



RANDWICK CITY COUNCIL

**Section 94A (s94A)
Development Contributions Plan**

2015





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Part 1 Administration & operation

1 What is the name of this Plan

This Plan is *Randwick City s94A Development Contributions Plan 2015*.

2 Date of commencement

This Plan commences on 21 April 2015.

3 What is the purpose of this Plan

The purposes of this Plan are to:

- (3.1) authorise the imposition of a condition on certain development consents, and complying development certificates a requirement that the applicant pay to the Council a levy determined in accordance with this Plan.
- (3.2) govern the application of monies paid to Council under conditions provided for under this Plan,
- (3.3) facilitate the realisation of the desirable outcomes identified in The Randwick City Plan.

4 Land to which this Plan applies

This Plan applies to all land within the Randwick City local government area (LGA).

5 Development to which this Plan applies

This Plan applies to development on land to which this Plan applies that requires development consent or complying development certificate under the *Environmental Planning and Assessment Act 1979 (the Act)*.

6 Repeal of Randwick City Section 94A Contributions Plan 2012

This Plan repeals *Randwick City Section 94A Contributions Plan 2012*

7 Payment of a levy as a condition of development consent

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

Conditions authorised by this Plan are subject to any direction given by the Minister under section 94E of the Act from time to time, and this Plan authorises the imposition of conditions which are in accordance with any such direction.

Any direction given by the Minister under section 94E of the Act and in force from time to time may be attached to this Plan, but does not form part of this Plan for the purposes of the Act.

Table 1: Summary of Section 94A levy by development cost

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

8 Payment of a levy as a condition of issuing a complying development certificate

This Plan authorises a certifying authority (the Council or an accredited certifier) to issue a complying development certificate in respect of development to which this Plan applies subject to a condition requiring the applicant to pay the Council a levy of 0.5% or 1% of the proposed cost of carrying out the development, as outlined in table 2 below.

Conditions authorised by this Plan are subject to any direction given by the Minister under section 94E of the Act from time to time, and this Plan authorises the imposition of conditions which are in accordance with any such direction.

Any direction given by the Minister under section 94E of the Act and in force from time to time may be attached to this Plan, but does not form part of this Plan for the purposes of the Act.

Table 2: Summary of Section 94A levy by development cost

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

9 Determination of proposed cost of development

Clause 25J of the *Environmental Planning and Assessment Regulation 2000* (“the regulation”) sets out how the proposed cost of carrying out development is to be determined. That clause provides as follows:

- (9.1) The proposed cost of carrying out development is to be determined by Council, for the purposes of this Plan, by finding the sum of all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
- (9.1.1) 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,
 - (9.1.2) 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,
 - (9.1.3) 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.
- (9.2) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
- (9.2.1) the cost of the land on which the development is to be carried out,
 - (9.2.2) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
 - (9.2.3) the costs associated with marketing or financing the development (including interest on any loans),
 - (9.2.4) the costs associated with legal work carried out or to be carried out in connection with the development,

- (9.2.5) project management costs associated with the development,
- (9.2.6) the cost of building insurance in respect of the development,
- (9.2.7) 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),
- (9.2.8) the costs of commercial stock inventory,
- (9.2.9) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law.

10 How is the proposed cost of carrying out development indexed?

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

The formula governing indexation of the proposed cost of carrying out development is as follows:

$$\text{IDC} = \text{ODC} \times \text{CP2/CP1}$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

11 Cost estimate reports must accompany all applications

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

The following types of report are required:

- (11.1) where the estimate of the proposed cost of carrying out the development is less than \$500,000 - a cost summary report in accordance with Schedule 2,
- (11.2) where the estimate of the proposed cost of carrying out the development is \$500,000 or more - a detailed cost report in accordance with Schedule 3.

12 Approved persons for the provision of cost estimate reports

- (12.1) For the purpose of clause 25J(2) of the Regulation, the following persons are approved by the Council to provide an estimate of the proposed cost of carrying out development in the following circumstances:
 - (12.1.1) where the proposed development cost is less than \$500,00 - a person who, in the opinion of the Council, is suitably qualified to provide a cost summary report,
 - (12.1.2) where the proposed development cost is \$500,000 or more - a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors to provide a detailed cost report.
- (12.2) upon reviewing a cost summary report or detailed cost report, the Council may, at the applicant's cost, require a further estimate to be provided by a registered quantity surveyor,
- (12.3) the Council may, at the applicant's cost, engage a person referred to in this clause to review a report submitted by an applicant in accordance with clause 11.

13 Exemptions to the levy

(13.1) Development exempted by Ministerial direction

Under the provisions of section 94E of the Act the Minister for Planning and Infrastructure has specified exemptions from a levy under this Plan to apply to the following development:

- (13.1.1) where the proposed cost of carrying out the development is \$100,000 or less
- (13.1.2) for the purpose of disabled access
- (13.1.3) for the sole purpose of providing affordable housing
- (13.1.4) for the purpose of reducing the consumption of mains supplied potable water, or reducing the energy consumption of a building
- (13.1.5) for the sole purpose of the adaptive reuse of an item of environmental heritage, or
- (13.1.6) other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.

(13.2) Other development exempted from the levy

Other exemptions from a levy under this Plan may be considered by the Council for the following development, or components of development:

- (13.2.1) places of worship, public hospitals, police stations, fire stations, and other emergency services
- (13.2.2) works proposed to be undertaken for charitable purposes by, or on behalf of, a not-for-profit charity (as defined by the ATO) but only in cases where the development is of a small scale, for example a retail outlet operated by the Salvation Army, St Vincent de Paul or similar organisations, and where the Council considers that there will not be an increase in the demand for public works or infrastructure as a result of the development which would warrant the payment of a Section 94A levy
- (13.2.3) seniors housing, as defined in the *State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004* which is undertaken by a social housing provider
- (13.2.4) applications submitted by or on behalf of Randwick City Council.

(13.3) Those applicants which seek exemption from a levy under this Plan must provide a comprehensive submission to the Council, which clearly demonstrates how the proposed development falls within one of the development types defined above, prior to the Council determining whether such an exemption applies.

In considering any application for an exemption the Council will take into account:

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

14 Application of money obtained under this plan

Monies paid to the Council under a condition authorised by this Plan are to be applied by Council towards meeting the cost of one or more of the public facilities that will be, or have been, provided within the area as listed in Schedule 1.

15 Priorities for expenditure

Subject to section 93E(2) of the Act and clause 17 of this Plan, the public facilities listed in Schedule 1 are to be provided in accordance with the staging set out in that schedule.

16 Pooling of levies

For the purpose of section 93E(2) of the Act, this Plan authorises monies obtained from levies paid in respect of different developments, to be pooled and applied by the Council progressively towards the public facilities listed in Schedule 1 in accordance with the staging set out in that schedule.

17 Timing of payments

A levy required to be paid by a condition authorised by this Plan must be paid to the Council at the time specified in the condition. If no time is specified, the levy must be paid prior to the first certificate issued in respect of the development under Part 4A of the Act including a subdivision certificate, construction certificate or complying development certificate.

18 Construction certificates and the obligation of certifying authorities

For the purpose of clause 146 of the Regulation, a certifying authority (the Council or Accredited Certifier) must not issue a construction certificate for building work or subdivision work under a development consent unless it is satisfied of compliance with each condition requiring the payment of a levy before work is carried out in accordance with the condition of consent.

The certifying authority must cause the applicant's receipt for payment of the levy to be provided to Council concurrent to the provision of other documents required under clause 142(2) of the Regulation.

19 Complying development and the obligation of certifying authorities

In accordance with section 94EC(1) of the Act, where a certifying authority (the council or an accredited certifier) issues a complying development certificate in respect of development to which this Plan applies, the certificate must be subject to a condition requiring the applicant to pay to the Council the levy in accordance with this Plan.

The imposition of a condition on a complying development certificate issued by a certifying authority as authorised by this Plan is subject to compliance with any Ministerial directions given under section 94E of the Act.

20 Deferred or periodic payments

The Council may allow deferred or periodic payment of monetary section 94A contributions for staged development applications only, subject to consideration of a written application made to the Council.

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

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

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

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

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

21 Alternative payments

If an applicant for development consent seeks to make a development contribution towards the provision of public facilities to meet development impact other than by payment of a levy, the applicant may adopt one of the following procedures:

(21.1) Offer made to the Council as part of a development application

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

The Council will consider the offer as part of its assessment of the development application. If the Council agrees to the arrangement and grants consent to the application, it will substitute a condition of consent under section 80A of the Act requiring the works to be carried out or the material public benefit to be provided in-lieu of a condition requiring payment of a levy under section 94A. If the Council does not agree to the alternative arrangement, it may grant consent subject to a condition authorised by this Plan requiring payment of a levy.

In assessing the applicant's offer, the Council will have regard to the requirements of the current Practice Note issued by the NSW Government in the Revised Development Contributions Manual (DIPNR 2005, with updates 2006) and may consider matters such as, but not limited to, the following:

- (21.1.1) the Council must be satisfied that the land so dedicated or the material public benefit is of equal or greater value than the monetary contribution that would otherwise be required, and
- (21.1.2) in situations where the material public benefits that are proposed involve works-in-kind, the Council will only accept such an offer where the works are constructed by the developer to the Council's standards and then transferred to Council.

(21.2) Offer made to the Council following the grant of development consent requiring payment of a levy.

If development consent has been granted to the carrying out of development, subject to a condition authorised by this Plan, to pay a levy, the applicant must comply with the condition unless it is modified under section 96 of the Act.

If the applicant does not wish to pay the levy, the applicant may make an application to the Council under section 96 of the Act to modify the consent by substituting for the condition requiring payment of the levy a condition requiring the carrying out of works or the provision of a material public benefit towards the public purpose to which the levy was to be applied.

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

(21.3) Offer to enter into a voluntary planning agreement

If an applicant does not wish to pay a levy in connection with the carrying out of development, the applicant may offer to enter into a voluntary planning agreement with the Council under s93F of the Act in connection with the making of a development application.

Under a planning agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. Those purposes need not relate to the impacts of the applicant's development or to the items listed in Schedule 1.

The applicant's provision under a planning agreement may be additional to, or instead of, paying a levy in accordance with a condition of development consent authorised by this Plan. This will be a matter for negotiation with the Council. The offer to enter into a planning agreement together with a copy of the draft agreement should accompany the relevant development application.

The Council will publicly notify the draft planning agreement and an explanatory note relating to the draft agreement along with the development application and will consider the agreement as part of its assessment of that application. If the Council agrees to enter into the planning agreement, it may impose a condition of development consent under section 93I(3) of the Act requiring the agreement to be entered into and performed. If the Council does not agree to enter into the planning agreement, it may grant consent subject to a condition authorised by this Plan requiring the payment of a levy.

Applicants should refer to the Council's Policy on Planning Agreements, which has been prepared having regard to the Practice Note on Planning Agreements.

22 Definitions

In this Plan unless the context or subject matter otherwise indicates or requires:

ABS means the Australian Bureau of Statistics

Council means Randwick City Council

Levy means a levy under section 94A of the Act authorised by this plan

LGA means the local government area

Minister means the Minister administering the *Environmental Planning and Assessment Act 1979*

Public facility means a public amenity or public service,

Randwick LEP is the *Randwick Local Environmental Plan 2012*

Staging as in schedule 1 means:

Short Term 1-2 years

Medium Term 3 -4 years

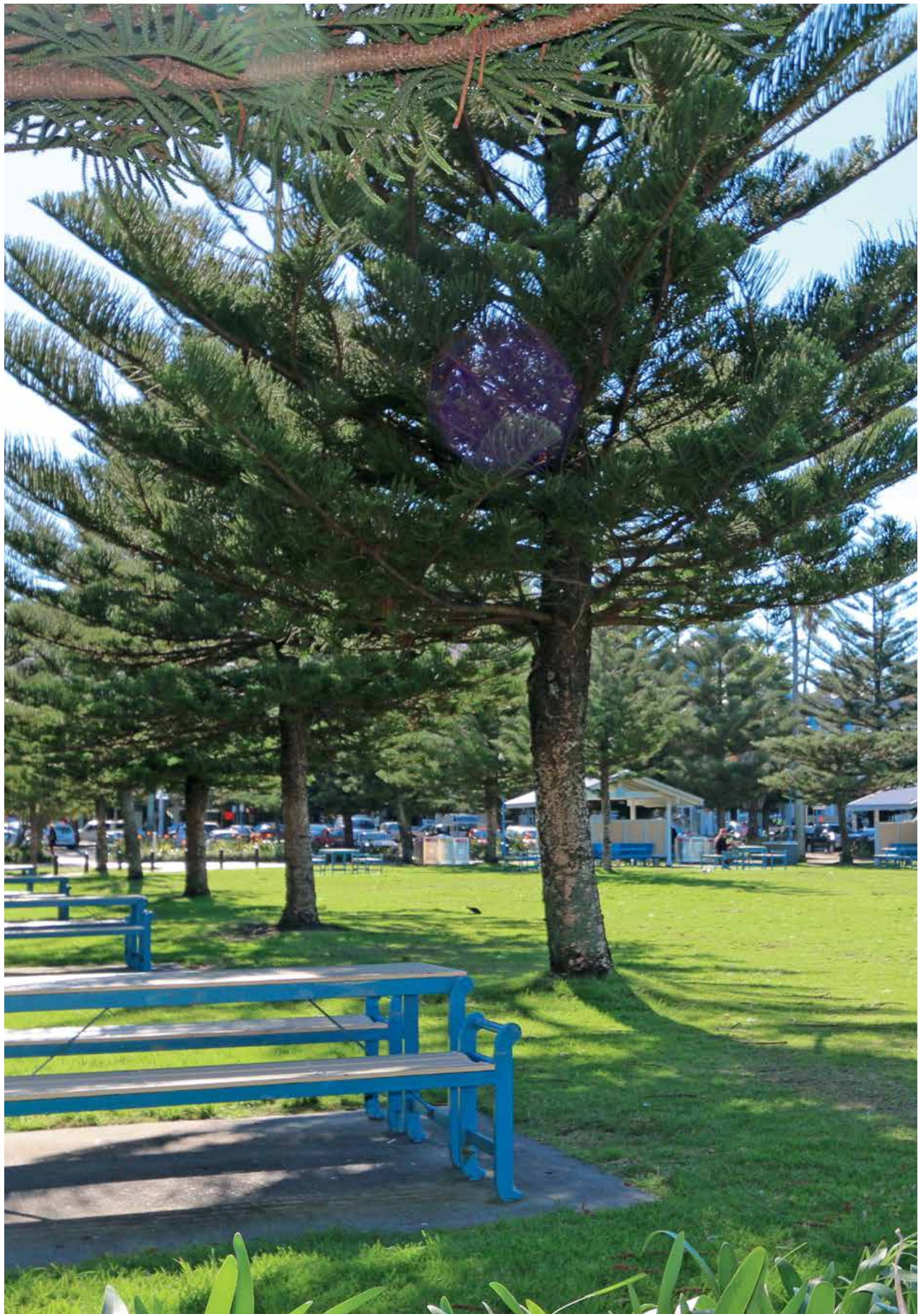
Long Term 5-10 years

Ongoing, continuing works

Social Housing Provider has the same meaning as *Social Housing Provider* under the *State Environmental Planning Policy for Seniors or People with a Disability 2004*

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

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



Part 2 Expected development & public facilities demand

23 Development potential for Randwick City

This part broadly discusses the relationship between the expected types of development in Randwick City and the demand for additional public amenities and services to meet that development. The relationship is established through current demographic information.

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

- Residential
 - residential flat buildings
 - dual occupancies
 - villas
 - townhouses
 - detached dwellings
 - alterations and additions
 - aged care development
- mixed use development
- commercial development
- industrial development
- recreation and tourism related development
- subdivisions
- change of use

The relationship between expected development and the demand for public facilities is established through *The Randwick City Plan*, a 20 year strategic plan.

Based on the Australian Bureau of Statistics (ABS) Estimated Residential Population data, the population of Randwick City in 2013 was 142,310 persons. The population is projected to increase by up to 33,000 people in the 20 year period from 2011 and 2031, with an annual growth rate of approximately 1.2% (*NSW Department of Planning and Environment Projections 2014*). By way of comparison, the annual growth rate projection for Metropolitan Sydney for the same period is 1.8%. This projection is based on fertility rates, migration and current major redevelopment sites.

With the likely population growth, provision will need to be made for additional or improved public facilities to meet additional demand. As the likely population growth will diminish the enjoyment and standards of public facilities for the existing population, these additional or improved facilities are to address demand.

A range of public facilities are required to be provided or improved to meet residential development demands; including open space provision, improvement and embellishment, community and cultural facilities, public domain and town centre improvements, transport, access and mobility improvements such as for walking, cycling, public transport and private vehicles, and environmental improvements.

Commercial developments raise demands for public facilities, primarily for public domain and town centre improvements, cultural facilities, and transport, access and mobility improvements.

Mixed use developments and recreation and tourism related developments raise similar demands for public facilities as both residential and commercial development.

Public facilities required to meet the demands of Industrial development primarily include transport, access and mobility improvements and environmental improvements.

City to South East Light Rail

The introduction and operation of the City to South East Light Rail network will create demands for a number of support measures and public domain improvements along the light rail alignment route. These include new urban plazas and pedestrianised streets in the vicinity of interchanges at Kingsford and Randwick Town Centres, and traffic calming and parking reconfiguration measures.

The placement of overhead power lines and associated infrastructure underground will be a component of the public domain works required to integrate existing streetscapes with light rail infrastructure. The public benefits of undergrounding overhead power lines and associated infrastructure along the light rail route are:

- improving the visual amenity of commercial and residential streetscapes including the town centres, particularly as the presence of the light rail will increase the proliferation of overhead wires.
- improving the public domain.
- improving footpaths
- augmenting landscaping along footpath and road reserves.
- increasing public safety within the community by preventing electrocution hazards; and
- protecting and conserving vegetation by minimising the pruning of vegetation and trees.

The Randwick City Plan (updated in 2010) notes Council's vision for the future, which is to build a sense of community as noted in our mission statement. *The Randwick City Plan* identifies the following outcomes for the City:

1. Leadership in sustainability
2. A vibrant and diverse community
3. An informed and engaged community
4. Excellence in urban design and development
5. Excellence in recreation and lifestyle opportunities
6. A liveable City
7. Heritage that is protected and celebrated
8. A strong local economy
9. Integrated and accessible transport
10. A healthy environment

The section 94A levy will enable Council to provide high quality and diverse public amenities and services to meet the expectations of the existing and future residents of the Randwick City as outlined in the outcomes of the *City Plan*.

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

Schedule 1 Schedule of works

1 Works Schedule

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

Within the schedule, works are arranged under the five themes of *The Randwick City Plan* however some works fall into a number of themes while only being listed once in the schedule of works. The 20 year plan established by Randwick City Council provides clear directions to shape the City's future.

Staging as in this schedule means:

Short Term 1–2 years

Medium Term 3–4 years

Long Term 5–10 years

Ongoing, continuing works

Map Ref	Item	Public Facility	Staging	Expenditure
1. A Sense of Community				
*	1.1	Cultural improvements- public arts	Medium**	\$300,000
1	1.2	Malabar Library/hall upgrade	Short to Medium	\$100,000
2	1.3	Matraville concept plan	Long	\$100,000
3	1.4	Maroubra/ Maroubra Beach/ Maroubra South concept plans	Long	\$100,000
4	1.5	La Perouse Museum upgrade	Short to Medium	\$1,500,000
5	1.6	Randwick Literary Institute upgrade	Long	\$1,100,000
*	1.7	Libraries	Long	\$200,000
Subtotal:				\$3,400,000
2. Places for People, Parks, Beaches and Sportsgrounds				
6	2.1	Coastal Walkway-concept design, and construction	Short to medium	\$1,300,000
*	2.2	Park improvements	Long	\$1,000,000
7	2.3	Heffron Park (various stages)	Short to medium	\$4,000,000
8	2.4	Light Rail Plazas: (Warratah Avenue/Belmore Road Randwick and - Meeks Street/Anzac Parade, Kingsford)	Short to medium	\$2,500,000
9	2.5	Undergrounding of power lines - Kingsford town centre	Short to medium	\$3,000,000
10	2.6	Bunnerong Gymnastics Centre	Short	\$1,000,000

** subject to project identification

continued over

Map Ref	Item	Public Facility	Staging	Expenditure
11	2.7	Heffron Park Indoor Sports Centre	Short	\$1,000,000
Subtotal:				\$13,800,000
3. A Prospering City				
Public domain strategies, on street/ off street parking and townscape improvements				
12	3.1	Maroubra Beach, Matraville, Malabar, The Spot, Clovelly	Ongoing	\$500,000
13	3.2	Maroubra Junction	Medium to Long	\$500,000
Town centre improvements to accomodate light rail				
14	3.3	Kensington town centre	Short to medium	\$750,000
15	3.4	Kingsford town centre	Short to medium	\$750,000
16	3.5	Specialised Centre Randwick Education and Health Strategic Centre	Short to medium	\$1,000,000
Subtotal:				\$3,500,000
4. Moving Around				
*	4.1	Lane widening program	Ongoing	\$1,500,000
*	4.2	Mobility improvements – city wide including bike plan implementation, pram ramps, walkways, pedestrian/cycle improvements including industrial areas, lighting, signage	Short to medium	\$1,000,000
17	4.3	Light rail support measures – traffic calming and parking reconfiguration	Short to medium	\$5,000,000
Subtotal:				\$7,500,000
5. Looking After Our Environment				
18	5.1	Remnant bushland regeneration and dune restoration (e.g. Yarra Bay, Frenchman's Point, Bumborah Point)	Short to medium	\$400,000
*	5.2	Corridor Creation Program – tree planting program	Short to medium	\$200,000
19	5.3	Environmental improvements - wetlands creation	Medium	\$300,000
*	5.4	Storm water harvesting	Short to medium	\$1,100,000
Subtotal:				\$2,000,000
6. Management				
	6.1	Development contribution planning management and studies	Ongoing	\$1,000,000
Subtotal:				\$1,000,000
GRAND TOTAL:				\$31,200,000

* Projects distributed across LGA/ various sites dependant on prioritisation.



Schedule 2 cost summary report (clause 12)

Cost Summary Report

Development cost of less than \$500,000

Development Application No: _____
Complying Development Application No: _____ Date: _____
Development Name: _____
Applicant's Name: _____
Development Address: _____
Applicant's Address: _____

ESTIMATE DETAILS (\$) _____

Demolition and alterations: _____
Structure: _____
External walls, windows and doors: _____
Internal walls, screens and doors: _____
Wall finishes: _____
Floor finishes: _____
Ceiling finishes: _____
Fittings and equipment: _____
Hydraulic services: _____
Mechanical services: _____
Fire services: _____
Electrical services: _____
Lift services: _____
External works: _____
External services: _____
Other related work: _____
Sub-total: \$ _____
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 for a complying development certificate;
- Calculated the development costs in accordance with the definition of development costs in Clause 25J of the Environmental Planning & Assessment Regulation 2000 at current prices;
- Included GST in the calculation of development cost.

Signed: _____
Name: _____
Position and Qualifications: _____ Date: _____

Schedule 3 Detailed cost report (clause 12)

Registered Quantity Surveyor's Detailed Cost Report

[Development cost of \$500,000 or more]

Development Application No:	
Complying Development Application No:	Date:
Development Name:	
Applicant's Name:	
Development Address:	
Applicant's Address:	

DEVELOPMENT DETAILS

GFA – Commercial (m2):	GFA – Parking (m2):
GFA – Residential (m2):	GFA – Other (m2):
GFA – Retail (m2):	Total GFA (m2):
Total Development Cost:	Total Site Area (m2):
Total Construction Cost:	Total Car Parking Spaces:
Total GST:	

ESTIMATE DETAILS

Professional Fees (\$):	Construction (Commercial):
% of Construction Cost:	Total Construction Cost:
% of Demolition Cost:	\$/m2 of Site Area:
Demolition & Site Preparation:	Construction:
(Residential) Total Construction Cost:	Total Construction Cost:
\$/m2 of Site Area:	\$/m2 of Site Area:
Fitout (Residential):	Fitout:
(Commercial): Total Construction Cost:	Total Construction Cost:
\$/m2 of Site Area:	\$/m2 of Site Area:
Fitout (Retail):	Parking:
Total Construction Cost:	\$/m2 of Site Area:
\$/m2 of Site Area:	\$/space:

I certify that I have:

- Inspected the plans the subject of the application for development consent or for a complying development certificate;
- Prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors;
- Calculated the development costs in accordance with the definition of development costs in Clause 25J of the Environmental Planning & Assessment Regulation 2000 at current prices;
- Included GST in the calculation of development cost; and
- Measured Gross Floor Areas in accordance with the Method of Measurement of Building Areas in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed:	
Name:	
Position and Qualifications:	Date:

Attachment 1 Ministerial Direction under Section 94E

Environmental Planning and Assessment Act 1979

Direction Under Section 94E

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

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

In this direction words and expressions used have the same meaning as they have in the Act. The term “item” and “environmental heritage” have the same meaning as in the *Heritage Act 1977*.

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

FRANK SARTOR, M.P.,
Minister for Planning,
Sydney

Schedule A: Summary of Section 94A levy by development cost

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

CONTACT US

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