

Section 7.12 Development Contribution Plan

**Section 7.12 FIXED DEVELOPMENT CONSENT LEVIES
(CF PREVIOUS S 94A)
FOR BALRANALD SHIRE COUNCIL**

1.1 What is the name of this Plan?

This contributions Plan is called the **Development Contribution Plan 2022 (Plan)**.

1.2 Application of this Plan

This Plan applies to all land within the local government area of **Balranald Shire Local Government Area (Area)**.

This Plan may be applied to areas external to Balranald Shire Council under s7.14 of the Act. This extension area being 50km external to the local government boundary of Balranald Shire Council, where State Significant (Major Projects) developments will directly impact on Balranald Shire Council.

1.3 Development to which this Plan applies

This Plan applies to applications for development consent and applications for complying development certificates to be made by or under Part 7 of the *Environmental Planning and Assessment Act, 1979 (Act)* in respect of development on land to which the Plan applies.

This plan shall also be used to consider Major Projects approved by the NSW Government and Planning Assessment Commission process.

1.4 What is the purpose of this contributions Plan?

The primary purposes of this Plan are:

- to authorise the imposition of a condition on certain development consents requiring the payment of a levy determined in accordance with this Plan
- to require a certifying authority (the Council or an accredited certifier) to impose, as a condition on a complying development certificate, a requirement that the applicant pay to the Council a levy determined in accordance with this Plan
- to govern the application of money paid to the Council under a condition authorised by this Plan
- to assist the Council to provide the appropriate public amenities and services required to maintain and enhance amenity and service delivery within the Area

1.5 When does this contributions Plan commence?

This contributions Plan commences on 21 February 2023 – 2023/10.

1.6 Expected development & public facilities demand

For the purposes of the *Environmental Planning and Assessment Regulation (as amended)*, the relationship between the expected types of development in and adjoining Balranald Shire Council and the demand for additional public amenities and services to meet that development has been established through current demographic information. The expected types of development are, but not limited to:

- Solar Farm or Solar electricity generation development
- Wind Farm development

- Commercial pipe line development
- Metalliferous mining development
- Metalliferous mineral processing
- Natural gas production and delivery
- All developments included under the NSW Mining Act
- All development included under the NSW Onshore Petroleum Act
- Commercial development
- Industrial development
- Recreation and tourism related development
- Subdivisions

While the Shire's population is static, development contributions have not been levied before in the Shire meaning that there is a lack of quality community facilities. Provision will need to be made for additional or improved public facilities and infrastructure to meet the existing demand.

A range of public facilities are required to be provided or improved to meet residential development, commercial and industrial demands including open space provision, improvement and embellishment, community and cultural facilities and village improvement.

Council has reviewed each type of development listed above and identified areas of development that enhance the social and natural environment in accordance with its Community Strategic Planning process and requirements under the Local Government Act 1993.

Council has developed **Village Enhancement Plans** for its major population centres and these plans form the basis of improvements, embellishment, and community and cultural facilities.

Council is extremely conscious of the need to maintain the sense of community that has been critical to the Balranald Shire's development over the years. This will be achieved through:

- An open, accessible and honest Council displaying appropriate leadership
- Developing effective road, transport and infrastructure networks
- Promotion of economic sustainability and technological change
- Creation of a dynamic area having pride in its agricultural and national heritage
- Protection of the natural, built and cultural environment
- Provision of a high standard of recreational and cultural facilities
- Quality urban design and development

The Part 7.12 levy will enable Council to provide high quality and diverse public amenities, enhancements to the environment and services to achieve the above actions and as a consequence meet the expectations of the existing and future residents of the Balranald Shire.

The additional or improved public facilities to be provided to meet the expected future development are set out in Schedule 1.

1.8 Council may require payment of the levy as a condition of development consent

1) This Plan authorises the Council to grant consent to development to which this Plan applies subject to a condition requiring the applicant to pay to the Council a levy as a percentage of the proposed cost of carrying out the development, **provided that** the Council does not also impose on the consent a condition pursuant to Part 7.11 of the Act. The contribution rate is shown in Table 1 below and example condition of consent wording is shown in Schedule 2.

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

Table 1: Contribution Rate

Conditions authorised by this Plan are subject to any direction given by the Minister under the Act from time to time, and this Plan authorises the imposition of conditions which are in accordance with any such direction.

Any direction given by the Minister under Part 7 of the Act and in force from time to time may be attached to this Plan but does not form part of this Plan for the purposes of the Act.

2) This Plan authorises the Council to seek conditions of consent be applied for Major Projects outside the Balranald Shire Council Areas as shown on the Plan (Extension Area) and subject to a contribution calculation as contained in Schedule 3.

1.9 Certifying authority must require payment of the levy as a condition of issuing a complying development certificate

This Plan requires a certifying authority (the Council or an accredited certifier) to issue a complying development certificate in respect of development to which this Plan applies subject to a condition requiring the applicant to pay to the Council a levy, as a percentage of the proposed cost of carrying out the development. The contribution rate is shown in Table 1 above and example condition of consent wording is shown in Schedule 2.

1.10 How will the Council apply money obtained from the levy?

Money paid under a condition authorised by this Plan is to be applied by the Council towards meeting the cost of the public amenities and public services that will be or have been provided within the Area as listed in the Works Schedule in Schedule 1.

The village Plans for Balranald and Euston show which specific public amenities and public services to be provided is for the Balranald Sporting Precinct and the Euston Sporting Precinct.

Subject to the Act and Regulations, the public amenities and public services listed in Schedule 1 are to be provided in accordance with the staging set out in that Schedule.

1.11 Are there any exemptions from the levy authorised by this Plan?

Council may exempt the following kinds of developments from the levy authorised to be imposed under this Plan:

- a development by a registered charity, community organisation or service club that will, in the opinion of the Council, provide a material public benefit to the Balranald Shire community.
- The construction of residential buildings on land zoned as shown in the Table below and identified in the Balranald Shire Council Local Environmental Plan 2012, excluding duplex, attached or detached dwellings or multi residential developments

Zone	Development Type	Status
RU1	All Single residential buildings and associated out buildings e.g. garages/ carports, pergolas or similar	Exempt
RU4	All Single residential buildings and associated out buildings e.g. garages/ carports, pergolas or similar	Exempt
RU5	All Single residential buildings and associated out buildings e.g. garages/ carports, pergolas or similar	Exempt

For such claims to be considered, any such development will need to include a comprehensive submission applying the case for an exemption and include details of the mechanism ensuring that such development is and will remain in the form proposed.

1.12 Pooling of Levies

For the purposes of achieving the provision of facilities in this Plan, levies paid for different purposes may be pooled and applied (progressively or otherwise) for those purposes in accordance with the priorities set out in the Works Schedule in Schedule 1.

1.13 Construction certificates and obligations of accredited certifiers

In accordance with clause 156 of the *Environmental Planning and Assessment Regulation*, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified Plans

provided to the Council in accordance with clause 158 of the Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works-in-kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by the Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

1.14 How is the proposed cost of carrying out the development determined?

The proposed cost of carrying out the development will be determined by the Council in

accordance with the *Environmental Planning and Assessment Regulation, as amended*.

The procedures set out in Schedule 3 to this Plan must be followed to enable the Council to determine the amount of the levy that is payable.

Council may review the valuation of works and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant.

1.15 When is the levy payable?

The Council's policy is that the levy must be paid to the Council at the time specified in the condition that imposes the levy.

If no such time is specified, the Council's policy is that the levy must be paid prior to the issue of a construction certificate or complying development certificate.

Major developments should consult with Council at an early stage to agree to a condition of consent that allows staged progress payments across the life of the development or at agreed periods.

1.16 How will the levy be adjusted?

Contributions required as a condition of consent under the provisions of this Plan will be adjusted at the time of payment in accordance with the following formula:

Contribution = \$Co + A at time of payment

Where

\$ Co is the original levy as set out in the consent

A is the adjustment amount which is = $\$Co \times ([\text{Current Index} - \text{Base Index}])$

[Base Index]

Where

Current Index -Consumer Price Index is the Consumer Price Index, All Groups, Sydney as published by the Australian Bureau of Statistics in respect of the quarter ending immediately prior to the date of payment;

Base Index - Consumer Price Index is the Consumer Price Index, All Groups, Sydney as published by the Australian Bureau of Statistics in respect of the quarter ending immediately prior to the date of imposition of the condition.

Note: In the event that the Current Consumer Price Index, All Groups, Sydney is less than the Base Consumer Price Index, All Groups, Sydney, the Current Consumer Price Index, All Groups, Sydney shall be taken as not less than the Base Consumer Price Index, All Groups, Sydney

1.17 Can deferred or periodic payments be made?

Council encourages Major Developers to consult Council early to establish a deferred or periodic payment of levies authorised by this Plan. This agreement must be in place prior to approvals being issued by the Council or through a State agency planning process otherwise an upfront payment will be required at time of release of a construction certificate

1.18 Are there alternatives to payment of the levy?

If an applicant for development consent seeks to contribute towards the provision of public amenities and services to meet development other than by payment of a levy or development contributions, the applicant may adopt one of the following procedures;

1.18.1 Offer made to the Council as part of a development application

If an applicant does not wish to pay a levy or other contributions in connection with the carrying out of development, the applicant may include in the relevant development application an offer to carry out works or provide a material public benefit towards which the levy was to be applied.

The Council will consider the offer as part of its assessment of the development application. If the Council agrees to the arrangement and grants consent to the application, it will substitute a condition of consent under the Act requiring the works to be carried out or the material public benefit to be provided for a condition requiring payment of a levy under Part 7.12 development contributions. If the Council does not agree to the alternative arrangement, it may grant consent subject to a condition authorised by this Plan requiring the payment of a levy.

In assessing the applicant's offer, the Council will have regard to the requirements of the current Practice Note issued by the NSW Government in the *Revised Development Contributions Manual* and may consider matters such as, but not limited to, the following:

- the overall benefit of the proposal,
- the monetary value of the material public benefits, or work in kind,

- what needs of the population would be satisfied and whether these equal or exceed those provided by conventional means,
- whether the works program in the adopted development contributions Plan remains valid or requires amendment,
- the financial implications for cash flow and the short-fall in anticipated contributions,
- the timing of completion and future recurrent costs,
- future dedication, handover and management arrangements.

1.18.2 Offer made to Council following the grant of development consent requiring payment of a levy

If development consent has been granted to the carrying out of development subject to a condition authorised by this Plan to pay a levy, the applicant must comply with the condition unless it is modified under s4.55 of the Act.

If the applicant does not wish to pay the levy, the applicant may make an application to the Council under s4.55 of the Act to modify the consent by substituting for the condition requiring payment of the levy a condition requiring the carrying out of works or the provision of a material public benefit towards the public purpose to which the levy was to be applied.

If the Council approves the application, the applicant will be bound by the substituted condition. If the Council does not approve the application, the applicant will remain bound by the condition authorised by this Plan requiring payment of the levy.

In assessing the s4.55 application, the Council will have regard to the requirements of the current Practice Note issued by the NSW Government in the *Revised Development Contributions Manual* and may consider matters such as, but not limited to, the following:

- the overall benefit of the proposal,
- the monetary value of the material public benefits, or work in kind,
- what needs of the population would be satisfied and whether these equal or exceed those provided by conventional means,
- whether the works program in the adopted development contributions Plan remains valid or requires amendment,
- the financial implications for cash –flow and the short-fall in anticipated contributions,
- the timing of completion and future recurrent costs,
- future dedication, handover and management arrangements.

1.18.3 Offer to enter into a Voluntary Planning Agreement (VPA)

If an applicant does not wish to pay a levy or development contributions in connection with the carrying out of development, the applicant may offer to enter into a Voluntary Planning Agreement with the Council under s4.55 of the Act in connection with the making of a development application.

Under the Planning agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. Those purposes need not relate to the impacts of the applicant’s development nor to the items listed in Schedule 1.

The applicants’ provision under a Planning agreement may be additional to or instead of paying a levy in accordance with a condition of development consent authorised by this Plan. This will be a matter for negotiation with the Council.

The offer to enter into the Planning agreement together with a copy of the draft agreement should accompany the relevant development application.

The Council will publicly notify the draft Planning agreement and an explanatory note relating to the draft agreement along with the development application and will consider the agreement as part of its assessment of that application.

If the Council agrees to enter into the Planning agreement, it may impose a condition of development consent under s93I(3) of the Act requiring the agreement to be entered into and performed. If the Council does not agree to enter into the Planning agreement, it may grant consent subject to a condition authorised by this Plan requiring the payment of a levy.

1.19 Dictionary

In this Plan, unless the context or subject matter otherwise indicates or requires, the following definitions apply:

Applicant means the person submitting a development application.

Act means the Environmental Planning and Assessment Act 1979,

Council means (Your Council) Shire Council,

Development contributions mean a development contribution required to be paid by a condition of development consent imposed pursuant to Part 7 of the Act,

Levy means a levy under Part 7.12 of the Act authorised by this Plan,

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Plan means a contributions Plan made pursuant to part 7.12 of the Act

SCHEDULE 1 (Clause 1.10) Works Schedule

The works listed in this schedule may be funded from a mix of sources, including contributions collected from this Plan.

Staging as in this schedule means:

- Short Term 3 - 5 years
- Medium Term 5 -10 years
- Long Term 10 - 20 years
- Ongoing, continuing works

A. Completed works for which contributions will be recouped

NIL

B. Works in progress for which contributions will continue to be levied

Nil

NOTE: TABLE BELOW EXAMPLE ITEMS ONLY

C. New Public facilities for which contributions will be sought

1. Solar Farm or similar solar energy generation projects

Project Type	Item	Budget	Time Frame
Solar Lighting	Greenham Park Netball Courts		Short term
	Balranald Swimming Pool		Short term
	Euston Parks		Long term
	Balranald and Euston Outdoor Gyms		Short term

Solar Panel Locations	Councils Administration Centre – Market Street Balranald		Medium term
	Water Treatment Plants – Balranald and Euston		Medium term
	Balranald and Euston Sewerage Treatment Plants		Medium term
	Sports Centre Greenham Park Balranald		Short term
	Council Depots - Balranald and Euston		Short term
Solar Lighting – Footpaths	Caravan Park Balranald to Market Street via Court Street.		Short term
	Highway walking / cycling tracks		ongoing
	Greenham Park Street Lighting		Medium term

2. Wind Farm Projects

Tourism	Observation Deck and viewing carpark for turbines		ongoing
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Energy Offset program	Administration Building – solar or energy reduction		ongoing
Village Plans (Balranald/Euston/Kyalite)	Undertake works listed in plans		10 year plan

3. Mining Projects

Village Plans (Balranald/Euston/Kyalite)	Undertake works listed in plans		10 year plan
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4. Major Developments Generally

Major developments that require the approval of the NSW Planning Office or Planning Assessment Panels (including Extension Area contributions)

Balranald Village Plan	Undertake works listed in plan		10 year plan
Euston Village Plan	Undertake works listed in plan		10 year plan
Kyalite Village Plan	Undertake works listed in plan		10 year plan

Schedule 2: Example Condition

Example condition for development consents:

Pursuant to Section 7.12 of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Subdivision Certificate or Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Balranald Section 7.12 Development Contributions Plan 2022, adopted on 21 February 2023 which may be viewed during office hours at Council's Administration Office, 70 Market St Balranald, or on Council's website www.balranald.nsw.gov.au

The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index: All Groups Index for Sydney, published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Proposed Cost of Development ¹	Levy Percentage	Total Contribution

Notes

¹ As shown on the Development Application / Construction Certificate Application / Complying Development Certificate Application Form.

SCHEDULE 3 (Clause 1.14) Procedure

A cost summary report may be required to be submitted to allow Council to determine the contribution that will be required.

The following procedures as outlined below will be used by Council:

- (1)** Where Council does not accept a submitted estimate of the value of works, Council may require a cost summary report to be completed for works with a value no greater than \$250,000.00 (**Form 1**).

Alternatively, for a single dwelling, Council may accept a signed contract with a licensed builder which is accompanied by a fair estimate of other assessable development costs not included in the building contract, such as landscaping, paths, fences, driveway and the like.

- (2)** Where Council does not accept a submitted estimate of the value of works, Council may require a Quantity Surveyor's Detailed Cost Report to be completed by a registered Quantity Surveyor for works with a value greater than \$250,000.00 (**Form 2**).

Schedule 3 (Clause 7.14) Major Projects Extension Plan Area

Major Projects (Wind and/or Solar) outside the Balranald Shire Council area that are located within the Extension Plan Area (50 kilometres from Shire Boundary) shall be assessed as to the impact the project will have on the Balranald Shire Communities, services and facilities during the construction phase and when operational.

The assessment process will be undertaken against the publically available information submitted to the NSW State Planning Agency as part of the Major Project Assessment and will include the details submitted as to construction workforces (company and contractors), permanent short term staff and long term contractor and staff requirements.

Council will determine partial and permanent contributions that can be applied towards areas of community improvement as listed in Schedule 1. An example has been provided as a guide only to determine the development contribution under this plan and should not be read as the only acceptable method of calculation.

Contribution payments are a per year contribution for the life of the project's construction phase.

Major Project developers should discuss impacts and contributions as early as possible with Council as advised in this Plan.

Example:

- Estimated Balranald Population: **1350 persons** (Estimated Balranald Post Code Population. Census 2016)
- Project Value: **\$50 million**
- Project construction period: **2 years**
- Location: Shown in the Extension Area (adjoining Shire Council) see map.
- Estimated Full Time Workforce : **say 10 persons**
- Estimated initial Administration / Construction Workforce in residence: **say 20 persons over 1 year**
- Estimated Casual Contractor Workforce: **say 200 persons over 2 years**
- Work days per month: **10 days on 5 days off (20 working/10 off per month) or 2/3rds onsite**

Assuming that 20 persons are initially on site for one year these are discounted at 100% and that 10 persons are remaining at the end of the construction period these are discounted on completion by 100%. Workers contribute to long term housing development, rentals etc – add community value.

Assuming that contractors and employees do not remain in the Balranald Shire area when on leave the impact is determined at 2/3rds of a month.

Remaining development period is 220 persons potentially calling on services and facilities in Balranald Shire Council during the construction period of 1 year.

Calculation:

- Workforce - 220 x 2/3rds (time at work) = **147 persons per month (1 year period)**
- Construction Workforce / existing Residential Population = 147/1500 = **9.8%**
- Section 7.12 contribution rate = **1%**

Therefore:

\$50,000,000 x 1% = \$500,000 x 9.8% = \$49,000/ year (life of project contribution to Council funded community benefit / year) or **\$98,000 over 2 years** being length of project construction.

How to Calculate Value of Works

To avoid doubt or confusion in the calculation of the value of works or construction costs, the Environmental Planning and Assessment Regulation sets out the things that must be included in the estimation of the value of works as follows:

7.12 levy determination of proposed cost of development

- (1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a Part 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
 - (a) if the development involves the erection of a building, or the carrying out of engineering or construction work the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
 - (b) if the development involves a change of use of land the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
 - (c) if the development involves the subdivision of land the costs of or incidental to preparing, executing and registering the Plan of subdivision and any related covenants, easements or other rights.
- (2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
- (3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
 - (a) the cost of the land on which the development is to be carried out,
 - (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
 - (c) the costs associated with marketing or financing the development (including interest on any loans),
 - (d) the costs associated with legal work carried out or to be carried out in connection with the development,
 - (e) project management costs associated with the development,
 - (f) the cost of building insurance in respect of the development,
 - (g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
 - (h) the costs of commercial stock inventory,

Form 1.

SAMPLE COST SUMMARY REPORT

Cost Summary Report

[Development Cost no greater than 100,000.00]

DEVELOPMENT APPLICATION No.

REFERENCE:

CONSTRUCTION CERTIFICATE No.

DATE:

APPLICANT'S NAME _____

APPLICANT'S ADDRESS _____

DEVELOPMENT NAME: _____

DEVELOPMENT ADDRESS: _____

ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	\$ Hydraulic services	\$
Structure	\$ Mechanical services	\$
External walls, windows and doors	\$ Fire services	\$
Internal walls, screens and doors	\$ Lift services	\$
Wall finishes	\$ External works	\$
Floor finishes	\$ External services	\$
Ceiling finishes	\$ Other related work	\$
Fittings and equipment	\$ Sub-total	\$

Sub-total above carried forward \$

Preliminaries and margin \$

Sub-total \$

Consultant Fees \$

Other related development costs \$

Sub-total \$

Goods and Services Tax \$

TOTAL DEVELOPMENT COST \$

I certify that I have: inspected the Plans the subject of the application for development consent or construction certificate.

calculated the development costs in accordance with the definition of development costs in clause 25J of the *Environmental Planning and Assessment Regulation 2000* at current prices. included GST in the calculation of development cost.

Signed: _____

Name: _____

Position

and

Qualifications: _____

Date: _____

Form 2

SAMPLE QUANTITY SURVEYORS REPORT

Cost Summary Report

[Development Cost in excess of 100,000.00]

* A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No.

REFERENCE:

CONSTRUCTION CERTIFICATE No.

DATE:

APPLICANT'S NAME _____

APPLICANT'S ADDRESS _____

DEVELOPMENT NAME: _____

DEVELOPMENT ADDRESS: _____

Gross Floor Area – Commercial	m ²	Gross Floor Area – Other	m ²
Gross Floor Area – Residential	m ²	Total Gross Floor Area	m ²
Gross Floor Area – Retail	m ²	Total Site Area	m ²
Gross Floor Area – Car Parking	m ²	Total Car Parking Spaces	
Total Development Cost		\$	
Total Construction Cost		\$	
Total GST		\$	

ESTIMATE DETAILS:

Professional Fees	\$	Excavation	\$
% of Development Cost	%	Cost per square metre of site area	\$ /m²
% of Construction Cost	%	Car Park	\$
Demolition and site preparation	\$	Cost per square metre of site area	\$
Cost per square metre of site area	\$	Cost per space	\$
Construction Commercial	\$	Fit – out – commercial	\$
Cost per square metre of site area	\$	Cost me square metre of commercial area	\$
Construction Residential	\$	Fit out residential	\$
Cost per metre square of residential area	\$	Cost per metre square of residential area	\$
Construction – Retail	\$	Fit out – Retail	\$

Cost per square metre of retail \$ area Cost per square metre of retail \$ area

I certify that I have:

- inspected the Plans the subject of the application for development consent or construction certificate.
- prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.
- calculated the development costs in accordance with the definition of development costs in the PART 7.12 Plan of the council of [insert] at current prices.
- included GST in the calculation of development cost.
- measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed: _____

Name: _____

Position _____ and

Qualifications: _____

Date: _____

ATTACHMENT 1: Current Ministerial Direction under S94E

Environmental Planning and Assessment Act 1979

DIRECTION UNDER SECTION 94E

I, the Minister for Planning, under section 94E of the *Environmental Planning and Assessment Act 1979* (“the Act”), direct consent authorities that:

- (1) The maximum percentage of the levy for development under Part 7.12 of the Act, having a proposed cost within the range specified in the Table to Schedule A, is to be calculated in accordance with that Table.
- (2) Despite subclause (1), a levy under Part 7.12 of the Act cannot be imposed on development:
 - a) for the purpose of disabled access,
 - b) for the sole purpose of affordable housing,
 - c) for the purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building,
 - d) for the sole purpose of the adaptive reuse of an item of environmental heritage, or
 - e) other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.

In this direction words and expressions used have the same meaning as they have in the Act

The term “item” and “environmental heritage” have the same meaning as in the *Heritage Act 1977*.

This direction does not apply to development applications and applications for complying development certificates finally determined before 1 December 2006.

Minister for Planning,
Sydney

SCHEDULE A

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 percent
More than \$200,000	1.0 percent