

URALLA SHIRE COUNCIL SECTION 7.12 DEVELOPMENT CONTRIBUTION PLAN 2021

Fixed Levy

Prepared for Uralla Shire Council

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Quality Assurance

Report Contacts

Taylor Richardson

Associate

M Plan (UNSW), M Policy Studies (UNSW), B Arts (Political Science, UCSB)

Taylor.Richardson@hillpda.com

Supervisor

Elizabeth Griffin

Principal

Bachelor of Arts (Geography) Master of Urban Planning MPIA

Elizabeth.Griffin@hillpda.com

Quality Control

This document is for discussion purposes only unless signed and dated by a Principal of HillPDA.

Reviewer

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Report Details

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1.0 SUMMARY

Development contributions are made in association with development approved under the *Environmental Planning and Assessment Act 1979* (the EP&A Act). This plan relates to contributions made under Section 7.12 of the EP&A Act, which allows for contributions to be collected for the purposes of provision or improvement of amenities or services, including administrative costs and recouping of previously expended costs.

This plan authorises Uralla Shire Council to impose a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to Section 7.12 of the EP&A Act. Levies payable will assist Council to provide the appropriate public facilities to maintain and enhance amenity and service delivery within the Uralla Shire Local Government Area (LGA). This plan identifies the works for which the levies are required, with a works schedule provided at Appendix A.

Works currently include:

- New and improved public facilities and amenities
- Embellishments to open space.

The Section 7.12 levies payable under this Plan are as follows:

Development type	Area	Proposed cost of development	Levy on cost of development
All development that is not subject to Uralla Shire 7.11 development contribution plan or otherwise exempt	Uralla Shire LGA	Up to \$100,000	Nil
		\$100,000.01 to \$200,000	0.5 per cent
		More than \$200,000	1.0 per cent

The plan applies to development approved with either development consent or a complying development. Exemptions for development identified in Section 2.8.

Where contributions are collected, this plan outlines the administration and financial management of income derived, in accordance with Section 7.12 of the EP&A Act.

For clarity, existing development consents which include conditions requiring the payment of development contributions levied under previous development contribution plans will continue to remain valid. Contributions will be payable in accordance with the word of the related consent conditions.

2.0 ADMINISTRATION AND OPERATION

This section describes the Plan's purpose, where it applies and the development it applies to. It also outlines how Uralla Shire Council (Council) will use contributions, be accountable and when it will review the Plan.

The Plan has been prepared in accordance with the EP&A Act, the Environmental Planning and Assessment Regulation 2000 (the Regulation), the relevant practice notes, circulars, guidelines and Ministerial Directions.

2.1 Name of the Plan

The Plan is called *Uralla Shire Council Section 7.12 Development Contributions Plan 2021 – Fixed Levy*.

2.2 Commencement of this Plan

[The Plan will commence following public exhibition and adoption Council. The commencement date will be identified in this section after adoption eg The Plan was adopted on [Date TBC] and commences [Date TBC].]

For clarity, a development application that has been submitted, but not yet determined, shall be determined in accordance with the provisions of the Plan adopted at the time of determination, discussed in Section 2.8.

2.3 Definitions used in the Plan

In the Plan, the following phrases have the following meanings:

- EP&A Act – means the Environmental Planning and Assessment Act 1979
- EP&A Regulation – means the Environmental Planning and Assessment Regulation 2000
- The Plan – Uralla Shire Council Section 7.12 Development Contributions Plan 2021 – Fixed Levy
- Council – Uralla Shire Council.

2.4 Purpose of this plan

The primary purposes of the 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 EP&A Act,
- To assist the Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area,
- To publicly identify the purposes for which the levies are required.

2.5 Relationship with other contributions plans

This plan repeals the development contributions plans in the Uralla Shire LGA:

- *S.94 Contributions Plan for Bundarra Town*
- *S.94 Contributions Plan for Invergowrie*
- *S.94 Contributions Plan for Rural Zones 1(a) and 1(b)*
- *S.94 Contributions Plan for Rural Zones 1(c)*
- *S.94 Contributions Plan for Uralla Town.*

This Plan complements the *Uralla Shire Council Section 7.11 Development Contributions Plan 2021 – Heavy Haulage*. Aspects of development to which that plan apply are not to be levied contributions under this Plan.

Unspent contributions raised and/or paid under the previous contribution plans identified above will be directed towards achieving the works as identified in the works schedules identified in those plans. Where specific works have not been identified, contributions will be redirected towards similar outcomes under this plan.

For clarity, development consents which include conditions requiring the payment of development contributions levied under repealed plans will continue to remain valid. Contributions will be payable in accordance with the wording of the related consent conditions.

2.6 Land to which this Plan applies

This Plan applies to all land in the Uralla Shire LGA.

2.7 Statutory basis of the Plan

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

7.12 Fixed development consent levies

(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.

(5) The regulations may make provision for or with respect to levies under this section, including:

(a) the means by which the proposed cost of carrying out development is to be estimated or determined, and

(b) the maximum percentage of a levy.

2.8 Development to which this plan applies

This Plan applies to all forms of development not otherwise covered by an existing development contribution plan, or otherwise exempt from development contributions. It applies to all development consents or complying development certificates to which this Plan applies, irrespective of whether the application was pending at the time this Plan commenced.

This plan does not apply to development identified in any applicable Ministerial directions issued under Section 7.17 of the EP&A Act as exempt from levies under Section 7.12 of EP&A Act. This includes:

- Development for the purposes of any form of seniors housing as defined in *State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004* that is provided by a social housing provider as defined in that Policy.
- Development for the sole purpose of disabled access.
- Development for the sole purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building.
- Development for the sole purpose of the adaptive re-use of an item of environmental heritage.
- Development other than the subdivision of land, where a condition under Section 7.11 (previously Section 94) of the EP&A Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.

The Plan also does not apply to:

- Development where the proposed cost of carrying out development is \$100,000 or less
- Development of facilities by or on behalf of a public authority
- Development for the purpose of a single dwelling on a single allotment where a contribution under Section 7.11 of the EP&A Act was paid at subdivision stage
- Demolition only where there is no replacement of a building or other development

Where an exemption is sought, the development application is to include a submission detailing the reasoning for exemption. Exemptions can only be given with a formal Council resolution.

2.9 Obligations of accredited certifiers

In accordance with clause 146 of the 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 Council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

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

2.10 Calculation of monetary contributions

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

- Levy payable = %C x \$C

Where:

- %C is the levy rate applicable
- \$C is the proposed cost of carrying out the development.

Cost of work thresholds and levies are provided in the table below.

Table 2-1: Section 7.12 levy rates

Proposed cost of development is	Contribution rate
Up to and including \$100,000	Nil
\$100,000.01 to \$200,000	0.5% of that cost
More than \$200,000.01	1% of that cost

If any relevant Ministerial direction under Section 7.17 of the EP&A Act is in force, this Plan authorises the imposition of a condition requiring a levy subject to and in accordance with that direction to the extent of any inconsistency with the above formula or rates.

The proposed cost of carrying out the development will be determined in accordance with Clause 25J of the EP&A Regulation. The procedures set in Appendix B must be followed to enable the Council to determine the amount of the levy to be paid. In the case of subdivision of vacant land, a levy will apply to civil construction costs only.

The value of the works must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications (works with a value greater than \$1,000,000 only).

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.

2.11 Goods and services tax

Monetary Section 7.12 contributions are exempt from the Federal Government Good and Services Tax.

2.12 Cost estimate reports

A cost estimate report 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 must be completed for works with a value equal to or less than \$1,000,000,
- A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor only for works with a value greater than \$1,000,000. Below this threshold, a cost summary report is acceptable.

To avoid doubt, Clause 25J of the EP&A Regulation sets out the items that are included in the estimation of the construction costs 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:

- 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,
- 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,
- If the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the Plan of subdivision, civil construction costs and any related covenants, easements or other rights,

- Civil construction costs include design and construction/connection costs for sewerage, water, stormwater, flood mitigation, telecommunications, electricity, roads/driveways, traffic/intersection works, boundary fencing, public open space embellishment, street tree planting, street furniture, weed management, site remediation, demolition of existing buildings and tree removal.

2.13 Timing of payments

A contribution is payable in full as follows:

- **Construction:** in the case of a development application involving construction (e.g. construction of a dwelling house) – prior to the issue of the Construction Certificate,
- **Subdivision:** in the case of a development application involving subdivision - the release of the linen plan/subdivision certificate,
- **Construction and subdivision:** in the case of a development application involving construction and subdivision (i.e. dual occupancies) – prior to the issue of the Construction Certificate,
- **Complying development:** A Complying Development Certificate Application – before any work authorised by the certificate commences.

2.14 Deferred and periodic payment

Council will not accept the deferred or periodic payment of a levy imposed under this plan.

2.15 Refunding contributions

A refund may be sought for development contributions if the refund request is made in writing with the following supported information:

- Evidence that the refund request is made by the relevant party
- Evidence that the development subject to contributions has not commenced
- Surrender of the development consent that applied the levy.

The decision to refund a contribution is solely Council's and will be informed by the information provided to Council. Refunds will only be made to the entity that made the original contribution.

2.16 Contributions 'in-kind' and material public benefits

Developer contributions made in accordance with the Plan will usually be in the form of monetary payments, however alternative 'in kind' contributions may be accepted if they are deemed by Council to represent an 'equivalent material public benefit' (MPB). In the case of alternative payments being offered, a developer is required to make prior written representations to Council at which time the proposal may be considered or negotiated.

Any offer for the provision of an MPB should be made in writing prior to the works commencing and where possible at the time the application is being assessed.

The request should clearly state:

- What MPB or land dedication is proposed,
- The estimated value of the MPB or land dedication,
- The timing of provision of the MPB or land dedication,
- What cash contributions it is proposed to offset,

- If the work has not been identified under the Plan, why it is of an equivalent benefit to the community compared to what has been identified under the Plan.

An assessment of the proposed MPB is then to be undertaken by Council. This assessment will include such considerations as:

- The impact the proposal will have on the levels of amenities and services for the community, compared to what has been identified under the existing plan,
- The impact on provision of other essential services and amenities,
- The impact on work schedules and cash flows that will result.

2.17 Planning agreements

A planning agreement is an alternative to the imposition of conditions under Section 7.12 of the EP&A Act. A planning agreement between Council and the applicant for works in kind, material public benefit, dedication of land and/or deferred payment arrangement can occur in lieu of the payment of Section 7.12 contributions.

A planning agreement cannot exclude the application of Section 7.12 contributions in respect of development unless the consent authority for the development is a party to the agreement.

The requirements for planning agreements are detailed in Section 7.4 of the EP&A Act.

2.18 Adjusting contribution rates at the time of payment

The contributions stated in consents are calculated on the basis of the Section 7.12 contribution rates determined in accordance with the Plan. If the contributions are not paid within the financial year in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment.

Contributions required as a condition of consent under the provisions of the Plan will be indexed on a quarterly basis, in accordance with movements in the Consumer Price Index; All Groups CPI; issued by the Australian Bureau of Statistics (ABS Series ID A2325806K).

The following formula for indexing contributions is to be used:

- Contribution at time of payment = $\$C \times (CP2/CP1)$

Where:

- $\$C$ is the original contribution as set out in the consent
- CP1 is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued
- CP2 is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

2.19 Unspent Section 94 funds

This plan authorises unspent monetary contributions made under previous development contribution plans be redirected to works identified in Appendix A, with the purpose of delivering the same or similar outcomes sought by previous plans. This includes contributions required under previous development contributions plans that have yet to be paid.

The exception are funds related to road maintenance, which are redirected to works under *Uralla Shire Council Section 7.11 Development Contributions Plan 2021 – Heavy Haulage*.

2.20 Application and pooling of contributions

Contributions 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 works that have or will be identified in Appendix A.

The Plan expressly authorises monetary 7.12 contributions paid 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 Appendix A.

2.21 Access to information

Council must comply with financial reporting and public access requirements identified in Section 7.12 of the EP&A Act and in associated clauses of the EP&A Regulation. In summary, these require Council to:

- Maintain and provide access to a contribution register
- Maintain and provide access to accounting records for contributions received and spent
- Annual financial reporting of contributions
- Public access to contribution plans.

The contribution register will record:

- The origin of each contribution be referenced to the development consent to which it relates
- The date of receipt of the contribution
- The type of contribution received (e.g. money, lands or works in kind)
- The amount of the contribution and the purpose for which was levied

Council financial reporting will record:

- The total of contribution expended each year by purpose
- Expenditures from the fund according to the date and purpose, including details of priority spending
- Interest earned by purpose.
- These records are available for inspection free of charge at Council's Administration building during normal office hours.

2.22 Savings and transitional arrangements

A development application which has been submitted prior to the adoption of the Plan but not determined shall be determined in accordance with the provisions of the Plan which applied at the date of determination of the application.

2.23 Monitoring and review

The Plan will be subject to regular monitoring and review by Council.

This will occur at least every 5 years to ensure that anticipated costs, development expectations and contribution rates are generally accurate.

The Plan should be revised and updated when deemed necessary.

3.0 ANTICIPATED DEVELOPMENT AND DEMAND

This part broadly discusses the relationship between anticipated population and dwelling growth in the Uralla Shire LGA and the demand for additional public amenities and services to meet that development.

This relationship can be explained by reviewing current demographic information.

Types of development that may occur in the Uralla Shire LGA include but are not limited to:

- Alterations and additions to existing development
- Dwellings of all forms
- Commercial development located primarily in commercial precincts
- Industrial development
- Subdivisions
- Mixed use development.

The relationship between expected residential development and demand for public facilities can be established through:

- Population projections undertaken by the Department of Planning, Industry and Environment
- Australian Bureau of Statistics (ABS) Census and supporting demographic data
- The standards of public facilities for the existing population
- The need for additional public infrastructure to meet demand over time.

3.1 Context

The Uralla Shire LGA is located in the New England region of NSW. It is surrounded by the Local Government Areas of Tamworth, Armidale, Gwydir, Walcha and Guyra.

The *Uralla Shire Local Strategic Planning Statement* (LSPS) plans for land use needs of Uralla Shire to 2040. It considers these needs through the themes of productivity, liveability, sustainability and infrastructure. The LSPS identifies how the Uralla population is spread across several centres:

- Uralla (2,400 people)
- Invergowrie, Saumarez, Arding (1,100 people)
- Bundarra (400)
- Rocky River (250)
- Kentucky (150)
- Kingstown (100)
- Wollun (70).

These centres are shown in Figure 3-1. Uralla's population and services are typically concentrated within the centres, particularly the centre of Uralla, with surrounding rural areas supporting lower density land uses. The LSPS details how each of these centres has developed within its own unique spatial, cultural and historic context, contributing to the Uralla Shire character.

Major infrastructure servicing the LGA includes the New England Highway which connects Newcastle and Brisbane.

Figure 3-1: Uralla Shire LGA centres



Source: Uralla Shire Local Strategic Planning Statement (2020)

The LSPS also details how Uralla Shire is well placed to take advantage of a range of land uses in rural areas, including tourism and renewable energy generation. This is in addition to the traditional drivers of agribusiness, manufacturing, freight and logistics, research and development and extractive industries. Combined, these represent a range of opportunities related to the economic development of Uralla Shire.

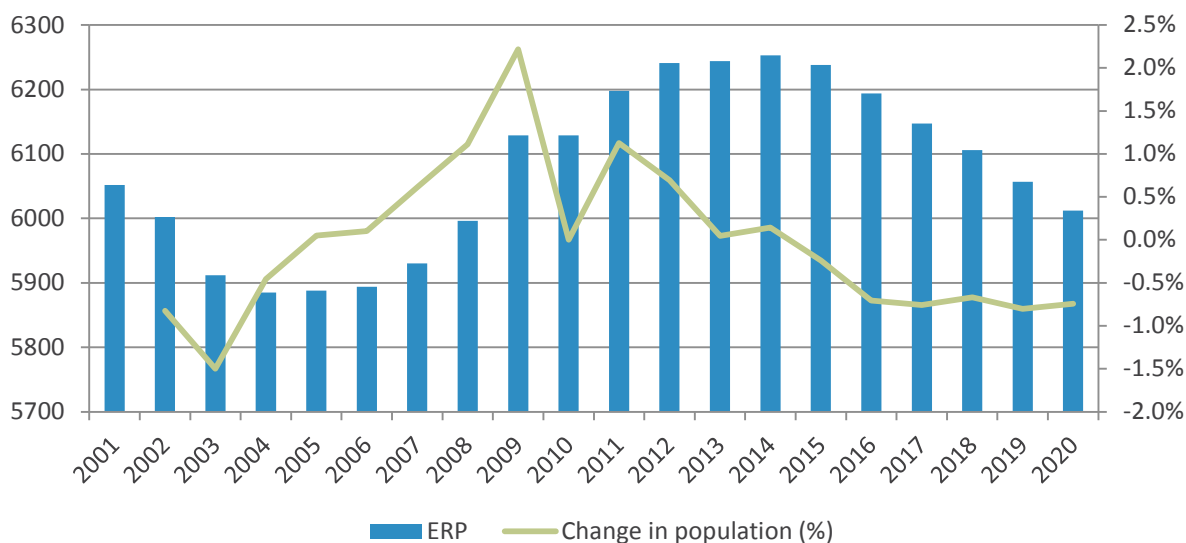
Critical to supporting this development would be infrastructure upgrades to enhance the liveability, vitality and amenity of the Uralla CBD, continuing to support freight movements along Uralla Shire roads and responding to the long distances between Uralla and smaller centres by developing infrastructure that allows for self-sufficiency. This variety of opportunities and challenges requires a method of collecting development contributions that can respond to the year to year needs of the population while also maintaining a long term vision.

3.2 Existing population

In 2016, the population of the Uralla Shire LGA was 6,048. Uralla Shire has experienced population growth over since 2006, when the population was 5,737. This is a difference of 311 people, or 5.4 per cent over ten years, or 0.5 per cent per annum.

Population trends over time are shown in Figure 3-2. The red line indicates the proportional growth year on year. In recent years the population growth has been negative.

Figure 3-2: Estimated Residential Population in Uralla Shire Council (2001 to 2020)

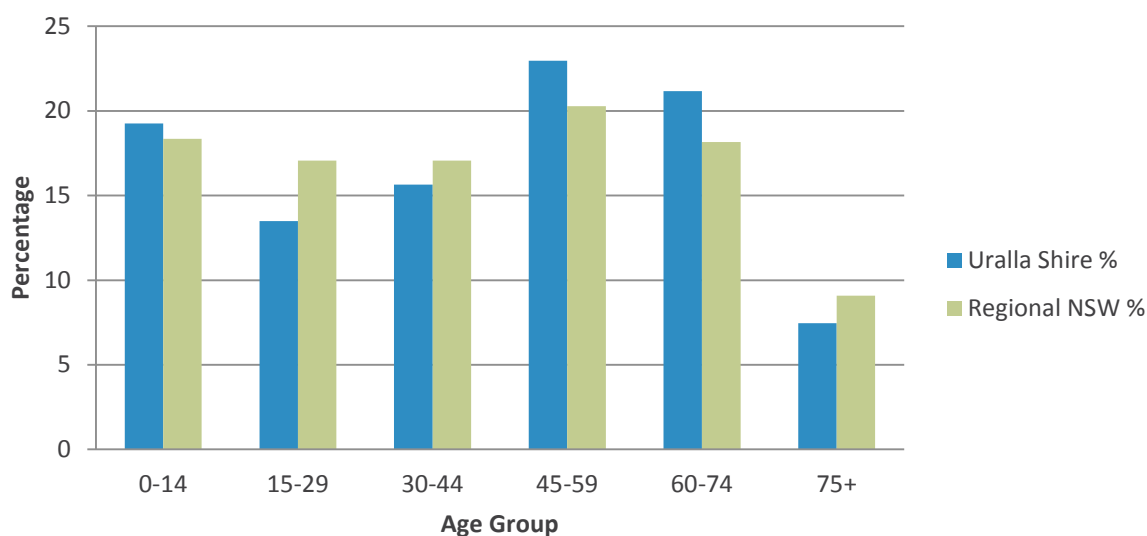


Source: Australian Bureau of Statistics

3.2.1 Age structure

As of the 2016 Census, Uralla Shire has an older age structure compared with Regional NSW, shown in Figure 3-3. While the Uralla Shire LGA has a larger proportion of the population aged 0-14, the populations between 45 and 74 are higher.

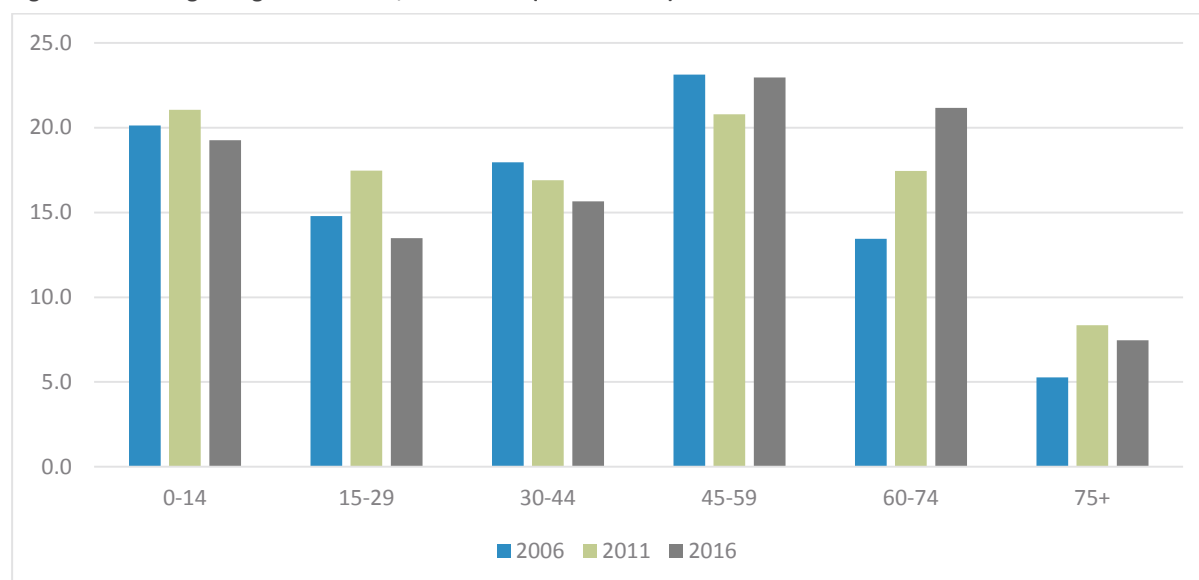
Figure 3-3: Age distribution, Uralla Shire and Regional NSW (2016)



Source: Australian Bureau of Statistics

Figure 3-4 provides a summary of the change in the proportion of age groups in the Uralla Shire LGA. There is a noticeable, consistent increase in the proportion of the population of those aged 60 or more. The median age of the LGA has increased from 41 to 46 over the ten years to 2016.

Figure 3-4: Change in age distribution, Uralla Shire (2006 to 2016)



Source: Australian Bureau of Statistics

3.2.2 Dwellings

A comparison of the change in Uralla Shire population and the number of dwellings in the Uralla Shire LGA between 2006 and 2016 is provided in Table 3-1. While the population between 2011 and 2016 has largely remained stable, the number of dwellings has increased. Average household size has remained relatively stable during this time.

When considering the types of dwellings in Uralla Shire as of the 2016 Census, 2,321 (95.3 per cent) of dwellings were separate houses as of the 2016 Census. Only 38 (1.6 per cent) were apartments. This distribution is broadly consistent with the distribution in the 2006 Census.

Table 3-1: Population, dwelling and average household size (2006 to 2016)

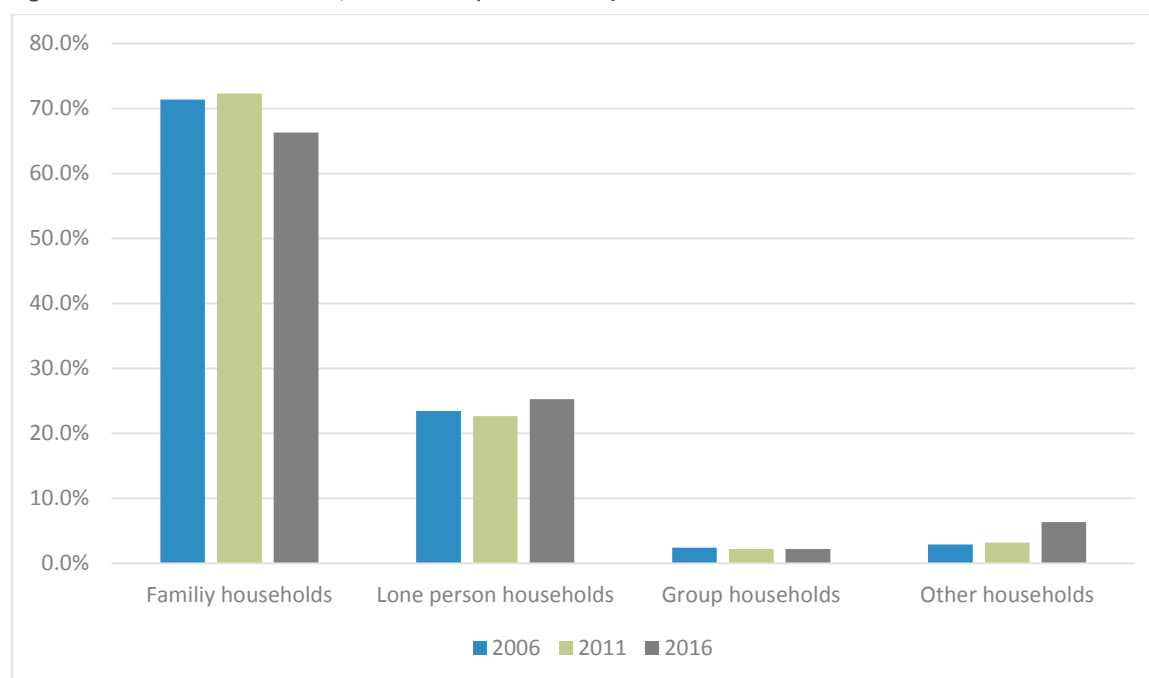
	Population	Change	Change (%)	Dwellings	Change	Change (%)	Average household size
2006	5,737			2,218			2.4
2011	6,032	+295	5.1	2,275	+57	2.6	2.6
2016	6,048	+16	0.3	2,434	+159	7.0	2.4

Source: Australian Bureau of Statistics

3.2.3 Household type

During this period, the characteristics of household types in the LGA changed somewhat, with a drop in family households that is generally consistent with an increase in lone person and 'other' households between 2011 and 2016. The two main household structures in Uralla Shire are family households (66.3 per cent) and lone person households (25.3 per cent). Of the family households, the largest group comprise couples without children (45.7 per cent), followed by couples with children (38.8 per cent) and 14.1 per cent are one parent families.

Figure 3-5: Household structure, Uralla Shire (2006 to 2016)



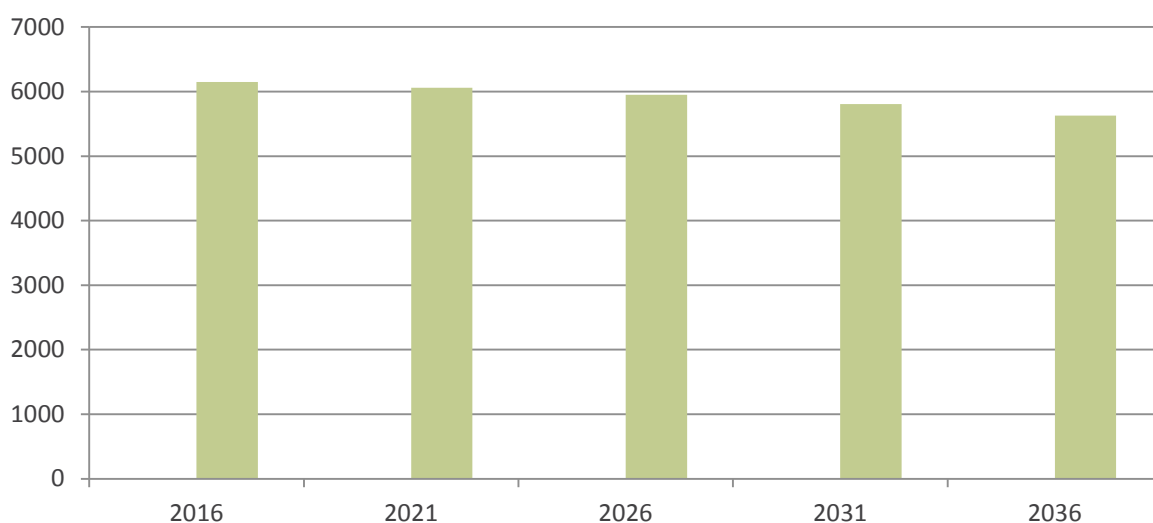
Source: Australian Bureau of Statistics

3.3 Population projections

3.3.1 Population growth

Figure 3-6 presents the projected population growth for the Uralla Shire, as estimated by the NSW Department of Planning, Industry and Environment. In general, the projections trend downward from 6,147 people in 2016 to 5,628 people in 2036. The overall difference between the two projections is 519 people over the period.

Figure 3-6: Uralla Shire population projections (DPIE 2019)



Source: Department of Planning, Industry and Environment, 2019

Static or falling population can present several issues for provisioning of public infrastructure if development contributions are only attached to development that results in increased demand (i.e. a Section 7.11 contribution). As such, a fixed levy is more appropriate to ensure background development can provide a source of funding for infrastructure provision.

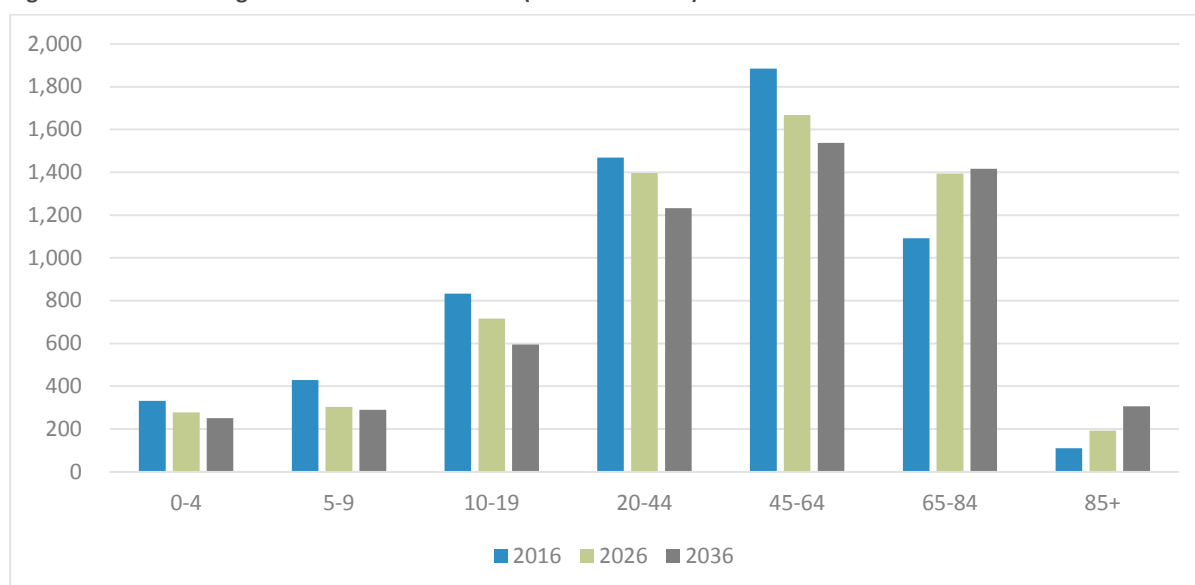
3.3.2 Population characteristics

In order to identify appropriate infrastructure for Uralla Shire, the characteristics of the future population needs to be understood.

When reviewing the DPIE's projected age distribution LGA wide, there is a clear trend in a reduction of population aged under 65 and increase in population over 65 (Figure 3-7). Further, while the population of couple households is projected to generally remain stable during the 2016 to 2036 period, all other household types are anticipated to reduce, with the exception of lone person households (Figure 3-8). Combined, this suggests parents and singles aging, with children either moving into their own households or migrating out of Uralla Shire. This is reflected in the average household size projected to reduce from 2.40 to 2.16 people during the 2016 to 2036 period.

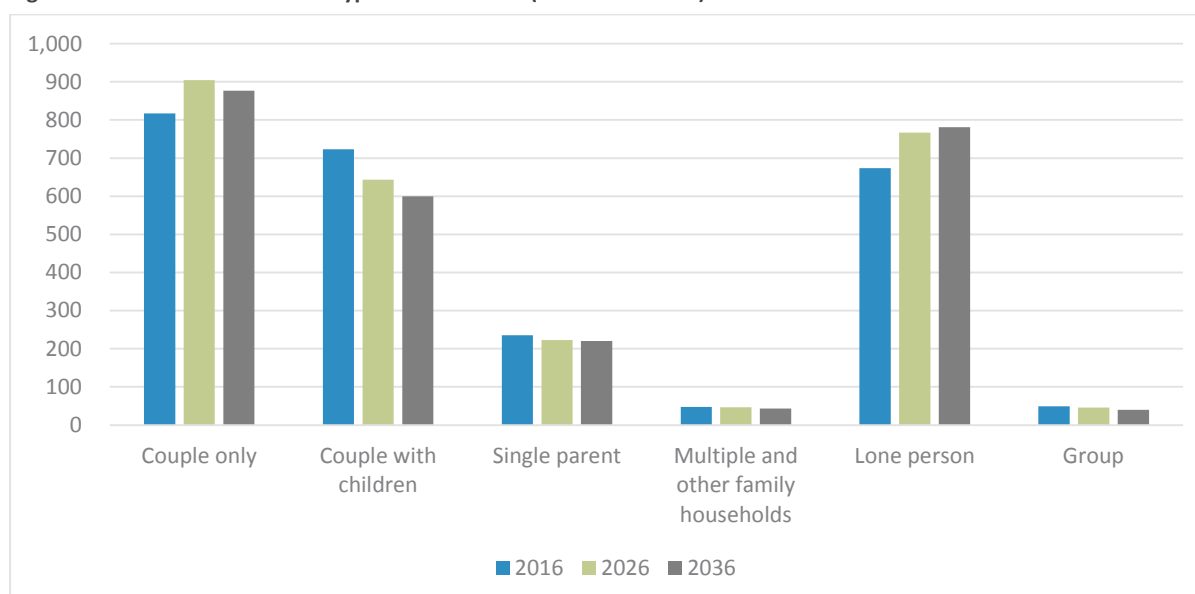
This suggests the need for delivery of assets targeted to older Uralla Shire residents at levels that were not previously required.

Figure 3-7: Forecast age distribution 2016 to 2036 (Uralla Shire LGA)



Source: Department of Planning, Industry and Environment, 2019

Figure 3-8: Forecast household types 2016 to 2036 (Uralla Shire LGA)



Source: Department of Planning Industry and Environment, 2019

APPENDIX A : SCHEDULE OF WORKS

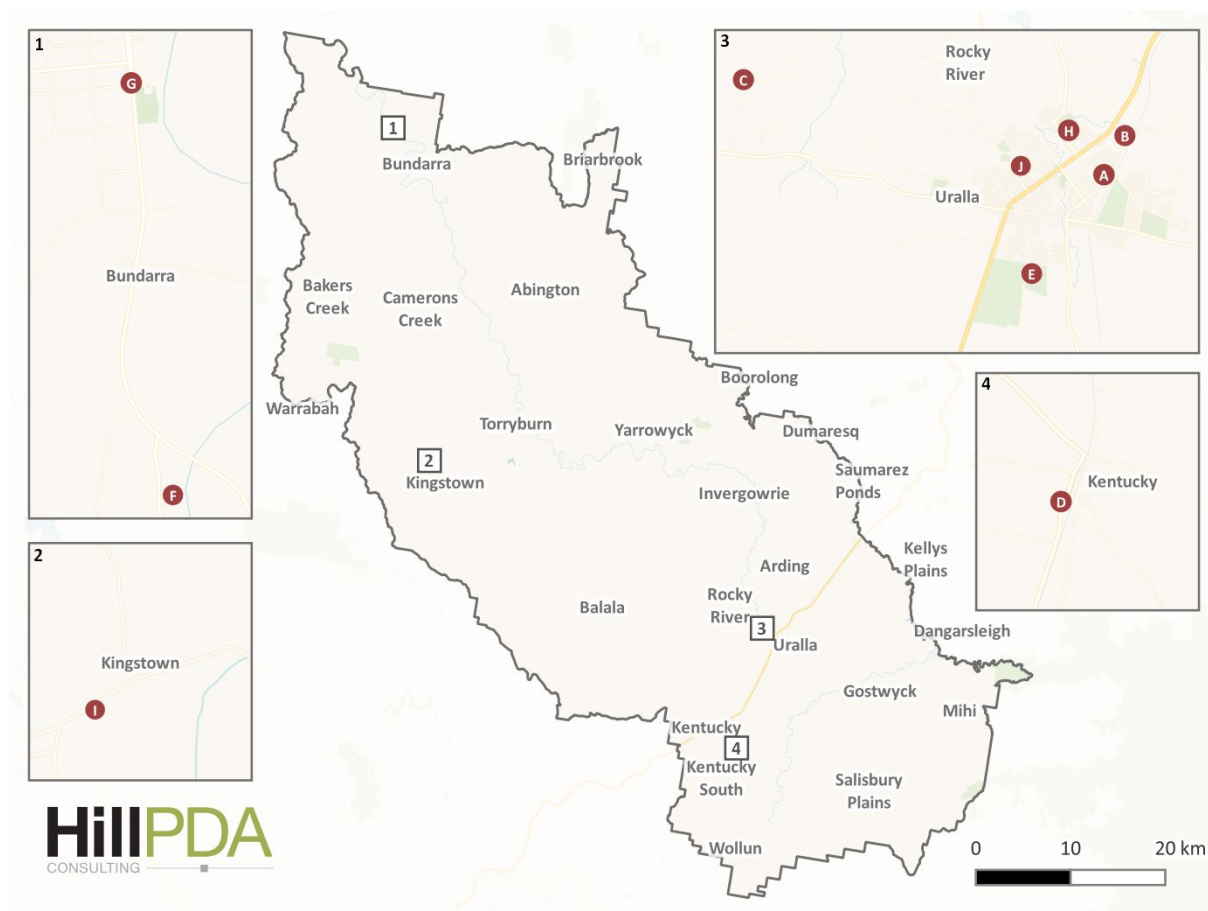
The works listed in this schedule may be funded from a mix of sources, including contributions collected from this plan.

Staging in this schedule means:

- Short term: 1 to 2 years
- Medium term: 3 to 4 years
- Long term: 5 to 10 years.
- Ongoing: Estimated annual cost

Item	Map ref	Location	Description	Expenditure	Staging
1	A	Hampden Park, Hill St Uralla	Public toilets upgrades (tiling)	\$15,000	Medium
2	B	Rotary Park, Hill St Uralla	Construction of shelter	\$40,000	Short
3	C	Wooldridge Fossicking Area, 135 Devoncourt Rd Uralla	New toilet blocks and access	\$120,000	Medium
4	D	Kentucky Park, Noalimba Ave Kentucky	Public toilet upgrades	\$35,000	Medium
5	E	Sporting Complex, Squash Courts and Amenities-Plane Ave Uralla	Facility improvements (rendering)	\$70,000	Long
6	F	Lions Park -Thunderbolts Way Bundarra	Public toilet upgrades and sealing of parking area/access road	\$85,000	Short
7	G	Bundarra School of Arts Hall-29 Bendemeer St Bundarra	Facility improvements (painting)	\$10,000	Short
8	H	Alma Park Uralla	Construction of rotunda	\$100,000	Long
9	I	Kingstown Park	Construction of playground	\$100,000	Long
10	J	Gilmore Park	Construction of new amenities	\$35,000	Medium
11	-	-	Plan administration (review)	\$20,000	Long
Total				\$680,000	

The location of works is shown in the image below.



APPENDIX B : DETERMINING DEVELOPMENT COST

An extract of EP&A Regulation Clause 25J is provided below, which identifies how the cost of proposed development is determined for the purposes of this Plan.

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 disabled persons in respect of the development,
 - k. the costs of energy and water efficiency measures associated with the development,
 - l. the cost of any development that is provided as affordable housing,
 - m. the costs of any development that is the adaptive reuse of a heritage item.

4. The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.
5. To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.

APPENDIX C : COST SUMMARY REPORT

Development/Applicant Details

Development Application or
Complying Development
Certificate Number

Applicant's Name

Applicant's Address

Location of development

Analysis of development costs

Item	Cost (\$)
Demolition and excavation	
Remediation	
Site preparation	
Building construction	
Hydraulic/mechanical and fire services	
External work and services	
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

Disclaimer

1. This report is for the confidential use only of the party to whom it is addressed ("Client") for the specific purposes to which it refers and has been based on, and takes into account, the Client's specific instructions. It is not intended to be relied on by any third party who, subject to paragraph 3, must make their own enquiries in relation to the issues with which this report deals.
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4. This report and its attached appendices are based on estimates, assumptions and information provided by the Client or sourced and referenced from external sources by HillPDA. While we endeavour to check these estimates, assumptions and information, no warranty is given in relation to their reliability, feasibility, accuracy or reasonableness. HillPDA presents these estimates and assumptions as a basis for the Client's interpretation and analysis. With respect to forecasts, HillPDA does not present them as results that will actually be achieved. HillPDA relies upon the interpretation of the Client to judge for itself the likelihood of whether these projections can be achieved or not.
5. Due care has been taken to prepare the attached financial models from available information at the time of writing, however no responsibility can be or is accepted for errors or inaccuracies that may have occurred either with the programming or the resultant financial projections and their assumptions.
6. This report does not constitute a valuation of any property or interest in property. In preparing this report HillPDA has relied upon information concerning the subject property and/or proposed development provided by the Client and HillPDA has not independently verified this information except where noted in this report.
7. In relation to any valuation which is undertaken for a Managed Investment Scheme (as defined by the Managed Investments Act 1998) or for any lender that is subject to the provisions of the Managed Investments Act, the following clause applies:

This valuation is prepared on the assumption that the lender or addressee as referred to in this valuation report (and no other) may rely on the valuation for mortgage finance purposes and the lender has complied with its own lending guidelines as well as prudent finance industry lending practices, and has considered all prudent aspects of credit risk for any potential borrower, including the borrower's ability to service and repay any mortgage loan. Further, the valuation is prepared on the assumption that the lender is providing mortgage financing at a conservative and prudent loan to value ratio.
8. HillPDA makes no representations or warranties of any kind, about the accuracy, reliability, completeness, suitability or fitness in relation to maps generated by HillPDA or contained within this report.

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SYDNEY

Level 3, 234 George Street
Sydney NSW 2000
GPO Box 2748 Sydney NSW 2001
t: +61 2 9252 8777
f: +61 2 9252 6077
e: sydney@hillpda.com

MELBOURNE

Suite 114, 838 Collins Street
Docklands VIC 3008
t: +61 3 9629 1842
f: +61 3 9629 6315
e: melbourne@hillpda.com

WWW.HILLPDA.COM