

Section 94 - Works In Kind Policy

Version 01

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Related Business Rules / Procedures / Work Method Statements:	<i>(Document Name & TRIM Document No.)</i>	<i>(Relationship/Context)</i>	

Policy Objectives

To provide a comprehensive policy framework within which to make decisions on Works-in-Kind in lieu of Section 94 monetary contributions.

Policy Statement

Whilst Council is under no obligation to accept Works-in-Kind proposals, the benefits to the Council and to the community should be assessed. Due consideration will be given to:

- a. The Works-in-Kind being facilities which are already included in the contributions plan.
- b. The impending need to construct the works for which the contributions are to be offset.
- c. The value of the Works-in-Kind to be determined in accordance with the provisions of the contributions plan.
- d. An assessment of the shortfall or credit in contributions as a result of the proposal.
- e. The impact on provision of other facilities in a timely and orderly manner.
- f. The extent to which the works satisfies the purpose for which the contribution was sought.

If the above criteria have been satisfied, the matter should be referred to Council's S.94 Administration Committee and Works Program Committee before ratification by Council. If the proposal is accepted, the following conditions are to be satisfied:

- a. Proposed works must be in accordance with Council's designs, functional brief, specifications, standards or intentions for the works/facilities.
- b. Submission of relevant applications and plans prior to works commencing, for approval by Council.
- c. Submission of a suitable bank guarantee, the amount of which to be determined by Council. If the works are not completed to the satisfaction of Council, the Bank Guarantee will be called up by Council.
- d. The quality of the works to be of a standard acceptable to Council verified by regular inspection by Council Officers.
- e. Payment of a suitable supervision fee for inspections (note that Council accepts no supervisory construction role or responsibility in this regard).
- f. Dedication of the facility to Council after satisfactory completion and/or agreed handover period.
- g. Entry into a deed of agreement outlining the terms of acceptance of the proposed facility.
- h. Variations between estimated costs contained in the contributions plan and actual construction costs are to be entirely the developer's responsibility.
- i. Notation of relevant details is to be made in the S.94 Contributions Register.
- j. Assessment of any credit in contributions as a result of the proposal in accordance with the Policy Guideline for "Acceptance of S.94 Credits".