



FACT SHEET

Contributions Plans – Section 7.11 & 7.12 (previously Section 94 & 94A)

What are Section 7.11 (previously Section 94) and Section 7.12 (previously Section 94A) Development Contributions?

Section 7.11 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, enables councils to levy monetary contributions for public amenities required as a consequence of new development. These contributions are required to provide revenue to fund the infrastructure that supports our quality of life.

Why has Council made a change?

The change has been adopted in order to:

- Simplify the way monetary contributions on development are levied and accounted for. The Plan replaces about 120 different levy categories with just three:
 1. all development valued at \$100,000 or less;
 2. all development valued at \$100,001 up to \$200,000; and
 3. all development valued in excess of \$200,000.
- Provide Council with the flexibility to allocate contributions into the shire-wide Works Program as detailed in the Contributions Plan. Previously the nine (9) different contributions plans under Section 94 and Section 94A prescribed schedules of works in individual catchments, limiting where infrastructure and amenity improvements can be made.

What are the new Section 7.11 and Section 7.12 Contributions Plans?

Nambucca Shire Council's Local Environmental Plan 2010 (NLEP 2010) facilitates development to cater for a population growth of up to 1.0% per annum over the next 10 years. This population increase will mainly occur in new residential areas, placing additional pressure on the Shire's existing recreation and community facilities.

Council's adopted Section 7.12 Contributions Plan, becomes effective on 1 July 2019, and will replace the existing Section 94A Plan as well as seven (7) of the existing eight (8) Section 94 Plans, being:

- Nambucca Shire Council – Section 94A Development Contribution Plan (2016 Review);
- Nambucca Shire Council – Community Facilities and Public Open Space 2008 Contributions Plan (2015 Review);
- Nambucca Shire Council - Section 94: Local Roads and Traffic Infrastructure Developer Contributions Plan 2016;
- Nambucca Shire Council – Section 94: Surf Life Saving;
- Nambucca Shire Council – Section 94: Project Administration;
- Nambucca Shire Council – Section 94: Smiths Lane Local Road and Traffic Infrastructure Developer Contribution Plan 2010;
- Nambucca Shire Council - Section 94: Upper Warrell Creek Road; and
- Nambucca Shire Council - Section 94: Upper Warrell Creek Road Overbridge.



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What contributions will be payable?

The adopted Section 7.12 Contributions Plan will introduce a levy payable on Development Applications and Complying Development Certificates as per the following table:

Cost of development	Contribution levy rate %
All development valued at \$100,000 or less	0.0%
All development valued at \$100,001 up to \$200,000	0.5 %
All development valued in excess of \$200,000	1.0 %

What kinds of development require a contribution?

The adopted Section 7.12 Contributions Plan applies to **all** development with a construction cost over \$100,000. This includes business, industrial and commercial development, as well as residential development, including alterations and additions to single dwellings, dual occupancies, multi-dwelling development and subdivision.

The revised Section 7.11 (S94) Contributions Plan for Mining and Extractive Industries will apply only to development applications relating to these industries.

The adopted Section 7.12 Contributions Plan complies with the Environmental Planning and Assessment Act. Section 7.12 plans are common in regional Councils, including Armidale, Gunnedah, Tamworth and Mid Coast Councils.

When must the contribution be paid?

In accordance with this Plan, contribution payments shall be as follows:

- *Development applications involving subdivision only – prior to the release of the Construction Certificate;*
- *Development applications involving building work only – prior to the release of the Construction Certificate;*
- *Development involving both subdivision and building work (eg Integrated housing developments) – prior to the release of the Construction Certificate, or the release of the Subdivision Certificate, whichever occurs first; and*
- *Development applications where no Construction Certificate is required – prior to the issue of an Occupation Certificate.*
- *Complying Development Certificates – prior to commencement of works;*

The amount of any monetary contribution to be paid will be the contribution payable at the time of consent.



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If a Complying Development Certificate is issued by an Accredited Private Certifier, the private certifier is to impose a condition on the complying development consent requiring the Section 7.12 levy to be paid to Council in accordance with the Contributions Plan. The development consent shall not operate unless, and until, the amount required by the consent under this Contributions Plan is paid to Council.

How will the contributions funds be used?

The proposed Section 7.12 Contributions Plan allows for the pooling of existing Section 94 funds and for them to be used in accordance with the Works Schedule in this plan, being:

Location	Works Program	2019-2029 Estimated Annual Expenditure**
Shirewide	Open Space and recreation, parks, playgrounds, streetscape, parking, road and intersection upgrades, bridges, cycleways, footpaths, drainage, cultural facilities, public amenities, public facilities, disability access equipment and facilities.	\$500,000

*** comprised of estimated contributions collected under this plan over the life of the plan, and pooled funds collected under plans which have been repealed with the implementation of this plan.*

Are there any exemptions?

A levy under Section 7.12 cannot be imposed on development:

- the subject of a condition under section 94 under a previous development consent relating to the subdivision of the land on which the development is to be carried out;
- enabling access by disabled persons in respect of the development;
- that is provided as affordable housing;
- that is the adaptive reuse of a heritage item;
- for the purpose of reducing a building's use of potable water or energy;
- on behalf of Council for infrastructure such as, but not limited to, libraries, community facilities, recreation areas, recreation facilities and car parks;
- that involves rebuilding or repair after natural disasters such as flooding or bushfires;
- An application for demolition (where there is no replacement building or development); and
- in rare exceptional cases, where Council considers an exemption is warranted, and the decision is made by formal resolution of Council at an Ordinary Council meeting.



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Adoption of the new Section 7.12 Contributions Plan

The Section 7.12 Development Contributions Plan was adopted by Council at its meeting on 16 May 2019.

The revised Section 7.11 Extractive Industries Developer Contributions Plan was adopted by Council on 13 June 2019.

Both the above plans become effective from 1 July 2019.

Further information

For details on the Section 7.12 Development Contributions Plan 2019, visit the Nambucca Shire Council website at: www.nambucca.nsw.gov.au or contact Council's Grants and Contributions Officer, Mrs Teresa Boorer, on 02 6568 0221