



LEETON
SHIRE COUNCIL

DRAFT

**DEVELOPER CONTRIBUTION PLAN
(FIXED LEVY- SECTION 7.12)**

APRIL 2023

DOCUMENT CONTROL

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REVIEW OF THIS POLICY

This document will be reviewed every 4 years or as required in the event of legislative changes or operational requirements.

Any major amendments to the document must be made by way of a Council Resolution. Minor amendments such as corrections to spelling, changes to wording for improved clarity, formatting and updates to the Appendixes may be made without approval from the Council, except for Schedule 4 (Detailed works and priority programs).

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1. Purpose

To assist the Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area, this plan authorises the imposition of a condition of consent on certain development applications to pay a development contribution in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* (the Act).

In the next ten (10) years Leeton Shire is expected to experience development pressure associated with:

- Investment in irrigated agriculture, value adding agricultural produce industries and other water dependent development.
- Development of educational capacity.
- Inwards migration from outlying rural areas.
- Increased industrial development.
- Affordable housing and short-term accommodation to meet the demands of seasonal labour.
- Tourism and visitation associated with Ramsar Wetlands and heritage assets.

Development contributions will be used to assist Council to respond to these development pressures.

2. Scope

This Plan applies to all land within the local government area of Leeton as shown in Schedule 1.

This Plan applies to applications for development consent and applications for complying development certificates under Part 7 Division 7.1 Subsection 3 of the Act.

Exemptions to the Contributions Plan. Council will not authorise or impose a fixed levy in respect of development for the purpose of:

- disabled access,
- providing affordable housing (including part of a development),
- reducing a building's use of potable water (where supplied from water mains) or energy,
- sole purpose of the adaptive reuse of an item of environmental heritage,
- works undertaken for charitable purposes or by a registered charity,
- Council-led developments.

Note: If a development application has been made but not finally determined before this Plan comes into effect, the application will be determined in accordance with this Plan.

3. Roles and Responsibilities

Imposition of a development levy can only be applied by elected Council, the General Manager, or by staff who are specifically and appropriately delegated to do so by the General Manager.

These typically include:

- Executive Manager Economic and Community Development.
- Manager Planning Building and Health
- Town Planner

This plan also applies to private certifiers who issue complying development applications within the Leeton Shire are also required to impose development levies in accordance with this policy.

4. Definitions

4.1 The following terminology is used to convey key concepts:

- 4.1.1 "Development application" has the same meaning as in the EP&A Act
- 4.1.2 "Development consent" has the same meaning as in the EP&A Act
- 4.1.3 "Planning Proposal" has the same meaning as in the EP&A Act
- 4.1.4 "Public benefit" is the benefit enjoyed by the public as a consequence of a development contribution
- 4.1.5 "Public facilities" means public infrastructure, amenities and services.

4.2 Certifying Authority – Leeton Shire Council employs registered certifiers who are authorised to carry out the certification work under Section 31 of the *Building and Development Certifiers Act 2018* and clauses 27 to 31 of the Building and Development Certifiers Regulation 2020.

4.2 Contributions – contributions as calculated in accordance with clause 7.2 of this policy.

4.3 CPI – Consumer Price Index is a comprehensive measure for estimation of price changes.

4.4 Private Certifiers - is a building professional who can act as a Certifying Authority and is responsible for inspecting and approving building work to ensure it is in accordance with approved plans and state legislative requirements.

5. & 6. Supporting Documents/Legislation

Environmental Planning & Assessment Act 1979

Environmental Planning & Assessment Regulation 2021

7. Policy Procedure

7.1 When is the development contribution payable?

A development contribution authorised by this Plan and required by a condition of a development consent (not including a Complying Development Certificate) must be paid to the Council at the time specified in the condition. If no time is specified, the contribution must be paid prior to the first certificate issued in respect of the development under Part 6 of the *EP&A Act*. This includes a Subdivision Certificate.

A development contribution authorised by this Plan and required by a condition of a Complying Development Certificate must be paid to the Council prior to the commencement of work, as required by the Regulation.

7.2 How will development contributions be calculated?

The development contribution will be calculated as follows:

Development contribution = A x B where:

- | | |
|----------|--|
| A | <ul style="list-style-type: none">i. If the cost of works is ≤ \$100,000 is 0 (zero)ii. If the cost of works is >\$100,001 but ≤ \$200,000 is 0.5% (half a percent)iii. If the cost of works is >\$200,001 is 1% (one percent) |
| B | is the cost of the development* |

* The cost of the development is determined in accordance with clause 208 of the *Environmental Planning and Assessment Regulation 2021*, which is included at Schedule 2 (as at the date of this Plan).

In the absence of errors, the development contribution amount will be calculated based on the cost of works information relied upon at the time of determination.

7.3 Cost summary reports must accompany development applications or applications for complying development certificates.

The proposed cost of carrying out development must be determined by the consent authority by adding up all the costs and expenses that have been or will be incurred by the applicant in carrying out the development, including:

- For the erection of a building or engineering or construction work - the costs associated with incidental demolition, excavation and site preparation, decontamination or remediation.
- For 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.
- For 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.

A development application or application for a complying development certificate must be accompanied by a Cost Summary Report (where the development cost is less than \$1,000,000) or Quantity Surveyors Report (where the development cost is equal to or more than \$1,000,000) that provides the cost of development in accordance with clause 208 of the Regulation.

This information is to be provided at the time of lodgement of the application.

For the purpose of this Plan, Council requires the estimate of the cost of development to be prepared by the following persons or classes of persons:

- 7.3.1 Where the cost of the development does not exceed \$200,000 – the applicant or a consultant and based on standard published cost rates.
- 7.3.2 Where the cost of the development exceeds \$200,000 but does not exceed \$1,000,000 – a qualified and registered engineer or quantity surveyor. Council may, at its discretion, accept as an alternative an estimate prepared by a person with estimating or costing experience in the type of development being proposed.
- 7.3.3 Where the cost exceeds \$1,000,000 but does not exceed \$10,000,000 – a qualified and registered quantity surveyor or an estimate prepared under his or her supervision and certified by that quantity surveyor as adequate and reasonable.
- 7.3.4 Where the cost exceed \$10,000,000 – a qualified and registered quantity surveyor.

Schedule 3 outlines the matters to address in the preparation of cost estimates.

Clause 208 (4) of the regulation states that the following costs must not be included in the estimation or determination of development costs:

- a) the cost of the land on which the development will be carried out,
- b) the costs of repairs to a building or works on the land that will be kept in connection with the development,
- c) the costs associated with marketing or financing the development, including interest on 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 for the development,
- g) the costs of fittings and furnishings, including refitting or refurbishing, associated with the development, except if the development involves an enlargement, expansion or intensification of a current use of land,
- h) the costs of commercial stock inventory,
- i) the taxes, levies or charges, excluding GST, paid or payable in connection with the

- development by or under a law,
- j) the costs of enabling access by people with disability to the development,
 - k) the costs of energy and water efficiency measures associated with the development,
 - l) the costs of development that is provided as affordable housing,
 - m) the costs of development that is the adaptive reuse of a heritage item.

7.4 How will the development contribution be adjusted

The development contribution will be adjusted in accordance with the following:

Adjusted Development Contribution = **A + B** where:

A is the original development contribution required by the development consent.

B is the adjustment amount which is:

$$\$A \times [\text{Current CPI} - \text{Base CPI}] / (\text{Base CPI})$$

The Current CPI is the Sydney All Groups Consumer Price Index as published by the Australian Bureau of Statistics at the time of the review of the development contribution.

The Base CPI is the Sydney All Groups Consumer Price Index as published by the Australian Bureau of Statistics as at the date of commencement of this plan - April 2014.

Note: In the event that the Current CPI is less than the Base CPI, the Current CPI shall be taken as not less than the Base CPI.

7.5 Pooling of development contributions

For the purposes of s7.3(2) of the Act, this plan authorises contributions paid for different purposes to be pooled and applied by the Council progressively or otherwise towards the public facilities listed in Schedule 4, in accordance with the priorities set out in that Schedule.

7.6 Complying Development Certificates and the obligation of accredited certifiers

In accordance with the Environmental Planning and Assessment Regulation 2021 (the Regulation) a certifying authority must not issue a Complying Development Certificate unless it includes a condition that a development contribution required under this Plan is to be paid to the Council prior to commencement of work.

7.7 Construction Certificates and the obligation of accredited certifiers

In accordance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 a certifying authority must not issue an Occupation Certificate for building work or subdivision work under a development consent, unless it has verified that each condition requiring the payment of a development contribution under this Plan has been satisfied.

8. Attachments

8.1 Schedule 1 – Plan Area

This Plan applies to all land within the Leeton local government area as shown in Figure 1.



Figure 1 Fixed Levy Area

8.2 Schedule 2 – Calculation of Development Costs – Clause 208 of the Environmental Planning and Assessment Regulation 2021

Clause 208 —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 section 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,
 - i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,
 - j) the costs of enabling access by disabled persons in respect of the development,
 - k) the costs of energy and water efficiency measures associated with the development,
 - l) the cost of any development that is provided as affordable housing,
 - m) the costs of any development that is the adaptive reuse of a heritage item.
- (4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.
- (5) To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.

8.3 Schedule 3 – Forms for cost reports

8.3.1 Cost Summary Report (by a suitably qualified person)

Cost Summary Report (by a suitably qualified person)

[Development Cost less than \$1,000,000]

Environmental Planning and Assessment Act 1979

Development Application No.: _____ **Date:** _____

Complying Development Certificate Application No.: _____

Construction Certificate No.: _____

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	\$	Fire services	\$
Internal walls, screens and	\$	Lift services	\$
Wall finishes	\$	External works	\$
Floor finishes	\$	External services	\$
Ceiling finishes	\$	Other related work	\$
Fittings and equipment	\$	Sub-Total	\$

Sub-total above carried	\$
Preliminaries and margin	\$
Sub-total	\$
Consultant Fees	\$
Other related development	\$
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 under Schedule 2 in the Section 7.12 Development Contributions Plan of the Council of the Shire of Leeton at current prices
- Included GST in the calculation of development cost

Signed: _____ Date: _____

Name: _____

Position and Qualifications: _____

8.3.2 Registered* Quantity Surveyor's Detailed Cost Report

Registered* Quantity Surveyor's Detailed Cost Report

[Development Cost in excess of \$1,000,000]

*A qualified and registered quantity surveyor or an estimate prepared under his or her supervision and certified by that quantity surveyor as adequate and reasonable.

Development Application No.: _____ **Date:** _____

Complying Development Certificate Application No.: _____

Construction Certificate No.: _____

Applicant's Name: _____

Applicant's Address: _____

Development Name: _____

Development Address: _____

DEVELOPMENT DETAILS:

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	\$ /m ²
% of Construction Cost	%	Car Park	\$
Demolition and Site Preparation	\$	Cost per square metre of site	\$ /m ²
Cost per square metre of site area	\$ /m ²	Cost per space	\$ /space
Construction – Commercial	\$	Fit-out – Commercial	\$
Cost per square metre of site area	\$ /m ²	Cost per m ² of commercial	\$ /m ²
Construction – Residential	\$	Fit-out – Residential	\$
Cost per square metre of residential	\$ /m ²	Cost per m ² of residential area	\$ /m ²
Construction – Retail	\$	Fit-out – Retail	\$
Cost per square metre of retail area	\$ /m ²	Cost per m ² of retail area	\$ /m ²

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 under Schedule 2 in the Section 7.12 Development Contributions Plan of the Council of the Shire of Leeton 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: _____ Date: _____

Name: _____

Position and Qualifications: _____

8.4 Schedule 4 – Detailed works and priority program

DETAILED WORKS AND PRIORITY PROGRAM LEETON LGA					
Work	Desired Elements	Location	Estimated Cost \$	Priority	Timeframe
Public Swimming Pools	Maintenance and renewal of: <ul style="list-style-type: none"> Filtration and pumps Pool covers Structures, tiles, concrete and waterproofing Shade sales Pool toys BBQs Kiosks Landscaping and grounds facilities 	70 Conapaira Street, Whitton and Grevillea Street/Palm Avenue East Leeton	\$600K	Low - Medium	2024-2034
Public Domain Upgrade	Upgrade of public domain (ie street furniture, paving, lighting, street art, landscaping, signage, heritage conservation works, public toilets) in Leeton, Yanco and Whitton	CBD precincts	\$500K	Low - Medium	2024-2034
		Civic Centre Precinct Chelmsford Place (Chelmsford Town Square)	\$500K	Medium to High	2023-2028
	Additional play equipment, shading and landscaping	<ul style="list-style-type: none"> Open space within central Leeton needing upgrade New open spaces to be constructed as developed subdivisions open (as per Housing Strategy) 	\$1.5M	Low to Medium	2024-2034
	Traffic management and beautification of town entrances	MR80 between Vance Road, Leeton and Yanco	\$300K	Medium	2024-2028
		Various collector roads Leeton and Yanco	\$150K	Low	2024-2034
Footpaths and road safety renewals and upgrades including (but not limited to): <ul style="list-style-type: none"> Concrete and sealed footpaths and shared cycleways Bus shelters Pedestrian crossings and ramps Car parking 	Various	\$300K	Low	2024-2034	

Disabled Access	In accordance with Disability Improvement Action Plan priorities.	Various	\$200K	Medium to High	2023-2028
Roxy Theatre	Equipment, fit-out and interpretation	114-118 Pine Avenue, Leeton	\$800K	High	2023-2026
Community Renewable Energy Generation	<ul style="list-style-type: none"> Solar energy installations Battery storage 	Community facilities/buildings	\$300K	Medium to High	2024-2028
Leeton Stadium	Renewal and upgrade works including: <ul style="list-style-type: none"> Roof Expansion 	54 Palm Av, Leeton	\$300K	Low to medium	2024-2034
Gogeldrie Weir Caravan Park	Upgrade of facilities in line with master plan.	Gogeldrie	\$250K	Medium	2024-2028
Leeton Animal pound facility	Maintenance and facility upgrades <ul style="list-style-type: none"> Animal exercise yard Security and fencing Upgrades and renewal 	10-16 Massey Avenue, Leeton	\$50K	High	2024-2026
Cemeteries	<ul style="list-style-type: none"> Repairs and maintenance Development for expansion 	Leeton and Whitton	\$300K	Low to Medium	2024-2034