

# **Queanbeyan**

## **Section 7.12 Fixed Levy**

### **Development Contributions Plan**

#### **2019**



**Version 2**

Adopted by Council on 28 July 2021

Effective from 30 July 2021

ECM 424775

## Document History

This Development Contributions Plan was prepared in accordance with Part 7 of the *Environmental Planning and Assessment Act 1979* and Part 4 of the *Environmental Planning and Assessment Regulation 2000*.

This Plan was originally adopted by Council on **22 January 2020** and came into effect on **14 April 2020**.

This Plan is subject to occasional review by Council and amendment where necessary. All amendments to this plan subsequent to its adoption are set out in the following table.

Version	Date Adopted	Date Effective	Comments
1	22/01/2020	14/04/2020	
2	28/07/2021	30/07/2021	Plan coverage extended to include areas of Greenleigh, The Ridgeway and Weetalabah now considered developed (map at Figure 3 revised accordingly); Schedule of Works revised to include additional items and cost adjustments; additional exemption category included; population projections and analysis updated; definitions section revised and expanded; format and style of document updated to be consistent with other Council documents.

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## Queanbeyan-Palerang Regional Council

**Offices**

<b>Queanbeyan (HQ)</b>	256 Crawford Street
<b>Bungendore</b>	10 Majara Street
<b>Braidwood</b>	144 Wallace Street

**Contact**

**P:** 1300 735 025  
**E:** [council@qprc.nsw.gov.au](mailto:council@qprc.nsw.gov.au)  
**M:** PO Box 90 QUEANBEYAN NSW 2620  
**W:** [www.qprc.nsw.gov.au](http://www.qprc.nsw.gov.au)

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# EXECUTIVE SUMMARY

## Purpose of this plan

This development contributions plan authorises Queanbeyan-Palerang Regional Council ('Council') to collect contributions from developers to provide for public infrastructure and facilities within the area to which this plan applies as shown in Figure 3 (on Page 11). Those contributions will take the form of money.

This plan describes where contributions are required, what the development contributions apply to, how the contribution rates have been determined, and what infrastructure the contributions will fund.

The key steps applicants need to follow in using this plan and determine and pay development contributions are summarised below and at Figure 2 (on Page 7).

## Where this plan applies

This development contributions plan applies to all land shown on the map at Figure 3 (on Page 11).

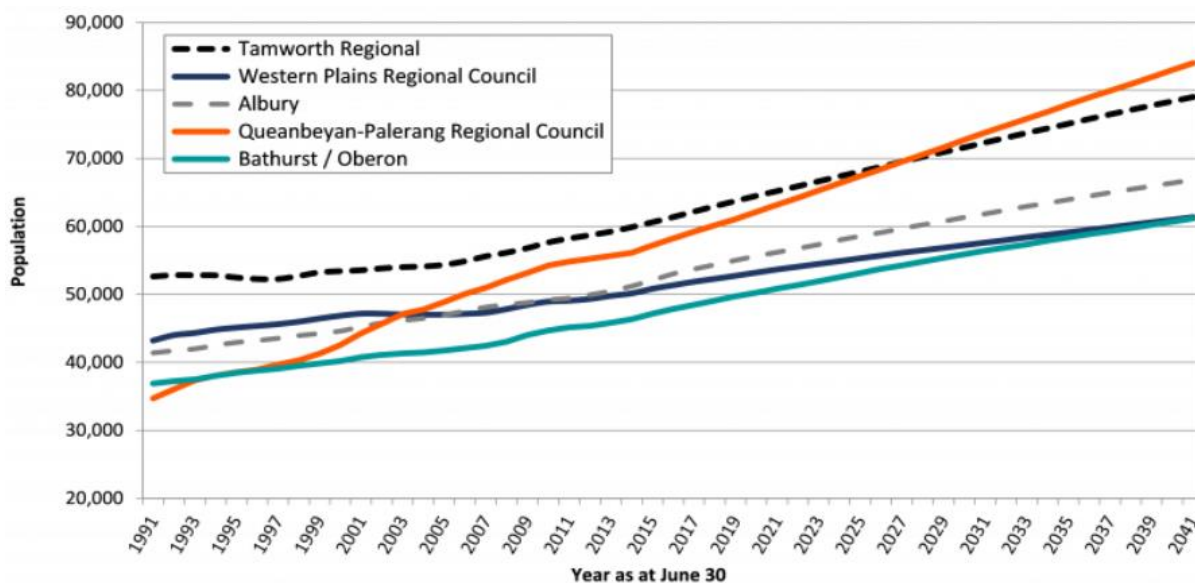
## Applicable development

This plan applies to all applications for development consent, as well as all applications for development certificates, required to be made by or under Part 4 of the EP&A Act on land to which this plan applies.

## Demand for local infrastructure

Queanbeyan-Palerang is one of the fastest growing local government areas in regional NSW. Between 2006 and 2019, the LGA's population increased by 16.8%, from 50,070 to 60,190. From 2019 to 2036, the LGA's population is forecast to grow even faster – by more than 30% to almost 80,000. The rapid growth of the LGA relative to other major inland LGAs is evident in the graph at Figure 1, below.

**Figure 1 Forecast Population Growth - Selected Inland Regional LGAs, 1991-2041**



Source: id Small Area Forecast information (SAFi), 2016

Queanbeyan itself is currently the fastest growing inland city in NSW. Its population is now approximately 45,000 people with an annual growth rate of around 3%.



There are a number of factors that will contribute to this strong growth rate into the future. These include:

- the imminent development of new urban release areas at South Jerrabomberra and Jumping Creek;
- the ongoing development of the Googong urban release area; and,
- ongoing and increased infill development and re-development in older established areas of Queanbeyan.

This strong population growth will place additional demands on existing public infrastructure and facilities and generate demand for new public infrastructure and facilities.

Accordingly, Council has determined this section 7.12 development contributions plan be established. Monies paid to Council under a condition authorised by this plan are to be applied by Council towards meeting the cost of the public infrastructure and facilities that will be (or have been) provided within the area to which this plan applies, as listed in the Schedule of Works at Appendix 1 of this plan, and as summarised in Table 1, below.

**Table 1 Summary of Works Schedule Costs by Category of Works**

Public Facilities	Estimated Costs (\$)	Proportion of program value (%)
Buildings and other structures	76,609,000	74.7
Open Space (Facilities)	3,502,000	3.4
Open Space (Land)	1,500,000	1.5
Transport Facilities (Roads)	2,129,297	2.1
Transport Facilities (Footpaths and Cycleways)	3,718,500	3.6
Car Parking Facilities	15,048,096	14.7
<b>Total Value of Program</b>	<b>102,506,893</b>	<b>100.0</b>

### Calculating the contribution

Consent authorities, including Council and accredited certifiers, are responsible for determining any contribution in accordance with this plan. The contribution rates are set out in Table 2, below.

**Table 2 Contribution by Development Cost**

Proposed Cost of Development	Levy
All development types valued at <b>\$100,000 or less</b>	Nil
All development types valued between <b>\$100,001 and \$200,000</b>	0.5%
All development types valued at <b>more than \$200,000</b>	1.0%

### Requiring the contribution

If a contribution is payable, the consent authority will include a condition in the consent or complying development certificate requiring a contribution.

## Paying the contribution

In the case of a development application, applicants must pay their contribution before obtaining a construction certificate. In the case of complying development, applicants must pay their contribution before commencing work.

Development contributions in the form of monetary payments are exempt from the Goods and Services Tax (GST).

## Complying development

Accredited certifiers are responsible for calculating the contribution for complying development in accordance with this plan and then imposing a condition in the complying development certificate requiring the contribution.

Accredited certifiers must notify Council of their determination within two (2) days of making the determination, in accordance with section 130(4) of the *Environmental Planning and Assessment Regulation 2000*.

Applicants must pay their contribution before commencing the complying development works.

**Figure 2 Key steps in determining and paying contributions.**



# 1. INTRODUCTION

## 1.1 Name of this development contributions plan

This development contributions plan is called the ***Queanbeyan Section 7.12 Fixed Levy Development Contributions Plan 2019***.

## 1.2 Where this development contributions plan applies

This plan applies to certain land within the Queanbeyan-Palerang local government area, as shown on the map at Figure 3 (on Page 11).

## 1.3 Purpose of this development contributions plan

This Development Contributions Plan has been prepared pursuant to **section 7.12** of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The purposes of this plan are:

- to authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act);
- to require a certifying authority (Council or an accredited certifier) to impose, as a condition of issuing a complying development certificate, a requirement that the applicant pay to Council a levy determined in accordance with this plan;
- to assist Council in the provision of appropriate public facilities required to maintain and enhance amenity and service delivery within the Queanbeyan urban area; and,
- to identify the purposes for which the contributions are required.

## 1.4 Commencement of this plan

Pursuant to clause 31(4) of the *EP&A Regulation*, this development contributions plan takes effect from the date on which public notice was given – that date being 14 April 2020.

## 1.5 Relationship with other plans and policies

This development contributions plan repeals the *Queanbeyan City Council Section 94 Contributions Plan 2012* to the extent it applies to land covered under this plan.

## 1.6 What does Section 7.12 of the EP&A Act provide?

Section 7.12 of the EP&A Act provides as follows:

- (1) *A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.*
- (2) *A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 7.11.*
- (2A) *A consent authority cannot impose a condition under this section in relation to development on land within a special contributions area without the approval of:*
  - (a) *the Minister, or*



- (b) *a development corporation designated by the Minister to give approvals under this subsection.*
- (3) *Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.*
- (4) *A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.*

## 1.7 Development to which this plan applies

This plan applies to all applications for development consent, as well as all applications for development certificates, required to be made by or under Part 4 of the EP&A Act on land to which this plan applies.

## 1.8 Payment of a levy as a condition of issuing a complying development certificate

This plan authorises 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 the Council a levy of 0.5% or 1% of the proposed cost of carrying out the development, as outlined in Table 3 below.

Conditions authorised by this Plan are subject to any direction given by the Minister under section 7.17 of 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 section 7.17 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.

**Table 3 Contribution by Development Cost**

Proposed Cost of Development	Levy
All development types valued at <b>\$100,000 or less</b>	Nil
All development types valued at between <b>\$100,001 and \$200,000</b>	0.5%
All development types valued at <b>more than \$200,000</b>	1.0%

## 1.9 Are there any exemptions to the levy?

The section 7.12 contributions provided for by this plan will not be imposed on development in the circumstances where:

- (a) the proposed cost of carrying out the development is \$100,000 or less;
- (b) development is for the purposes of providing disabled access;
- (c) the sole purpose of the development is the provision of affordable housing, including development undertaken by a social housing provider as defined under *State Environmental Planning Policy (Affordable Rental Housing) 2009*;
- (d) development is for the purpose of reducing the consumption of mains supplied potable water or reducing the energy consumption of a building;

- (e) development is for the sole purpose of the adaptive reuse of an item identified in Council's Heritage Schedule in the LEP;
- (f) the development has been the subject of a contribution condition under previous development consent relating to subdivision of the land on which the development is to be carried out unless the proposed works increase demand on Council infrastructure; or,
- (g) where the application is submitted by or on behalf of Queanbeyan-Palerang Regional Council.

Council may consider exempting the following development, or components of a development from a contribution under this plan:

- (a) development undertaken for public schools;
- (b) development associated with providing infrastructure funded by a section 7.12 levy;
- (c) development that involves rebuilding or repair of damage resulting from declared natural disasters (such as flooding or bushfires) under the NSW State Emergency Management Plan; and,
- (d) development that provides a social or cultural contribution to the broader community.

Those applicants which seek exemption from a levy under this Plan must provide a comprehensive submission to the Council, which clearly demonstrates how the proposed development falls within one of the development types identified above, prior to the Council determining whether such an exemption applies. In considering any application for an exemption the Council will take into account:

- (a) the extent to which the proposed development comprises or includes the provision, extension or augmentation of public amenities or public services that provide a public benefit; and/or,
- (b) whether the applicant is affected by any adverse financial circumstance which will impact on its ability to fund the payment of any levy which is imposed in accordance with this Plan.

### 1.10 Payment of a levy as a condition of development consent

This Plan authorises Council to grant consent to development to which this Plan applies, subject to a condition requiring the applicant to pay a levy to Council, being 0.5% or 1% of the proposed cost of carrying out the development, as outlined in Table 4 below.

Conditions authorised by this Plan are subject to any direction given by the Minister under section 7.17 of the Act from time to time, and this Plan authorises the imposition of conditions which are in accordance with any such direction.

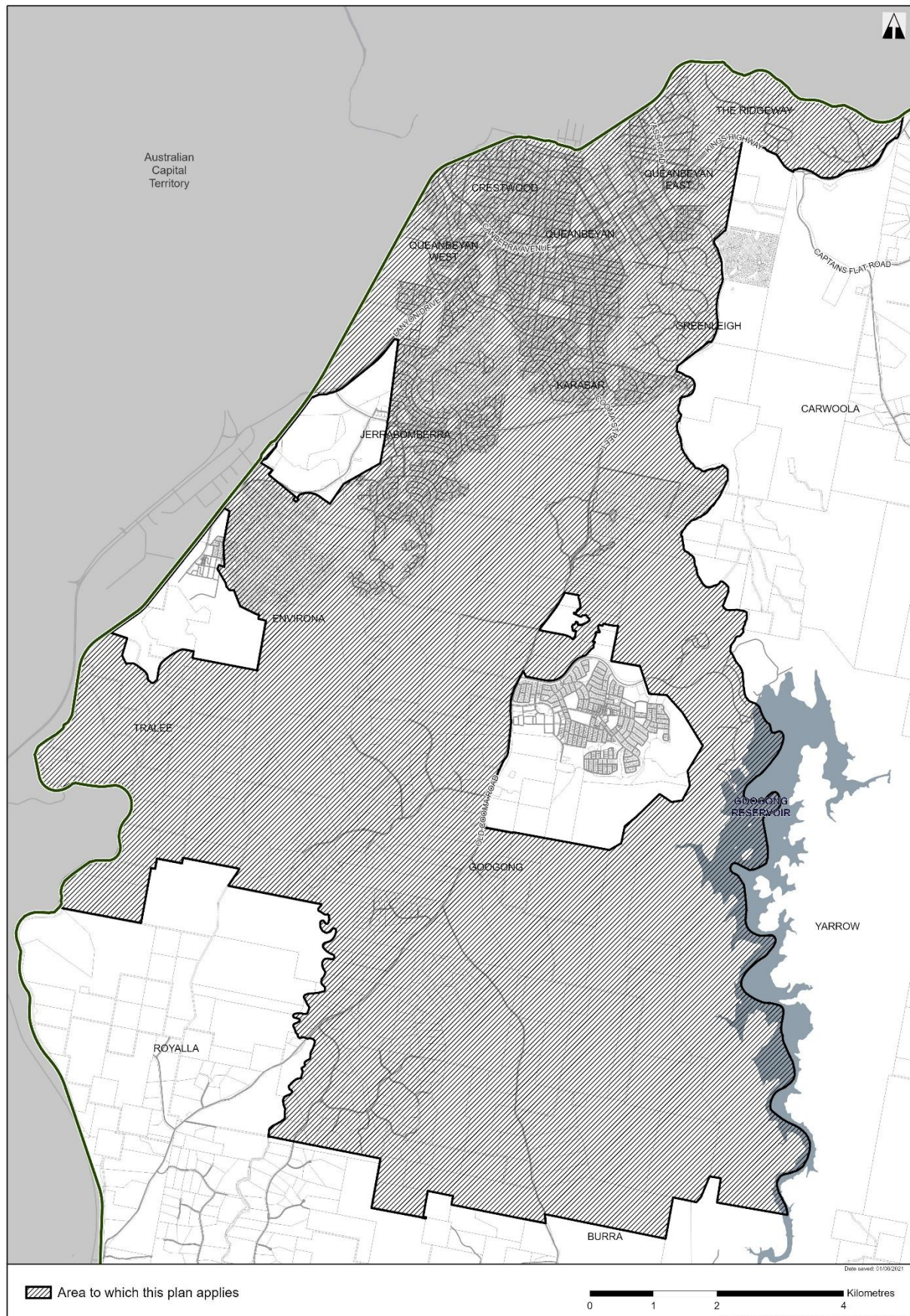
Any direction given by the Minister under section 7.17 of the Act and in force from time to time may be attached to this Plan, but does not form part of this Plan for the purposes of the Act.

**Table 4 Contribution by Development Cost**

Proposed Cost of Development	Levy
All development types valued at <b>\$100,000 or less</b>	Nil
All development types valued at <b>between \$100,001 and \$200,000</b>	0.5%
All development types valued at <b>more than \$200,000</b>	1.0%



**Figure 3 Land to which this contribution plan applies**



## **1.11 Savings and Transitional Arrangements**

A Development Application approved prior to the commencement this plan will have contributions calculated in accordance with the Contributions Plan in place at the time the application was determined.

Where a modification to an application approved prior to adoption of this Contributions Plan generates additional development contributions, those additional contributions shall be calculated in accordance with this plan.

Development Applications lodged prior to adoption of this plan but not yet approved will have contributions calculated based on this plan.

## 2. EXPECTED DEVELOPMENT AND DEMAND FOR PUBLIC FACILITIES

### 2.1 Queanbeyan Residential and Economic Strategy

The *Queanbeyan Residential and Economic Strategy 2031* sets out the broad framework for development and growth in Queanbeyan to the year 2031.

This strategy is complemented by a number of other plans and documents which identify the physical and social infrastructure needs and capacities within the Queanbeyan urban area, and in particular, the Queanbeyan CBD. These documents include but are not limited to:

- *Queanbeyan-Palerang Regional Council Local Strategic Planning Statement 2020*;
- *Queanbeyan-Palerang Regional Council Community Strategic Plan and Delivery Plan 2018 – 2028*;
- *QPRC Integrated Transport Strategy – 5 February 2019*;
- *Queanbeyan CBD Spatial Masterplan Plan – Refresh April 2019*;
- *Queanbeyan CBD Transformation Strategy – June 2017*;
- *Sports Facilities Strategic Plan – June 2017*;
- *Queanbeyan CBD Retail Growth Strategy – September 2018*;
- *QPRC Digital Economy and Smart Community Strategy*; and,
- *Disability Inclusion Action Plan 2017 – 2021*.

Contributions collected under this plan will be used to fund projects set out in the documents listed above and detailed in the works schedule at Appendix 1.

### 2.2 Anticipated Population Growth

According to the Australian Bureau of Statistics, the population of the Queanbeyan-Palerang LGA is projected to grow significantly in coming decades, as shown in Table 5 (below).

**Table 5 Population Forecasts for Queanbeyan Palerang Regional Council LGA**

Year	Estimated Population
2016	58,119
2021	61,832
2026	66,593
2031	72,177
2036	78,756

Source: Population and Household Forecasts, 2016 to 2036 (Prepared by forecast id, ABS December 2017)

As shown in Table 5 (above), the population of Queanbeyan-Palerang is anticipated to increase by 20,367 – from 58,119 in 2016 to 78,756 in 2036 – representing an average annual growth rate of approximately 1.53%.

This greater population will place additional demands on existing infrastructure and facilities used by the current population and generate demand for new public facilities and infrastructure. This is particularly likely in the Queanbeyan Central Business District and the existing Queanbeyan urban area, where there is already an established population of residents using existing facilities.



However, there is some uncertainty as to where new development or re-development may occur within the existing Queanbeyan urban area. Unlike greenfield development sites, where a clear nexus can be established between a new population and the infrastructure required to serve that population, this is more difficult in existing urban areas where the rate of in-fill development, and the additional facilities infrastructure required to serve that new population, is more difficult to determine.

Accordingly, Council has determined a section 7.12 contribution plan be established for the existing urban area of Queanbeyan and its immediate surrounds. The subsequent levies set out in this plan will enable the collection of contributions for the purposes of augmenting and providing new public facilities and infrastructure. Monies paid to Council under a condition authorised by this plan are to be applied by Council towards meeting the cost of one or more of the public facilities that will be (or have been) provided within the area as listed in the works schedule at Appendix 1.

Although it is Council's intention that all of the public facilities identified in the schedule will be provided as soon as possible in accordance with timing and priorities indicated, this will depend on the rate at which development occurs.

### **2.3 Anticipated Demand for Local Infrastructure and Facilities**

In establishing the relationship (or 'nexus') between the expected population growth in Queanbeyan and the likely demand for new or augmented local infrastructure and facilities, Council takes into consideration the following:

- (a) current demographic information, including population projections;
- (b) the likelihood a greater population will require the provision of additional public facilities and infrastructure;
- (c) the likelihood a greater population will diminish the existing population's access to existing infrastructure and public facilities if these facilities are not expanded or enhanced;
- (d) the expected increase in traffic as a consequence of more residents;
- (e) the availability, status and capacity of the existing transport (roads, bridges, paths, ramps and cycleways) network to service a larger population;
- (f) the increasing pressures already being felt to upgrade or modify infrastructure which has not been built with an ageing population in mind; and,
- (g) the increased pressures of peak volumes of coastal traffic at weekends and holidays.

Any contributions levied under this plan will contribute to the operation and maintenance of these and other facilities required for the new population. Levies will not be imposed on a development application or complying development certificate if a section 7.11 contribution is otherwise required.

It is proposed the contributions will contribute to the provision, extension or augmentation or recoupment of costs of public infrastructure and services drawn from the infrastructure and facilities strategies and associated the priority point score mechanism set out below.

The expected types of development are, but not limited to:

- single dwellings;
- residential flat buildings and multi-unit developments;
- mixed-use developments;
- alterations and additions (including secondary dwellings);
- commercial development;
- industrial development;
- tourist and visitor accommodation;
- aged care development; and,
- electricity generating works.



The types of development covered by this plan will employ significant numbers of workers during construction and are likely to result in a significant increase in the resident population beyond the expected growth without these developments and investment in the CBD. It is likely that infill and CBD developments will have an impact on the existing urban road network carrying extra traffic and cater for the impact of light and heavy vehicle movements to and from these developments.

It is, therefore, reasonable that these developments should contribute via a section 7.12 levy to infrastructure and service provision for items such as roads and bridges, traffic facilities, waste facilities, civic improvements, public buildings, cycleways, footpaths, sporting grounds and recreational grounds that will be utilised by such developments and their contractors and employees. Without this levy the existing population's enjoyment and the standard of facility or service will diminish with increased use.

## 2.4 Prioritising Infrastructure Contributions

The amount of contributions that Council will be able to collect is only 1% of the overall development costs throughout the area to which this plan applies and only if the cost of development exceeds \$200,000. This means that only some of the projects listed in the works schedule are likely to be completed as part of this plan noting that that other funding will contribute to many projects including grant funding, and other Council funding such as section 7.11 Contributions and rates. Accordingly, Council has developed a transparent scoring mechanism to assess each project where the following criteria in Table 2 have been taken into consideration.

**Table 6 Mechanism for Priority Scoring**

Council Project	Points
Is the project identified as a high priority in a Council strategy or plan?	2
Is the project identified as a medium priority in a Council strategy or plan?	1
Is the project located within the CBD for the whole population to benefit?	1
Is the shared path, footway or cycleway part of a route leading to the CBD?	1
Is the project happening in a suburb which is forecast to increase in population?	1

As set out at Appendix 1, each work item has been given a respective score against these criteria in order to establish a priority for these works.

### **3. INFRASTRUCTURE AND FACILITIES TO BE FUNDED BY THIS PLAN**

#### **3.1 Works Schedule**

The various items of infrastructure and public facilities to be funded by this development contributions plan are set out in the schedule of works at Appendix 1.

Monies paid to the Council under a condition authorised by this development contributions plan are to be applied towards meeting the cost of the infrastructure and public facilities listed in Appendix 1.

A map showing the location of the various items of infrastructure and public facilities to be funded by this development contributions plan is provided at Appendix 2.

## 4. ADMINISTRATION AND OPERATION OF THE PLAN

### 4.1 Maximum Percentage of Fixed Levy Contribution

As shown at Table 2, the maximum percentage of the proposed cost of carrying out development that may be imposed by a levy under section 7.12 of the EP&A Act is:

- (a) if the proposed cost of carrying out the development is up to and including \$100,000 — **nil**; or,
- (b) if the proposed cost of carrying out the development is more than \$100,000 and up to and including \$200,000 — **0.5%** of that cost; or,
- (c) if the proposed cost of carrying out the development is more than \$200,000 — **1%** cent of that cost.

### 4.2 How will the levy be calculated?

The levy will be determined on the basis of the rate as set out in the summary schedule. The levy will be calculated as follows:

$$\text{Levy payable} = \%C \times \$C$$

Where:

**%C** is the levy rate applicable

**\$C** is the proposed cost of carrying out the development

The proposed cost of carrying out the development will be determined in accordance with clause 25J of the Regulation, as outlined below.

#### 25J Section 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 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 persons with a disability 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.*

A development application or an application for a complying development certificate is to be accompanied by a detailed cost report prepared, at the applicant's cost, setting out an estimate of the proposed cost of carrying out the development for the purposes of clause 25J of the Regulation.

The following cost reports must be submitted by the applicant:

- where the proposed cost of carrying out the development is less than \$5,000,000, a cost summary report prepared and certified by a building industry professional; or,
- where the proposed cost of carrying out the development is \$5,000,000 or more, a detailed cost report prepared and certified by a registered quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

The cost summary report or quantity surveyor's detailed cost report is to be prepared in the form specified in Appendices 4 and 5 of this plan.

Without limitation to the above, 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 and no construction certificate will be issued until such time that the levy has been paid.

### **4.3 When is the levy payable?**

A 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 levy must be paid prior to the issue of a construction certificate or complying development certificate.

#### 4.4 How will the levy be adjusted?

In accordance with clause 25J(4) of the Regulation, and for the purposes of this Plan, the proposed cost of carrying out development is to be indexed to reflect quarterly variations in the Consumer Price Index, All Group Index Number for Sydney between the date the proposed cost was determined by Council and the date the levy is paid.

The levy required is to be adjusted at the time of payment of the levy in accordance with the following formula, and applying quarterly adjustments to the CPI where necessary:

$$\text{Levy at time of payment} = \$C + A$$

Where:

**\$C** is the original contribution as set out in the consent as per Table 2 in Part A of this plan

**A** is the adjustment amount which is:

$$\frac{\$C \times ([\text{Current CPI} - \text{Base CPI}])}{[\text{Base CPI}]}$$

Where:

**Current CPI** is the CPI All Group Index Number for Sydney as published by the Australian Bureau of Statistics and available at time of payment.

**Base CPI** is the CPI All Group Index Number for Sydney as published by the Australian Bureau of Statistics at the date of certification of the cost report.

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

#### 4.5 Cost estimate reports must accompany all applications

A development application, or an application for a complying development certificate, is to be accompanied by a report, prepared at the applicant's cost, setting out an estimate of the proposed cost of carrying out the development for the purposes of clause 25J of the Regulation. The following types of report are required:

- where the proposed cost of carrying out the development is less than \$5,000,000, a cost summary report in accordance with Appendix 4; or,
- where the proposed cost of carrying out the development is \$5,000,000 or more, a cost summary report in accordance with Appendix 5.

The cost summary report or quantity surveyor's detailed cost report is to be prepared in the form specified in Appendix 4 and 5 of this plan.

#### 4.6 Approved persons for the provision of cost estimate reports

For the purpose of clause 25J(2) of the Regulation, the following persons are approved by the Council to provide an estimate of the proposed cost of carrying out development in the following circumstances:

- where the proposed cost of carrying out the development is less than \$5,000,000, a cost summary report prepared and certified by a building industry professional; or,

- where the proposed cost of carrying out the development is \$5,000,000 or more, a detailed cost report prepared and certified by a registered quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Upon reviewing a cost summary report or detailed cost report, the Council may, at the applicant's cost, require a further estimate to be provided by a registered quantity surveyor.

The Council may, at the applicant's cost, engage a person referred to in this clause to review a report submitted by an applicant in accordance with clause 4.5.

#### **4.7 Refunds**

Council's policy is that there are generally no refunds of 7.12 levy payments made under this plan. Council may however consider giving a refund in the case of a surrendered development consent provided that:

- (a) the development application has not lapsed; and
- (b) the surrendered development consent takes effect in accordance with the *Environmental Planning and Assessment Act 1979*; and,
- (c) no demolition, building, engineering or construction work has physically commenced that results in gross floor area on the site.

#### **4.8 Construction Certificates and the obligation of Accredited Certifiers**

This plan requires a certifying authority (Council or an accredited certifier) to impose a condition on a complying development certificate requiring an applicant for a complying development certificate to pay Council a levy prior to the commencement of any construction works on site in accordance with the provisions of Table 2 in Part of this plan.

In accordance with clause 146 of the *Environmental Planning and Assessment Regulation 2000* (EP&A 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 142(2) of the of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

Any development consent issued by a private certifier must include the standard condition of consent shown at Appendix 3 of this plan.

#### **4.9 Pooling of levies**

This plan expressly authorises section 7.12 levies collected under this plan for different purposes to be pooled and applied progressively or otherwise for those purposes. The priorities for the expenditure of the levies are shown in the works schedule in Appendix 1.

This plan also expressly authorises that unspent monies collected under previous contribution plans are to be expended on works identified in those plans where those works have been carried across to the works schedule included in this plan.

Where works identified in previous plans are no longer considered necessary then this plan authorises that the unspent monies be transferred to this plan and spent on the works identified in the works schedule which are similar to the works categories included in the previous contribution plans. The works schedule will indicate where this is the case.



#### **4.10 Deferred or periodic payments**

Council may permit either deferred or periodic payments of contributions of monetary section 7.12 levies for staged development applications only, subject to consideration of a written application made to the Council.

The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- (a) the reasons provided by the applicant requesting a deferred or periodic payment,
- (b) whether the applicant has provided the Council with adequate security in relation to the deferred or periodic payment,
- (c) any other relevant circumstances of the case.

If the Council determines to allow the application, the arrangements relating to the deferred or periodic payment will not take effect until the applicant has entered into a written agreement with the Council reflecting the terms of the Council's approval.

The Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:

- (a) the guarantee is by an Australian bank for the total or outstanding contribution amount plus interest.
- (b) the guarantee requires the bank to unconditionally pay the guaranteed sum to the Council at the time specified in the agreement.
- (c) the applicant will be required to pay all costs incurred in the establishment, operation, administration or discharge of the bank guarantee.
- (d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee, or when the Council notifies the bank in writing that the guarantee is no longer required, or if the related consent lapses.

## 5. DEFINITIONS

Unless the context or subject matter otherwise indicates or requires, the following definitions apply in this development contributions plan:

**ABS** means the Australian Bureau of Statistics.

**applicant** means the person, company or organisation submitting a development application.

**apportionment** means the adjustment of a contribution (usually a percentage) to ensure the contributing population only pays for its share of the total demand for the facility.

**catchment** means a geographic or other defined area to which a development contributions plan applies.

**CBD** means Central Business District.

**CDC** means complying development certificate.

**community facility** means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural, or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**complying development** means development that can be approved by an accredited certifier.

**consent authority** has the same meaning as in the EP&A Act but also includes an Accredited Certifier responsible for issuing a Complying Development Certificate.

**contribution** means the dedication of land, the making of a monetary contribution or the provision of a material public benefit, as referred to in the EP&A Act.

**contributions plan** means a contributions plan referred to in section 7.18 of the EP&A Act.

**Council** means Queanbeyan-Palerang Regional Council.

**CPI** means the Consumer Price Index, a measure of household inflation prepared by the Australian Bureau of Statistics and includes statistics about price change for categories of household expenditure.

**DA** means development application.

**DCP** means a Development Control Plan.

**development** means any of the following—

- (a) the use of land,
- (b) the subdivision of land,
- (c) the erection of a building,
- (d) the carrying out of a work,
- (e) the demolition of a building or work, any other act, matter or thing that may be controlled by an environmental planning instrument.

**development consent** has the same meaning as in the EP&A Act.

**development contribution** means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

**EP&A Act** (or 'the Act') means the *Environmental Planning & Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning & Assessment Regulation 2000*.

**GFA** means gross floor area.

**LEP** means a Local Environmental Plan made by the Minister under the EP&A Act.

**LGA** means Queanbeyan-Palerang Local Government Area.

**planning agreement** means an agreement referred to in section 7.4 of the *Environmental Planning and Assessment Act 1979*.

**planning authority** means—

- (a) a council, or
- (b) the Minister, or
- (c) the Planning Ministerial Corporation, or
- (d) a development corporation (within the meaning of the *Growth Centres (Development Corporations) Act 1974*), or
- (e) a public authority declared by the EP&A Regulations to be a planning authority for the purposes of this Division.

**public benefit** means the benefit enjoyed by the public as a consequence of a development contribution.

**public facilities** means any public amenity or public service, as referred to in the EP&A Act, including a "community facility" and a "recreation facility", the need for which has increased or been created by development.

**public purpose** includes (without limitation) any of the following—

- (a) the provision of (or the recoupment of the cost of providing) public amenities or public services,
- (b) the provision of (or the recoupment of the cost of providing) affordable housing,
- (c) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,
- (d) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,
- (e) the monitoring of the planning impacts of development,
- (f) the conservation or enhancement of the natural environment.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**section 7.11 condition** means a condition under section 7.11 of the Act requiring the dedication of land or the payment of a monetary contribution, or both.

**section 7.11 contribution** means the dedication of land, the payment of a monetary contribution or the provision of a material public benefit, as referred to in section 7.11 of the Act.

**section 7.12 condition** means a condition under section 7.12 of the Act requiring the payment of a levy.

**section 7.12 levy** means the payment of a levy, as referred to in section 7.12 of the Act.

**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**work-in-kind** means the construction or provision of the whole or part of a public facility that it is identified in a works schedule in a contributions plan.

**works schedule** means the schedule of the specific public facilities for which contributions may be required, and the likely timing of provision of those public facilities based on projected rates of development, the collection of development contributions and the availability of funds from supplementary sources.

## 6. REFERENCES

The following documents were used in the preparation and subsequent revision of this development contributions plan:

Bungendore Structure Plan 2048

Bungendore Structure Plan Discussion Paper

Department of Infrastructure, Planning and Natural Resources – Development Contribution Practice Notes – July 2005

Department of Planning – Circular PS06-020 6 December 2006 – Changes to the Application of section 94A of the EP&A Act – Ministerial Direction

Disability Inclusion Action Plan 2017 – 2021

*Environmental Planning and Assessment Act 1979*

*Environmental Planning and Assessment Regulation 2000*

QPRC Digital Economy and Smart Community Strategy

QPRC Integrated Transport Strategy – 5 February 2019

*Queanbeyan Local Environment Plan 2012*

*Queanbeyan-Palerang Local Environmental Plan 2020*

Queanbeyan-Palerang Regional Council Community Strategic Plan and Delivery Plan 2018-2028

Queanbeyan CBD Retail Growth Strategy – September 2018

Queanbeyan CBD Spatial Masterplan Plan – Refresh April 2019

Queanbeyan CBD Transformation Strategy – June 2017

Sports Facilities Strategic Plan – June 2017.

The QBN CBD Place Plan Report – June 2020

Towards 2040 – Queanbeyan-Palerang Regional Council Local Strategic Planning Statement – July 2020.

# APPENDICES

<b>Appendix 1</b>	Schedule of Works
<b>Appendix 2</b>	Map Showing Location of Works
<b>Appendix 3</b>	Standard Condition for Complying Development Certificate
<b>Appendix 4</b>	Cost Summary Report
<b>Appendix 5</b>	Detailed Cost Report



# APPENDIX 1: SCHEDULE OF WORKS

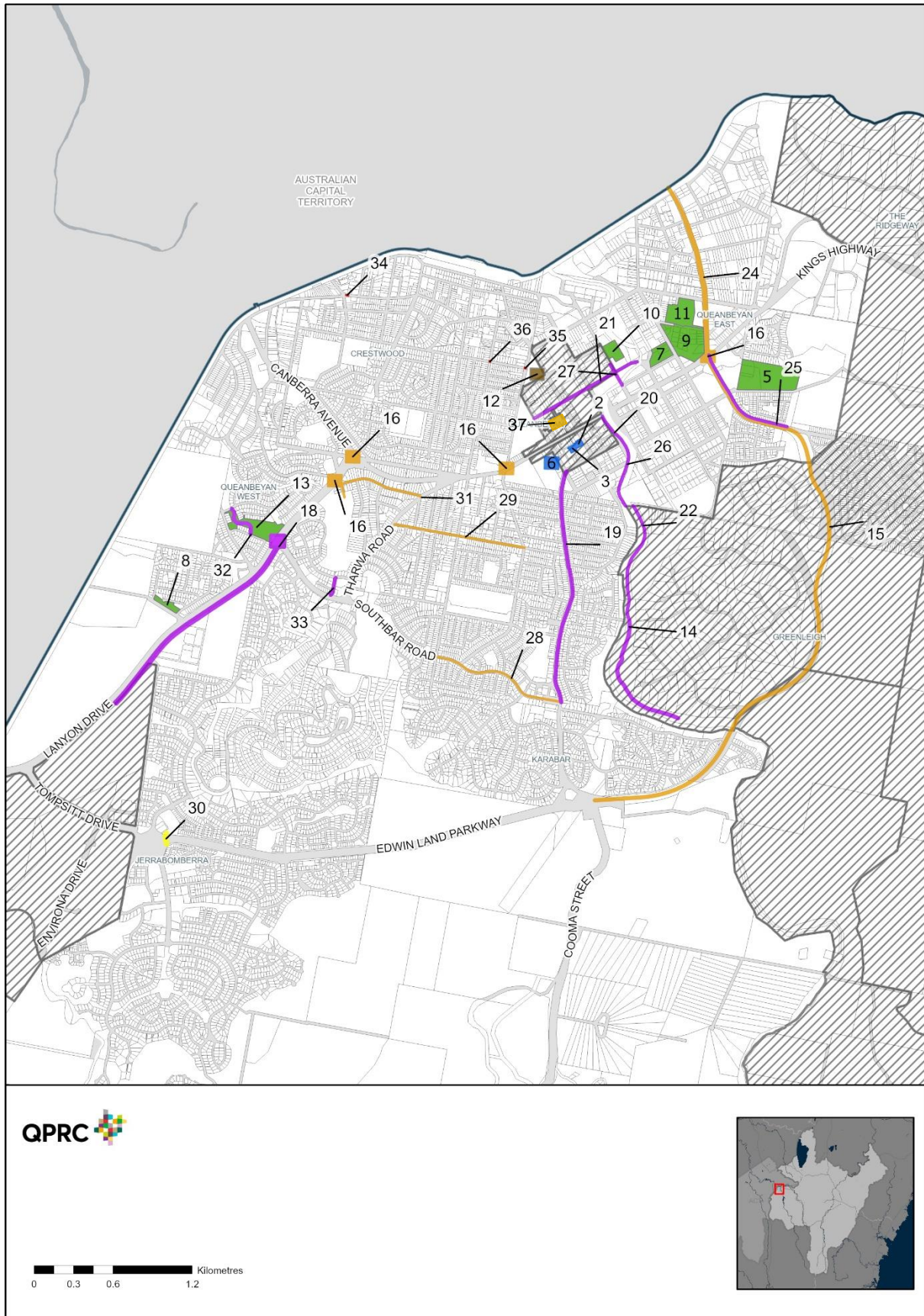
A map showing the location of the works and public facilities is included in **Appendix 2**.

Ref. No.	Public Facilities	Location	Estimated Cost	Priority (Timing)	Score
<b>Buildings and other structures</b>					
<b>Community Services (Facilities)</b>					
1.	Development of new Head Office and Smart Hub	Queanbeyan CBD	\$72,924,000	High	4
2.	Recoup monies for the Q Cultural Centre	Queanbeyan CBD	\$1,750,000	High	4
3.	Refurbishment of Bicentennial Hall	Queanbeyan CBD	\$1,730,000	High	4
4.	Purchases – books & non-book items	Queanbeyan Library	\$205,000	Medium	2
			<b>\$76,609,000</b>		
<b>Open Space (Facilities)</b>					
5.	Replace lower amenities block	Wright Park	\$1,520,000	High	3
6.	Showground Buildings refurbishment, Pavilion and Storage	Queanbeyan Showground	\$670,000	High	3
7.	Improve amenities and increase storage	High Street Playing Field	\$550,000	High	3
8.	Improved Archery Club facilities	Hoover Road Reserve	\$350,000	High	2
9.	Improve junior fields irrigation	Taylor Park	\$160,000	High	3
10.	Seal gravel car park	Riverside Oval	\$90,000	Medium	2
11.	Install irrigation tank and pump	Seiffert Oval	\$65,000	Medium	2
12.	Plant replacement	Queanbeyan Aquatic Centre	\$62,000	Medium	2
13.	Install off-field goals	Letchworth Sporting Field	\$35,000	Medium	2
			<b>\$3,502,000</b>		

Ref. No.	Public Facilities	Location	Estimated Cost	Priority (Timing)	Score
<b>Open Space (Land)</b>					
14.	River corridor path – Glenrock Drain to Barracks Flat	River Path	\$1,500,000	Medium	3
			<b>\$1,500,000</b>		
<b>Transport Facilities (Roads)</b>					
15.	Ellerton Drive Extension	Old Cooma Road to Ellerton Drive	\$1,139,058	High	3
16.	Balance of Traffic Upgrade Works – Queanbeyan	Lanyon Drive/Canberra Avenue, Lanyon Drive/Gilmore Road, Canberra Avenue/Cameron Road, Yass Road/Thurrallilly Street	\$990,239		
			<b>\$2,129,297</b>		
<b>Transport Facilities (Footpaths and Cycleways)</b>					
17.	Lowe Street Pedestrian Corridor	Lowe Street, Queanbeyan	\$1,030,000	High	3
18.	Shared Path – along Lanyon Drive (1,880m)	Jerrabomberra: from Southbar Road to Esmond Avenue	\$564,000	High	3
19.	Shared Path – Cooma Street (1,870m)	CBD to Karabar: between Lowe Street and Southbar Road	\$562,000	High	3
20.	Shared Path – along Queanbeyan River (1,330m)	Between Riverside Plaza and Ellerton Drive	\$399,000	High	4
21.	Shared Path – along Morisset Street (700m)	Between Queanbeyan River and Brad Haddin Oval	\$210,000	High	3
22.	Along eastern side of Queanbeyan River (1,130m)	Greenleigh: from Dodsworth Street to Granville Close	\$169,500	Medium	3
23.	Connections to shared path that uses the underpass (560m)	Lanyon Drive	\$167,000	High	3
24.	Along Yass Road and Ellerton Drive (2,200m)	Queanbeyan East	\$166,000	Medium	2
25.	Shared Path – along Ellerton Drive (380m)	Between Kings Highway and Mowatt Street	\$113,000	High	3

Ref. No.	Public Facilities	Location	Estimated Cost	Priority (Timing)	Score
26.	Along western side of Queanbeyan River (680m)	Queanbeyan CBD	\$102,000	Medium	3
27.	Shared Path – 180m connection from Wanniasa Street to Carinya Street, via bridge	Queanbeyan	\$53,000	High	3
28.	Along Southbar Road (1,030m)	Karabar: from Donald Road to Cooma Street	\$52,000	High	2
29.	Along Fergus Road from Tharwa Road and Cooma Street (1,590m)	Queanbeyan	\$24,000	High	3
30.	Crossing – Edwin Land Parkway, near shops (60m)	Jerrabomberra	\$18,000	High	3
31.	Along Gilmore Place from Tharwa Road and Lanyon Drive (620m)	Queanbeyan West	\$9,500	High	3
32.	From Letchworth Park to Maloney Street (170m)	Queanbeyan West	\$2,500	High	3
33.	Along Telopea Place from Crest Park Parade and Southbar Road (140m)	Queanbeyan West	\$2,000	High	3
34.	Refuge Island – Uriarra Road, east of Richard Avenue	Crestwood	\$25,000	High	4
35.	Refuge Island – Campbell Street, near Morton Street	Queanbeyan	\$25,000	High	4
36.	Refuge Island – Morton Street, near Stornaway Road	Queanbeyan	\$25,000	Medium	3
			<b>\$3,718,500</b>		
<b>CBD Car Parking Facilities</b>					
37.	Morisset Street Multi-Storey Car Park	Queanbeyan CBD	\$15,048,096	High	4
			<b>\$15,048,096</b>		
<b>Total Costs Under This Plan</b>			<b>\$102,506,893</b>		

# APPENDIX 2: MAP SHOWING LOCATION OF WORKS



0 0.3 0.6 1.2 Kilometres



# APPENDIX 3: STANDARD CONDITION FOR COMPLYING DEVELOPMENT CERTIFICATE

## Standard Section 7.12 development consent condition for Complying Development Certificates

In accordance with section 7.21(1) of the *Environmental Planning and Assessment Act 1979* and Section 4.8 of this plan, accredited certifiers must impose the following condition on complying development certificates where a contribution is required in accordance with this plan:

*Pursuant to section 7.21 of the Environmental Planning and Assessment Act 1979, and Council's section 7.12 Contribution Plan a contribution of \$x <sup>(1)</sup> must be paid to Queanbeyan-Palerang Regional Council towards the cost of works as outlined in the contribution plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 7.12 Development Contributions Plan.*

*The amount payable of monetary developer contributions will be indexed on 1 July each year in accordance with the Contribution Plan and the following formula:*

$$\text{New Contribution Rate} = \text{Current Contribution} \times \frac{\text{Current CPI}}{\text{Previous year's CPI}}$$

*Payment must be made to Council before the commencement of construction or works approved by the Complying Development Certificate.*

*The Contributions Plan may be inspected at <https://www.qprc.nsw.gov.au/Building-Development/Planning-Zoning>.*

### **Notes:**

*(1) Insert the total amount of contributions using the calculation methodology outlined in this plan*

# APPENDIX 4: COST SUMMARY REPORT

To be used where Development Cost is contested and below \$5,000,000

**DEVELOPMENT APPLICATION No.**

**DATE:**

**CONSTRUCTION CERTIFICATE No.**

**APPLICANT'S NAME:**

**APPLICANT'S ADDRESS:**

**DEVELOPMENT NAME:**

**DEVELOPMENT ADDRESS:**

## **ANALYSIS OF DEVELOPMENT COSTS**

Demolition and alteration	\$	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	\$
<b>Sub-total</b>	\$
Consultant Fees	\$
Other related development costs	\$
<b>Sub-total</b>	\$
Goods and Services Tax	\$
<b>TOTAL DEVELOPMENT COST</b>	\$



*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, and*
- *included GST in the calculation of development cost.*

*Signed:*

*Name:*

*Position and Qualifications:*

*Date:*

# APPENDIX 5: DETAILED COST REPORT

## Registered\* Quantity Surveyor's Detailed Cost Report Development Cost in excess of \$5,000,000

\*A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No.

DATE:

CONSTRUCTION CERTIFICATE No.

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

DEVELOPMENT NAME:

DEVELOPMENT ADDRESS:

### DEVELOPMENT DETAILS:

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

### ESTIMATE DETAILS:

<b>Professional Fees</b>	\$	Excavation	\$
% of Development Cost	%	Cost per square metre of site area	\$ / m <sup>2</sup>
% of Construction Cost	%	Car Park	\$
<b>Demolition and Site Preparation</b>	\$	Cost per square metre of site area	\$ / m <sup>2</sup>
Cost per square metre of site area	\$ / m <sup>2</sup>	Cost per space	\$ / space
<b>Construction Commercial</b>	\$	Fit-out – Commercial	\$
Cost per square metre of site area	\$ / m <sup>2</sup>	Cost per m <sup>2</sup> of commercial area	\$ / m <sup>2</sup>

<b>Construction – Residential</b>	<b>\$</b>	Fit-out – Residential	<b>\$</b>
Cost per square metre of residential area	\$ / m <sup>2</sup>	Cost per m <sup>2</sup> of residential area	\$ / m <sup>2</sup>
<b>Construction – Retail</b>	<b>\$</b>	Fit-out – Retail	<b>\$</b>
Cost per square metre of retail area	\$ / m <sup>2</sup>	Cost per m <sup>2</sup> of retail area	\$ / m <sup>2</sup>

*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 clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices,*
- *included GST in the calculation of development cost, and,*
- *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:*