

15.6 Repeal of Section 7.11 Contribution Plans Nos 1, 2 and 3

CSP Objective: Outcome 5.1: Public funds and assets are managed strategically, transparently, and efficiently

CSP Strategy: 5.1.3 Assets are managed to understand the relevance, importance and lifecycle needs involved in the provision of infrastructure.

Delivery Program: 5.1.3.1 Work to improve Council's ability to meet increases in demand for its public infrastructure and assets

Item 15.6

Purpose of Report

The purpose of this report is to seek Council's resolution to repeal the three current adopted Section 7.11 Contribution Plans and levy all applications under the current adopted Section 7.12 Contribution Plan.

In summary, this report seeks endorsement to repeal the three section 7.11 contribution plans in accordance with clause 215 of the *Environmental Planning and Assessment Regulation 2021* by giving 14 days' notice of the decision on the website.

Local development contributions are levied on Development Applications (DAs) and Complying Development Certificates (CDCs) under either a section 7.11 or section 7.12 contributions plan.

Contributions levied under Section 7.11 are calculated based on the number of additional lots or dwellings. There is a rate that applies to the whole of the Kiama Local Government Area (LGA), and a rate for the northern and southern regions.

Contributions levied under section 7.12 are calculated based on the proposed cost of carrying out the development. The amount payable is calculated by taking the proposed cost of works, multiplied by the applicable levy percentage (ie 0%, 0.5% or 1%). The contribution amount is then indexed until the date of payment. The same levy rate applies across the LGA.

Financial implication

Development contributions are an essential component of Council's revenue and allow for councils to provide public amenities and services to meet the increased demands created by new development within our LGA.

It is essential to have up to date plans and to charge appropriate fees and contribution requirements for new development. This is to ensure existing ratepayers or Council are not subsidising the impacts of new development on our LGA.

The section 7.12 Contribution Framework will allow Council to continue to collect contributions and allocate funding to the delivery of capital projects as required, whilst minimizing the risk that the ongoing implementation of our outdated 7.11 plans currently pose.

The balances held under the section 7.11 plans (approximately \$7.34m as at 30 June 2022), along with any future income, will be transferred to the section 7.12 reserve and allocated to projects on a like for like basis.

Report of the Director Planning, Environment and Communities

15.6 Repeal of Section 7.11 Contribution Plans Nos 1, 2 and 3 (cont)

Risk implication

The age of Council's existing contribution plans and the limited work schedules included in the plans are a financial and reputational risk to the organisation. This has been reported to Council's Audit, Risk and Improvement Committee (ARIC) and to Council.

The current contribution framework includes multiple contributions plans and levying under both section 7.11 and section 7.12 of the EP&A Act. The legislation prohibits the levying of both section 7.11 and section 7.12 and it is resource intensive to ascertain which contributions have or have not previously been paid on a site. The multiple contribution plans and different levying methods increase the complexity in implementing the plans and in some instances causes confusion for customer and applicants.

Levying under a section 7.12 plan will minimise risk as it will provide a single, transparent method of levying contributions, while also ensuring that contributions are collected to help fund infrastructure.

Policy

Part 9, Division 3, of the *Environmental Planning and Assessment Regulation 2021* outlines the process for repealing existing contribution plans.

In regard to refunds, the legislation and relevant case law establish that there is no requirement to refund contributions, even if there is an excess of funds after all projects have been delivered, or if a contribution plan is repealed.

The contributions held in the reserve, and any future income will be transferred to the section 7.12 reserve and allocated to projects listed in the works schedule.

The current Planning Agreement Policy will continue to be implemented as required.

Consultation (internal)

As part of reviewing the proposed amendments to Council's existing contribution framework, internal consultation has occurred with Council's Director of Infrastructure and Liveability, Planning Team and Chief Financial Officer.

Communication/Community engagement

Under the provisions of the EP&A Regulation 14 days' notice must be given before the contribution plan is repealed. After the 14 days' notice period, a notice must be placed on Council's website to publicly advise of this decision.

Attachments

- 1 Section 7.11 Contribution Plan No 1 - Municipal Wide [↓](#)
- 2 Section 7.11 - Contribution Plan No 2 - Northern Region [↓](#)
- 3 Section 7.11 - Contribution Plan No 3 - Southern Region [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council:

1. Places a notice on Council's website providing 14 days' notice of its intention to repeal the following contribution plans:
 - Section 7.11 Contribution Plan No.1 – Municipal Wide Plan
 - Section 7.11 Contribution Plan No.2 – Northern Region
 - Section 7.11 Contribution Plan No.3 – Southern Region
2. Following the 14 day notice period, place a notice on Council's website advising that the following contribution plans have been repealed:
 - Section 7.11 Contribution Plan No.1 – Municipal Wide Plan
 - Section 7.11 Contributions Plan No.2 – Northern Region
 - Section 7.11 Contributions Plan No.3 – Southern Region
3. Upon repeal of the Section 7.11 contribution plans, transfer the balances to the Section 7.12 reserve and levy all future applications under the 7.12 plan.

Background – Local Infrastructure Contributions

Local infrastructure contributions, or development contributions, are charged by councils when new development occurs. They help fund infrastructure like parks, community facilities, local roads, footpaths, and traffic management.

Funds raised through development contributions must be held as a restricted asset and can only be spent for the purpose for which they were collected.

Council's development contribution plans are well beyond their intended timeframe, with the oldest plans being established in 1993. In 2022, a minor review of the plans was carried out in accordance with Council's adopted Strategic Planning Works Program and the Local Strategic Planning Statement (adopted in 2020). Several Section 7.11 Plans have also previously been repealed by Council. The Kiama LGA currently has four adopted contributions plans in place:

- Section 7.11 Contribution Plan No. 1 – Municipal Wide
- Section 7.11 Contribution Plan No. 2 – Northern Region
- Section 7.11 Contribution Plan No. 3 – Southern Region
- Section 7.12 Contribution Plan

Report of the Director Planning, Environment and Communities

15.6 Repeal of Section 7.11 Contribution Plans Nos 1, 2 and 3 (cont)

The balances of the Section 7.11 restricted asset accounts as at 30 June 2022 are:

Contribution Plan	Amount
Section 7.11 Contribution Plan No 1 – Municipal Wide	\$7,168,584
Section 7.11 Contribution Plan No 2 – Northern Region	\$113,989
Section 7.11 Contribution Plan No 3 – Southern Region	\$62,189
TOTAL	\$7,344,762

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Note: The 2022/23 Financial Statements are currently being prepared so the actual reserve balances when the transfer is completed will be based on current balances.

2021 Internal Audit recommended actions completed

In 2021, Council's Internal Auditor completed the *Development Contributions Internal Audit* which included a number of suggested improvements. This audit has been reported to Council's Audit, Risk and Improvement Committee (ARIC). The actions and recommendations that have been completed are as follows:

Updated Work Schedules

The Capital Works Program that Council delivers is funded from mixture of budget sources, including contributions collected from its Section 7.11 and 7.12 Plans.

As part of the minor contribution plans reviews completed in 2022, the work schedules of each plan were updated using Council's existing Capital Works Program.

Repeal of Plan Number 7

The Section 7.11 Contribution Plan No. 7 was repealed by Council in 2022. This area is now be captured under Section 7.11 Contribution Plan No 1 and Plan No 2.

Oversight of Plans

As reported to ARIC, a strong governance framework is important to ensure that the contribution funds are managed well, available when needed and spent as intended.

A dedicated Development Contribution Officer has been employed to oversee the development of the new plans and the ongoing administration of these plans. The role is also responsible for preparing the new contribution plans and for administering Council's current Plans. These administration functions would include providing advice on developer contributions to Council's Development Assessment Officers, thereby providing a peer review system.

Refunds

As reported to ARIC, Council is not obligated under the legislation to refund development contributions, even if there is an excess of funds after the works schedule has been completed or where a plan is repealed. Notwithstanding, in limited circumstances it may be reasonable to refund a contribution paid (for example where the payment was within 12 months and the consent is surrendered). The contribution plans have been updated to include this provision.

Report of the Director Planning, Environment and Communities

15.6 Repeal of Section 7.11 Contribution Plans Nos 1, 2 and 3 (cont)

Timing of payment

The policy for when a contribution must be paid has been updated to ensure contributions are collected in a timely manner.

Current considerations

The review and rework of the contributions plans continues to be identified as a priority in both the State of the Organisation Report and within ARIC.

As has been previously outlined to Council, in reports in June 2022 and reports to Council's ARIC, the contribution framework currently in place levies different development under different plans. The contribution is based on the type of development and if any contributions have previously been levied on that site. The multiple contribution plans and different levying methods increase the complexity for implementing the plans and in some instances causes confusion for customers and applicants.

Legislative requirements for levying under a section 7.11 plan are also increasing. As has been previously explained to Council, there is considerable work required to prepare a new section 7.11 planning framework. This includes the preparation of extensive supporting documentation required to justify the inclusion of items of infrastructure and the estimated cost of providing them. The cost of providing infrastructure is apportioned based on expected benefits and contributions can only fund the portion attributed to new development. Implementation of a section 7.11 plan also requires significant administration.

It is acknowledged that the section 7.11 plans are outdated and not fit for purpose. The comprehensive review of S7.11 plans will take some time and is multi-faceted in its delivery; it also relies on the delivery of other plans and strategies to inform the outcome of the new plans.

Section 7.12 Plans

The Section 7.12 contribution plan levies development based on the cost of works and provides a clear and transparent method of contribution calculations. Advantages of utilising only the S7.12 Plans include:

- Our S7.12 plan provides explicit details about the contribution calculation.
- This method allows more flexibility when allocating contributions to capital projects.
- Calculations are based on cost of works and an explicit nexus between the contribution and the development is not required.
- Section 7.12 contributions also do not fall under the ministerial cap of \$20,000 and in some cases depending on the costs of works may levy higher amounts of contributions to be paid.

It is therefore proposed to only levy section 7.12 contributions moving forward. Ongoing review of the overarching contribution framework will continue to occur, however utilising our existing S7.12 only will provide a more robust framework for Council until this further work is complete.

Report of the Director Planning, Environment and Communities

15.6 Repeal of Section 7.11 Contribution Plans Nos 1, 2 and 3 (cont)

Once repealed, applications will be levied under the current adopted section 7.12 contribution plan which applies to the whole of the LGA. Contributions collected under section 7.11 will be transferred to the section 7.12 reserve and allocated to projects.

Growth areas

There are a number of urban release areas within the Kiama LGA, at different stages of planning, that will accommodate new dwellings and new residents. As part of the planning for these areas, the provision of public infrastructure will be considered. This will include both passive and active open space, community facilities, traffic and transport, active transport and stormwater infrastructure. For these new areas it is expected that mechanisms such as a Planning Agreement or site-specific section 7.11 plans, where suitable will be implemented, in line with the requirement of the URA clause of our LEP.

Next steps

The works schedule will be reviewed and updated to reflect the capital works budget in the Long-Term Financial Plan and Delivery Program. This will provide consistency across councils strategic planning documents and provide a part funding source for projects identified by the community. Other review items may include the inclusion of maps showing the location of projects and a review of the exemption provisions, along with any legislative updates.

An internal contributions group has also been established and will provide regular reporting to ARIC, senior management and Council as well as establishing and administering the required public register.

Conclusion

Development contributions are an important funding source for councils to help deliver public infrastructure required to support our existing and future residents. The repeal of the Section 7.11 Contribution Plans will simplify the existing contribution framework and implementation while also ensuring an income stream. Work will continue on the overall framework, how the use of Planning Agreements can achieve positive outcomes for the community and how infrastructure in growth areas can be delivered.



Section 7.11 Contribution Plan No.1 – Municipal Wide

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Attachment 1



RESPECT



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INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	8 June 1993
Resolution No	Click to enter Minute No or N/A if an approved document.
Date effective	8 June 1993
Date last reviewed	28 June 2022
Next review date	28 June 2023
Department	Environmental Services
Author	Manager Strategic Planning
TRIM reference	22/53857
Supporting documents	NA

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Section 7.11 Contribution Plan No.1 – Municipal Wide

1.0 Citation

This plan may be cited as Kiama Council Section 7.11 Contributions Plan No. 1 (Council Wide Plan).

2.0 Purpose of the Plan

Section 7.11 (s.7.11) of the Environmental Planning and Assessment Act 1979 (EPA Act) authorises Councils to require persons developing land to pay monetary contributions and/or dedicate land in order to help fund the increased demand for public amenities and public services (amenities and services) generated as a consequence of carrying out development. The Court has determined that s.7.11 is the sole method that Councils can use to require a contribution from a developer. The three general principles in applying s.7.11 contributions are:-

- a contribution must be for, or relate to, a planning purpose;
- a contribution must fairly and reasonably relate to the subject development; and
- the contribution must be such that a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed the contribution.

Council may either:-

- require a monetary contribution (or dedication of land) to fund works or facilities to be carried out in the future; or
- require a contribution to fund works or facilities which have already been constructed (i.e. recoupment of funds already spent).

Therefore, the purpose of this plan is to seek contributions for purposes identified in this plan.

3.0 Aims and Objectives of the Plan

The aims and objectives of this Plan are to:-

- ensure that Section 7.11 contributions levied on development are reasonable;
- ensure that an appropriate level of services and amenities occur within the Council area;
- employ a user pays policy regarding the funding of services and amenities so that the existing residents of the Council area do not have to subsidise new development;
- ensure that the services and amenities provided are not for the purpose of making up shortfalls in other areas;
- make clear Council's intentions regarding the type, location and timing of provision of services and amenities within the Council area; and
- ensure that the area of the Council of Kiama contains a reasonable level of public services and amenities.

4.0 Land to Which this Plan Applies

This plan applies to the whole of the area of the Council of Kiama as identified by Appendix 2 of this plan.

5.0 Relationship between this Plan and Existing Plans, Policies and Codes

This plan relates to:-

Section 7.11 Contribution Plan No. 1 – Municipal Wide

- Section 7.11 Contributions Plans No. 2 and 3 of 1992 (Northern and Southern Regions);
- *Kiama Local Environmental Plan 2011*;
- all existing and future development control plans as are relevant to particular types of development for which a contribution may be sought; and
- all existing and future Council Codes and Policies as are relevant to development for which a contribution may be sought.

NOTE: Reference must be made to the Section 7.11 Contributions Plan relevant to the area in which development is to take place (i.e. either the northern or southern region of the Council area). Additional contributions under these plans will be required over and above contributions levied under this plan.

6.0 Establishment of Nexus

Council has determined that the public services and amenities identified in this plan are of Council area wide benefit and accessible to all persons living within the Council area.

For the purpose of establishing nexus, it has been determined that all land within the Council area is within reasonable distance from the proposed and existing public services and amenities identified in this plan. Therefore, in terms of satisfying the requirement of nexus all land within the Council area is deemed to benefit from existing and proposed services and amenities identified in this plan.

Council will seek a Section 7.11 contribution where a development will, or is likely to require the provision or increase the demand for public amenities or public services within the area and as listed in the Works Schedule. Each development application will be considered on its merits.

7.0 Calculation of Contributions

For the purpose of this plan, in calculating contributions the following formula will be used:-

$$\$C = \frac{CW \text{ (Council wide area)} \times DL \times IPD}{PP \text{ (yr 2000)} - P \text{ (yr 1986)}}$$

Where:-

\$C =Contribution rate

CW =Cost of Work (\$5,968,570)

PP =Population projections (i.e. 19,000 by year 2000)

P =Existing Population as at 1986 (i.e. 13,000 persons)

DL =Development Liability

IPD =Implicit Price Deflator

With respect to the above formula, Council has determined that in 1986 services and facilities were provided to meet the population at that time.

Development involving the construction of medium density dwellings or subdivision of land for the purpose of creating dwelling sites, census statistics have indicated that 3.3 persons per household or lot is the average number of persons generated by this form of development. Therefore, in calculating the development liability (DL) a ratio of 3.3 persons

per household/lot has been adopted. Contributions will then be determined on a per person basis.

For the purpose of calculating contributions for medium density development the following table indicates the persons per medium density unit for small, medium and large units:

- Small = 2 persons per unit
- Medium = 2.5 persons per unit
- Large = 3.3 persons per unit

For the purpose of calculating open space dedication a ratio of 28.3 m² per person is required. A contribution to meet this requirement may be met by either dedicating land at the above ratio or by a monetary contribution.

To satisfy the monetary contribution, the following formula will be used:-

$$\$C = 28.3 \text{ m}^2 \text{ per person} \times DL \times \$ \text{ englobo value of land to be acquired}$$

Where:

- $\$C$ = Contribution rate
- 28.3 m² per person = Land dedication equivalent
- DL = Development liability
- $\$$ = Englobo land value

Council will be seeking monetary contributions on a notional basis to acquire land at a future date in the locality benefiting land to which the development applies.

8.0 Contribution Rates

The types of development liable for contributions under this plan are:

- any form of subdivision which involves the generation of additional persons;
- any form of residential development generating additional persons (other than single unit dwelling houses);
- dual occupancy and/or secondary dwelling development, where such development creates an additional new dwelling on the site. In which case a contribution for only one (1) dwelling will be sought.
- Tourist related development which generates demand on services and facilities. In this case the contribution will be calculated at the rate of 1.5 persons per unit;

For the purposes of this plan, it has been determined that tourist related development places a demand on services and facilities equivalent to sixty five per cent (65%) to that of permanent residents; and

- any other form of development which generates additional persons and creates a demand on services and facilities.

For contribution rates relating to particular types of development refer to Schedule 1 attached at the rear of the document.

9.0 Indexation

In order to update this plan without the need for amendment and readvertising a built in price increase equivalent to the implicit price deflator (IPD) has been adopted and will apply as at the date of granting development consent. For the purpose of this plan the quarterly published IPD will be used.

10.0 Method and Timing of Payment of Contributions

10.1 Methods of Payment

There are three possible methods of payment for Section 7.11 contributions, each of which is outlined below.

10.1.1 Monetary Contribution

This is the usual method of payment. When a development consent is issued that involves the payment of a Section 94 contribution, it contains a condition outlining the amount payable in monetary terms subject to indexation by the IPD. However this can be offset by either of the following two methods of payment.

10.1.2 Dedication of Land

Where appropriate Council will permit the dedication of land for open space, community facilities, drainage or roads to offset the monetary contribution payable. The assessment of the suitability of land for dedication occurs at the Development or Subdivision Application stage.

If consent is issued for a development, then the applicant needs to contact Council in order to receive a valuation of the land proposed to be dedicated. Upon agreement being reached as to the land's value, and exchange of contracts subsequently occurring, Council will offset the value of the land against the monetary contribution payable.

10.1.3 Works-in-Kind Agreements

Council may accept the construction of amenities or services to offset the monetary contribution payable. The works provided must be in accordance with the schedules of works contained in this Plan. The applicant will need to initiate this option by giving Council full details of the work proposed to be undertaken. Council will then consider the request and advise the applicant accordingly.

If the works-in-kind are not completed prior to the completion of development, then the applicant will need to provide Council with suitable financial guarantees (normally by way of a Bank Guarantee) for the amount of the works not completed. Upon completion of the works the financial guarantee will be discharged by Council.

10.2 Timing of Payment

Council's policy regarding the timing of payment of Section 7.11 contributions is as follows:-

Type of Development			Timing
Development subdivisions	Applications involving		Prior to the issue of any Subdivision Certificate
Development building work	Applications involving		Prior to the issue of any Construction Certificate
Development building work and subdivision (i.e. dual occupancies)	Applications involving		Prior to the issue of any Construction Certificate

11.0 Schedule of Works, Commencement, Staging and Expenditure

11.1 Schedule of Works

For the purpose of this plan, Council has identified services and amenities which have or will be provided. For services and amenities already provided recoupment of such costs will be sought. The detailed Schedule of Works is contained in [Appendix 1](#).

11.2 Commencement and Staging

To provide some indication of the likely timing for the provision of such facilities and amenities, it is anticipated that all facilities and amenities will be provided within five (5) to seven (7) years. However, if the facilities and amenities are not provided within this period Council will endeavour to provide facilities and amenities either when a demand threshold has been reached or when sufficient funds are available to provide such facility or amenity.

12.0 Financial Information

A separate accounting record is maintained by Council for this Plan. It contains details concerning contributions received and expended, including interest earned, for each service or amenity provided.

Inspection of this accounting record may be made at Council's Accounting Department.

13.0 Refunds

Requests for the full or partial refund of contributions will be considered in limited circumstances and must be made in accordance with the following process:

- The development consent or complying development certificate must not have been acted on and must be formally surrendered;
- The current landowner must submit a written request to Council;
- The request for a refund must be made within 12 months of the payment.

A delegated council officer may approve requests for refunds, in part or full, that are made in accordance with the above provisions, or on other circumstances considered reasonable.

14.0 Monitoring of Plan

This Plan will be subject to regular review by Council. The purpose of any review is to ensure that:

- levels of public service and amenity provision are consistent with likely population trends and community needs;
- contribution levels reflect changes to land values and construction costs;
- changes to catchment areas can be incorporated; and
- work schedules can be amended if development levels differ from current expectations.

Any changes to the Plan, apart from the indexing of contributions, will be placed on public exhibition. Such exhibition period is 28 days and Council welcomes the opportunity for interested parties to make written submissions. The nature of the changes proposed and the reasons for such will be clearly outlined as part of the public participation process.

Any enquiries regarding this plan may be directed to Council's Strategic Planning Team.

SCHEDULE 1			
Type of Development	Contribution Person	per	Contribution Lot/Unit per
Subdivision	995.00		3,280.00
Tree Planting	-		100.00 per lot
Medium Density Development:			
Small Unit (<60sqm)	995.00 x 2		1,990.00
Medium Unit (60-90sqm)	995.00 x 2.5		2,490.00
Large Unit (>90sqm)	995.00 x 3.3		3,280.00
Dual Occupancy/Secondary Dwelling	995.00 x 3.3		3,280.00
Tourist Development	995.00 x 1.5 x 0.65		970.00

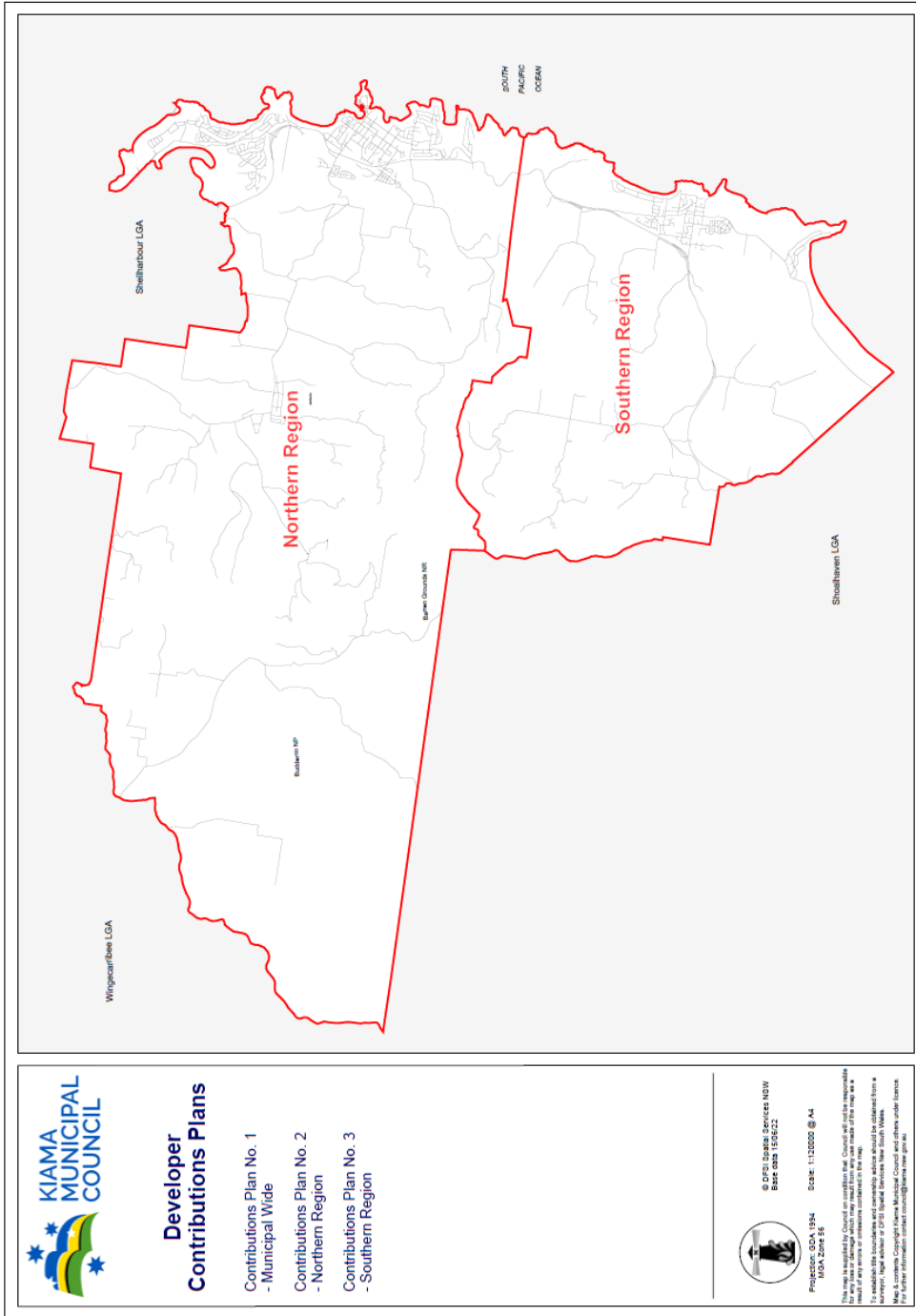
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Attachment 1

Appendix 1 – Work Schedule		Project Number	Project	Forecast Funding Allocation					Total
				2021/22	2022/23	2023/24	2024/25		
			Roads & Bridges						
200100			Toolijooa Road Sharpes La to Dooley Rd Road Renewal	\$60,000	-	-	-	-	\$60,000
200101			Toolijooa Road Sharpes La to Dooley Rd Road Renewal Stage 2	\$75,000	-	-	-	-	\$75,000
			Michael Crescent, Ironbark Cres to End Road Surface Renewal	-	\$8,000	-	-	-	\$8,000
			Johnson Street, Merindah Ave to North Kiama Dr Road Surface Renewal	-	\$8,000	-	-	-	\$8,000
			Bamey Street, Bourrool St to Belvedere St Road Surface Renewal	-	\$50,000	-	-	-	\$50,000
			Knights Hill Road, Jamberoo Mtn Rd to Knights Hill Rd nth sth & east end Road Surface Renewal	-	\$20,000	-	-	-	\$20,000
			Sub total	\$135,000	\$86,000	-	-	-	\$221,000
			Footpaths & Cycleway						
			Attunga Avenue, Kiama Heights - South Kiama Drive to Kalang Rd	-	\$5,000	-	-	-	\$5,000
			Kalang Road, Kiama Heights - Attunga Avenue to Playground	-	\$5,000	-	-	-	\$5,000
			Attunga Avenue, Kiama Heights - Kalang Rd to Coastal walking Track	-	-	\$60,000	-	-	\$60,000
			Sub total	-	\$10,000	\$60,000	-	-	\$70,000
			Carparks						
200165			Shoalhaven Street - car park north of Kiama Pre School	\$50,000	-	-	-	-	\$50,000
			Sub total	\$50,000	-	-	-	-	\$50,000
			Non-commercial buildings						
200155			Keith Irvine Amenities	\$50,000	-	-	-	-	\$50,000
200185			North Bombo Amenities - SRV Project	\$40,000	-	-	-	-	\$40,000
			Extension Council Administration	-	-	-	\$1,500,000	-	\$2,400,000
			Sub total	\$90,000	-	-	\$1,500,000	-	\$1,590,000
			Administration						
			Development Contributions Officer	\$95,000	\$96,600	\$98,232	\$99,897		\$389,729
			Development Contributions Admin Support - Strat/Finance	\$10,000	\$10,200	\$10,404	\$10,612		\$41,216
			Development Contributions Administration & Studies	\$80,000	-	-	-		\$80,000

Sub total	\$90,000	\$106,800	\$108,636	\$110,509	\$415,945
TOTAL	\$395,000	\$202,800	\$168,636	\$1,610,509	\$2,376,945

Appendix 2 – Land to Which this Plan Applies



Section 7.11 Contribution Plan No. 1 – Municipal Wide

How to contact Council

Post

Chief Operating Officer
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



KIAMA MUNICIPAL COUNCIL
your council, your community



Section 7.11 Contribution Plan No.2 – Northern Region



RESPECT



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Date approved/adopted	8 June 1993
Resolution No	Click to enter Minute No or N/A if an approved document.
Date effective	8 June 1993
Date last reviewed	28 June 2022
Next review date	28 June 2023
Department	Environmental Services
Author	Manager Strategic Planning
TRIM reference	22/53881
Supporting documents	NA

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Section 7.11 Contribution Plan No.2 – Northern Region

1.0 Citation

This plan may be cited as Kiama Council Section 7.11 Contributions Plan No. 2 (Northern Region).

2.0 Purpose of the Plan

Section 7.11 (s.7.11) of the Environmental Planning and Assessment Act 1979 (EPA Act) authorises Councils to require persons developing land to pay monetary contributions and/or dedicate land in order to help fund the increased demand for public amenities and public services (amenities and services) generated as a consequence of carrying out development. The Court has determined that s.7.11 is the sole method that Councils can use to require a contribution from a developer. The three general principles in applying s.7.11 contributions are:-

- a contribution must be for, or relate to, a planning purpose;
- a contribution must fairly and reasonably relate to the subject development; and
- the contribution must be such that a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed the contribution.

Council may either:-

- require a monetary contribution (or dedication of land) to fund works or facilities to be carried out in the future; or
- require a contribution to fund works or facilities which have already been constructed (i.e. recoupment of funds already spent).

Therefore, the purpose of this plan is to seek contributions for purposes identified in this plan.

3.0 Aims and Objectives of the Plan

The aims and objectives of this Plan are to:-

- ensure that Section 7.11 contributions levied on development are reasonable;
- ensure that an appropriate level of services and amenities occur within the northern region of the Municipality;
- employ a user pays policy regarding the funding of services and amenities so that the existing residents of the Council area do not have to subsidise new development;
- ensure that the services and amenities provided are not for the purpose of making up shortfalls in other areas;
- make clear Council's intentions regarding the type, location and timing of provision of services and amenities within the Council area; and
- ensure that the area of the Council of Kiama contains a reasonable level of public services and amenities.

4.0 Land to Which this Plan Applies

This plan applies to the Northern Region of the Council of Kiama as identified by the map contained in [Appendix 2](#) of this Plan.

5.0 Relationship between this Plan and Existing Plans, Policies and Codes

This plan relates to:-

Section 7.11 Contribution Plan No. 2 – Northern Region

- Section 7.11 Contributions Plans No. 1 (Municipal Wide Plan);
- *Kiama Local Environmental Plan 2011*;
- all existing and future development control plans as are relevant to particular types of development for which a contribution may be sought; and
- all existing and future Council Codes and Policies as are relevant to development for which a contribution may be sought.

NOTE: Reference must be made to the Section 7.11 Contributions Plan relevant to the area in which development is to take place (i.e. either the northern or southern region of the Council area). Additional contributions under these plans will be required over and above contributions levied under this plan.

6.0 Establishment of Nexus

Council has determined that the public services and amenities identified in this plan are of Council area wide benefit and accessible to all persons living within the Council area.

For the purpose of establishing nexus, it has been determined that all land within the Council area is within reasonable distance from the proposed and existing public services and amenities identified in this plan. Therefore, in terms of satisfying the requirement of nexus all land within the Council area is deemed to benefit from existing and proposed services and amenities identified in this plan.

Council will seek a Section 7.11 contribution where a development will, or is likely to require the provision or increase the demand for public amenities or public services within the area and as listed in the Works Schedule. Each development application will be considered on its merits.

7.0 Calculation of Contributions

For the purpose of this plan, in calculating contributions the following formula will be used:-

$$\text{\$C} = \frac{\text{CW (Northern)} \times \text{DL} \times \text{IPD}}{\text{PP (yr 2000)} - \text{P (yr 1986)}}$$

Where:-

\\$C =Contribution rate

CW =Cost of Work (\\$634,105)

PP =Population projections (i.e. 19,000 by year 2000)

P =Existing Population as at 1986 (i.e. 13,000 persons)

DL =Development Liability

IPD =Implicit Price Deflator

With respect to the above formula, Council has determined that in 1986 services and facilities were provided to meet the population at that time.

Development involving the construction of medium density dwellings or subdivision of land for the purpose of creating dwelling sites, census statistics have indicated that 3.3 persons per household or lot is the average number of persons generated by this form of development. Therefore, in calculating the development liability (DL) a ratio of 3.3 persons per household/lot has been adopted. Contributions will then be determined on a per person basis.

For the purpose of calculating contributions for medium density development the following table indicates the persons per medium density unit for small, medium and large units:

- Small = 2 persons per unit
- Medium = 2.5 persons per unit
- Large = 3.3 persons per unit

For the purpose of calculating open space dedication a ratio of 28.3 m² per person is required. A contribution to meet this requirement may be met by either dedicating land at the above ratio or by a monetary contribution.

To satisfy the monetary contribution, the following formula will be used:-

$$\$C = 28.3 \text{ m}^2 \text{ per person} \times DL \times \$ \text{ englobo value of land to be acquired}$$

Where:

- $\$C$ = Contribution rate
- 28.3 m² per person = Land dedication equivalent
- DL = Development liability
- $\$$ = Englobo land value

Council will be seeking monetary contributions on a notional basis to acquire land at a future date in the locality benefiting land to which the development applies.

8.0 Contribution Rates

The types of development liable for contributions under this plan are:

- any form of subdivision which involves the generation of additional persons;
- any form of residential development generating additional persons (other than single unit dwelling houses);
- dual occupancy and/or secondary dwelling development, where such development creates an additional new dwelling on the site. In which case a contribution for only one (1) dwelling will be sought.
- Tourist related development which generates demand on services and facilities. In this case the contribution will be calculated at the rate of 1.5 persons per unit;
For the purposes of this plan, it has been determined that tourist related development places a demand on services and facilities equivalent to sixty five per cent (65%) to that of permanent residents; and
- any other form of development which generates additional persons and creates a demand on services and facilities.

For contribution rates relating to particular types of development refer to Schedule 1 attached at the rear of the document.

9.0 Indexation

In order to update this plan without the need for amendment and readvertising a built in price increase equivalent to the implicit price deflator (IPD) has been adopted and will apply as at

the date of granting development consent. For the purpose of this plan the quarterly published IPD will be used.

10.0 Method and Timing of Payment of Contributions

10.1 Methods of Payment

There are three possible methods of payment for Section 7.11 contributions, each of which is outlined below.

10.1.1 Monetary Contribution

This is the usual method of payment. When a development consent is issued that involves the payment of a Section 94 contribution, it contains a condition outlining the amount payable in monetary terms subject to indexation by the IPD. However this can be offset by either of the following two methods of payment.

10.1.2 Dedication of Land

Where appropriate Council will permit the dedication of land for open space, community facilities, drainage or roads to offset the monetary contribution payable. The assessment of the suitability of land for dedication occurs at the Development or Subdivision Application stage.

If consent is issued for a development, then the applicant needs to contact Council in order to receive a valuation of the land proposed to be dedicated. Upon agreement being reached as to the land's value, and exchange of contracts subsequently occurring, Council will offset the value of the land against the monetary contribution payable.

10.1.3 Works-in-Kind Agreements

Council may accept the construction of amenities or services to offset the monetary contribution payable. The works provided must be in accordance with the schedules of works contained in this Plan. The applicant will need to initiate this option by giving Council full details of the work proposed to be undertaken. Council will then consider the request and advise the applicant accordingly.

If the works-in-kind are not completed prior to the completion of development, then the applicant will need to provide Council with suitable financial guarantees (normally by way of a Bank Guarantee) for the amount of the works not completed. Upon completion of the works the financial guarantee will be discharged by Council.

10.2 Timing of Payment

Council's policy regarding the timing of payment of Section 7.11 contributions is as follows:-

Type of Development			Timing
Development subdivisions	Applications involving		Prior to the issue of any Subdivision Certificate
Development building work	Applications involving		Prior to the issue of any Construction Certificate
Development building work and subdivision (i.e. dual occupancies)	Applications involving		Prior to the issue of any Construction Certificate

11.0 Schedule of Works, Commencement, Staging and Expenditure

11.1 Schedule of Works

For the purpose of this plan, Council has identified services and amenities which have or will be provided. For services and amenities already provided recoupment of such costs will be sought. The detailed Schedule of Works is contained in [Appendix 1](#).

11.2 Commencement and Staging

To provide some indication of the likely timing for the provision of such facilities and amenities, it is anticipated that all facilities and amenities will be provided within five (5) to seven (7) years. However, if the facilities and amenities are not provided within this period Council will endeavour to provide facilities and amenities either when a demand threshold has been reached or when sufficient funds are available to provide such facility or amenity.

12.0 Financial Information

A separate accounting record is maintained by Council for this Plan. It contains details concerning contributions received and expended, including interest earned, for each service or amenity provided.

Inspection of this accounting record may be made at Council's Accounting Department.

13.0 Refunds

Requests for the full or partial refund of contributions will be considered in limited circumstances and must be made in accordance with the following process:

- The development consent or complying development certificate must not have been acted on and must be formally surrendered;
- The current landowner must submit a written request to Council;
- The request for a refund must be made within 12 months of the payment.

A delegated council officer may approve requests for refunds, in part or full, that are made in accordance with the above provisions, or on other circumstances considered reasonable.

14.0 Monitoring of Plan

This Plan will be subject to regular review by Council. The purpose of any review is to ensure that:

- levels of public service and amenity provision are consistent with likely population trends and community needs;
- contribution levels reflect changes to land values and construction costs;
- changes to catchment areas can be incorporated; and
- work schedules can be amended if development levels differ from current expectations.

Any changes to the Plan, apart from the indexing of contributions, will be placed on public exhibition. Such exhibition period is 28 days and Council welcomes the opportunity for interested parties to make written submissions. The nature of the changes proposed and the reasons for such will be clearly outlined as part of the public participation process.

Any enquiries regarding this plan may be directed to Council's Strategic Planning Team.

SCHEDULE 1			
Type of Development	Contribution Person \$	per	Contribution Lot/Unit \$
Subdivision	135.00		445.50
Medium Density Development:			
Small Unit (<60sqm)	135.00 x 2		270.00
Medium Unit (60-90sqm)	135.00 x 2.5		337.50
Large Unit (>90sqm)	135.00 x 3.3		445.50
Dual Occupancy/Secondary Dwelling	135.00 x 3.3		445.50
Tourist Development	135.00 x 1.5 x 0.65		131.60

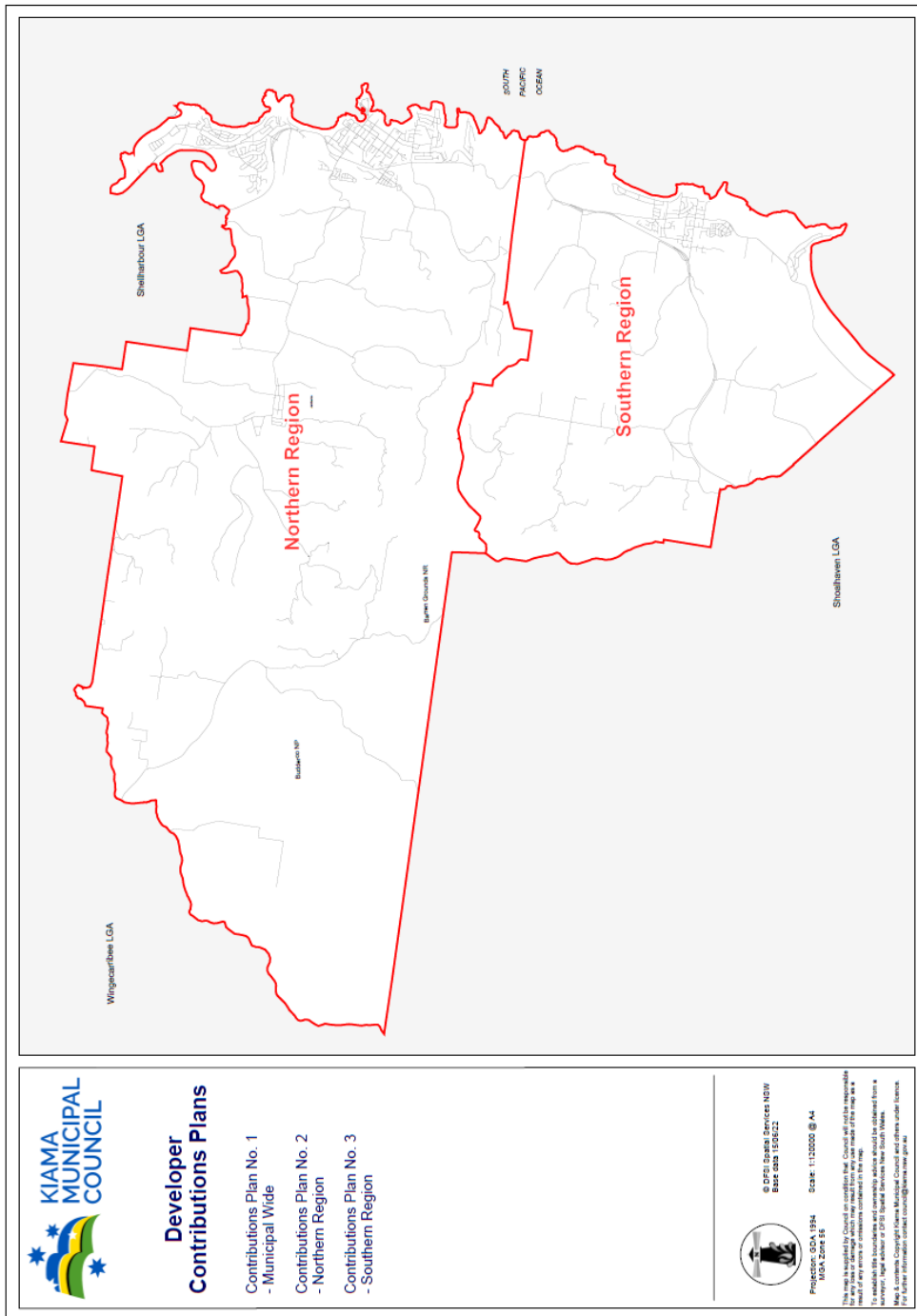
Appendix 1 – Work Schedule

Project Number	Project	Forecast Funding Allocation				Total
		2021/22	2022/23	2023/24	2024/25	
Roads & Bridges						
	Thornett Way, Meehan Dr to End Road Surface Renewal	-	\$10,000.00	-	-	\$10,000
	Illoura Place, Burnett Ave to End Road Surface Renewal	-	\$3,000.00	-	-	\$3,000
	Wandama Lane, Johnson St to Johnson St Road Surface Renewal	-	\$1,000.00	-	-	\$1,000
	Coryule Place, Bland St to Cul De Sac Road Surface Renewal	-	\$10,000.00	-	-	\$10,000
	Charmian Cliff Place, Whitton Pl to End Road Surface Renewal	-	\$4,000.00	-	-	\$4,000
	Anderson Place/Seg 01 Ironbark Cr to End/Surface	-	\$5,000.00	-	-	\$5,000
200968	Claremont Place/Seg 01 Irvine St to End/Surface R2R	\$4,000	-	-	-	\$4,000
	Commissioner's Lane/Seg 01 Cathedral Rocks Ave to End/Surface	-	\$3,000.00	-	-	\$3,000
200969	Irvine Street, Barney St to Thomson St Road Surface Renewal R2R	\$30,000	-	-	-	\$30,000
	Mt Brandon Road/RDA driveway	-	\$3,000.00	-	-	\$3,000
	Sub total	\$34,000.00	\$39,000.00	-	-	\$73,000.00
Footpaths & Cycleways						
200948	Weston Pl, Kiama - Weston Pl to Saddleback Mtn Rd	\$6,000	-	-	-	\$6,000
200949	Charles Ave, Minnamurra - James Oates Reserve footpath	\$3,000	-	-	-	\$3,000
200951	Saddleback Road, Kiama - High school to west of overbridge	\$10,000	-	-	-	\$10,000
	North Kiama Drive, Kiama Downs - Riverside Drive to Iluka Crescent	-	\$15,000	-	-	\$15,000
	Attunga Avenue, Kiama Heights - South Kiama Drive to Kalang Rd	-	\$20,000	-	-	\$20,000
	Kalang Road, Kiama Heights - Attunga Avenue to Playground	-	\$20,000	-	-	\$20,000
	Drainage Reserve, Kiama Downs - Ironbark Crescent to Henry Parkes Drive	-	\$15,000	-	-	\$15,000
	Attunga Avenue, Kiama Heights - Kalang Rd to Coastal walking Track	-	-	\$20,000	-	\$20,000
	Elanora Road, Kiama Heights - Kalang Rd to Elanora Rd	-	-	\$20,000	-	\$20,000
	Riverside Drive, Kiama Downs - Darien Ave to Nth Kiama Dr	-	-	\$30,000	-	\$30,000

<DocumentName>

Project Number	Project	Forecast Funding Allocation					Total
		2021/22	2022/23	2023/24	2024/25		
	Wyalla Road, Jamberoo - Macquarie Street to existing path	-	-	-	\$8,000		\$8,000
	Pheasant Point Drive, Kiama - End of Path to End of Path	-	-	-	\$6,000		\$6,000
	Gibraltar Avenue, Kiama Downs - Riverside Drive to North Kiama Drive	-	-	-	\$12,000		\$12,000
	Kalang Road, Kiama Heights - Playground to Attunga Avenue	-	-	-	\$30,000		\$30,000
200006	Jamberoo Valley Cycleway construction (2.5M grant)	-	-	-	-		-
	Town Centre bicycle facilities (\$250k grant)	-	-	-	-		-
	Local Bicycle Network connections (\$150k) - Charles Ave - Bike Skills Track	-	-	-	-		-
200157	Bombo Headland Ecowalk	\$50,000					
	Sub total	\$69,000	\$70,000	\$70,000	\$56,000		\$265,000
	Stormwater						
200200	Barney St - Kerb & Gutter - Barney St existing to Bourool St	\$10,000	-	-	-		\$10,000
200971	Commissioners Ln - Kerb & gutter & drainage	\$10,000	-	-	-		\$10,000
	Sub total	\$20,000	-	-	-		\$20,000
	Administration						
	Development Contributions Officer	\$2,000	\$2,040	\$2,081	\$2,122		\$8,243
	Development Contributions Admin Support - Strat/Finance	-	-	-	-		-
	Sub total	\$2,000	\$2,040	\$2,081	\$2,122		\$8,243
	TOTAL	\$125,000	\$111,040	\$72,081	\$58,122		\$366,243

Appendix 2 – Land to Which this Plan Applies



Section 7.11 Contribution Plan No. 2 – Northern Region

How to contact Council

Post

Chief Operating Officer
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



KIAMA MUNICIPAL COUNCIL
your council, your community



Section 7.11 Contribution Plan No.3 – Southern Region



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	8 June 1993
Resolution No	Click to enter Minute No or N/A if an approved document.
Date effective	8 June 1993
Date last reviewed	28 June 2022
Next review date	28 June 2023
Department	Environmental Services
Author	Manager Strategic Planning
TRIM reference	22/54036
Supporting documents	NA

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Section 7.11 Contribution Plan No.2 – Southern Region

1.0 Citation

This plan may be cited as Kiama Council Section 7.11 Contributions Plan No. 3 (Southern Region).

2.0 Purpose of the Plan

Section 7.11 (s.7.11) of the Environmental Planning and Assessment Act 1979 (EPA Act) authorises Councils to require persons developing land to pay monetary contributions and/or dedicate land in order to help fund the increased demand for public amenities and public services (amenities and services) generated as a consequence of carrying out development. The Court has determined that s.7.11 is the sole method that Councils can use to require a contribution from a developer. The three general principles in applying s.7.11 contributions are:-

- a contribution must be for, or relate to, a planning purpose;
- a contribution must fairly and reasonably relate to the subject development; and
- the contribution must be such that a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed the contribution.

Council may either:-

- require a monetary contribution (or dedication of land) to fund works or facilities to be carried out in the future; or
- require a contribution to fund works or facilities which have already been constructed (i.e. recoupment of funds already spent).

Therefore, the purpose of this plan is to seek contributions for purposes identified in this plan.

3.0 Aims and Objectives of the Plan

The aims and objectives of this Plan are to:-

- ensure that Section 7.11 contributions levied on development are reasonable;
- ensure that an appropriate level of services and amenities occur within the southern region of the Municipality;
- employ a user pays policy regarding the funding of services and amenities so that the existing residents of the Council area do not have to subsidise new development;
- ensure that the services and amenities provided are not for the purpose of making up shortfalls in other areas;
- make clear Council's intentions regarding the type, location and timing of provision of services and amenities within the Council area; and
- ensure that the area of the Council of Kiama contains a reasonable level of public services and amenities.

4.0 Land to Which this Plan Applies

This plan applies to the Southern Region of the Council of Kiama as identified by the map contained in [Appendix 2](#) of this Plan.

5.0 Relationship between this Plan and Existing Plans, Policies and Codes

This plan relates to:-

Section 7.11 Contribution Plan No. 3 – Southern Region

- Section 7.11 Contributions Plan No. 1 (Municipal Wide Plan);
- *Kiama Local Environmental Plan 2011*;
- all existing and future development control plans as are relevant to particular types of development for which a contribution may be sought; and
- all existing and future Council Codes and Policies as are relevant to development for which a contribution may be sought.

NOTE: Reference must be made to the Section 7.11 Contributions Plan No. 1 of 1992 (Municipal Wide Plan). Additional contributions under this plan will be required over and above contributions levied under this plan.

6.0 Establishment of Nexus

Council has determined that the public services and amenities identified in this plan are of Council area wide benefit and accessible to all persons living within the Council area.

For the purpose of establishing nexus, it has been determined that all land within the Council area is within reasonable distance from the proposed and existing public services and amenities identified in this plan. Therefore, in terms of satisfying the requirement of nexus all land within the Council area is deemed to benefit from existing and proposed services and amenities identified in this plan.

Council will seek a Section 7.11 contribution where a development will, or is likely to require the provision or increase the demand for public amenities or public services within the area and as listed in the Works Schedule. Each development application will be considered on its merits.

7.0 Calculation of Contributions

For the purpose of this plan, in calculating contributions the following formula will be used:-

$$\$C = \frac{CW \text{ (Council wide area)} \times DL \times IPD}{PP \text{ (yr 2000)} - P \text{ (yr 1986)}}$$

Where:-

\$C =Contribution rate

CW =Cost of Work (\$292,279)

PP =Population projections (i.e. 19,000 by year 2000)

P =Existing Population as at 1986 (i.e. 13,000 persons)

DL =Development Liability

IPD =Implicit Price Deflator

With respect to the above formula, Council has determined that in 1986 services and facilities were provided to meet the population at that time.

Development involving the construction of medium density dwellings or subdivision of land for the purpose of creating dwelling sites, census statistics have indicated that 3.3 persons per household or lot is the average number of persons generated by this form of development. Therefore, in calculating the development liability (DL) a ratio of 3.3 persons per household/lot has been adopted. Contributions will then be determined on a per person basis.

For the purpose of calculating contributions for medium density development the following table indicates the persons per medium density unit for small, medium and large units:

- Small = 2 persons per unit
- Medium = 2.5 persons per unit
- Large = 3.3 persons per unit

For the purpose of calculating open space dedication a ratio of 28.3 m² per person is required. A contribution to meet this requirement may be met by either dedicating land at the above ratio or by a monetary contribution.

To satisfy the monetary contribution, the following formula will be used:-

$$\$C = 28.3 \text{ m}^2 \text{ per person} \times DL \times \$ \text{ englobo value of land to be acquired}$$

Where:

- $\$C$ = Contribution rate
- 28.3 m² per person = Land dedication equivalent
- DL = Development liability
- $\$$ = Englobo land value

Council will be seeking monetary contributions on a notional basis to acquire land at a future date in the locality benefiting land to which the development applies.

8.0 Contribution Rates

The types of development liable for contributions under this plan are:

- any form of subdivision which involves the generation of additional persons;
- any form of residential development generating additional persons (other than single unit dwelling houses);
- dual occupancy and/or secondary dwelling development, where such development creates an additional new dwelling on the site. In which case a contribution for only one (1) dwelling will be sought.
- Tourist related development which generates demand on services and facilities. In this case the contribution will be calculated at the rate of 1.5 persons per unit;
For the purposes of this plan, it has been determined that tourist related development places a demand on services and facilities equivalent to sixty five per cent (65%) to that of permanent residents; and
- any other form of development which generates additional persons and creates a demand on services and facilities.

For contribution rates relating to particular types of development refer to Schedule 1 attached at the rear of the document.

9.0 Indexation

In order to update this plan without the need for amendment and readvertising a built in price increase equivalent to the implicit price deflator (IPD) has been adopted and will apply as at

the date of granting development consent. For the purpose of this plan the quarterly published IPD will be used.

10.0 Method and Timing of Payment of Contributions

10.1 Methods of Payment

There are three possible methods of payment for Section 7.11 contributions, each of which is outlined below.

10.1.1 Monetary Contribution

This is the usual method of payment. When a development consent is issued that involves the payment of a Section 94 contribution, it contains a condition outlining the amount payable in monetary terms subject to indexation by the IPD. However this can be offset by either of the following two methods of payment.

10.1.2 Dedication of Land

Where appropriate Council will permit the dedication of land for open space, community facilities, drainage or roads to offset the monetary contribution payable. The assessment of the suitability of land for dedication occurs at the Development or Subdivision Application stage.

If consent is issued for a development, then the applicant needs to contact Council in order to receive a valuation of the land proposed to be dedicated. Upon agreement being reached as to the land's value, and exchange of contracts subsequently occurring, Council will offset the value of the land against the monetary contribution payable.

10.1.3 Works-in-Kind Agreements

Council may accept the construction of amenities or services to offset the monetary contribution payable. The works provided must be in accordance with the schedules of works contained in this Plan. The applicant will need to initiate this option by giving Council full details of the work proposed to be undertaken. Council will then consider the request and advise the applicant accordingly.

If the works-in-kind are not completed prior to the completion of development, then the applicant will need to provide Council with suitable financial guarantees (normally by way of a Bank Guarantee) for the amount of the works not completed. Upon completion of the works the financial guarantee will be discharged by Council.

10.2 Timing of Payment

Council's policy regarding the timing of payment of Section 7.11 contributions is as follows:-

Type of Development			Timing
Development subdivisions	Applications involving		Prior to the issue of any Subdivision Certificate
Development building work	Applications involving		Prior to the issue of any Construction Certificate
Development building work and subdivision (i.e. dual occupancies)	Applications involving		Prior to the issue of any Construction Certificate

11.0 Schedule of Works, Commencement, Staging and Expenditure

11.1 Schedule of Works

For the purpose of this plan, Council has identified services and amenities which have or will be provided. For services and amenities already provided recoupment of such costs will be sought. The detailed Schedule of Works is contained in [Appendix 1](#).

11.2 Commencement and Staging

To provide some indication of the likely timing for the provision of such facilities and amenities, it is anticipated that all facilities and amenities will be provided within five (5) to seven (7) years. However, if the facilities and amenities are not provided within this period Council will endeavour to provide facilities and amenities either when a demand threshold has been reached or when sufficient funds are available to provide such facility or amenity.

12.0 Financial Information

A separate accounting record is maintained by Council for this Plan. It contains details concerning contributions received and expended, including interest earned, for each service or amenity provided.

Inspection of this accounting record may be made at Council's Accounting Department.

13.0 Refunds

Requests for the full or partial refund of contributions will be considered in limited circumstances and must be made in accordance with the following process:

- The development consent or complying development certificate must not have been acted on and must be formally surrendered;
- The current landowner must submit a written request to Council;
- The request for a refund must be made within 12 months of the payment.

A delegated council officer may approve requests for refunds, in part or full, that are made in accordance with the above provisions, or on other circumstances considered reasonable.

14.0 Monitoring of Plan

This Plan will be subject to regular review by Council. The purpose of any review is to ensure that:

- levels of public service and amenity provision are consistent with likely population trends and community needs;
- contribution levels reflect changes to land values and construction costs;
- changes to catchment areas can be incorporated; and
- work schedules can be amended if development levels differ from current expectations.

Any changes to the Plan, apart from the indexing of contributions, will be placed on public exhibition. Such exhibition period is 28 days and Council welcomes the opportunity for interested parties to make written submissions. The nature of the changes proposed and the reasons for such will be clearly outlined as part of the public participation process.

Any enquiries regarding this plan may be directed to Council's Strategic Planning Team.

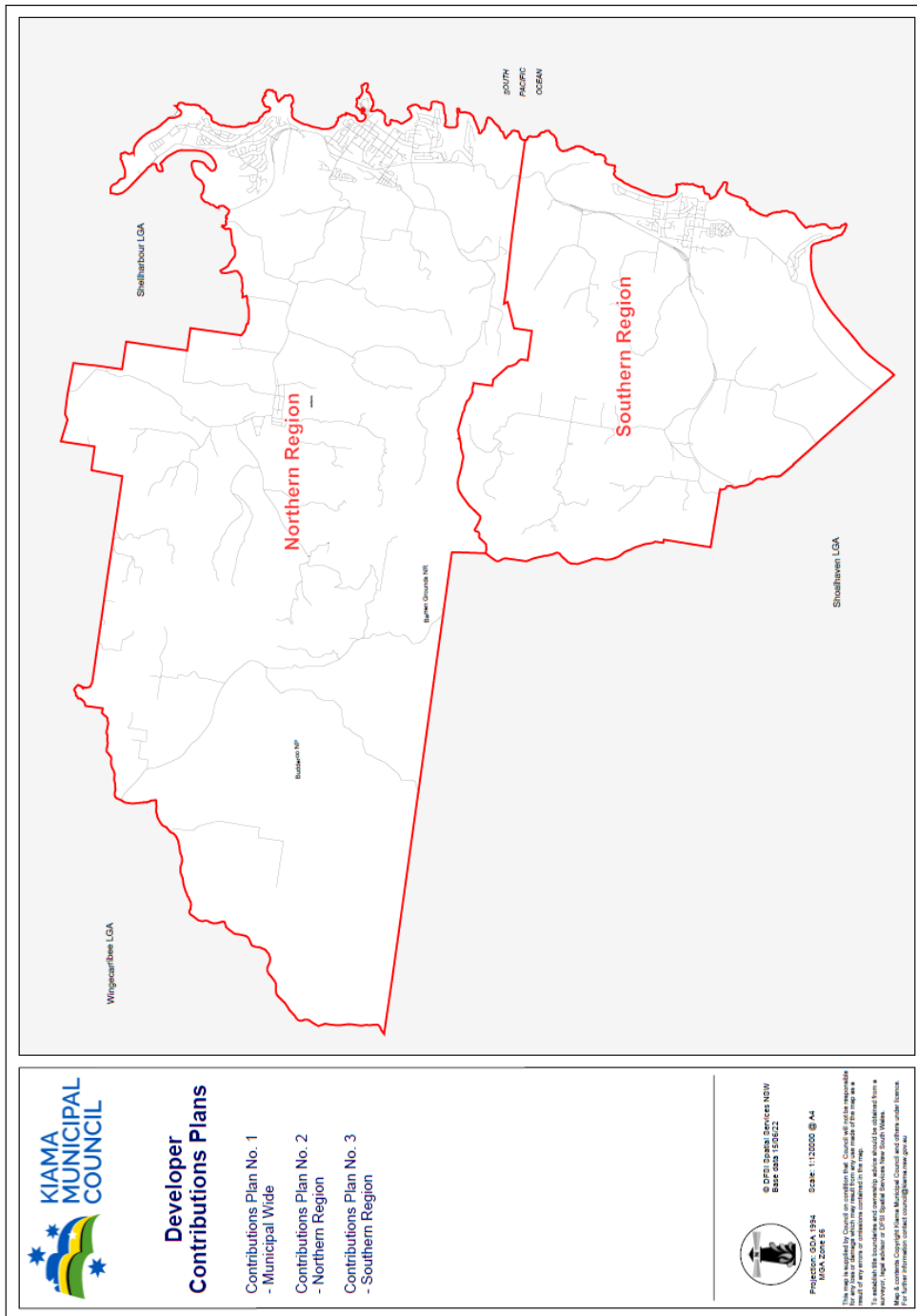
SCHEDULE 1			
Type of Development	Contribution Person	per	Contribution Lot/Unit
Subdivision	221.00		730.00
Medium Density Development:			
Small Unit (<60sqm)	221.00 x 2		420.00
Medium Unit (60-90sqm)	221.00 x 2.5		552.50
Large Unit (>90sqm)	221.00 x 3.3		729.30
Dual Occupancy/Secondary Dwelling	221.00 x 3.3		729.30
Tourist Development	300.00 x 1.5 x 0.65		215.00

Appendix 1 – Work Schedule		Project	Forecast Funding Allocation				Total
			2021/22	2022/23	2023/24	2024/25	
		Roads & Bridges					
		Miller Street, Pacific Ave to Renfrew Rd Road Surface Renewal R2R	-	\$5,000	-	-	\$5,000
		Robson Place, Armstrong Ave to End Road Surface Renewal	-	\$5,000	-	-	\$5,000
		Kilburnie Place/Seg 01 Belinda St to End/Surface	-	\$3,000	-	-	\$3,000
		Pullen Place/Seg 01 Irvine St to End/Surface R2R	-	\$3,000	-	-	\$3,000
		Riberry Lane/Seg 01 Broughton Creek to End/Surface	-	\$2,000	-	-	\$2,000
		Union Way/Seg 03 Blackwall St to Chippewa Rd/SiFurniture/Bollards	-	\$3,000	-	-	\$3,000
		Sub total	-	\$21,000	-	-	\$ 21,000
		Footpaths & Cycleways					
		Crooked River Rd, Gerroa - River Bridge to Pedestrian underpass	\$2,000	-	-	-	\$2,000
		Blackwood Street, Gerringong - Rowlins Road to Shopping Centre	-	\$21,100	-	-	\$21,100
		Riverleigh Avenue, Gerroa - Crooked River Road to Burke Parade	-	-	\$22,000	-	\$22,000
		Campbell Street, Gerringong - Belinda Street to Wells St	-	-	-	\$22,000	\$22,000
		Sub total	\$2,000	\$21,100	\$22,000	\$22,000	\$67,100
		Administration					
		Development Contributions Officer	\$2,000	\$2,040	\$2,080	\$2,122	8,243
		Development Contributions Admin Support - Stral/Finance	-	-	-	-	-
		Sub total	\$2,000	\$2,040	\$2,080	\$2,122	\$8,243
		TOTAL	\$4,000	\$44,140	\$24,080	\$24,122	\$96,343

<Document name>

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Appendix 2 – Land to Which this Plan Applies



Section 7.11 Contribution Plan No. 3 – Southern Region

How to contact Council

Post

Chief Operating Officer
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



KIAMA MUNICIPAL COUNCIL
your council, your community