

Section 7.12 Fixed Development Consent Levy Contributions Plan 2018

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Adopted 22 May 2018

In brief:

Cootamundra-Gundagai Regional Council collects a standardised levy on development. Unlike contributions collected under a Section 7.11 Plan, there is no requirement for nexus to be established between the development section 7.12 is levied against and object of the expenditure of that levy. Cootamundra-Gundagai Regional Council expends money levied under section 7.12 on value add projects which have whole of community benefit such as regional parks, recreation facilities, village centres and transport network expansion and improvement. Projects are prioritised and funded as money becomes available, meaning that there are always projects being funded by section 7.12 in Cootamundra-Gundagai Local Government Area.

Part 1

Administration & Operation

1.1. Name of Plan:

This Plan is called *Cootamundra-Gundagai Regional Council Section 7.12 Fixed Development Consent Levy Contributions Plan 2018*.

1.2. Commencement

This Plan commences 1 July 2018 and rescinds the previous Section 7.12 (94A) Contributions Plans of former Gundagai and Cootamundra Shires (the *Gundagai Shire Council Section 94 Development Generating Heavy Vehicle Usage of Local Roads* remains in force).

1.3. Purpose of Plan

- 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 1.9. of this Plan;
- To require a certifying authority to impose, as a condition of issuing a complying development certificate, a requirement that the applicant pay to Council a levy determined in accordance with this Plan; and
- To govern the application of money paid to the Council under a condition by this Plan.

1.4. Section 7.12 of the Environmental Planning and Assessment Act 1979

(1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.

(2) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 7.11, should such a plan exist.

(2A) A consent authority cannot impose a condition under this section in relation to development on land within a special contributions area without the approval of:

- (a) the Minister, or
- (b) a development corporation designated by the Minister to give approvals under this subsection.

(3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.

(4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.

(5) The regulations may make provision for or with respect to levies under this section, including:

- (a) the means by which the proposed cost of carrying out development is to be estimated or determined, and
- (b) the maximum percentage of a levy

1.5. Land to which this Plan Applies

This Plan applies to all land within the Cootamundra-Gundagai Regional Council Local Government Area.

1.6. Development to which this Plan Applies

This Plan applies to development on land to which this Plan applies that requires development consent or a complying development certificate under the Act except:

- Development, other than the subdivision of land, where a condition under 7.11 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out and the purpose for which that condition was imposed is a purpose towards which a levy under this Plan may be applied; or
- Development involving alterations and additions to, or the rebuilding of, a building used for residential purposes or a building that is used for a purpose that is ancillary or incidental to such a purpose, unless the development involves an enlargement, expansion or intensification of the use of the building or the land on which the building is, or is proposed to be, situated.

1.7. Definitions

ABS – meaning the Australian Bureau of Statistics.

Act – meaning the *Environmental Planning & Assessment Act 1979*.

Council – meaning Cootamundra-Gundagai Regional Council.

Development Contribution – meaning a development contribution required to be paid by a condition of development consent imposed pursuant to part 7, division 7.1, subdivision 3 of the Act.

Minister – meaning the minister administering the Act.

Public Facility – meaning a public amenity or public service.

Regulation – means the *Environmental Planning and Assessment Regulation 2000*.

1.8. Relationship to Other Contributions Plans

Contributions levied under this Plan are applied to land which has not previously been levied under a Section 7.11 Plan.

The adoption of this Plan by Cootamundra-Gundagai Regional Council rescinds *Gundagai Shire Council S.94A Development Contributions Plan 2006* and *Cootamundra Contributions Plan for Other Development*.

1.9. Payment of Levy as a Condition of Consent

Subject to any change to the Act or direction by the Minister, this Plan authorises Cootamundra-Gundagai Regional Council or the consent authority to levy development in accordance with the parameters of this plan through condition of consent according to the below rates:

Proposed Cost of the Development	Maximum Percentage of the Levy
Up to \$100,000	Nil
\$100,001-\$200,000	0.5 Percent
\$200,001 +	1 Percent

1.10. Determination of the Proposed Cost of Development

In accordance with Clause 25J of the Regulation:

(1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 7.12 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.

(3) 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.

1.11. Indexation of Contribution

In accordance with Clause 25J of the Regulation:

- (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.

The formulae governing indexation of the proposed cost of carrying out development is:

$$IDC = ODC \times \frac{CP2}{CP1}$$

IDC= the indexed development cost

ODC= the original development cost determined by the Council

CP2= is the Consumer Price Index, All Groups Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment.

CP1= is the Consumer Price Index, All Groups Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of the consent.

1.12. Cost Estimate Report

A development application or an application for a complying development certificate is to be accompanied by a report, prepared at the applicant's cost in accordance with this clause, setting out an estimate of the proposed cost of carrying out the development for the purposes of clause 25J of the Regulation.

The following report is required:

- Where the estimate of the proposed cost of carrying out the development is greater than \$100,000, a cost estimate report in the form of Schedule 2.

1.13. Who may provide a Report in Accordance with Clause 1.12. of this Plan?

For the purpose of clause 25J(2) of the Regulation, a person who, in the opinion of the Council either generally or in a particular case, is suitably qualified to provide an estimate of the proposed cost of carrying out development may do so for the purposes of the report referred to in Clause 1.11. Council encourages the use of an Quantity Surveyor or industry recognised building cost indicators in the preparation of estimates for the purpose of clause 25J(2) of the Regulation. Building cost indicators are to be recognised by the Australian Institute of Building and include, but is not limited to, Reed Construction Data Publications.

The Council may, at the applicant's cost, engage a person to review a report submitted by the applicant in accordance with clause 12.

1.14. Application of Funds Collected

Money paid to Council under a condition authorised by this Plan is to be applied by the Council towards meeting the cost of one or more of the public facilities that will be or have been provided within the area as listed in schedule 1. The locations of those facilities are shown on the map included in schedule 1.

1.15. Project Priorities

Subject to section 7.3 of the Act and clause 14 of this Plan, the projects listed in Schedule 1 are to be provided in accordance with the staging set out in that Schedule.

1.16. Pooling of Funds

This Plan authorises money paid in accordance with the condition of development consent imposed under this Plan, to be pooled in accordance with section 7.3 of the Act in respect of development within Council's area and applied progressively towards the various purposes for which such conditions were imposed.

1.17. Obligation of Certifying Authorities

Pursuant to 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 is satisfied of compliance with any condition requiring the payment of a levy before work is carried out in accordance with the consent.

The certifying authority must cause the applicant's receipt for payment of the levy to be provided to Cootamundra-Gundagai Regional Council at the same time as the other documents required to be provided under clause 142(2) of the Regulation.

1.18. When is the Contribution Payable?

The contribution, or levy, is required to be paid as per the specifications of the condition which required the contribution be payable. If no time is specified, the levy must be paid prior to the first certificate issued in respect of the development under Part 4 of the Act.

1.19. Deferred or Periodic Payments.

Like other NSW Local Governments, Cootamundra-Gundagai Regional Council does not allow for deferred, periodic or discounted payments of any contribution authorised under this Plan.

1.20. Alternatives to Paying the Levy.

Council can accept offers of Works in Kind or Material Public Benefit in lieu of monetary contribution required as a condition of consent.

Part 2

Expected Development & Facilities Demand

As the a large agricultural community on a number of major logistical routes, Cootamundra-Gundagai Local Government area has a broad spectrum of development occurring from intensive agriculture to cafes. As the Plan authorises Council to collect a levy against all development involving intensification¹ most development will be expected to pay Council a contribution under this Plan in accordance with the rates established in clause 1.9.

Money levied, will then be put towards the provision, intensification or augmentation of community facilities. These facilities are listed as Projects in Schedule 1 of this Plan. With a continued projected growth rate of approximately 0.26% per year² and historic development rates³, annual revenue from this Plan in accordance with the rates established in clause 1.9. is expected to be \$100,000.

As such this Plan is expected to have a life of ten years from adoption.

Projects funded under this Plan are seen as value adding to the already high amenity and liveability of Cootamundra-Gundagai Regional Council; contributing to the goal of Cootamundra-Gundagai being a destination area for lifestyle, tourism and innovation.

¹ Aside from development which has already paid a contribution under a previous development contributions plan, there are exempt developments upon which this levy is not applied as outlined in clause 1.10. of this Plan.

² ABS data 2011-2016.

³ Based on annual average revenue of previous contributions plans.

Schedule 1

Works Schedule

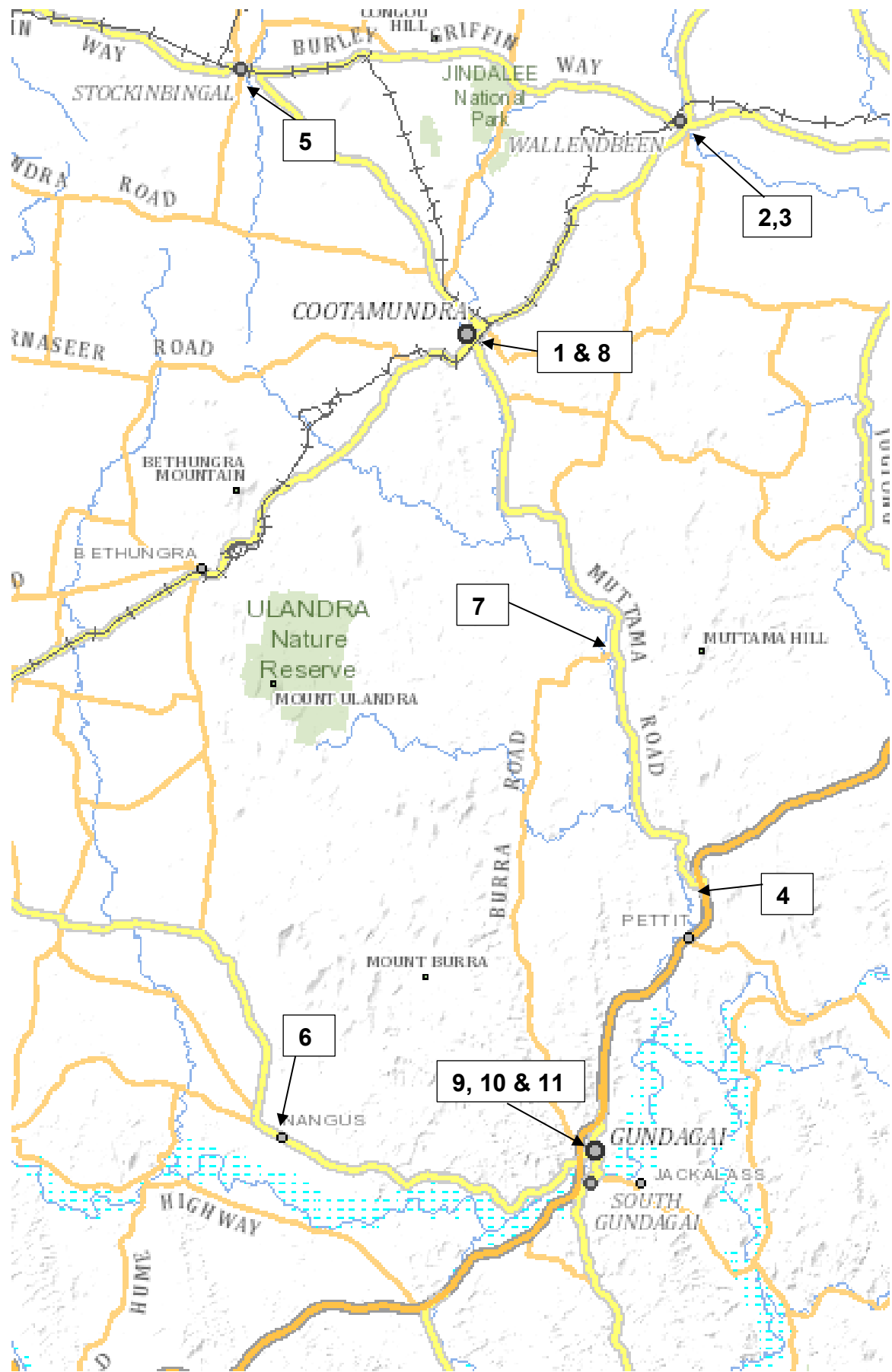
A. Completed works for which contributions will be recouped:

Map Reference	Description	Estimated Cost	S94A Contribution	Delivery
1	Cootamundra Pool	\$1,140,000	\$300,000	\$50,000 p.a.
Total		\$1,140,000	\$300,000	

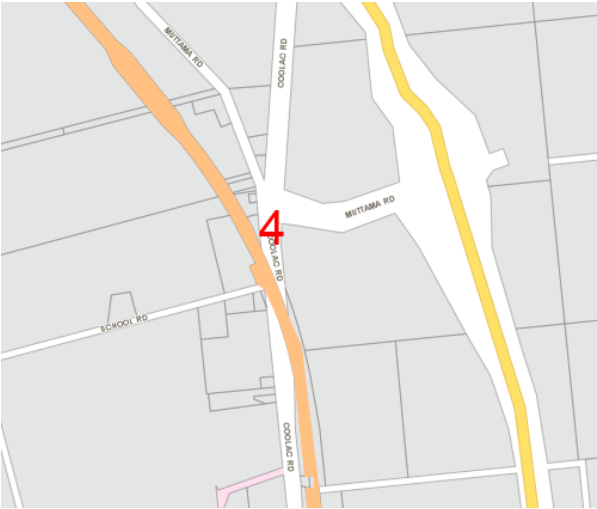
B. New works to be funded:

Map Reference	Description	Estimated Cost	S94A Contribution	Delivery
2	Wallendbeen Silo Art	\$70,000	\$70,000	2019/20
3	Wallendbeen Village Centre & Rest Area Connection	\$150,000	\$100,000	2019-2021
4	Coolac Art Trail	\$50,000	\$50,000	2020/21
5	Seating & Landscaping at King George V Park (Stockinbingal)	\$10,000	\$10,000	2023/24
6	Nangus Art Installation (eastern side)	\$10,000	\$10,000	2025/26
7	Muttama Community Notice & History Boards	\$2,000	\$2,000	2026/27
8	Boundary Road Subdivision Playground	\$250,000	\$150,000	2022/23
9	Yarri Park Toilets Upgrade	\$120,000	\$120,000	2024/25
10	Old Gundagai Town Site	\$200,000	\$200,000	2021-2028
11	Cycleway Implementation (Gundagai)	\$80,000	\$80,000	2020-2028
Total		\$942,000	\$792,000	

Work Item Locations:



Coolac



Muttama



Nangus



Cootamundra



Stockinbingal



Gundagai



Wallendbeen



Schedule 2

Detailed Works Description

Completed Works – Recoupment:

1 Cootamundra Municipal Olympic Swimming Pool Upgrade

The Cootamundra Pool was upgraded with new change rooms, kiosk and office. An enclosed heated pool was added which offers the ability to operate as a year round pool.

New Works:

2 Wallendbeen Silo Art

The grain silos at Wallendbeen are an impressive feature of the Wallendbeen landscape, their size and location is testament to the fact that this village is the best dryland wheat growing area in NSW and that the village was a major grain handling point. Wallendbeen also has a proud military history. The Villages Strategy 2018 identified the Wallendbeen silos as an opportunity to enhance through a black and white/sepia mural to bring people into the King Street precinct, to celebrate military history, but also to draw attention to the silos.

3 Wallendbeen Village Centre & Rest Area Connection

Connection between the Wallendbeen Village and the rest area alongside the Olympic Highway is hindered by Burley Griffin Way and limits visitors to the rest area from venturing into the village and from villagers to walk or cycle to collect their mail (in vicinity of the rest area). A 1km shared path from King Street along Hoskins Street and then via Barry Grace Oval to the rest area will improve mobility and adds to accessibility to new fitness facilities in Barry Grace Oval.

4 Coolac Art Trail

An art trail along Coolac Road and/or railway corridor is listed as a project following community consultation for the Coolac Village Strategy. Coolac has a strong connection to the arts, being the birthplace of the Bald Archies and the Coolac Festival of Fun lends itself to an interactive, art trail experience. It is expected that the art trail will be an ongoing project with various sculptures, murals, models, etc added to the trail over the years. Major pieces will be funded where possible. This piece, for delivery in 2020/21 would be considered a major piece.

5 Seating & Landscaping at King George V Park (Stockinbingal)

Usage of King George V Park has increased since the installation of the Stockinbingal War Memorial in 2017 and subsequent playground expansion funded through Stronger Country Communities Round One 2017/18. However, the introduction of the War Memorial has led to dead space in the park between the memorial and the playground. Because of this and to increase usability of the park, it was suggested in the Stockinbingal Village Strategy that landscaping and seating would increase the usability of the park and create a delineation area between the memorial and the playground.

6 Nangus Art Installation (eastern end of Kimo Street)

Clear entry and exit points to Nangus village were raised during consultation for the Nangus Village Strategy. Additionally having points of interest, or reasons for people to stop were seen as desirable. Working with limited space in the road reserve, it has been proposed that two installations be placed at Nangus. One on the eastern end of Kimo Street and one of the western end just before the creek crossing. It is expected that the art works will be thematically linked to Nangus and the agricultural history of the area.

7 Muttama Community Notice & History Boards

As noted in the Rural Community Strategy, Muttama was once a thriving town of over 1,300 due to the gold rush and mining activities undertaken at Muttama Reef. While Muttama is a rural community these days, the history of the area is something most visitors would be unaware of. Additionally, the Muttama community felt that they required a community noticeboard. This project is the combination of both of these needs, with a dedicated board graphically and textually telling Muttama's history and a weather proof board to display local news. It is proposed that these boards be placed to the front of Muttama Hall.

8 Boundary Road Subdivision Playground

Strategic planning of undeveloped residential land in Cootamundra has highlighted that the proposed subdivision along Boundary Road will require recreational open space. This affords the opportunity to create a larger park which will be collocated with neighbourhood shops and other community facilities.

9 Yarri Park Toilets Upgrade

Yarri Park is a popular local park in Gundagai. To improve usability and increase the longevity of people's stay, it is proposed that the toilets be upgraded to cater for males, females, disabled and have changing facilities.

10 Old Gundagai Town Site

The Old Gundagai Town Site is largely disused and bypassed by most tourists who come to view and interact with the historic trestle bridges of Gundagai. To improve usage of the site and increase visitor numbers, activation of the Old Gundagai Town Site which was largely destroyed by the floods in 1852 and 1853 is proposed through pathways and signage.

11 Cycleway Implementation

Gundagai Town has a cycleway plan which has been implemented continuously over the past 10 years, this project would be the continuing implementation of that plan to promote recreational activity, increase mobility and encourage people to walk and cycle around the town.