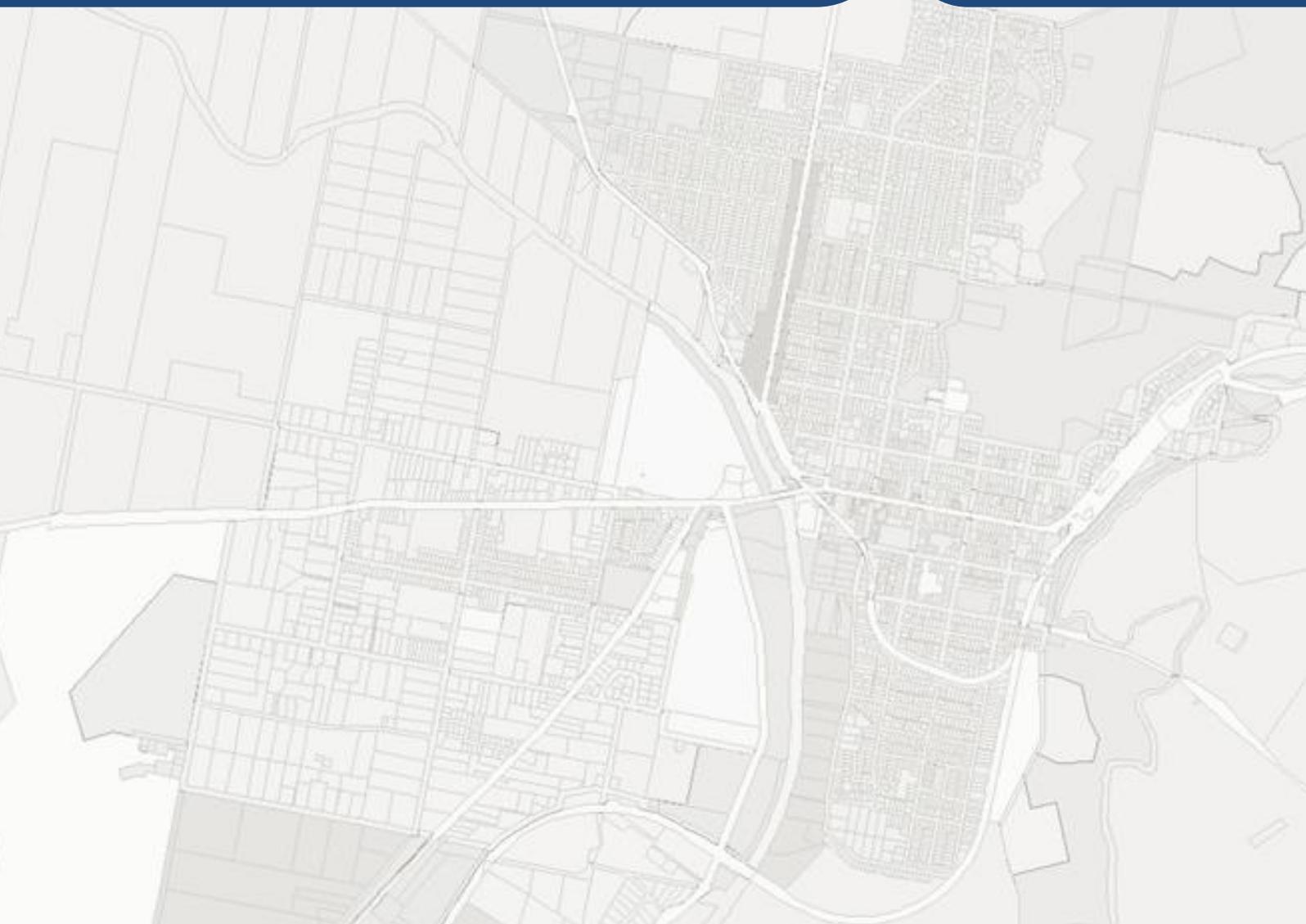


Cowra
S94 Contributions Plan 2016

S94



Cowra Section 94 Contributions Plan 2016

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1.1. Background

Section 94 of the Environmental Planning and Assessment Act 1979 (the Act) provides Council the means to levy contributions towards the cost of public facilities and services to meet the increased demand created by development.

Contributions may be in the form of cash payments, transfer or dedication of land to Council, or the provision of a Material Public Benefit or Works in Kind.

For Council to levy contributions under Section 94 there must be a clear nexus between the proposed development and the need for the public service or amenity for which the levy is being required as detailed in the provisions of this Plan.

1.2. Future Development

Cowra Township is the main service centre for the Cowra LGA. Population projections produced for Council estimate a population of 12,730 residents in 2026. New residential development will be developed to cater for the future population of the LGA. The increased population stemming from this new development will result in the need for new and/or augmented infrastructure and services.

This Plan levies contributions based on demand for facilities generated by new development, calculated on the basis of population growth / industrial growth.

Much of the development of new dwellings will be focused on three localities, known as the Cowra Contribution Areas, which are:

- Area 1.** North Cowra R1 zoned land.
- Area 2.** Yarrabilly R1 & R5 zones Urban Release Area.
- Area 3.** Campbell Street R1 Zone Urban Release Area.
- Area 4.** East Cowra R5 zoned land.
- Area 5.** West Cowra R5 zoned land.
- Area 6.** Glen Logan Road IN1 zone Urban Release Area.

Note: Additional contributions may be required for the Yarrabilly (Area 2) and Campbell Street (Area 3) contributions areas, for which full development details are not yet

available. Any changes to contribution rates will require a review and amendment of this Plan at the appropriate time.

Where the need for infrastructure only arises as a result of new development and the future residential growth of an area, the cost of such infrastructure is apportioned to the new population. Where the need for infrastructure only arises as a result of new industrial development, the cost of such infrastructure is apportioned to the land on a per square metre basis.

1.3. Structure of the Plan

This Plan is arranged into a summary and 6 key sections as detailed below:

Section 2	Summary of contribution rates for the Cowra Contributions Areas.
Section 3	Introduction: outlines the purpose and area to which the Plan applies.
Section 4	Operation of the Plan: describes the way in which the Plan applies and the timing of payments.
Section 5	Administration of the Plan: describes the management and administration of the Plan.
Section 6	Strategy Plans: provides the details of each category of public services and amenities in the Plan, including details of the nexus, catchments, standards of provision required, what will be provided and when, apportionment, and calculation of contributions.
Sections 7, 8, 9, 10	Supporting Documentation: Information which supports the contents of the Plan, including key demographic data and works schedules.

1.4. Services and Amenities

The facilities for which Council will require development contributions from the Cowra Contributions Area include the following:

- Open space, recreational, and sporting facilities.
- Community facilities;
- Transport infrastructure;

New development will also generate the need for planning, administration and management activities associated with this Contributions Plan. Council will review and update this Plan as necessary.

1.5. Summary of Contributions Rates

A summary of Development Contribution rates for the Cowra Contributions Area is included in Section 2.0

2.1. Contribution Area 1 - North Cowra R1 Zoned Land

Contribution Type	Per Person	One Bedroom Dwelling	Two Bedroom Dwelling	Three Bedroom (+) Dwelling / Lot
Open Space Recreational Sporting Facilities	\$611.61	\$917.42	\$1,223.23	\$1,651.36
Civic & Community Facilities	\$487.43	\$731.14	\$974.86	\$1,316.06
Transport Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Plan Management Administration	\$56.62	\$84.93	\$113.23	\$152.87
TOTAL	\$1,155.66	\$1,733.49	\$2,311.32	\$3,120.28

2.2. Contribution Area 2 – Yarrabilly R1 & R5 Zones Urban Release Area

Contribution Type	Per Person	One Bedroom Dwelling	Two Bedroom Dwelling	Three Bedroom (+) Dwelling / Lot
Open Space Recreational Sporting Facilities	\$611.61	\$917.42	\$1,223.23	\$1,651.36
Civic & Community Facilities	\$487.43	\$731.14	\$974.86	\$1,316.06
Transport Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Plan Management Administration	\$56.62	\$84.93	\$113.23	\$152.87
TOTAL	\$1,155.66	\$1,733.49	\$2,311.32	\$3,120.28

2.3. Contribution Area 3 – Campbell Street R1 Zone Urban Release Area

Contribution Type	Per Person	One Bedroom Dwelling	Two Bedroom Dwelling	Three Bedroom (+) Dwelling / Lot
Open Space Recreational Sporting Facilities	\$611.61	\$917.42	\$1,223.23	\$1,651.36
Civic & Community Facilities	\$487.43	\$731.14	\$974.86	\$1,316.06
Transport Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Plan Management Administration	\$56.62	\$84.93	\$113.23	\$152.87
TOTAL	\$1,155.66	\$1,733.49	\$2,311.32	\$3,120.28

2.0

contribution rates

2.4. Contribution Area 4 - East Cowra R5 Zoned Land

Contribution Type	Per Person	One Bedroom Dwelling	Two Bedroom Dwelling	Three Bedroom (+) Dwelling / Lot
Open Space Recreational Sporting Facilities	\$301.61	\$452.42	\$603.23	\$814.36
Civic & Community Facilities	\$487.43	\$731.14	\$974.86	\$1,316.06
Transport Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Plan Management Administration	\$56.62	\$84.93	\$113.23	\$152.87
TOTAL	\$845.66	\$1,268.49	\$1,691.32	\$2,283.28

2.5. Contribution Area 5 - West Cowra R5 Zoned Land

Contribution Type	Per Person	One Bedroom Dwelling	Two Bedroom Dwelling	Three Bedroom (+) Dwelling / Lot
Open Space Recreational Sporting Facilities	\$301.61	\$452.42	\$603.23	\$814.36
Civic & Community Facilities	\$487.43	\$731.14	\$974.86	\$1,316.06
Transport Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Plan Management Administration	\$56.62	\$84.93	\$113.23	\$152.87
TOTAL	\$845.66	\$1,268.49	\$1,691.32	\$2,283.28

2.6. Contribution Area 6 – Glen Logan Road IN1 Zone Urban Release Area

Contribution Type	Per square metre site area
Transport Infrastructure	\$0.62
Plan Administration	\$0.006
TOTAL	\$0.626

3.1. Name of the Plan

This Plan is referred to as the Cowra Section 94 Contributions Plan 2016.

This Contributions Plan has been prepared in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979, as amended, the Environmental Planning and Assessment Regulation 2000, the Department of Planning and Infrastructure’s Development Contributions Practice Notes, 2005 and relevant Ministerial Directions and Department of Planning and Environment Circulars and Guidelines.

3.2. Commencement of Plan

This Contributions Plan takes effect on 6 May 2016. Rezoning applications (for the purposes of Planning Agreements), development applications and applications for complying development certificates determined on or after this date will be subject to the provisions of this Plan.

3.3. Purpose of the Plan

The primary purpose of this Plan is to authorise the levying of contributions that will assist Council to provide public services and amenities to meet the needs of increased population as a result of proposed development.

This Plan enables Council to require a contribution from development towards the provision, extension or augmentation of public services and public amenities that will, or are likely to be, required as a consequence of new development.

The contribution may involve the dedication of land free of cost, or the payment of a monetary contribution, or both.

Other purposes of this Plan are to:

- Provide an overall strategy for the coordinated delivery of public facilities and infrastructure consistent with Council’s strategic plans and management plan;
- Provide a comprehensive strategy and administrative framework for the assessment, collection, expenditure, accounting and review of developer contributions towards the equitable provision of public services and amenities;

- Identify the additional services and amenities required to meet the demands of the arising from new development;
- Provide an adequate level of public services and amenities to meet demand arising from development within a reasonable time, as development occurs, and at a reasonable cost, without unduly impacting on the affordability of the proposed development;
- Ensure that the development contributions are based on reasonable estimates of cost;
- Ensure that the existing community is not unduly burdened by the provision of public services and amenities which are needed (either partly or fully) as a result of ongoing development in the Cowra LGA, and that there is a reasonable apportionment of cost between existing demand and new demand for public infrastructure provided by Council, and
- Ensure that contributions are fair and reasonable.

3.4. Area to Which the Plan Applies

This Plan applies to the following land:

Area 1.	North Cowra R1 zoned land, as shown in Appendix 5.
Area 2.	Yarrabilly R1 & R5 zoned land, as shown in Appendix 6.
Area 3.	Campbell Street R1 zoned land, as shown in Appendix 7
Area 4.	East Cowra R5 zoned land, as shown in Appendix 8.
Area 5.	West Cowra R5 zoned land, as shown in Appendix 9.
Area 6.	Glen Logan Road IN1 zone Urban Release Area, as shown in Appendix 10.

Note: Additional contributions may be required for the Yarrabilly (Area 2) and Campbell Street (Area 3) contributions areas, for which full development details are not yet available. Any changes to contribution rates will require a review and amendment of this Plan at the appropriate time.

Different contribution rates apply to each of these areas because of the differences in public services and amenities required as a result of the development of these areas.

The balance of Cowra LGA is not included in this Plan.

3.5. Types of Development to which this Plan applies

This Plan applies to new residential and industrial development. This includes residential dwelling development as well as the subdivision of land into lots capable of accommodating new dwelling houses and industrial developments under Cowra Local Environmental Plan 2012.

Note: “development” referred to in this clause has the same meaning as shown in section 4 the Environmental Planning and Assessment Act 1979.

Where a development contribution has been paid at the time of subdivision in accordance with the provisions of this Plan, further contributions will not be required, unless subsequent construction works increase the intensity of use.

3.6. Seniors Living and Housing for People with a Disability

All new development, including housing for seniors and people with disabilities, intensifies the use of the existing public services and amenities and adds incrementally to the demand for these public amenities and services. Older people and people with disabilities enjoy the current level of provision of open space and are one of the major users of parkland areas.

Many older people and people with a disability also use public libraries or attend gatherings, functions and meetings in Council facilities.

Further development of any sort within the catchment areas to which the Plan applies will increase demand on transport infrastructure.

It is therefore reasonable for Council to levy contributions on all development within the area, including housing built under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004).

Council may consider an application to discount or exempt such development from contributions. Applicants seeking Council’s acceptance of such an arrangement must be able to demonstrate to the satisfaction of Council there are onsite facilities sufficient to reduce the demand for offsite public services or amenities which would be funded through the provisions of this Plan. Council will consider the merits of the application, including the potential social and financial implications, and the ability of the proposed facilities to meet the demand of the incoming residents. The applicant seeking such an arrangement must apply to Council in writing, including full details and plans for the facilities to be provided. The acceptance of an application will be at Council’s absolute discretion.

3.7. Other development not specified in the Plan

This Plan levies contributions predominantly for residential and industrial development in the Cowra Contribution Areas. There may however be other types of development not specified in this Plan that generate a need for new or augmented public services and amenities. In such instances the applicant may be requested to prepare a needs analysis for the development to determine the development contribution requirements. Council will work with the developer to have those requirements addressed to its satisfaction - for example, by way of amended DA plans or negotiation of a Planning Agreement.

3.8. Relationship to other Plans and Policies

This Plan supersedes the Cowra Section 94 Contributions Plan 2006 and the Cowra Section 94A contributions Plan 2006 as relevant.

Unspent contributions raised and paid under the authority of the previous Section 94 Contributions Plan will be continued to be directed towards the respective facilities and infrastructure described in the Work Schedule of that Plan.

Where items from the previous Section 94 Contributions Plan have continued in the Cowra Section 94 Plan 2016 Plan those funds have been transferred to that Plan.

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introduction



This Plan complements the Cowra Section 94A Plan 2016. Development to which this Plan applies is not to be levied contributions under the Section 94A Plan 2016.

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operation of the plan

4.1. Method of Operation - Authorisation

In determining a development application or issuing a complying development certificate to which this Plan applies, this Plan authorises the Council to impose a condition of consent requiring the payment of a monetary contribution.

Contributions may be in the form of cash payments, transfer or dedication of land to Council, or the provision of a Material Public Benefit or Works in Kind.

Prior to the issue of a Complying Development Certificate for development to which this Plan applies, the issuer of the certificate must impose a condition pursuant to this Plan if such condition may be imposed. In accordance with Section 94EC of the Environmental Planning and Assessment Act this Plan:

“(b) Can only authorise the imposition by an accredited certifier of a condition under Section 94 that requires the payment of a monetary contribution,”

Complying Development Certificates must be assessed and issued by Council if the developer wishes Council to consider land dedication, material public benefits or works-in-kind.

4.2. Types of Contributions

There are a number of alternative methods which can be used to pay or settle the Section 94 developer contributions. These are as follows:

- Monetary contribution;
- Dedication of land;
- Material Public Benefit, or
- Works in Kind.

Where a developer negotiates a material public benefit (for works not in the works schedule), works in kind (for items included in the works schedule), or the dedication of land, in lieu of paying in full or paying a part of the monetary contribution required under this Plan, the applicant must still pay Council’s reasonable costs for the management of the Plan (plan management and administration contributions).

The Act also provides the ability for the Council to consider entering into a Planning Agreement (PA) as part of a

development application or when rezoning land. Public amenities and services delivered through a PA may be in addition to or instead of the payment of a monetary contribution under Section 94.

4.2.1. Monetary contribution

This Plan identifies the monetary contribution required for the provision of public services and amenities, calculated on a per person, per dwelling (variable depending on dwelling size), or per lot basis. The contribution amount payable will be included as a condition of consent on any development approval issued. Details of how and when the amount will be adjusted will be included in the consent as detailed in this Plan.

4.2.2. Dedication of land

This Plan authorises the Council to consent to the carrying out of development subject to a condition imposed under Section 94 of the Act, requiring the dedication of land free of cost to the Council.

Such a condition may be imposed where the land is reasonably required towards the provision, extension or augmentation of a public amenity or public service specified in the Works Schedule accompanying this Plan, in order to meet the demand generated by development.

Dedication of land in lieu of monetary contributions for community facilities, open space or other infrastructure described in this Plan will only be considered when Council deems that the land is in a location and has physical and servicing characteristics that make it suitable for the designated purpose.

Dedication of land will be required on an area basis in accordance with the rates in the Plan at the date of dedication. All costs of dedication are to be borne by the applicant, including but not limited to, survey, legal and administration costs.

The land is to be in a condition suitable for its intended purpose cleared of all debris, weeds and waste materials to the written satisfaction of Council. The land is to have a compliance certificate from a registered testing authority

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operation of the plan

stating that the land is free from contaminated and hazardous materials and substances.

Land to be dedicated is to be shown on the Final Plan of Subdivision that accompanies the Subdivision Certificate application, and will only come under Council care and control upon registration of the subdivision.

4.2.3. Works in Kind / Material Public Benefits

A works in kind (WIK) is the undertaking of a work or provision of a facility that is scheduled within a Contributions Plan, in lieu of the part or full payment of either a monetary contribution or the dedication of land that would normally apply. WIK are generally offered and assessed as part of the development application process. Applicants seeking Council's acceptance of a WIK arrangement should initially discuss such a proposal with Council officers to determine whether Council would agree to enter into such agreement as well as to establish Council's requirements.

A material public benefit (MPB) may be offered by the developer in part or full satisfaction of a condition requiring the payment of a monetary contribution or the dedication of land. A MPB may include the provision of work that is not scheduled within a Contributions Plan. Council may accept the provision of a MPB that is not nominated in the Works Schedule, if it can be justified why it is of equivalent or greater benefit to the community compared to what has been identified under the Plan.

Such alternative development contributions arrangements may be negotiated with the Council in connection with the carrying out of development in the following circumstances:

a) Offer made to the Council as part of a development application

If an applicant does not wish to pay a monetary Section 94 contribution in connection with the carrying out of development, the applicant may include in a development application, a proposal to carry out the works towards which a contribution or levy would otherwise have been applied.

The Council will consider the alternative arrangement as part of its assessment of the development application. If the Council agrees to the arrangement and grants consent to the

application, it will impose a condition of consent requiring the works to be carried out. If the Council does not agree to the alternative arrangement, it may grant consent subject to a condition imposed under Section 94 requiring payment of the monetary contribution.

b) Offer made to Council following the grant of development consent:

If development consent has been granted to the carrying out of development subject to a condition under Section 94 requiring payment of a monetary contribution towards the cost of public amenities and public services, the applicant may request in writing that they instead provide to the Council a material public benefit in part or full satisfaction of the requirements of the relevant condition. This application should be made in the form of a modification of the development consent to be made under section 96 of the Act.

The material public benefit may be the carrying out of work or another public benefit but not the payment of money or the dedication of land to Council free of cost.

If the Council agrees to the applicant's request, the applicant is required to comply with the alternative arrangement and is not required, in part or whole, as relevant, to comply with the conditions imposed under Section 94. If the Council declines the applicant's request, the applicant will be required to comply with the requirements of the conditions imposed under Section 94.

In either case, in deciding whether to agree to the applicant's request, the Council will have regard to the requirements of the current Practice Notes issued by the NSW Government in the Revised Development Contributions Manual (DIPNR 2005) and may consider matters such as, but not limited to, the following:

1. The need for the facility and how it achieves the outcome being sought by this Plan and the imposition of the condition;
2. The purpose and objectives of this Plan and any relevant plans or strategies;

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3. Whether the alternative will prejudice the timing or the manner of the provision of the public facility for which the contribution was required, and
4. Full details of the quantities, finishes and costings of the proposed works.

The acceptance of a WIK agreement or a MPB will be at Council's absolute discretion, and aside from any exceptional circumstances, no credits will be granted for in-kind works carried out by the developer that are in excess of the approved contribution amount. Where the value of the WIK, MPB or dedication of land is less than the value of the required contribution, the applicant will be required to settle the balance of the contribution by way of a monetary contribution and/or land dedication.

4.3. Planning Agreements

An applicant may offer to enter into a Planning Agreement with the Council in connection with a development application or a rezoning application. Provision is made for Planning Agreements under Section 93F of the Environmental Planning and Assessment Act 1979, as amended.

Under a Planning Agreement, the applicant may offer to pay money, 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, making contributions under Section 94 of the Act.

The offer to enter into a Planning Agreement, together with the draft Agreement, will generally need to accompany the relevant development or rezoning application. The Council will publicly notify the draft Agreement and explanatory note relating to the draft Agreement along with the relevant application and will consider the Agreement as part of its assessment of the relevant application. If the Council agrees to enter into the Agreement, it may impose a condition of development consent requiring the Agreement to be entered into and performed.

Council encourages the use of Planning Agreements, particularly for development:

- having a development cost in excess of \$ 1,000,000; or

- for the purposes of a mine or extractive industry and associated infrastructure development, including extensions to existing approved developments; or
- subdivisions involving 20 or more lots in any one or more stages.

4.4. Payment of the Contribution

4.4.1. Timing of Payments

The time of payment of contributions shall be as follows:

- Development applications involving subdivision only – prior to the release of the Subdivision Certificate.
- Development applications involving building work only – prior to the release of the Construction Certificate.
- Development 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 Certificate, whichever occurs first.
- Development applications where no Construction Certificate is required – prior to occupation of the premises.

Where an application is dealt with by an Accredited Certifier other than Council, the consent shall not operate unless and until the amount required by the consent under this Contributions Plan is paid to Council.

The amount of any monetary contribution to be paid will be the contribution payable at the time of consent, and depending upon the time of payment will be subject to reasonable adjustment due to movements in the Consumer Price Index and/or changes to the rates indicated within this Plan (refer to Section 4.8).

4.4.2. Deferred or Periodic Payments

Council may consider the deferred payment of contributions or payments made by periodic instalments.

A request for deferral or periodic payment must be made in writing to Council, stating the proposed length of deferral, and may only be accepted where:

- There are valid reasons for the deferral or periodic payment;

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- The deferral will not prejudice the efficiency and operation or cash flows of the Plan;
- The granting of the request for deferred payment will not jeopardise the timely provision of works or land identified within the Plan;
- A suitable bank guarantee (or equivalent security) can be, and is, provided in the event that the request is accepted by Council;
- The applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and Council and the applicant have a legally binding agreement for the provision of the works or land dedication, and
- The periodic or deferred contributions are paid, including interest, at no cost to Council.

The conditions under which Council may accept deferred payment by way of a bank guarantee are that:

- The bank guarantee is by an Australian Bank;
- indexing will be calculated from the date the contribution was due until the date of payment
- The bank guarantee is for a maximum period of twelve months;
- The amount of the bank guarantee is the sum of the total contribution or the amount of the outstanding contribution at the time of deferring payment, plus an amount equal to thirteen months interest;
- The bank unconditionally pays the guaranteed sum to Council if Council so demands in writing, no 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;
- The bank's obligations are discharged when payment to the Council is made in accordance with the approved bank guarantee or when Council notifies the bank in writing that the guarantee is no longer required, and
- Council's registration and release of bank guarantee fee is paid.

Any outstanding component of the contribution shall be indexed quarterly in accordance with the Consumer Price Index movements. Indexing will be calculated from the date the contribution was due until the date of payment.

The conditions under which Council may accept periodic payment for a staged development are:

- That the instalments are paid before the work commences on each relevant stage of the development, and
- The amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the demand for the relevant facility being levied by the overall development, including CPI if required.

4.5. Complying Development

Accredited Certifiers must impose a condition requiring monetary contributions in accordance with this Plan, in accordance with Section 94 of the Environmental Planning and Assessment Act. The amount of the contribution is to be determined in accordance with the formulas contained in the Plan and the current contribution rates. The conditions imposed must be consistent with Council's standard Section 94 consent conditions and be in accordance with this Plan. It is the responsibility of accredited certifiers to correctly calculate the contribution and apply the Section 94 contribution.

4.6. Construction Certificates

In accordance with Clause 146 of the Environmental Planning and Assessment Regulation, a certifying authority must not issue a construction certificate for building work or subdivision works under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular the certifier must ensure that the applicant provides a receipt(s) 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 Environmental Planning and Assessment Regulation. Failure to follow this procedure may render such a certificate invalid.

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The only exception to this requirement is where works in kind, material public benefit, dedication of land or deferred arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

4.7. Goods and Services Tax

Monetary Section 94 development contributions are exempt from the Federal Government Goods and Services Tax (GST).

4.8. Adjusting Contribution Rates

To ensure that the value of contributions are not eroded over time by movements in the Consumer Price Index, land value increases, the capital costs of construction of facilities and administration of the plan or through changes in the costs of studies to support the Plan, the Council will index the contribution rates indicated in this Plan, on a yearly basis. This Plan authorises Council to undertake these indexed based changes without the necessity of preparing a new or amending contributions plan.

The contribution rates will be reviewed and subsequently indexed by reference to the Construction costs by the Consumer Price Index (All Groups – Sydney) as published quarterly by the Australian Bureau of Statistics.

In accordance with Clause 32(3)(b) of the Environmental Planning and Assessment Regulations, the following sets out the means by which Council will index contribution rates that are set out in this Plan:

For changes to the Consumer Price Index (Sydney All Groups), the contributions will be reviewed quarterly in accordance with the following formula:

$$\text{New Contribution Rate} = \frac{C \times \text{CPI 2}}{\text{CPI 1}}$$

where:

- C is the initial contribution rate at the time of adoption of the Plan, expressed in dollars
- CPI 2 is the Consumer Price Index Number (Sydney All Groups) available at the time of the review
- CPI 1 is the Consumer Price Index Number (Sydney All Groups) at the date of adoption of the Plan, or its subsequent amendment

4.8.1. Adjusting Contributions at the Time of Payment

Contributions required as a condition of development consent will be adjusted at the time of payment using the following formula.

Contribution amounts will initially be calculated and regularly updated in accordance with the terms of Clause 4.8 at the time development consent is granted. The contributions amounts included in a development consent are to be adjusted at the date of payment on the basis of the contribution rates that are applicable at the time of the payment, and not at the date of the approval of the development.

Adjustments to the contributions amount in a consent will be made in the following manner:

$$CP = \frac{CDC + (CDC \times (CRP - CRC))}{CRC}$$

Where:

- CP is the amount of the contribution calculated at the time of payment;
- CDC is the amount of the original contribution as set out in the development consent.
- CRP is the contribution rate at the time of payment
- CRC is the contribution rate at the time of the original consent

The current contribution rates are published by Council and are available from Council Offices.

4.9. Reassessment of Contributions

Council may consider an application for the reassessment of the development contributions payable. This may result in the contribution being reduced, waived or modified.

Where a condition of development consent has already been imposed requiring the payment of a contribution, the applicant will need to lodge an application to review the consent in accordance with Section 82A of the Environmental Planning and Assessment Act 1979, as amended, to reassess the rate of contribution charged.

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operation of the plan

The request shall be in writing and provide sufficient information to satisfy Council of the inappropriate nature of the contribution and the implications to Council of reducing or waiving the contribution in the particular circumstances.

4.10. Review of the Plan

This Plan may be reviewed in full, or in respect of particular parts, when considered appropriate having regard to the rate and type of development, cost of facility provision, and community response to service and facility provision.

Note: Additional contributions may be required for the Yarrabilly (Area 2) and Campbell Street (Area 3) contributions areas, for which full development details are not yet available. Any changes to contribution rates will require a review and amendment of this Plan at the appropriate time.

A complete review of this Plan is anticipated every five (5) years from the date of commencement of the Plan.

4.11. Funding and Timing of Works

The contributions made to Council under the Plan may fully or partially fund the public amenities and services identified in this Plan. The contribution rates have been determined on the basis of apportionment between the expected development and other sources of demand. In circumstances where public amenities and services are not fully funded by contributions, the remaining funds will be supplied from other Council sources.

Public amenities and services are required at the time demand is created, which may be before completion of development and before sufficient contributions are received. Council's ability to forward fund these services and amenities is very limited, and consequently their provision is largely contingent upon the availability of contributions. Pooling of funds to assist with the provision of infrastructure, as detailed in Section 4.12 will be considered and used when necessary.

To provide a strategy for the implementation of the services and amenities levied for in this Plan, and to use contributions in the most effective manner, the individual work schedules may be reprioritised. This will take into account development trends, population characteristics, existing funds, funds from

other sources (where required) and anticipated revenue flows.

It is expected that the development of the Contributions Areas will occur over the next 10 to 15 years. The scope and timeframe for the delivery of the infrastructure identified in this Plan is for the same duration. However, as the projections and timeframes for development are uncertain, the Work Schedules in the Plan include the staging of infrastructure provision and are expressed in terms of thresholds of development. Furthermore management of the Plan incorporates ongoing monitoring of development trends, actual population growth rates and regular review processes.

4.12. Pooling of Contributions

This Plan expressly authorises monetary Section 94 Contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the contributions are shown in the Works Schedules.

4.13. Unspent Section 94 funds

This Plan also authorises that unspent monies collected through previous Section 94 Plan is to be expended on works identified in the works schedules included in the Appendices of this Plan, or the Works Schedule of the Section 94A Plan as appropriate.

4.14. Accountability

Financial management and accountability are important components of Section 94, and Council is obliged to maintain an accurate and up to date register of all Section 94 contributions.

Monetary contributions received under the authority of this Plan must be recorded and kept through a separate account specifically established for this Plan. The records must indicate the contributions received, contributions expended and must include the interest, if any, earned on invested funds for each account.

These records are updated on a monthly basis.

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operation of the plan



Separate accounting records are maintained for all Council's Section 94 and Section 94A Contribution Plans. Information on Section 94 accounts and funds relating to this Plan will be provided in a condensed format within Cowra Shire Council's Annual Report/s in accordance with requirements of the Environmental Planning and Assessment Regulation

Information is also available in Council's contribution register relating to this Plan, which can be inspected at Council during normal business hours.

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interpretation of the plan

5.1. Management Costs of the Plan

There is a substantial time and cost overhead associated with this Plan and its implementation.

Accordingly costs associated with the preparation, administration and management of this Plan will be levied on all applications in a Cowra Contribution Area. These costs will appear as a separate element in the rates schedule and the method of calculation is described in Section 10 and covers the implementation review, monitoring and updating procedures set out in the Plan. In addition, studies are undertaken to determine the design and costing of works as well as to review the development and demand assumptions of the Plan.

Where a MPB or WIK agreement is negotiated between a developer and the Council, the Plan Administration and Management Contribution levy will still apply. This amount will cover plan review costs and also Council's costs associated with negotiating the MPB or PA and supervision of the work undertaken.

5.2. Explanation of Contribution Formulae

Council applies a contribution formula to each public amenity and service for the purpose of calculating the contribution rate applicable for that service or amenity. The formulae takes into consideration the cost of the works to be undertaken, the cost to Council of acquiring land on which to undertake these works (if applicable) and the total projected population (residential) or land area (industrial) relevant to the facility:

$$\text{Contribution (per capita / lot)} = \frac{\text{Cost}}{\text{Benefiting population or lots/ benefiting land area}}$$

Where cost = total cost of providing the facility including land and capital costs, including costs to be recouped (if applicable).

5.3. Allowances for existing development

Because Section 94 contributions can only be levied where development will result in an increased demand for public amenities and services, contributions will not be sought in relation to demand generated by existing (or approved) urban development on the land to which this Plan applies.

Thus "credits" (or allowances) will be granted for contributions in R1 or R5 zoned areas in relation to demand generated by existing development at the following rates:

- Dwelling houses and single vacant allotments = 2.7 persons or 1 lot credit.
- Other dwellings (e.g. medium density) = 2.0 persons per dwelling.

Example: An existing lot with a three (3) bedroom dwelling which is subdivided to create a second lot with a dwelling entitlement will only pay a contribution in respect of the newly created lot/dwelling.

5.4. Occupancy rates

The contribution which may be levied for any development proposal in the R1 or R5 zones will be calculated on the basis of the number of dwellings or lots or in the case of medium density development, the dwelling density.

The dwelling density or number of residents will be calculated on the basis of the occupancy rates contained in Appendix 1 of this Plan and summarised below.

The occupancy rates for Cowra identified in the 2011 Census statistics for Cowra show an average dwelling occupancy rate of 2.35 people per dwelling. However, urban fringe areas and rural residential areas with larger lots typically have a dwelling occupancy of 2.7 people per dwelling, and this figure has used in this Plan in recognition of the nature of the localities to which it applies.

For the purposes of this Plan, applications for dwellings, which refer to rooms capable of being used as a bedroom, such as a 'study', 'office' or 'sewing room', will be considered as a bedroom for the basis of calculating the required contributions.

5.0

interpretation of the plan

The following schedule outlines occupancy rates utilised in this Plan.

Occupancy Rates	Number of Persons
One Bedroom	1.5
Two Bedroom	2.0
Three Bedroom (+) Dwelling or Per Lot	2.7

5.5. Land Values

Council's objective is to ensure that the funds Council receives for land acquisition from Section 94 contributions are equivalent to the amount required to fund the purchase of all the land identified for acquisition in the Plan.

The estimated value (of the land to be acquired) used for determining contribution rates is the englobo value of the land (identified for acquisition) assuming that the land is available for immediate development and that all necessary services are available. Englobo land is land that is:

- undeveloped, or has minimal development.
- largely unserviced.
- zoned to allow for subdivision into smaller parcels.

The value assigned does not necessarily represent the current market value of any particular parcel of land. Costs associated with land acquisition are also included in the determination of contribution rates. The costs include administration, valuation, negotiations, survey, legal and conveyancing, and are included in Part D of this Plan, i.e. Plan Management and Administration.

When land is to be acquired, the current market value of this land would be assessed at the time of acquisition or determination of compensation with regard to current market conditions, the availability of services, appropriate heads of compensation and the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

5.6. Condition of Consent

Unless otherwise determined by the Council, the standard condition described in Appendix 11 will be used on Development Application determinations and Complying Development Certificates for monetary contributions levied under this Plan.



6.1. Strategy Plans

This section of the Plan establishes the relationship (nexus) between the expected types of development in the Contribution Areas and the demand for additional public services and facilities to meet the needs of that development.

Nexus is the relationship between the expected types of development in the area and the demonstrated need for additional public facilities created by those developments. The concept of nexus is often referred to in the following terms:

- Causal Nexus – ‘what’. This is a demonstration that the anticipated development actually creates a need or increases the demand for a particular public facility.
- Spatial or physical nexus – ‘where’. Spatial nexus requires that the proposed public facility be located so as to serve the needs of those who created the demand for it.
- Temporal nexus – ‘when’. Temporal nexus seeks to ensure that the public facility will be provided in a timely manner to benefit those who contributed towards it.

The proposed public facilities identified in this Plan are considered reasonable and are required to satisfy the expected demands of the anticipated types of development in the Plan’s Contributions Areas. In general, the need for and increased usage of public facilities as a consequence of new development will exceed the capacity of existing public facilities in the area. It will therefore be necessary for new and augmented public facilities to be provided to cater for the anticipated demand of likely development.

The details establishing the nexus between the expected types of development in the Contributions Areas and the demand for additional public facilities to meet that development are set out in this part of the Plan under the headings of Open Space/Recreational Sporting/Facilities, Community Facilities, Transport, Drainage and Stormwater Facilities, and Plan Management and Administration. The following types of facilities have been identified as being necessary to meet the needs of the new population:

Category	Types of Services/Facilities
Open Space/Recreational/ Sporting Facilities	Park/playground, enhancement of existing sporting facilities, aquatic and indoor sporting facilities.
Civic and Community Facilities	Art Gallery and library.
Transport Facilities	Road infrastructure, road drainage and bridge upgrading, provision of cycleways.
Plan Management and Administration	Management of development contributions and works, and Review of the Plan.

Details regarding the approximate location, timing and estimated costs for each of the facilities are set out in the Work Schedules and Map attached to this Plan.

Centralised facilities which will service both the Contribution Area as well as other communities within the Local Government Area are generally located within the Cowra Township and will be funded from Section 94 on a proportionate population basis/ per lot based on the population benefiting from each facility.

7.0

open space / recreational / sporting facilities



7.1. Introduction

This Section applies to development in the R1 General Residential zone or R5 Large Lot Residential zone only.

Cowra Shire Council supports the provision of open space, recreational and sporting activities to local communities recognising that they play an important role in encouraging community interaction, development and wellbeing. In support of these benefits, Cowra Council will continue to maintain the role of facilitating the provision of recreational and sporting and open space areas for local residents in the Cowra Contributions Area.

Council has undertaken significant work in order to determine the future recreation and open space requirements to cater for the increase in population. The findings of these investigations have been outlined in such documents as the Council's Community Strategic Plan and Council Pedestrian and Cycling Plan, and translated into the open space and recreation works schedules.

Local contributions are not permitted to fund acquisition of land for riparian corridors. If land is intended to be dedicated to Council, it shall be dedicated free of cost by the developer at the time of subdivision and only following agreement by Council.

Works programmes will be regularly reviewed and revised depending upon development trends, updated traffic modelling, State Government planning policies and available funding.

The key documents supporting these works are identified below:

- Cowra Community Strategic Plan 2012-2036 Cowra Shire Council (2012)
- Council Operational Plan 2015-2016 and Delivery Program 2013-17 Cowra Shire Council (2014)
- Council Long Term Financial Plan 2015-2025 Cowra Shire Council (2015)
- Cowra Shire Land Use Strategy.

7.2. Nexus

New residential development will result in a demand for the provision of a range of Council-provided open space, recreational and sporting facilities to meet the needs of the new population.

Facilities provided for within this Plan are consistent with both Council's Community Strategic Plan and Operational Plan and will address the increase in population as a result of the proposed development.

The Community Strategic Plan includes Programs to:

- L3.1 Maintain and improve the current high standard of the Cowra Aquatic Centre.
- L3.2 Provide recreation opportunities through the provision of attractive parks and gardens.

The Community Strategic Plan has an action to maintain recreational playgrounds and reserves to a high standard.

The Cowra Aquatic Centre was upgraded in 2004 in order to cater for an anticipated increase in demand from the future population of the Shire. This Section 94 Plan levies a contribution towards these facilities that equates to the proportion of overall demand for the facility from the anticipated population increase.

In order to ensure that playground facilities are adequate to meet the anticipated increase in demand from the future population of the Shire, increases in the capacity of play facilities at Cowra Swimming Pool and at Bellevue Hill will occur. This Section 94 Plan levies a contribution towards these facilities that equates to the proportion of overall demand for the facility from the anticipated population increase.

While investigations undertaken during the development of this Section 94 Plan have determined that there is a need to upgrade some existing district and regional parkland and sports fields to cater for future population growth, the upgrade program it is not finalised and may be included in future amendments of this Plan. Notwithstanding this, there is an identified need to ensure that sufficient local open space is provided.

7.0

open space / recreational / sporting facilities

This Section 94 Plan has adopted a standard of 0.5 ha per 1000 residents for local/neighbourhood open space.

Accordingly, new development that is located within the R1 General Residential zone, and Yarrabilly (Contributions Area 2) R5 Large Lot Residential zone will be required to contribute towards local/neighbourhood open space with the following characteristics:

- the land must have a size and shape to enable it to be safely and efficiently used as a local or neighbourhood park;
- have significant frontages to public roads or other public places;
- have an area not less than 5,000 square metres in area;
- have a minimum width of 50 metres;
- where appropriate, connect to or adjoin an existing or proposed open space network, and
- embellished with seating, pathways, playground, shade and landscaping to council's standards to ensure it is suitable for use by the local community.

In the case of large subdivisions it may be appropriate to locate the local open space on site. For other developments a contribution towards land acquisition and development is likely to be more appropriate. The determination of where the most appropriate location, size and/or shape will be considered during the development application process.

The location of the local park to serve the Contributions Areas No. 1 and No.3 has not yet been determined, and may be located within the Contribution Areas or on a suitable nearby site, and may involve upgrading the capacity of existing facilities if appropriate.

Land dedicated to open space in a development is not necessarily limited by the requirements of this Section 94 Plan. Land may be zoned open space for topographic, ecological, geotechnical, heritage (Aboriginal and/or European), buffer or other reasons and not necessarily to meet local open space requirements. Such land should not be regarded as accruing a "credit" against other Section 94 contribution requirements.

7.3. Apportionment

Contributions have been determined by apportioning the per person cost of providing a specific facility relative to the catchment size of that facility. For LGA wide facilities the cost is apportioned across the projected population of the LGA in 2036 (12,730 persons). For local parkland the cost is apportioned across a benchmark standard of 0.5 ha of local parkland per 1,000 residents. Noting that this may not be appropriate in all development circumstances as is used as a guide only.

7.4. Calculation of Contribution

7.4.1. Background

The costs attributable for the provision of new open space, recreational and sporting facilities are comprised of capital costs for the construction and/or embellishment of the various types of recreation facilities as outlined above. In the case of local parkland a land component is included. Further details are supplied in Appendix 2.

For the expected LGA population of 12,730 people in 2026, the following facilities and capacity improvements will be required (see table over page):

7.0

open space / recreational / sporting facilities



Facility	Cost	Standard	Applies to	Apportionment
Cowra Aquatic Centre	\$60,000	LGA wide	New residential dwellings/lots in Contribution Areas 1, 2, 3, 4 & 5	\$60,000/ 12,730= \$4.71 per person
Cowra Aquatic Centre upgrade (recoup)	\$3,779,542	LGA wide	New residential dwellings/lots in Contribution Areas 1, 2, 3, 4 & 5.	\$3,779,542/12,730= \$296.90 per person
Local parkland	\$150,000 plus land value	0.5 ha (5000 sq m) per 1,000 residents	New residential dwellings/lots in the Contribution Areas 1, 2 and 3.	\$150,000/1,000 = \$150 per resident plus 5000 sq m/1000= 5 sq m land value per resident @ \$32 sq m = \$160 per person
Total – Contributions Areas 1, 2, 3			New dwellings/lots	\$611.61 per person
Total – Contribution Areas 4, 5			New dwellings/lots	\$301.61 per person

Contribution per lot is determined by multiplying the contribution per person by the assumed average household occupancy rate of 2.7 persons.

Contributions per person are calculated as follows:

$$\text{Contribution per person (\$)} = \frac{C}{P}$$

where:

C = the estimated cost of facilities

P = the contributing population

In this case the population benefiting from the facilities is the projected population of the Shire in 2026, namely 12,730 people.

The contribution per dwelling is determined by multiplying the contribution per person by the assumed average household occupancy rates identified in Appendix 1.

7.0

open space / recreational / sporting facilities

7.5. Calculation of per lot contribution:

The contributions for Open Space, Recreational and Sporting Facilities are calculated as follows.

Contributions Area	Contribution per person	Contribution per 1 bedroom	Contribution per 2 bedroom	Contribution per 3 bedroom/ per lot
Area 1 – North Cowra R1 Zone.	\$611.61	\$917.42	\$1,223.23	\$1,651.36
Area 2 – Yarrabilly R1 & R5 Zones URA	\$611.61	\$917.42	\$1,223.23	\$1,651.36
Area 3 – Campbell St R1 Zone URA	\$611.61	\$917.42	\$1,223.23	\$1,651.36
Area 4 – East Cowra R5 Zone	\$301.61	\$452.42	\$603.23	\$814.36
Area 5 – West Cowra R5 Zone	\$301.61	\$452.42	\$603.23	\$814.36

8.0

civic and community facilities

8.1. Introduction

This Section applies to development in the R1 General Residential zone or R5 Large Lot Residential zone only.

Cowra Shire Council supports the civic and community facilities to its local community because of the important role they play in encouraging community interaction, development and wellbeing.

Council has undertaken significant work in order to determine the requirements to cater of the future population of the Shire population. The findings of these investigations have been outlined in such documents as the Council's Community Strategic Plan, and translated into the civic and community facilities works schedules of this Plan.

As the population increases, additional demand is placed on existing facilities and services as well as creating demand for new amenities.

Cowra is a well established Township and has a range of reasonably well developed community facilities and services to which all residents have access.

Where possible, under this Plan Council will seek to maintain this level of service to the future population.

Works programmes will be regularly reviewed and revised depending upon development trends, updated traffic modelling, State Government planning policy and available funding.

The key documents supporting these works are identified below:

- Cowra Community Strategic Plan 2012-2036 Cowra Shire Council (2012)
- Council Operational Plan 2015-2016 and Delivery Program 2013-17 Cowra Shire Council (2014)
- Council Long Term Financial Plan 2015-2025 Cowra Shire Council (2015)
- Cowra Shire Land Use Strategy.

8.2. Nexus

Council has provided a network of civic and community facilities particularly within the central area of the Township, generally to meet the needs of the current population. Council has identified and acted on a need to provide additional capacity in certain community facilities space and amenities, commensurate with the projected growth.

Facilities provided for within this Plan are consistent with both Council's Community Strategic Plan and Operational Plan, including:

- E2.1 Continue to support Cowra Library.
- L3.4 Promote and support cultural and artistic activities within the community.
- L3.7 Develop Cowra CBD as a major shopping location and a place for social interaction and investment.
- L3.8 Develop the Cowra Civic Square Cultural Precinct.
- L3.9 Maintain and improve the Cowra Civic Centre as Cowra's principal performance venue.
- L3.10 Maintain and improve facilities at the Cowra Library.
- L3.11 Maintain and improve the Cowra Regional Art Gallery as a major cultural feature of the Cowra community.

8.3. Facilities Strategy

The town centre of Cowra is an important social and economic focus for the Shire. In anticipation of growth, Council has undertaken capacity improvements of the Civic Centre, Art Gallery and Library. These facilities serve the entire population of the LGA. This Plan seeks to recoup the portion of the capacity improvements attributable to growth in the Contribution Areas.

8.4. Apportionment

This Plan adopts the approach of levying contributions based on demand for facilities generated by the population of Cowra in 2026. Contributions have been determined by apportioning the per person cost of providing a specific facility relative to the catchment size of that facility.

8.0

civic and community facilities

By determining a per capita contribution based on the projected population of Cowra in 2026, it is possible to ensure that the demand generated by development in a Contributions Area contributes to the cost of these facilities in proportion to its population.

8.5. Calculation of Contribution

The total apportioned capital cost component for the provision of community buildings for the new population is comprised of:-

The contribution formula for community buildings component is therefore:

$$\frac{C}{P}$$

where:

- C= Total capital costs of facilities
- P= Benefiting no. of people

Civic and Community Facilities - Contribution Areas 1 2 3 4 & 5

	Cost	Benefiting population in 2026	Contribution per person	Contribution per 1 bedroom	Contribution per 2 bedroom	Contribution per 3 bedroom/ per lot
Civic Centre upgrade (recoupment)	\$4,026,130	12,730	\$316.27	\$474.41	\$632.54	\$853.93
Art Gallery and Library (recoupment)	\$2,178,848	12,730	\$171.16	\$256.74	\$342.32	\$462.13
Total			\$487.43	\$731.14	\$974.86	\$1,316.06

9.1. Introduction

The transport facilities provided for in this Plan are required to meet the increase in transport needs from new development within Contribution Area No. 6.

This plan does not identify any transport facilities required to meet the increase in transport needs from new residential development within Contribution Areas No. 1, 2, 3, 4 and 5. These facilities are identified in the Cowra Council Section 94A Contributions Plan 2016.

The key documents supporting these works are identified below:

- Cowra Community Strategic Plan 2012-2036 Cowra Shire Council (2012)
- Council Operational Plan 2015-2016 and Delivery Program 2013-17 Cowra Shire Council (2014)
- Council Long Term Financial Plan 2015-2025 Cowra Shire Council (2015)
- Cowra Shire Land Use Strategy.

9.2. Nexus

Industrial development within Contribution Area No. 6 – Glen Logan Road IN1 Zone Urban Release will create a need for additional road related infrastructure and drainage infrastructure due to the increase traffic and increase permeable surfaces that result from the development of this land for industrial purposes.

Cowra Shire Council has undertaken a technical review of the infrastructure improvements required to meet the demand resulting from the additional industrial development and this review led to identification of the specific infrastructure items shown in the itemised contributions table below.

To address these issues, the most important factors provided for within this Plan relate to:-

- Upgrading road infrastructure to cater for increased traffic volumes and to maintain amenity for local residents, and,
- Upgrading street drainage (in association with the above drainage measures);

The beneficiaries of the improvements in road infrastructure will be industrial development in Contribution Area 6. Accordingly, the cost of the improvements to road infrastructure that have been included in this Contribution Plan have been apportioned on a per square metre basis.

Works programmes will be regularly reviewed and revised depending upon development trends, updated traffic modelling, State Government planning policy and available funding.

9.3. Facilities Strategy

A summary of proposed transport works for which contributions are sought through this Plan, and their costs is provided in the attached Works Schedule.

9.4. Apportionment

The transport works detailed in this Plan have been designed to meet the demands of the future development in Contribution Area No. 6. Contribution Areas have been identified in order to ensure that the nexus between the demand created by new development and contribution levels are as equitably distributed as is reasonable possible and administratively efficient.

In the case of Contribution Area 6, the apportionment is 100% of the total cost in the case of intersections solely required to serve the Glen Logan IN1 Urban Release Area, and 50% of the total cost of the intersection of Mulyan Street and Redfern Street, because the need for improvement at that intersection is jointly generated by the Glen Logan Road IN1 Urban Release Area and existing development areas served by the intersection.

9.5. Calculation of Contribution

The estimated capital costs for the proposed works were prepared by Cowra Shire Council on the basis of Council's standard rates for construction. In the case of Contributions Area 6, contributions have been calculated per square metre of land.

The table over page shows the transport works for which a Section 94 contribution is being levied for Contribution Area No. 6



Contribution Area 6 – Glen Logan Road IN1 Zone	Cost	Apportionment	Benefiting land area	Cont. per sq m of site area
Glenlogan Road and Pridham St intersection.	\$50,000	100%	56.41 ha	\$.0.088
Glenlogan Road and North Logan Rd intersection.	\$200,000	100%	56.41 ha	\$.0.354
Mulyan St and Redfern St intersection.	\$200,000	50%	56.41 ha	\$.0.177
Total	\$450,000		56.41 ha	\$.0.619

10.0

plan administration

10.1. Nexus

The preparation and administration of a Section 94 plan requires resources. Council employs staff to undertake the financial accounting of contributions, and implement the Plan and its works. In addition, consultant studies and specialist advice (e.g. legal and valuation) are obtained to assist with Plan preparation, management and review.

The costs involved with administering Section 94 are an essential component of the efficient provision of facilities necessitated by development within the Contributions Areas. The new population should therefore pay a reasonable contribution towards the costs associated with the management and administration of the Plan.

10.2. Strategy

The Plan aims to provide funds to ensure the efficient management of the Section 94 planning and financial processes within Council. These processes will be ongoing throughout the life of the Plan.

Council staff that are accountable for facility/service planning and delivery will be involved in reviewing and updating the Plan. This may include review of the works schedules or the latest information on community needs to ensure that facility planning is current and appropriate. This may also include engaging specialist consultants (e.g. planning and engineering specialists) to carry out studies.

Calculation of Contribution

The estimated cost of Council staff and specialist consulting assistance in the preparation, implementation, management and administration of this Plan is:-

Description	Cost
Development contributions study and plan establishment costs (consultant fees)	\$30,000
Plan establishment costs (Council staff)	\$10,000
Receipting of contributions, keeping of records, planning agreement negotiations, reporting on plan progress throughout Plan's life, making plan amendments (\$8,000 per annum)	\$80,000
Total plan management and administration costs	\$120,000

The contribution formula for Plan management and administration is:-

$$\frac{C}{P}$$

Where:

C = the cost of plan management and administration

P = benefiting no. of people

$$= \frac{\$120,000}{2,120}$$

$$=$$

$$= \$56.62 \text{ per person}$$

Contributions that apply for plan management and administration.

Contributions Area	Contribution per person	Contribution per 1 bedroom	Contribution per 2 bedroom	Contribution per 3 bedroom/ per lot
Areas 1 2 3 4 and 5	\$56.62	\$84.93	\$113.23	\$152.87
Area 6	In the case of contributions levied on IN1 zoned land (Area 6), a contribution rate of 1% of the infrastructure components of any required S94 contribution levied under this plan will apply. The lower contribution rate towards Plan Administration and Management recognises that the arrangements and range of infrastructure associated with developments in these zones are less complex than for R1 and R5 zones.			

Existing Population Characteristics

Cowra LGA had a population of 12,147 in 2011, a slight decrease on its 2006 population of 12,480. The majority of residents live in Cowra township, which had a population of 8,107 in 2011 (ABS Cowra “urban locality”)

Important characteristics of Cowra LGA (ABS census 2011) are:

- a lower proportion of children under 12 years of age (14.6%) compared with regional NSW (15.3%) and NSW (15.7%) overall
- a higher proportion of older people 50-69 year old (27.9%), and 70 years and older (15.9%), compared with regional NSW at 25.8% and 12.6%, and NSW at 21.4% and 9.9% respectively.
- A higher proportion of low income households and a lower proportion of high income households than either NSW overall or regional NSW.
- It has a lower proportions of couples with children and one parent families, and higher proportions of couples without children and lone person households, than NSW overall or regional NSW.
- A household size of 2.3 people per household, although newer residential areas have an occupancy rate of 2.7 (ABS SA1 1106304 in north Cowra)
- It is relatively culturally homogeneous and has a higher proportion of people born in Australia than NSW overall or regional NSW.
- A higher proportion of dwellings owned outright and a lower proportion of dwellings under mortgage, and a lower proportion of households renting dwellings than NSW overall or regional NSW.
- A higher proportion of detached houses and a lower proportion of attached dwellings than NSW overall or regional NSW.
- A higher level of socio economic disadvantage as mentioned by SEIFA of 928, relative to Orange at 977. Note: SEIFA is a score relative to other localities, it is not a measure of disadvantage per se.

Projections indicate that the proportion of the population aged over 65 years will continue to increase with a forecast reduction in the proportion of youth and children.

Notwithstanding the general population characteristics and projections for Cowra LGA, it is anticipated that new residential areas and rural residential areas will continue to attract family households that are younger than the general population. In 2011 the average age of the LGA was 45 years, the Cowra township 43 years, and new residential areas (SA1 1106304) 37 years old.

As a result these growth localities are likely to have a higher proportion of children, a lower average age, a higher portion of couples with children, larger household size (occupancy rate), and higher incomes than the LGA in general. The higher household income is a result of the likelihood of more households having two adults in the workforce compared with the overall LGA.

The occupancy rates for Cowra identified in the 2011 Census statistics for Cowra show an average dwelling occupancy rate of 2.35 people per dwelling. However, urban fringe areas and rural residential areas with larger lots typically have a dwelling occupancy of 2.7 people per dwelling, and this figure has been used in this Plan in recognition of the nature of the localities to which is applies.

On the basis of past and projected figures, the following occupancy rates on a per bedroom basis have been used for the purposes of this Plan:-

Dwelling Type	Number of Persons
One Bedroom	1.5
Two Bedroom	2.0
Three (+) Bedroom or Per Lot	2.7

Population Projections

The number of development approvals (DA) for dwellings and complying development certificates (CDC) for dwellings over 5 years from 2009 to 2014 was analysed and graphed, as shown in Table 1 and Figure 1. The trend in the total number of dwelling approvals has increased slightly over the 5 year period. However the trend appears to be influenced by a “spike” in approvals in 2013-2014 due to the new LEP, and the actual trend after accounting for the “spike” is more likely to be a lesser increase or relatively steady.

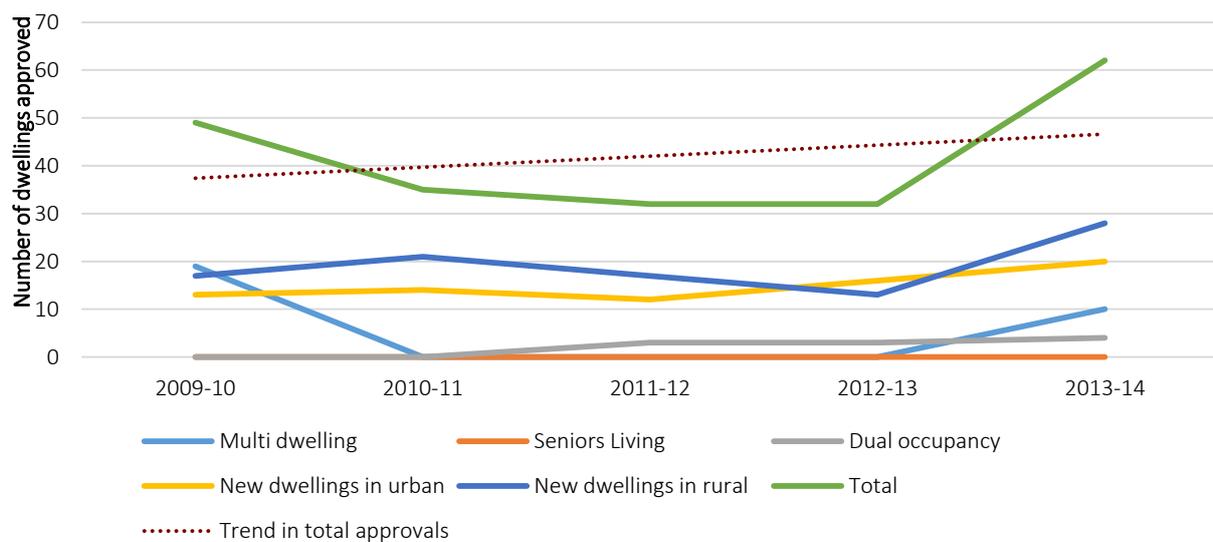
Appendix 1

demographics and development trends

Table 1: DA/CDC approvals Cowra LGA 2009-2014

DA/CC	2009-10	2010-11	2011-12	2012-13	2013-14	Average
Multi dwelling	19	0	0	0	10	5.8
Seniors Living	0	0	0	0	0	0
Dual occupancy	0	0	3	3	4	2
New dwellings in urban	13	14	12	16	20	15
New dwellings in rural	17	21	17	13	28	19.2
Total	49	35	32	32	62	42

Figure 1: Dwelling DA/CDC approval trends



Population projections were prepared on the basis of 3 scenarios:

- High: a continuation of existing trends (unadjusted for the 2013-2014 “spike”), i.e. a continuing increase in approvals
- Medium: dwelling approvals at the average rate of the past 5 years, i.e. 42 approvals per year
- Low: dwelling approvals continuing at the lowest rate over the past 5 years, i.e. 32 approvals per year.

A base year was established by utilising the 2011 ABS census. The base year provided initial population and average household size statistics for the LGA. 2014 Department of Planning and Environment projections of future household sizes were used for the years from 2011 to 2031. Household size is decreasing nationally over time due to social trends and the ageing of the population profile, and Cowra’s relatively aged population profile combined with outmigration of younger people is leading to a more rapid decrease in household size than Australia overall. This is similar to most rural communities.

Appendix 1

demographics and development trends

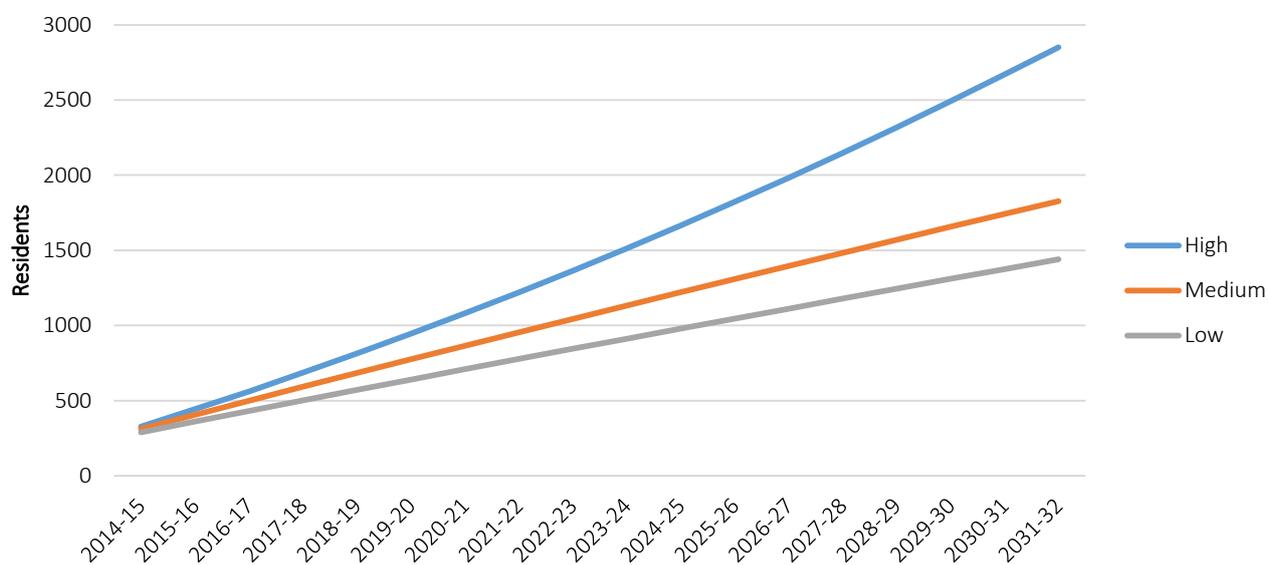
The number of residents in the new dwellings was obtained by multiplying the number of dwelling approvals for a specific year by the average household size for that year.

Table 2 and Figure 2 show the projected number of residents in new dwellings from 2011-2031.

Table 2: Projected residents in new dwellings to 2031

	2011	2016	2021	2026	2031
Low	0	431	777	1112	1441
Medium	0	499	955	1395	1828
High	0	562	1220	1982	2851

Figure 2: Projected population of residents in new dwellings



In order to take into account changes in household size over time on the number of residents occupying existing dwellings, calculations were also made of the number of residents living in this for each year to 2031, and the total population of the LGA adjusted accordingly.

Appendix 1

demographics and development trends

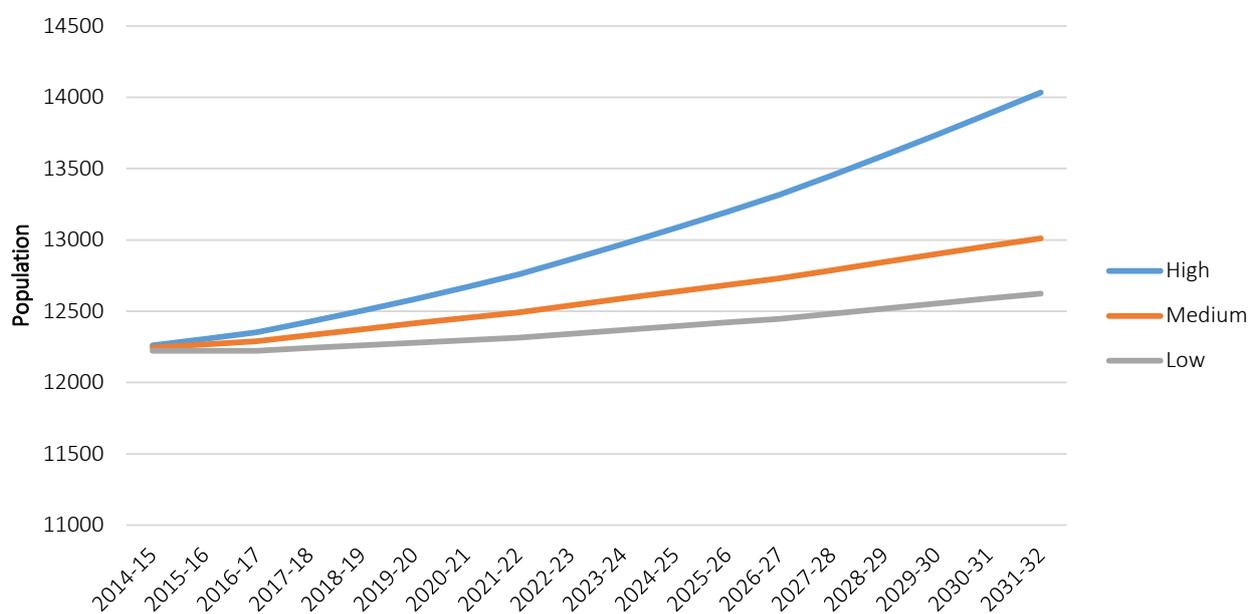
Table 3 and Figure 3 show the projected population of Cowra LGA resulting from the high, medium and low projections described above. All of these projections indicate a slightly higher level of population growth than the 2014 Department of Planning and Environment (DoPE) projections (Table 3).

It is considered that the medium population projection scenario described above provides a reasonable basis for Section 94 planning.

Table 3: Population projections to 2031 (2014 s94 Review)

	2011	2016	2021	2026	2031
Low	12,145	12,222	12,315	12,447	12,624
Medium	12,145	12,290	12,492	12,730	13,011
High	12,145	12,352	12,758	13,317	14,034
DPE	12,145	12,300	12,000	11,650	11,200

Figure 3: Population projections to 2031 including existing and new dwellings



Appendix 2

Open Space / Recreational / Sporting Facilities Works Schedule

All Contribution Areas

Service/Facilities	Apportioned Capital Cost \$ ¹	Est. Land Cost \$	Council/Other Cost ²	Total Cost	Timing ³
Cowra Aquatic Centre (playground)	\$9,989.79	Provided by Council	\$50,010.21	\$60,000.00	2015-2018
Cowra Aquatic Centre Upgrade (recoupment)	\$629,280.38	Provided by Council	\$3,150,261.62	\$3,779,542.00	Complete
TOTAL	\$639,270.17		\$3,200,271.83	\$3,839,542.00	

Local park with playground in Contribution Areas 1, 2, 3, ⁵

Service/Facilities	Apportioned ¹ Capital Cost \$	Est. Land Cost \$ ⁴	Council/ Other Cost ²	Total Cost	Timing ³
Local park with playground ⁵	\$150,000	\$160,000	Nil	\$310,000	As required

Notes:

1. Apportioned capital cost is the apportioned cost to be funded under this Plan by Section 94 Contributions.
2. Council/other cost is the proportion of the total cost of augmentation or provision of a complete facility to be funded by Council/Other contributors/grants etc, as each case determines.
3. Timing is the anticipated delivery date for the provision of the relevant infrastructure.
4. Based on a standard of 1 playground per 1,000 residents. Local park area 5,000 sq m. Land value estimated at \$32 per sq m.
5. The precise location of the park has not yet been determined and may be located within the Contribution Area 1, 2 or 3, or on a suitable nearby site, and may involve upgrading the capacity of existing facilities if appropriate.

Appendix 2

Open Space / Recreational / Sporting Facilities Works Schedule map



Cowra Aquatic Centre



PROJECT
Cowra Shire S94 Contributions Plan
DESCRIPTION
Works Schedule Map
Open Space / Rec / Sports Facilities

LEGEND
Main Road
Local Road
Works Schedule Item



Scale: 1cm= 150m

Appendix 3

Civic and Community Facilities Works Schedule

Contribution Areas 1, 2, 3, 4, 5

Service/Facilities	Apportioned Capital Cost \$ ¹	Est. Land Cost \$	Council/ Other Cost ²	Total Cost	Timing (Lot %) ³
Civic Centre upgrade (recoupment)	\$670,336	Provided by Council	\$3,355,794	\$4,026,130	Complete
Art Gallery and Library (recoupment)	\$362,770	Provided by Council	\$1,816,078	\$2,178,848	Complete
TOTAL	\$1,033.106.90	Nil	\$5,171,871.10	\$6,204,978	

Notes:

1. Apportioned capital cost is the apportioned cost to be funded under this Plan by Section 94 Contributions.
2. Council/other cost is the proportion of the total cost of augmentation or provision of a complete facility to be funded by Council/Other contributors/grants etc., as each case determines.
3. Timing is the anticipated delivery date the threshold for the provision of the relevant infrastructure.

Appendix 3

Civic and Community Facilities Works Schedule Map



Civic Centre



Art Gallery & Library



PROJECT
Cowra Shire S94 Contributions Plan
DESCRIPTION
Works Schedule Map
Civic and Community Facilities

LEGEND
Main Road
Local Road
Works Schedule Item



Scale: 1cm= 150m

Transport Facilities Works Schedule

Contribution Area 6 – Glen Logan Road IN1 Zoned Land Urban Release Area

Service/Facilities	Apportioned Capital Cost \$ ¹	Est. Land Cost \$	Council/ Other Cost ²	Total Cost	Timing ³
Glenlogan Rd & Pridham St intersection	\$50,000	Nil.	Nil	\$50,000	As required.
Glenlogan Rd & North Logan Rd Intersection	\$200,000	Nil.	Nil	\$200,000	As required.
Mulyan St and Redfern Street intersection	\$100,000	Nil.	\$100,000	\$200,000	As required.
TOTAL	\$350,000		\$100,000	\$450,000	

Notes:

1. Apportioned capital cost is the apportioned cost to be funded under this Plan by Section 94 Contributions.
2. Council/other cost is the proportion of the total cost of augmentation or provision of a complete facility to be funded by Council/Other contributors/grants etc., as each case determines.
3. Timing is the anticipated delivery date the threshold for the provision of the relevant infrastructure.



Pridham St & Glenlogan Road Intersection



Glenlogan & Northlogan Road Intersection



Mulyan Street & Redfern St Intersection



	<p>PROJECT Cowra Shire S94 Contributions Plan</p> <p>DESCRIPTION Works Schedule Map - Transport Facilities Contribution Area No. 6</p>	<p>LEGEND</p> <ul style="list-style-type: none"> Contribution Area No. 6 Local Road Works Schedule Item	
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Appendix 5

Map –Contributions Area 1



 Cowra Council	<p>PROJECT Cowra Shire S94 Contributions Plan</p> <p>DESCRIPTION Location Map Contribution Area No. 1</p>	<p>LEGEND</p> <p> North Cowra R1 Zoned Land</p>	<p>N</p> 
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Appendix 6

Map -Contributions Area 2



	<p>PROJECT Cowra Shire S94 Contributions Plan</p> <p>DESCRIPTION Location Map Contribution Area No. 2</p>	<p>LEGEND</p> <p> Yarrabilly Urban Release Area</p>	
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Appendix 7

Map – Contributions Area 3



PROJECT
Cowra Shire S94 Contributions Plan

DESCRIPTION
Location Map
Contribution Area No. 3

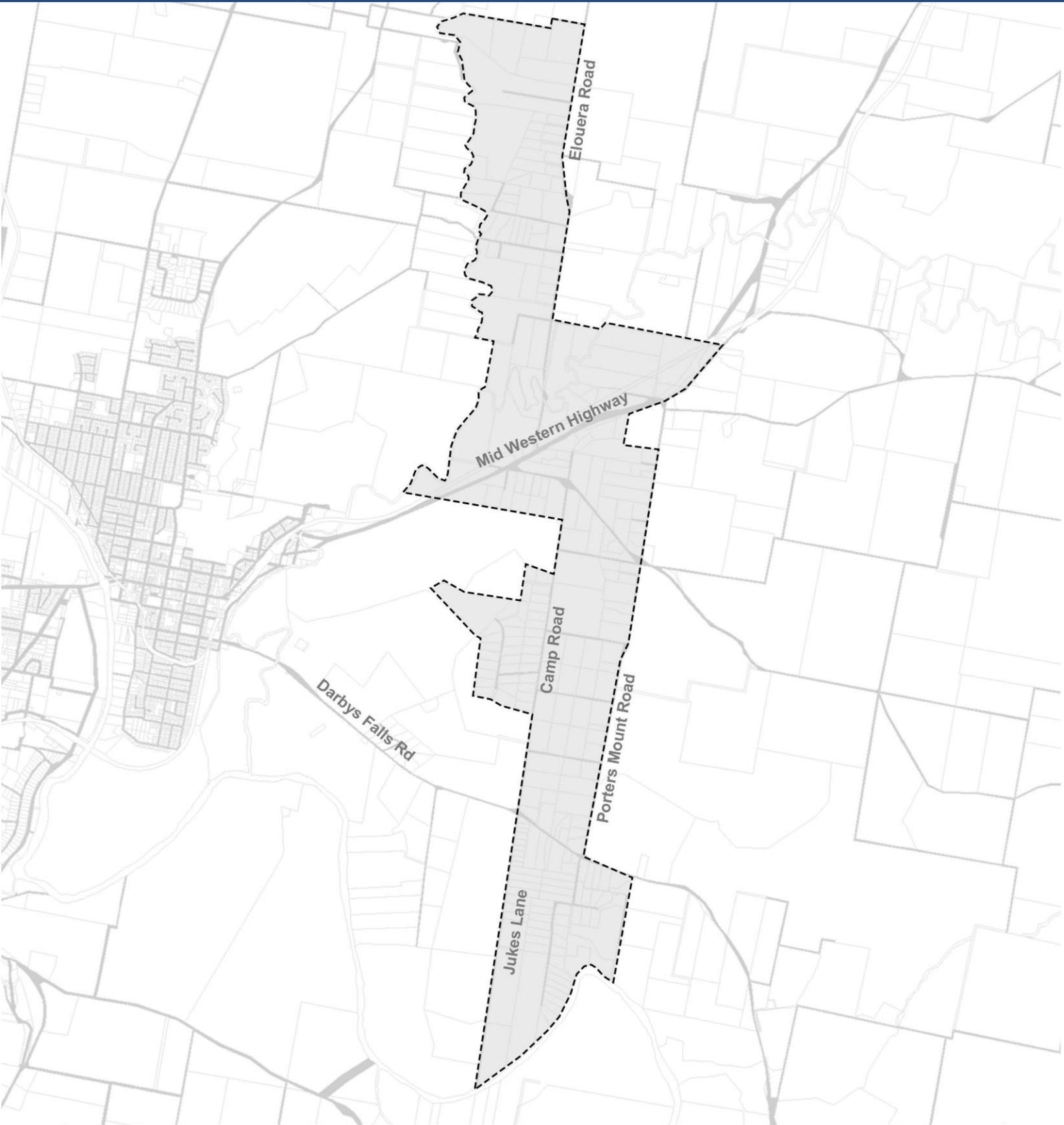
LEGEND

 Campbell Street Urban Release Area
R1 General Residential Zone



Appendix 8

Map – Contributions Area 4



PROJECT
Cowra Shire S94 Contributions Plan
DESCRIPTION
Location Map
Contribution Area No. 4

LEGEND

 East Cowra R5 Large Lot Residential Zone



Appendix 9

Map – Contributions Area 5



PROJECT
Cowra Shire S94 Contributions Plan
DESCRIPTION
Location Map
Contribution Area No. 5

LEGEND
[Dashed Box] West Cowra R5 Large Lot Residential Zone



Appendix 10

Map – Contributions Area 6



PROJECT
Cowra Shire S94 Contributions Plan
DESCRIPTION
Location Map
Contribution Area No. 6

LEGEND
 Glen Logan Road Urban Release Area
 IN1 General Industrial Zone



Appendix 11

Standard condition

Standard Condition

Pursuant to Section 94 of the Environmental Planning & Assessment Act 1979, the monetary contributions set out in the following table are to be paid to Council prior to the issue of a Subdivision Certificate or Construction Certificate. The contributions are current as at the date of this consent and are levied in accordance with the Cowra Section 94 Contributions Plan 2016, adopted on <insert date>, which may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website www.cowracouncil.com.au.

The contributions payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type	Rate	Rate Amount	No. of Lots / Units	Total Contribution Levied	Contribution Rate remains current until*
Open Space & Recreation					
Civic & Community Facilities					
Transport Infrastructure					
Plan Management & Administration					
Total S94 Contribution Payable					

Notes

¹ Per Person / One Bedroom Dwelling / Two Bedroom Dwelling / Three Bedroom Dwelling (+) / Lot

Working Example No. 1 - Subdivision

The table below has been completed showing the calculations for a 3 lot subdivision in an R1 Zone Contribution Area:

Contribution Type	Rate ¹	Amount	No. of Lots ²	Total Contribution Levied	Contribution Rate remains current until*
Open Space & Recreation	Lot	\$1,699.08	2	\$3398.16	30 June 2016
Civic & Community Facilities	Lot	\$1,316.06	2	\$2632.12	30 June 2016
Transport Infrastructure	Lot	\$135.95	2	\$271.90	30 June 2016
Plan Management & Administration	Lot	\$152.87	2	\$305.74	30 June 2016
Total S94 Contribution Payable				\$6607.92	30 June 2016

Notes

¹ Per Person / One Bedroom Dwelling / Two Bedroom Dwelling / Three Bedroom Dwelling (+) / Lot

² No. of additional lots created. The original lot is discounted from the calculations.

Appendix 11

Standard condition

Working Example No. 2 – Medium Density Units

The table below has been completed showing the calculations for a medium density residential development on an existing subdivision lot in an R1 Zone Contribution Area. The development involves the construction of 4 x 2 bedroom units.

Contribution Type	Rate ¹	Amount	No. of Units ²	Total Contribution Levied	Contribution Rate remains current until*
Open Space & Recreation	2 Bed	\$1,258.58	3	\$3775.74	30 June 2016
Civic & Community Facilities	2 Bed	\$974.86	3	\$2924.58	30 June 2016
Transport Infrastructure	2 Bed	\$100.71	3	\$302.13	30 June 2016
Plan Management & Administration	2 Bed	\$113.23	3	\$339.69	30 June 2016
Total S94 Contribution Payable				\$7342.14	30 June 2016

Notes

¹ Per Person / One Bedroom Dwelling / Two Bedroom Dwelling / Three Bedroom Dwelling (+) / Lot

² No. of additional dwelling units. The first dwelling unit is discounted from the calculations.

