils and are in force.
4. ADMINISTRATION AND OPERATION OF THIS PLAN

4.1 Name of this Plan

This Plan is the Georges River Council Section 94A Development Contributions Plan 2017 – Amendment 1.

4.2 Application of this Plan

This Plan applies to all land within the Georges River LGA as shown in Appendix B.

The Plan applies to applications for development consent and applications for complying development certificates under Part 5B of the EP&A Act that are not subject to a section 94 contribution under any other contributions plan that is in force at the time the application was made.

In accordance with the Section 94E Direction issued on 4 October 2016, a Section 94A levy cannot be imposed to a development where a Section 94 Contribution has already been imposed at the subdivision stage, unless that other development will, or is likely to, increase the demand for public amenities or public services beyond the increase in demand attributable to the initial subdivision.

4.3 Operation Period of the Plan

This Plan was adopted by Council at its meeting of 13 December [insert date amendment adopted] 2017 and came into force on 1 February [insert date came into force] 2017.

4.4 Savings and transition provisions

There are no savings or transitional provisions under this plan. That is, if a development application has been made but has not been finally determined before this plan comes into effect the application is to be determined in accordance with the provisions of this contributions plan.

4.5 Purpose of this Plan

The primary purposes of this Plan are:

(a) To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a levy pursuant to Section 94A of EP&A Act 1979;
(b) 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

(c) To publicly identify the purposes for which the levies are required.

4.6 What plans does this Contributions Plan repeal?

This Plan repeals:

- Georges River Council Section 94A Development Contributions Plan 2017
- Kogarah City Council Section 94A Development Contributions Plan 2014

All funds held or collected under the above contributions plan are to be applied toward the items listed in Table 1 of this Plan.

4.7 Are there any exceptions to the levy?

4.7.1 Development exempted by Ministerial Direction

The Minister for Planning has directed that section 94A levies will not be imposed on the following development:

(a) where the proposed cost of carrying out the development is $100,000 or less,

(b) for the purpose of disabled access,

(c) for the sole purpose of providing affordable housing,

(d) for the purpose of reducing the consumption of mains supplied potable water, or reducing the energy consumption of a building,

(e) for the sole purpose of the adaptive reuse of an item of environmental heritage, or

(f) that has been the subject of a condition under section 94 under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out, unless that other development will, or is likely to, increase the demand for public amenities or public services beyond the increase in demand attributable to the initial subdivision,

(g) from time to time, any other development for which s94A contributions may not be imposed in accordance with a direction by the Minister under s94E of the EPA Act.

4.7.2 Other development exempted from the levy
The following developments and application types are not subject to a levy under this Plan:

(a) Exempt development

(b) *s96 applications to modify development consent*

Other exemptions from a levy under this Plan may be considered by the Council for the following development, or components of development:

(c) Works undertaken for charitable purposes or by a registered charity (as defined by the Australian Taxation Office) but only in cases where the development is of a small scale, for example a retail outlet operated by the Salvation Army, St Vincent de Paul or similar organisations, and where the Council considers that there will not be an increase in the demand for public works or infrastructure as a result of the development which would warrant the payment of a Section94A levy.

(d) Places of worship, public hospitals, police, fire stations and other emergency services.

(e) Childcare facilities

(f) Seniors housing, as defined in the State Environmental Planning Policy (Seniors Living) 2004, which is undertaken by a social housing provider.

(g) Other community or educational facilities

(h) Development applications made for or on behalf of the Council for community infrastructure, such as but not limited to libraries, community facilities, child care facilities, recreational areas and facilities or car parks; and any items funded by this Plan or Council’s Section 94 Plans.

Applicants seeking exemption from a levy under this Plan must provide a comprehensive submission to Council, except for Council where it is the Applicant, which clearly demonstrates how the proposed development falls within the types of development listed in (d) to (h) above.

Council will consider the submission and determine whether an exemption applies.

In considering any application for an exemption the Council will take into account:

(i) The extent to which the proposed development comprises or includes the provision, extension or augmentation of public facilities that provide a public benefit, and/or

(ii) Whether the applicant is affected by any adverse financial circumstances which will impact on its ability to fund the payment of any levy which is imposed in accordance with this Plan.
4.8 Pooling of levies

This plan expressly authorises section 94A levies paid for different purposes to be pooled and applied progressively for those purposes, including being used towards recouping the cost of their provision, extension or augmentation. The priorities for the expenditure of the levies are shown in the Works Schedule included in Table 1 of this Plan.

This plan also expressly authorises that unspent monies collected through contributions plans repealed by this Plan are to be expended on works identified in those plans or works identified in this Plan where those works have been carried across to the Works Schedule included in this Plan.

Furthermore, where works identified in repealed plans are no longer considered necessary then this Plan authorises that the unspent money be transferred to this Plan and spent on the works identified in the Works Schedule in Table 1 of this Plan.

Council, pursuant to clause 27(3) of the EP&A Regulation, is satisfied that the pooling and progressive application of money paid under this Plan or previous contributions plans will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

4.9 Complying Development Certificates and the obligations of accredited certifiers

Development applications for Complying Development are also subject to the provisions of this Plan, and the payment of a Section 94A levy. The Complying Development Certificate is to include a condition that requires the payment of a Section 94A contribution.

As the construction certificate is issued concurrently, payment is to be made before the commencement of work authorised by the Certificate.

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 136L142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

4.10 Construction certificates and the obligations of accredited certifiers

In accordance with Section 94EC of the Environmental Planning and Assessment Act and clause 146 of the EP&A 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 EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where the Council has agreed to a works in kind, material public benefit, dedication of land, or deferred payment arrangement. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.
4.11 How will the Levy be calculated?

The levy that is imposed on development will be calculated as follows:

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

Where

\(\%C\) is the levy rate applicable to the development, as per Table 2 of this Plan.

\(\$C\) is the proposed cost of carrying out the development as certified.

4.11.1 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 Appendix C to this plan must be followed to enable the Council to determine the amount of the levy to be paid.

4.11.2 The value of the works must be provided by the applicant at the time of the request, and if the value exceeds $750,000, 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.

4.11.3 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.

4.12 When is the levy payable?

A levy must be paid to 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 subdivision certificate or construction certificate in the case of any other development. If a particular development involves both subdivision and work that requires a construction certificate, the contribution is to be prior to the issue of the particular certificate that is to be issued first.

In the case of a Complying Development Certificate, payment is to be made to Council before the commencement of work authorised by the Certificate.
4.13 How will the levy be adjusted?

A levy required as a condition of consent under the provisions of this Plan will be adjusted at the time of payment by indexing the proposed cost of the development between the date of determination of the value of the development, as accepted by the consent authority (Council or Accredited Certifier) consent and the date of payment.

Pursuant to Clause 25J(4) of the EP&A Regulation, the proposed cost of carrying value of out development will be indexed to reflect annual quarterly variations in the Consumer Price Index (All Groups Index) for Sydney between the date the proposed value of development cost was determined by the consent authority Council and the date the levy is required to be paid:

\[
\text{Indexed development cost (\$)} = \frac{\$C \times \text{Current CPI}}{\text{Base CPI}}
\]

\[
\text{Contribution at time of payment (\$)} = \$C_o \left[ \frac{\text{Current Index} - \text{Base Index}}{\text{Base Index}} \right]
\]

Where:

$C$ is the value of development cost estimate determined accepted by the Council or the Accredited Certifier at the time of determination of the development application or the issue of the complying development certificate.

Current Index CPI is the Consumer Price Index for ‘Sydney – All Groups’ as published by the ABS available at the time that the levy is to be paid, and

Base Index CPI is the Consumer Price Index for ‘Sydney – All Groups’ as published by the ABS at the date of adoption of this plan, the value of the development is accepted by the Council or the Accredited Certifier.

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

4.14 Deferral or periodic payments

Council may at its discretion where the circumstances of a particular case warrant it, permit the payment of contributions under this Plan by deferred or periodic payment. Accredited Certifiers other than the Council cannot authorise deferred or periodic payments.
4.14.1 Deferred or periodic payments may be permitted in the following circumstances:

(a) 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; or

(b) In other circumstances considered reasonable by council.

4.14.2 If Council does decide to accept deferred or periodic payment, Council may require the applicant to provide an unconditional 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 an Australian bank (or any other bank as otherwise accepted by Council at its complete discretion) for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months simple interest plus at the Reserve Bank’s Policy interest Rate (Target Cash Rate) plus 1%, as at the date of Council’s approval of the deferred payment any charges associated with establishing or operating the bank security;

(b) The bank guarantees provides for the bank to unconditionally pay 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 must pay the guaranteed sum to Council 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;

(d) The bank's obligations are discharged when payment to Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required; and

(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 are paid.

4.15 Alternatives to payment

If an applicant does not wish to pay a levy in connection with the carrying out of development, the applicant may offer to enter into a Voluntary Planning Agreement.
(VPA) with the Council under Section 93F of the EP & A Act in connection with the making of a development application.

The developer may offer to pay monetary amount, dedicate land, carry out works, or provide other material public benefits for public purposes. The applicant’s provision under a planning agreement may be additional to or instead of paying a levy in accordance with a condition of development consent authorised by this Plan. This will be a matter for negotiation with the Council.

Accredited Certifiers cannot agree to, or enter into a VPA on Council’s behalf. A VPA must between the Council and developer/s and/or the land owner of the subject site of the development, as the case maybe.

It is at Council’s absolute discretion whether it decides to enter into a VPA. Where Council decides not to enter into a VPA the levies normally applicable under this Plan will apply to the development consent.

Where a section 94A levy is payable under this Plan, Council will consider varying this requirement in the following circumstances:

(a) Where Council agrees to negotiate a Planning Agreement with the applicant and where that agreement is successfully completed;

(b) Where Council agrees to the preparation of a site specific section 94 contributions plan to apply to the development application that would otherwise be subject to a levy under this Plan and where that plan is successfully completed; or

(c) Where the applicant offers to carry out of works in kind, or a material public benefit in lieu of some, or all, of the Section 94A levy. If Council agrees to the applicant’s offer, a condition will be included in the consent for the development requiring payment of the agreed works in kind or public benefit. If Council does not agree then the requirement for payment of the Section 94A levy will stand.

Applicants should refer to the Georges River Council Policy on Planning Agreements, which has been prepared having regard to the Practice Note on Planning Agreements.
4.16 Definitions

In this Plan unless the context or subject matter otherwise indicates or requires:

ABS means Australian Bureau of Statistics

Council means Georges River Council

EP & A Act means the Environmental Planning and Assessment Act 1979

EP & A Regulation means the Environmental Planning and Assessment Regulation 2000.

Levy means a levy under section 94A of the Act authorised by this Plan

LGA means local government area for Georges River Council

Minister means the Minister administering the Environmental Planning and Assessment Act 1979

Public facility means a public amenity or public service

Staging in Table 1 means

Short term 1-2 years
Medium term 3-4 years
Long term 5-10 years
Ongoing, continuing works

Social Housing Provider has the same meaning as Social Housing Provider under the State Environmental Planning Policy for Seniors or People with a Disability 2004
APPENDICES

Appendix A. Community Infrastructure Location Map
Appendix B. Land Application Map
Appendix C. Procedure to Determine the Cost of the Development

A development application or application for a complying development certificate must be accompanied by an estimate of the cost of development prepared in accordance with clause 25J of the EP & A Regulation. The following should be provided at the time of lodgement:

- A Cost Summary Report for works with a value no greater than $750,000.
- A Quantity Surveyor’s Detailed Cost Report prepared by a registered Quantity Surveyor for works with a value greater than $750,000.

Templates for the Cost Summary Report and the Quantity Surveyor’s Detailed Cost Report are provided in Schedule A and B.

Council may review the cost of the development provided 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.

To avoid doubt, section 25J of the EP & A Regulation sets out the process for determining the cost of the development as is detailed below.

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:

   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.

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:

   a. the cost of the land on which the development is to be carried out,
(b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,

(c) the costs associated with marketing or financing the development (including interest on any loans),

(d) the costs associated with legal work carried out or to be carried out in connection with the development,

(e) project management costs associated with the development,

(f) the cost of building insurance in respect of the development,

(g) 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),

(h) the costs of commercial stock inventory,

(i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,

(j) the costs of enabling access by disabled persons in respect of the development,

(k) the costs of energy and water efficiency measures associated with the development,

(l) the cost of any development that is provided as affordable housing,

(m) the costs of any development that is the adaptive reuse of a heritage item.

(4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.

(5) To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.
Appendix D. Standard Section 94A Condition for Complying Development

In accordance with section 94EC(1) of the Environmental Planning and Assessment Act 1979 and Clause 4.9 of this plan, accredited certifiers must impose the following condition on complying development certificates where a contribution is required in accordance with this plan.

Pursuant to section 94EC of the Environmental Planning and Assessment Act 1979, and Georges River Council Section 94A Contributions Plan, a levy of $####(1) must be paid to Georges River Council towards the cost of works as outlined in the contribution plan. This levy was calculated as a percentage of the proposed cost of development that was determined to be $####(2). This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Section 94A Development Contributions Plan. The amount payable will be indexed on 1 July each year in accordance with the Contribution Plan.

Payment must be made to Council before the commencement of construction or works approved by the Complying Development Certificate.

The Contributions Plan is available on Council’s website at www.georgesriver.nsw.gov.au

Notes:

(1) Insert the levy amount using the calculation methodology outlined in Clause 4.11 of this Plan.

(2) Insert the proposed cost of development using the approach described in Appendix C of this Plan.
Appendix E. Schedule A – Cost Summary Report
Appendix F. Schedule B - Detailed Cost Report