

## **S.94 Contribution Plan**

for

### **STREET TREES**

in urban subdivisions

#### **1. Citation**

This Plan may be referred to as the "Street Trees Section 94 Contribution Plan for Maclean Shire Council". It has been prepared in accordance with the requirements of s.94AB of the Environmental Planning and Assessment Act, 1979.

#### **2. Purpose of the Plan**

The purpose of the Plan is to enable the levying of s.94 contributions for the planting of street trees in new urban subdivision areas.

#### **3. Aims and objectives of the Plan**

The aims and objectives of this Plan are to:

- (a) enable Council to comply with s.94(7) of the EPA Act,
- (b) provide guidance for both Council and developers,
- (c) provide fair and equitable formulae on which Council can levy contributions,
- (d) identify the land to which the Plan applies,
- (e) establish the nexus between the new urban subdivisions in the Shire and the requirement for street trees in those subdivisions, and
- (f) set out:
  - (i) the cost of providing those street trees, and
  - (ii) a works schedule for the planting of street trees in each new urban subdivision.

#### **4. The land to which the Plan applies**

The Plan applies to all land within the Shire of Maclean which is zoned 2(a).

#### **5. Nexus**

Street trees are a public amenity. Not only do they play an essential role in the ecosystem but they also provide shade and improve the scenic amenity of the streetscape.

The street trees to which this Plan applies will be planted within the road reserves onto which the lots created by the subdivision front. They will therefore be planted either within or immediately adjacent to the new subdivision.

#### 6. Assessment of contributions

Contributions are assessed on the basis of one tree being planted within the road reserve for each lot created by the subdivision.

The contribution per tree is assessed on the actual cost of the tree, together with the cost of planting, fertilising and nurturing it to maturity.

#### 7. Formulae

Contribution =  $T \times C$

where

T = the number of lots in the subdivision

C = \$60.00

#### 8. Payment of contributions

Contributions will be required to be settled by monetary contribution. It should be noted that Council is not prepared to accept works "in kind". It is Council's experience that many of the street trees planted by developers do not survive due to:

- (a) lack of care following planting, or
- (b) their destruction during building works on the subdivision.

#### Timing of contributions

Contributions are required to be paid at the time of the release of the Plan of Subdivision.

#### Deferred and periodic payment

Council will consider deferral of the payment of contributions upon application in writing. The applicant will need to provide valid reasons for the deferral of contributions and a decision as to whether or not to grant approval will be entirely at the discretion of Council.

If the application for deferral is accepted, the following conditions will apply:

1. A Bank Guarantee will be required to be lodged for the full value of the contribution(s). The applicant will be responsible for all charges involved in servicing the guarantee. The Bank Guarantee must identify a date after which Council may convert the Guarantee to cash. It may be possible to extend this date subject to

negotiation with Council and adjustments to the value of the Guarantee to reflect changes in the rates in the Plan.

2. The amount of contribution outstanding will be indexed by the Construction Cost Price Index so that the value of the contribution does not diminish over time. Indexing will be calculated from the date on which the contribution was due to the date of payment.

An alternative to deferred payments is for an applicant to request that contributions be satisfied through periodic payments. An application for periodic payments needs to be made in writing and should include details of proposed instalments, including interest calculations. Periodic payments will be indexed in the same manner as deferred payments and similar Bank Guarantee requirements will also apply. Again, the decision as to whether to accept periodic payments rests solely with Council.

#### 9. Works' Schedule

All contributions raised will be fully expended on planting trees either within the subdivision itself or on the streets immediately adjacent to the subdivision. In any event, the trees will be planted in the road reserves adjoining the lots in the subdivision.

However, because of the likelihood of the destruction of young trees during building activities, Council will not plant any of the trees until building works have been completed on 80% of the lots in the subdivision. Council will plant the trees as soon as possible after this stage has been reached.

#### 10. Indexing factors

All average costs referred to in the formulae shall be updated annually to reflect the actual costs to Council of undertaking the works to which they relate over the preceding 12 months.