



Randwick City
Council
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Section 94A Levy Refund Policy

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Objective

This Policy establishes a framework to guide the application and consideration of Section 94A levy refund requests, in limited circumstances.

Policy statement

A Section 94A Plan levies monetary contributions towards public facilities and infrastructure needs arising from new development. Randwick City Council has adopted this Policy in order to provide Council staff, applicants and the wider community an understanding of the procedures involved in considering refund requests for Section 94A levies paid, in a manner that is transparent and equitable to all parties.

Introduction

This Policy sets out Randwick City Council's procedures relating to the submission and consideration of Section 94A levy refund requests.

Section 94A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables councils to levy monetary contributions for development that is likely to require the provision of, or increase the demand for public amenities and services within an area.

Randwick City's Section 94A Plan applies a percentage levy (based on the cost of works) when a development consent or complying development certificate is issued. The Plan identifies a range of public services, infrastructure and amenities required to meet the demand of new development including public domain and open space improvements, and community facilities.

Purpose

The purpose of this Policy is to:

- 1) Establish a framework for the submission and consideration of Section 94A levy refund requests.
- 2) Ensure that the framework so established is equitable, fair and transparent.
- 3) Recognise the importance of certainty and committed expenditure towards Council's works program, by imposing a time limit for when a Section 94A levy refund may be requested.

Application

This Policy applies to Section 94A levies paid on:

- Development Applications
- Complying Development Applications.

This Policy is not legally binding. However it is intended that the Council and applicants dealing with Section 94A levy refund requests follow this Policy to the fullest extent possible.

This Policy may be reviewed from time to time.

NOTE: This policy does not apply to Section 94A refunds relating to Section 96 Modifications.

Procedures

Circumstances Where a Refund Request May Be Considered

A request for a refund or partial refund of levies collected under the Randwick City Section 94A Plan may only be made for S94A levies paid by the current registered land owner.

Refund or partial refund requests will only be considered by Council under the following circumstances:

- Upon formal surrender of the relevant development consent or complying development certificate to which the contribution was applied, and where no works related to that consent or complying development certificate have been undertaken; or
- Where the cost of works has been subsequently determined to be lower than initially projected in an earlier cost summary or quantity surveyor report.

Refund Application Requirements

Applications for a refund of Section 94A levy payments must be submitted within **12 months** of the granting of a construction certificate relating to the development consent or the issue of complying development certificate, and must include the following information:

- The address and formal particulars of the title of the land to which the development consent or complying development certificate relates.
- A statement signed by the current land owner formally surrendering the development consent or complying development certificate that applied the Section 94A levy; and
- A statement demonstrating that development that is subject of that consent or complying development certificate has not commenced.

For partial refund requests relating to complying development certificates, where the cost of works is lower than initially projected, the following information must be provided:

- A statement signed by the current land owner that the cost of works is lower than initially estimated.
- Documentation including the original cost summary or quantity surveyors report detailing the initial costings projected and an updated cost summary report or quantity surveyors report substantiating actual costings following completion of the works.

Refund requests relating to the cost of works for Development Applications, must be sought via a Section 96 modification request.

NOTE: Section 94A refund requests will only be granted to the current land owner.

Granting of refunds

Council will consider all documentation required under this Policy and advise the proponent of the outcome in writing. Further information may be requested to enable a proper assessment of the refund request.

Council may approve the refund request in full or may approve a partial refund on the basis of these Policy requirements.

Council reserves the right to refuse an application for a Section 94A refund.