



**Tamworth Regional Council
Section 94A (Indirect) Development
Contributions Plan 2013**

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Executive Summary

Purpose and Objectives of the Plan

This Plan is the *Tamworth Regional Council Section 94A (Indirect) Development Contributions Plan 2013* and has been prepared to satisfy the requirements of the Environmental Planning and Assessment Act and Regulation, enabling Council or an accredited certifier to levy contributions from development for the provision of [community infrastructure](#).

This Plan will ensure that adequate community infrastructure is provided for future development and that the existing community is not burdened by the provision of community infrastructure required as a result of future development. In addition, this Plan provides a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on a reasonable basis. In this way, Council can be publicly and financially accountable in its assessment and administration of the Plan.

Nature of future development

Between 2012 and 2021, there is forecast to be 4,320 additional private residential dwellings in the Tamworth LGA generating an additional population of 11,730 new residents over this ten year period. In addition, there is likely to be an increase in employment-generating floor space which will result in additional workers and traffic generation within the LGA.

These future residential and non-residential populations will create a demand for new, enhanced or augmented community infrastructure.

Life of the Plan

The Plan caters for a planning period from 2012 to 2021 which is the period for which development forecasts have been prepared, based on a number of Council strategies which provide for additional development over this period.

The levy payable under this Plan will be indexed between the date of determination and the date of payment of the contribution. Furthermore, the cost of development used to determine the levy under this Plan will be indexed from the date of the cost estimate to the date of determination.

Summary of contribution rates

Table E1 summarises the levies under this Plan:

Table E1: Summary of Contribution Rates	
Type of Development	Levy (% of development costs)
All development except for: <ul style="list-style-type: none"> - disabled access; - affordable housing; - reducing a building's use of potable water or energy; - adaptive re-use of a heritage item; - development previously subject to a condition of development consent requiring a monetary contribution. See also Section 1.5.	0% under \$100,000
	0.5% \$100,001 to \$200,000
	1.0% for development over \$200,000

Summary of works schedule

The works to be provided by funds generated by this Plan are summarised in the **Table E2**. A full Schedule of Works is provided at **Appendix B**.

Table E2: Summary of Works Schedule			
Ref #	Description	Cost to be met by this Plan^A	Timing
s94A_001	Calala Lane Kerb & Gutter [K&G]	\$52,615	2015
s94A_002	Forest Road Widening	\$210,996	2013-2020
s94A_003	Intersection treatment at Browns Lane & Moore Creek Road	\$133,966	2018
s94A_004	Intersection treatment at Tribe Street & Main Road 63	\$251,185	2017
s94A_005	Intersection Upgrade - Bournes Lane & Moore Creek Road	\$83,728	2021
s94A_006	Intersection Upgrade - Browns Lane & Main Road 63	\$83,728	2021
s94A_007	Browns Lane upgrade from Forest Road to Moore Creek Road	\$420,317	2018
s94A_008	Browns Lane upgrade from Moore Creek Road to Main Road 63	\$621,265	2020
s94A_009	Moore Creek Road widening upgrade Main Road 63 to McCarthy Catholic College	\$144,013	2021
s94A_010	Moore Creek Road widening upgrade from McCarthy Catholic College to Browns Lane	\$596,147	2021
s94A_011	Moore Creek Road widening upgrade Browns Lane to Bournes Lane	\$150,711	2019
s94A_012	Five new Bus Stops at Hills Plain	\$41,864	2012-2021
s94A_013	Manilla Road (Main Road 63) widening upgrade from Jewery Street to Darling Street.	\$260,000	2021
s94A_014	Manilla Road (MR63) widening upgrade Tribe Street to Jewry Street	\$200,000	2015
s94A_015	Moore Creek Road Cycleway	\$175,830	2020
s94A_016	Hills Plain Shared use paths	\$244,068	2020
s94A_017	Kootingal Bridge Widening	\$50,237	2013
s94A_018	Manilla Road Cycleway	\$83,728	2013-2023
s94A_019	Flinders Street K&G	\$46,386	2013-2020
s94A_020	Burgmanns Lane/New England Highway Intersection	\$334,914	2023
s94A_021	Bylong Road/Werris Creek Road Auxiliary Lanes Intersection	\$50,237	2013-2023
s94A_022	Bylong Road/Warwick Road intersection Upgrade	\$33,491	2013-2023
s94A_023	New Estate at Kootingal, New park development and facilities.	\$155,735	2020
s94A_024	New Estate at Kootingal, New park development and facilities.	\$127,267	2021
TOTAL		\$4,552,429	N/A
Note:			
A. This is the cost attributed to development which is anticipated to be levied under this Plan and may be supplemented by other funding sources. See Appendix B for further details.			

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1 Introduction

1.1 Name of this Plan

This Plan is the *Tamworth Regional Council Section 94A (Indirect) Development Contributions Plan 2013*.

1.2 Commencement of this Plan

This Plan has been prepared pursuant to the provisions of the [Environmental Planning and Assessment Act 1979](#) (the Act) and the [Environmental Planning and Assessment Regulation 2000](#) (the Regulation) and takes effect from the date on which public notice was published, pursuant to the Regulation.

1.3 Purpose and Objectives of this Plan

This Plan has been prepared to satisfy the requirements of the Act, which enables Council or an accredited certifier to levy contributions from development for the provision of [community infrastructure](#).

The objectives of this Plan are to:

- (a) authorise Council or an accredited certifier to impose conditions under the Act when granting consent to development on land to which this Plan applies including Complying Development;
- (b) assist Council to provide the appropriate community infrastructure required to maintain and enhance amenity and service delivery within the area;
- (c) ensure that the existing community is not burdened by the provision of community infrastructure required as a result of future development;
- (d) enable Council to be both publicly and financially accountable in its assessment and administration of the Plan.

1.4 Land to which the Plan applies

This Plan applies to all land within the local government area (LGA) of Tamworth Regional Council as shown on the Map (see [Figure 1](#)).

1.5 Development forms to which this Plan applies

This Plan applies to all forms of development other than:

- where the proposed cost of carrying out the development is \$100,000 or less;
- development for the purpose of disabled access;
- development for the sole purpose of providing [affordable housing](#);
- development for the purpose of reducing a building's use of potable water (where supplied from water mains) or energy;
- development for the sole purpose of the adaptive reuse of an item of environmental heritage;
- development that has been the subject of a condition requiring monetary contributions under a previous development consent relating to the subdivision of the land on which the development is to be carried out.

1.6 Operation Period of the Plan

The Plan is intended to cater for a planning period up to the year 2021 which is the period for which development forecasts have been prepared.

1.7 Structure of this Plan

This Plan has two sections:

Section 1 – [Introduction](#) (this section), identifies the name of the Plan, its commencement date, the purpose and objectives of the Plan, the land to which the Plan applies, the forms of development to which it applies and the Plan's relationship to other plans, reports and policies.

Section 2 – [Administration and operation of the Plan](#), outlines the demand for community infrastructure, the types of [community infrastructure](#) addressed by the Plan, describes how and when contributions are to be made and provides details regarding the ongoing management of the Plan.

The **Appendices** to this Plan include a [Glossary](#) which explains the meaning of words and terms used in this Plan, a [Works Schedule](#), maps showing the [location of facilities](#), procedures for [determining the cost of development](#), pro-forma [conditions for development consents](#) and [Complying Development Certificates](#) and a list of [References](#) including the plans, policies and other information which support the contents of the Plan.

1.8 Glossary

The meanings of key words and terms used in this Plan and are contained in the Glossary at [Appendix A](#).

1.9 Relationship with other plans, reports and policies

The Plan supplements the provisions of and should be read in conjunction with the Act and Regulation, Tamworth Regional Council's Local Environmental Plan, Development Control Plan, Section 94 Contributions Plan and other relevant plans and policies adopted by Council.

1.10 Savings and transitional arrangements

If an application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application shall be determined in accordance with the provisions of this Plan.

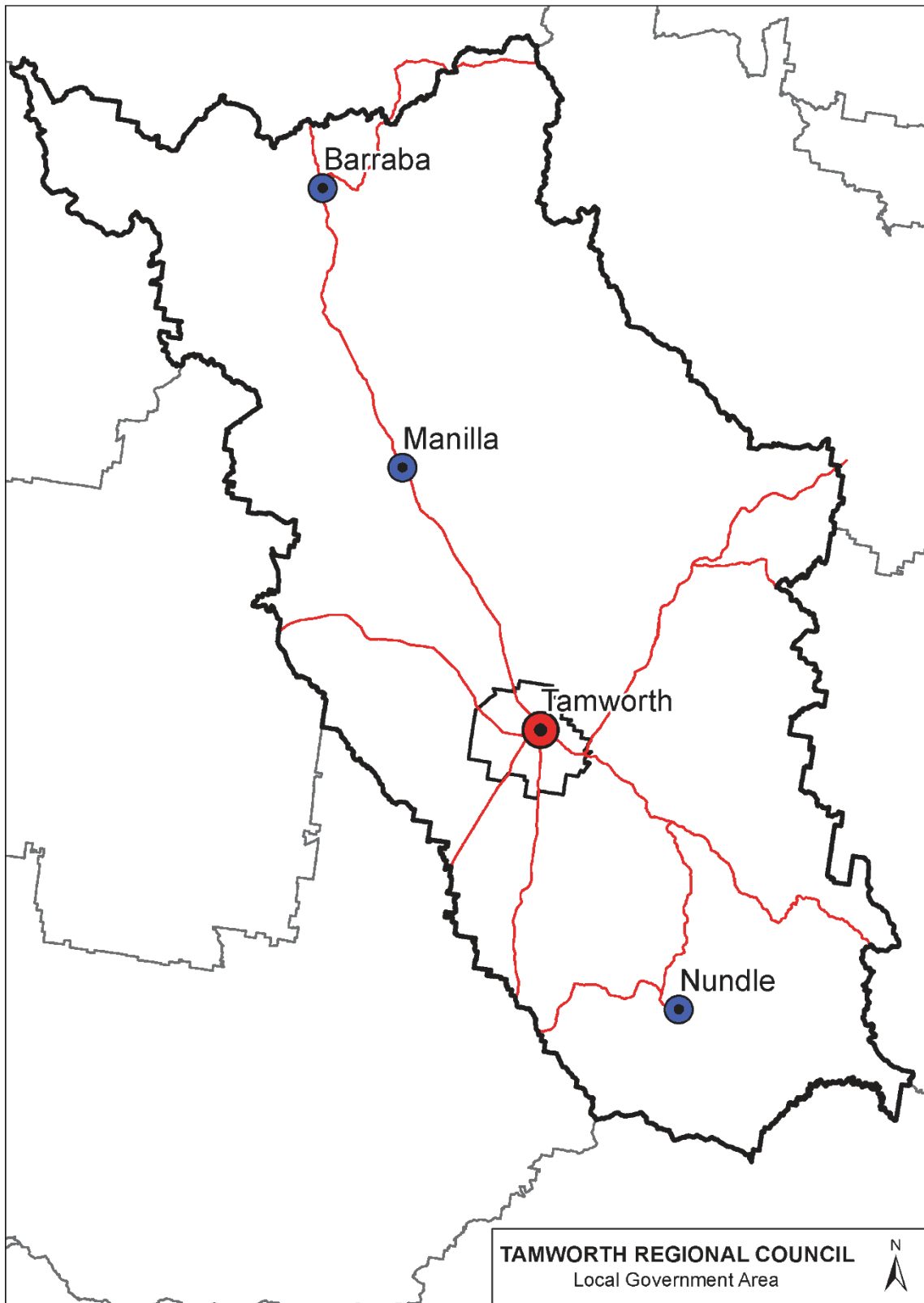


Figure 1: Map – where this Plan applies.

2 Administration and operation of this Plan

2.1 Demand for community infrastructure

The relationship between expected development and the demand for community infrastructure is established through:

- Council's framework of strategy documents, environmental planning instruments, DCPs and other policies which forecast a growth in residential and employment populations from 2012 to 2021;
- The forecast growth in residential and employment populations will require the provision of new or embellished community infrastructure; and
- The forecast growth in residential and employment populations will diminish the enjoyment and standard of community infrastructure for the existing population unless new or embellished infrastructure is provided to meet the additional demand.

The new and embellished community infrastructure to be provided to meet the expected future demand is set out in the works program at [Appendix B](#) and on the Community Infrastructure Location Maps at [Appendix C](#) of this Plan. Levies received under this Plan will contribute to the cost of these facilities which may also be part funded through other sources.

2.2 Types of community infrastructure addressed by this Plan

2.2.1 Community infrastructure

Under this Plan, Council will require development contributions for the following '[community infrastructure](#)':

- Roads, including:
 - Road and footpath infrastructure; and
 - Traffic management facilities.
- Open space and recreation facilities including:
 - New and embellished public open space and associated landscaping; and
 - New and embellished recreation facilities including children's play equipment.

2.3 How will contributions be imposed?

In accordance with the Act, development contributions under this Plan will be imposed as a condition of development consent (see [Appendix E](#)) or as a condition on a Complying Development Certificate (see [Appendix F](#)).

The Act provides that such a condition 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.

2.4 How will the levy be calculated?

The levy will be determined on the basis of the percentage rate as set out in [Table E1](#) and calculated as follows:

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

Where:

%C is the percentage rate applicable.

\$C is the cost of carrying out the proposed development as agreed by Council at the date of determination.

The cost of carrying out the proposed development will be determined in accordance with clause 25J of the Regulation. The procedures set out in [Appendix D](#) to this plan should be followed to enable Council to determine the amount of the levy to be paid. For development less than \$3,000,000 Council may accept an alternate format for the estimate of the cost of carrying out the development. However, that cost must be calculated in accordance with clause 25J of the Regulation.

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 subdivision certificate, construction certificate and/or occupation certificate will be issued until such time that the levy has been paid (see Section 2.6).

2.5 Methods of payment

An obligation to provide contributions toward community infrastructure under this Plan is to be satisfied by payment of a monetary contribution which will be specified as a condition of the development consent.

Payment of contributions can be made by cash, money order, bank cheque, credit card or any other means determined acceptable by Council from time to time.

2.6 Timing of payments

A contribution must be paid to Council at the time specified in the condition of consent that imposes the contribution. If no such time is specified, the contribution must be paid:

- In the case of subdivisions - prior to the issue of the Subdivision Certificate for each stage; or
- In the case of development involving building work – prior to the issue of the first Construction Certificate; or
- In the case of development that involves both subdivision and building work – prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first; or
- In the case of development that does not involve subdivision or building work – prior to occupation or the issue of an interim occupation certificate or issue of a final occupation certificate, whichever occurs first; or
- In the case of Complying Development:
 - where works are proposed - prior to any works commencing; or
 - where no works are proposed - prior to occupation or issue of an interim occupation certificate or issue of a final occupation certificate, whichever occurs first.

It is the responsibility of the an accredited certifier to ensure that a condition is imposed on a complying development certificate in accordance with this Plan and that any monetary contributions have been paid to Council prior to authorising works to commence.

2.6.1 Deferred or periodic payments

Deferred payment of development contributions may be permitted in certain circumstances in accordance with the criteria outlined below:

- (a) an application for deferred payment or payment by instalments is to be made in writing to Council explaining the circumstances of the request;
- (b) the decision to allow deferred payment will be at the sole discretion of Council;
- (c) the timing or the manner of the provision of public facilities included in the works program will not be prejudiced;

- (d) the works project to which the request applies does not relate to public safety or health;
- (e) the amount of the contribution or outstanding balance is not less than \$5,000;
- (f) where the applicant intends to make a contribution by way of a planning agreement;
- (g) the maximum period of deferred payment of the contribution is two years from the standard payment date; and
- (h) the maximum period for payment by instalments is five years from the standard payment date;
- (i) deferred payments and payments by instalments are subject to interest charges equivalent to that applied to overdue rates and an administration charge equivalent to the bank guarantee lodgement fee for subdivision related matters as stated in Council's Fees and Charges.

If Council does decide to accept deferred payment or payment by instalments, Council will require the applicant to provide a bank guarantee with the following conditions:

- The Bank Guarantee(s) must be in Australian Dollars from a major Australian Trading Bank and in the name of Tamworth Regional Council;
- The Bank Guarantee(s) must have no end date, be unconditional and irrevocable, and be in favour of Tamworth Regional Council;
- The sum of the Bank Guarantee(s) will be the amount due to Council at the date of issue, plus an additional amount specified by Council to make provision for any anticipated indexation during the life of the Bank Guarantee until the estimated date of release;
- the bank unconditionally pays the guaranteed sum to Council if Council so demands in writing;
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;
- the bank's obligations are discharged when payment to Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required;
- where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution, indexation and other charges are paid.

2.6.2 Construction certificates and the obligation of accredited certifiers

In accordance with the Act and the 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 monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with the Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exception to this requirement is where an alternative payment method has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2.6.3 Complying development and the obligation of accredited certifiers

In accordance with the Act, accredited certifiers must impose a condition on a Complying Development Certificate, requiring monetary contributions in accordance with this Plan.

The conditions imposed must be consistent with Council's standard condition for Complying Development Certificates (see [Appendix F](#)) and be strictly in accordance with this Plan. It is the professional responsibility of an accredited certifier to inform themselves of any amendments to this Plan to accurately calculate the contribution and to apply the development contributions condition correctly in accordance with Council current consent condition requirements.

It is also the professional responsibility of an accredited certifier to ensure that any applicable monetary contributions have been paid to Council prior to authorising works to commence.

2.7 Indexation of contributions

To ensure that the value of contributions is not eroded over time, the contributions stated in a development consent or complying development certificate will be indexed at the time of payment.

In this circumstance, if the contribution is not paid within the same financial year as the date of the determination, the payment shall be indexed in accordance with the following formula:

$$\$C_{PY} = \frac{\$C_D \times CPI_{PY}}{CPI_D}$$

Where:

\$C_{PY} is the amount of the contribution at the date of Payment.

\$C_D is the amount of the contribution at the date of Determination.

CPI_{PY} is the Consumer Price Index (Sydney – All Groups) (CPI) as published by the Australian Bureau of Statistics (ABS) for the financial year at the date of Payment.

CPI_D is the CPI (Sydney – All Groups) as published by the ABS for the financial year at the date of Determination.

If the determination is not made within the same financial year as the date of the estimate of the cost of development, the cost of development shall also be indexed in accordance with the above methodology for the purposes of the contribution to be stated in the determination.

2.8 Exemptions

Council will not provide exemption to development contributions made under this Plan other than exemptions afforded under direction of the [Minister for Planning and Infrastructure](#). At the time of commencement, these Ministerial exemptions included:

- development undertaken by a '[social housing provider](#)' for the purposes of '[seniors housing](#)' as defined in [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#);
- development for the purposes of a school (as defined by the [Education Act 1990](#)) that is a project under the *Building the Education Revolution* (BER) program;

Council does not apply discounts to the development contributions under this Plan.

2.9 Accounting and management of funds

2.9.1 Accounting standards and contributions register

Separate accounting records are maintained for all development contributions made to Council under this Plan and a development contributions register will be maintained by Council in accordance with the Regulation.

Council is also required to publish details of development contributions accounts annually and this is undertaken as part of Council annual financial reporting cycle.

2.9.2 Treatment of funds received prior to the commencement of this Plan

There were no funds received prior to the commencement of this Plan that were relevant to the items to be funded or part funded by this Plan.

2.9.3 Investment of funds

To maintain the time-value of monetary contributions received under this Plan, Council will invest these funds until the time of expenditure for the purpose for which they were received.

Council will report all investment returns as part of its annual contributions accounts reporting and all investment returns will be retained within the development contributions accounts, to be used of the purpose for which the original contribution was made.

2.9.4 Other funding sources

Works proposed in this Plan represent infrastructure to be funded or part funded pursuant to the development contributions provisions of the Act.

Where other funding sources available for works proposed in this Plan (including funding through Council's Direct Contributions Plan), only that proportion of the total works costs that are anticipated to be funded by this Plan have been included in the Works Schedule. Should other funding sources become available in the future which can be used toward the facilities listed in this Plan, the cost of the relevant project may be reviewed and adjusted accordingly.

2.9.5 Goods and services tax

At the date of preparing this Plan, monetary development contributions were exempt from the Federal Government Goods and Services Tax (GST).

In addition, at the date of preparing this Plan, Council's advice was that non-monetary contributions by way of dedication of land, works-in-kind or material public benefit in lieu of contributions that would be exempt under Section 81-5 of the GST Act, do not constitute a taxable supply. Therefore, there are no GST implications for non-monetary contributions.

However, if legislative changes (including Australian Tax Office tax rulings) determine otherwise, contributions in this Plan will be adjusted to include GST.

Appendix A - Glossary

Terms used in this Plan have the following meanings:

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

“affordable housing” means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

“agriculture” means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

Note. Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

“air transport facility” means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

“airstrip” means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

“amusement centre” means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

“animal boarding or training establishment” means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

“applicant” means the person(s) or organisation(s) 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.

“boat building and repair facility” means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

“boat shed” means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

“business premises” means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital;

“canal estate development” means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

“caravan park” means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

“charter and tourism boating facility” means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

“child care centre” means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children’s Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or

- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

"Consumer Price Index (CPI)" is a standard measure of price movements published by the Australian Bureau of Statistics.

"contribution" means the same as **"development contribution"**;

"contributions plan" means a contributions plan referred to in the Act.

"commercial premises" means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

"community infrastructure" means public amenities and public services, but does not include water supply or sewerage services.

"correctional centre" means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

"Council" means the Tamworth Regional Council.

"DCP" means a Development Control Plan adopted by Council under the Act.

"development" has the meaning under Section 4 of the Act which in relation to land means:

- (a) the use of land; and
- (b) the subdivision of land; and
- (c) the erection of a building; and
- (d) the carrying out of a work; and
- (e) the demolition of a building or work; and
- (f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument.

“**development consent**” means consent under Part 4 of the Act to carry out development and includes, unless expressly excluded, a complying development certificate.

“**development contribution**” means the making of a monetary contribution, dedication of land or the providing of a material public benefit (including a work-in-kind), or any combination of these as referred to in the Act for the provision of community infrastructure;

“**DIPNR**” means the former New South Wales Department of Infrastructure, Planning and Natural Resources;

“**DoPI**” means the New South Wales Department of Planning and Infrastructure;

“**dwelling**” means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile;

“**eco-tourist facility**” means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

“**entertainment facility**” means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

“**exhibition home**” means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

“**extractive industry**” means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

“**farm building**” means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

“**forestry**” has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

“freight transport facility” means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

“function centre” means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

“GFA” means the same as gross floor area.

“gross floor area” means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

“health services facility” means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

“heavy industrial storage establishment” means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

“**helipad**” means a place not open to the public used for the taking off and landing of helicopters.

“**highway service centre**” means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

“**industrial retail outlet**” means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
 - (b) is situated on the land on which the industry or rural industry is located, and
 - (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,
- but does not include a warehouse or distribution centre.

“**industrial training facility**” means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

“**industry**” means any of the following:

- (a) general industry,
 - (b) heavy industry,
 - (c) light industry,
- but does not include:
- (d) rural industry, or
 - (e) extractive industry, or
 - (f) mining;

“**LEP**” means a Local Environmental Plan made by the Minister under the Act.

“**LGA**” means Local Government Area.

“**material public benefit**” means a facility or work which is offered by a developer as a finished entity either in return for a reduction in the amount of monetary contributions required for the same category of contribution or as an additional or partial additional benefit under a Planning Agreement;

“**marina**” means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

“**mining**” means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

“**Minister**” means the Minister administering the *Environmental Planning and Assessment Act 1979*.

“**moveable dwelling**” means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

“**office premises**” means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used;

“**open cut mining**” means mining carried out on, and by excavating, the earth’s surface, but does not include underground mining.

“**passenger transport facility**” means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

“**place of public worship**” means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

“**planning agreement**” means a planning agreement referred to in the Act.

“**public infrastructure**” means:

- (a) public amenities and public services, and
 - (b) affordable housing, and
 - (c) transport infrastructure,
- but does not include water supply or sewerage services.

“**recreation area**” means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children’s playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

“**recreation facility (indoor)**” means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

“recreation facility (major)” means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

“recreation facility (outdoor)” means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

“registered club” means a club that holds a club licence under the *Liquor Act 2007*.

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

“Residential accommodation” means a building or place used predominantly as a place of residence, including:

- Attached dwellings;
- Boarding houses;
- Dual occupancies;
- Dwelling houses;
- Group homes;
- Hostels;
- Multi dwelling housing;
- Residential flat buildings;
- Rural worker’s dwellings;
- Secondary dwellings
- Semi-detached dwellings;
- Seniors housing; and
- Shop top housing;

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

“respite day care centre” means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

“restricted premises” means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

“restriction facilities” means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

“retail premises” means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

“rural industry” means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

“seniors housing” means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#), or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital;

“**service station**” means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

“**sex services premises**” means a brothel, but does not include home occupation (sex services).

“**social housing provider**” means a social housing provider as defined by *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* which, at the date of adoption of this Plan included:

- (a) the New South Wales Land and Housing Corporation,
- (b) the Department of Housing,
- (c) a community housing organisation registered with the Office of Community Housing of the Department of Housing,
- (d) the Aboriginal Housing Office,
- (e) a registered Aboriginal housing organisation within the meaning of the [Aboriginal Housing Act 1998](#),
- (f) the Department of Ageing, Disability and Home Care,
- (g) a local government authority that provides affordable housing,
- (h) a not-for-profit organisation that is a direct provider of rental housing to tenants.

“**storage premises**” means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

“**tourist and visitor accommodation**” means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers’ accommodation.

“**transport depot**” means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

“**truck depot**” means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

“**underground mining**” means:

- (a) mining carried out beneath the earth’s surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
 - (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth’s surface),
- but does not include open cut mining.

“vehicle body repair workshop” means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

“vehicle repair station” means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

“veterinary hospital” means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

“warehouse or distribution centre” means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

“waste or resource management facility” means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)-(c).

“water recreation structure” means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

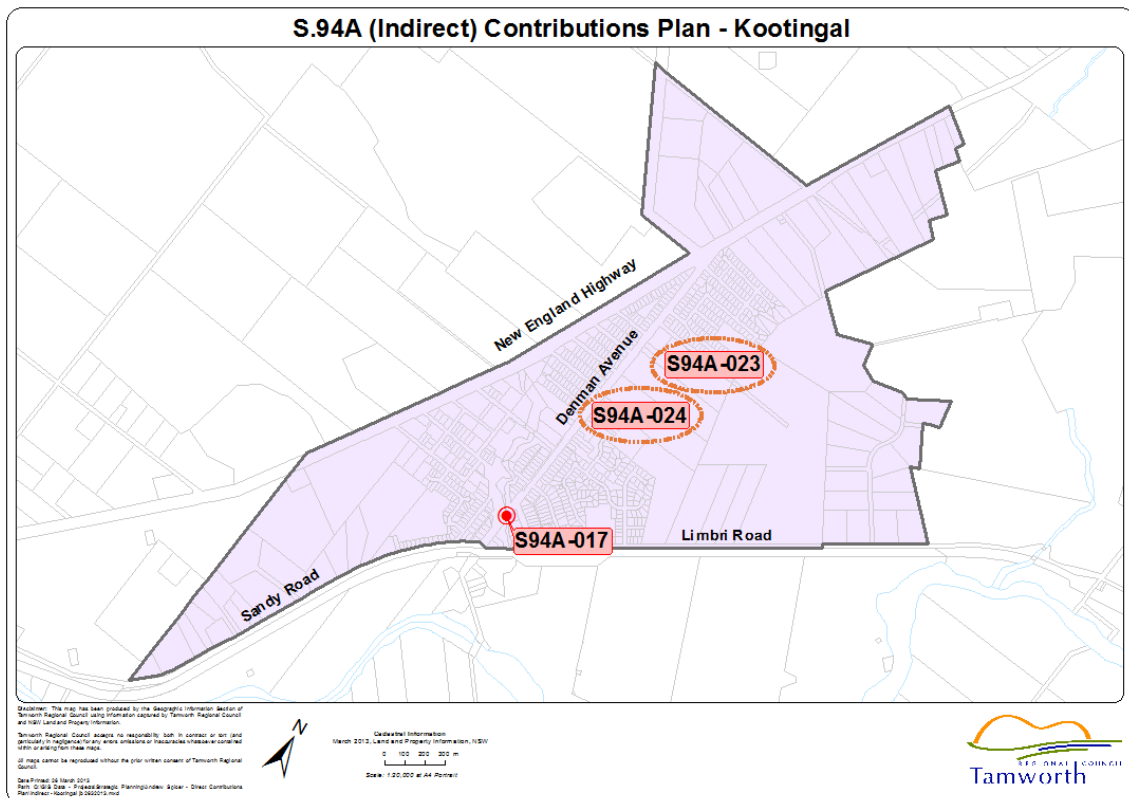
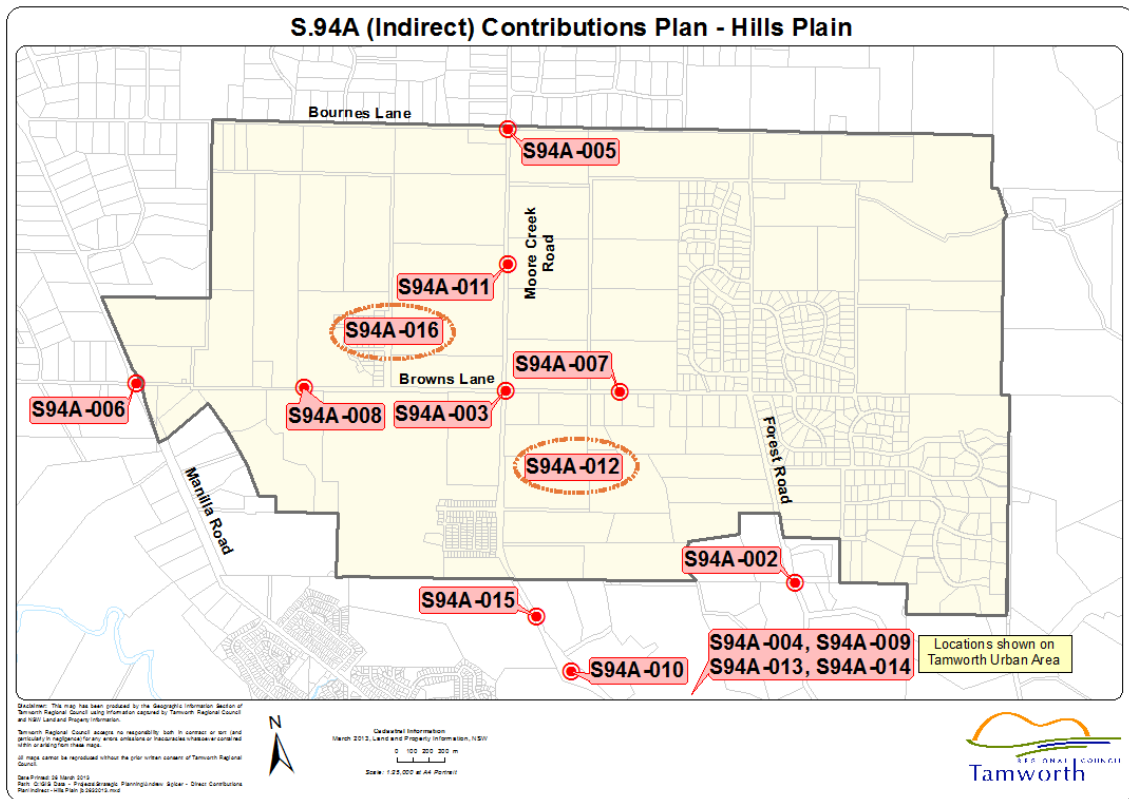
“wholesale supplies” means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.

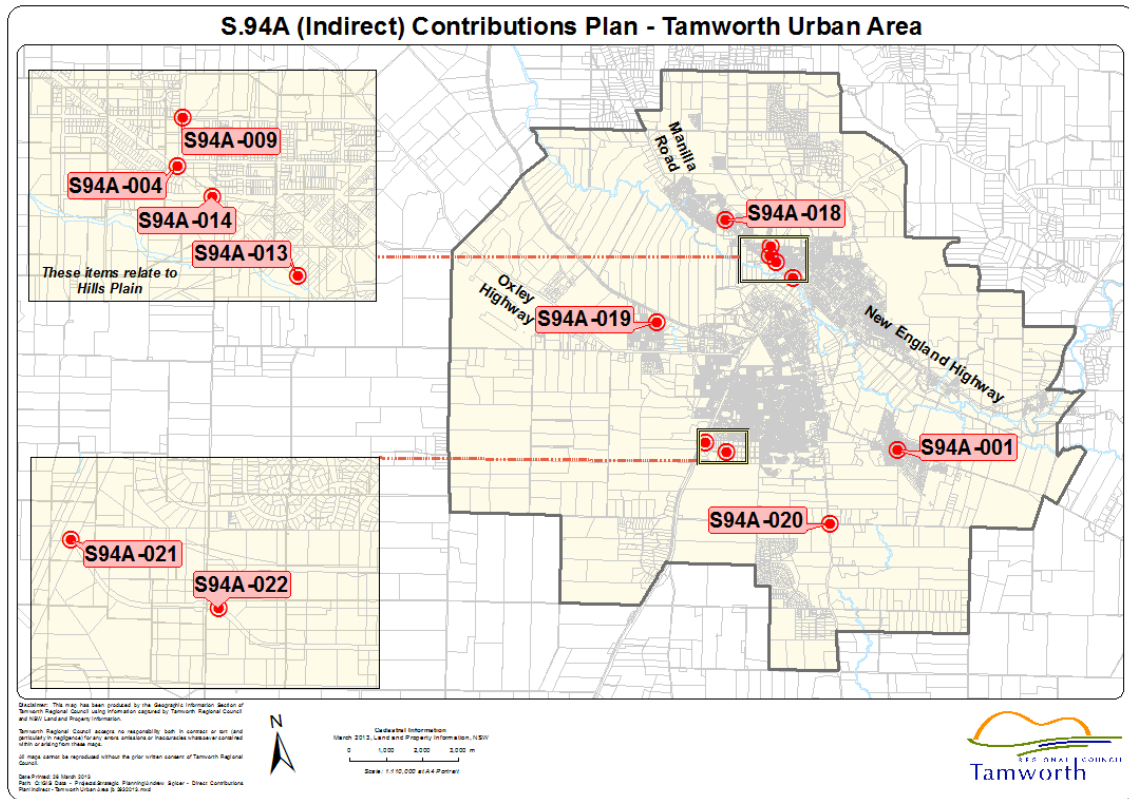
“work-in-kind” means the carrying out of work which is identified in the costed works schedule which form part of this Plan in return for a reduction in the amount of monetary contributions (but not a reduction in the total quantum of contributions) required for the same category of contribution.

Appendix B - Works Schedule

Facility Ref.	Description	Total Facility Cost	Cost anticipated to be funded by this Plan	Cost anticipated to be funded by other funding sources	Priority / Timing /
s94A_001	Calala Lane Kerb & Gutter [K&G]	\$314,198	\$52,615	\$261,583	2015
s94A_002	Forest Road Widening	\$1,260,000	\$210,996	\$1,049,004	2013-2020
s94A_003	Intersection treatment at Browns Lane & Moore Creek Road	\$800,000	\$133,966	\$666,034	2018
s94A_004	Intersection treatment at Tribe Street & Main Road 63	\$1,500,000	\$251,185	\$1,248,815	2017
s94A_005	Intersection Upgrade - Bournes Lane & Moore Creek Road	\$500,000	\$83,728	\$416,272	2021
s94A_006	Intersection Upgrade - Browns Lane & Main Road 63	\$500,000	\$83,728	\$416,272	2021
s94A_007	Browns Lane upgrade from Forest Road to Moore Creek Road	\$2,510,000	\$420,317	\$2,089,683	2018
s94A_008	Browns Lane upgrade from Moore Creek Rd to Main Road 63	\$3,710,000	\$621,265	\$3,088,735	2020
s94A_009	Moore Creek Road widening upgrade Main Road 63 to McCarthy Catholic College	\$860,000	\$144,013	\$715,987	2021
s94A_010	Moore Creek Road widening upgrade from McCarthy Catholic College to Browns Lane	\$3,560,000	\$596,147	\$2,963,853	2021
s94A_011	Moore Creek Rd widening upgrade Browns Ln to Bournes Ln	\$900,000	\$150,711	\$749,289	2019
s94A_012	Five new Bus Stops at Hills Plain	\$250,000	\$41,864	\$208,136	2012-2021
s94A_013	Manilla Road (Main Road 63) widening upgrade from Jewery Street to Darling Street.	\$4,912,500	\$260,000	\$4,652,500	2021
s94A_014	Manilla Road (MR63) widening upgrade Tribe St to Jewry St	\$4,000,000	\$200,000	\$3,800,000	2015
s94A_015	Moore Creek Road Cycleway	\$1,050,000	\$175,830	\$874,170	2020
s94A_016	Hills Plain Shared use paths	\$1,457,500	\$244,068	\$1,213,432	2020
s94A_017	Kootingal Bridge Widening	\$300,000	\$50,237	\$249,763	2013
s94A_018	Manilla Road Cycleway	\$500,000	\$83,728	\$416,272	2013-2023
s94A_019	Flinders Street K&G	\$277,000	\$46,386	\$230,614	2013-2020
s94A_020	Burgmanns Lane/New England Highway Intersection	\$2,000,000	\$334,914	\$1,665,086	2023
s94A_021	Bylong Road/Werris Creek Road Auxiliary Lanes Intersection	\$300,000	\$50,237	\$249,763	2013-2023
s94A_022	Bylong Road/Warwick Road intersection Upgrade	\$200,000	\$33,491	\$166,509	2013-2023
s94A_023	New Estate at Kootingal, New park development and facilities.	\$930,000	\$155,735	\$774,265	2020
s94A_024	New Estate at Kootingal, New park development and facilities.	\$760,000	\$127,267	\$632,733	2021
TOTALS		\$33,351,198	\$4,552,429	\$28,798,769	NA

Appendix C – Maps of Facility Locations





Appendix D – Procedure for determining cost of proposed development

A report specifying the cost of the proposed development is required to be submitted to allow Council to determine the contribution that will be required. The following should be provided:

- A [Cost Summary Report](#) should be completed for works with a value of \$3,000,000 or less. Council may accept an alternate format for determining the cost of carrying out the proposed development at its discretion however, any alternate format must be calculated in accordance with clause 25J of the Regulation;
- A [Quantity Surveyor's Detailed Cost Report](#) must be completed by a registered Quantity Surveyor for works with a value greater than \$3,000,000.

To avoid doubt, clause 25J of the *Environmental Planning and Assessment Regulation 2000* provides:

- “(1) *The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 94A 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.”*

Cost Summary Report

[Development Cost of \$3,000,000 or less]

DEVELOPMENT APPLICATION No.	<input type="text"/>	REFERENCE:	<input type="text"/>
COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.			<input type="text"/>
CONSTRUCTION CERTIFICATE No.	<input type="text"/>	DATE:	<input type="text"/>

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:

Registered* Quantity Surveyor's Detailed Cost Report

[Development Cost greater than \$3,000,000]

*A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No.	<input type="text"/>	REFERENCE:	<input type="text"/>
COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.			<input type="text"/>
CONSTRUCTION CERTIFICATE No.	<input type="text"/>	DATE:	<input type="text"/>

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 m ² of site area	\$/m ²
% of Construction Cost	%	Car Park	\$/space
Demolition and Site Preparation	\$	Cost per m² of site area	\$/m²
Cost per m ² of site area	\$/m ²	Cost per space	\$/space
Construction – Commercial	\$	Fit-out – Commercial	\$
Cost per m ² of commercial area	\$/m ²	Cost per m ² of commercial area	\$/m ²
Construction – Residential	\$	Fit-out – Residential	\$
Cost per m ² of residential area	\$/m ²	Cost per m ² of residential area	\$/m ²
Construction – Retail	\$	Fit-out – Retail	\$
Cost per m ² 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 in the Tamworth Regional Council Section 94A Development Contributions Plan 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:

Appendix E – Pro forma Condition of Development Consent

- (a) In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Section 94A Development Contributions Plan, **[\$INSERT FIGURE]** shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development.
- (b) If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Tamworth Regional Council Section 94A Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

\\$C_{PY} is the amount of the contribution at the date of Payment

\\$C_{DC} is the amount of the contribution as set out in this Development Consent

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial year at the date of this Development Consent.

- (c) The monetary contributions shall be paid to Council:
- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
 - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

The Tamworth Regional Council Section 94A Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Appendix F – Pro forma Complying Development Certificate Condition

- (a) In accordance with Section 85A(6) of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Section 94A Development Contributions Plan, **[\$INSERT FIGURE]** shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development.
- (b) If the contributions are not paid within the financial year that this complying development certificate is granted, the contributions payable will be adjusted in accordance with the provisions of the Tamworth Regional Council Section 94A Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\mathbf{\$C_{PY}} = \frac{\mathbf{\$C_{CDC} \times CPI_{PY}}}{\mathbf{CPI_{CDC}}}$$

Where:

\$C_{PY} is the amount of the contribution at the date of Payment.

\$C_{CDC} is the amount of the contribution as set out in this Complying Development Certificate.

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{CDC} is the Consumer Price Index (Sydney – All Groups) for the financial year at the date of this Complying Development Certificate.

- (c) The monetary contributions shall be paid to Council:
- (i) prior to the works commencing where the development requires building works;
 - (ii) prior to occupation or the issue of an interim occupation certificate or issue of a final occupation certificate, whichever occurs first, where no works are required.

It is the professional responsibility of an Accredited Certifier to ensure that the monetary contributions have been paid to Council prior to authorising works to commence.

The Tamworth Regional Council Section 94A Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Appendix G - References

The following legislation, plans and policies, studies, technical guides and other information have been used to formulate the contents of the Plan:

Australian Bureau of Statistics (1996). Census Data

Australian Bureau of Statistics (2001). Census Data

Australian Bureau of Statistics (2006). Census Data

Department of Planning (2005). Development Contributions Practice Notes

Department of Planning (2009). Draft Local Development Contributions Guidelines

Department of Urban Affairs & Planning (1997). The Section 94 Contributions Manual

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Amendment Act 2008

Environmental Planning and Assessment Regulation 2000

Tamworth Regional Council (2008). Tamworth Regional Development Strategy.

Tamworth Regional Council (2010). Tamworth Regional Council 2010 Economic Performance Report.